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DONALD JOHN TRUMP

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Background to “Assessing Russian Activities and Intentions in Recent US Elections”: The Analytic Process and Cyber Incident Attribution

6 January 2017

Background to “Assessing Russian Activities and Intentions in Recent US Elections”: The Analytic Process and Cyber Incident Attribution

“Assessing Russian Activities and Intentions in Recent US Elections” is a declassified version of a highly classified assessment that has been provided to the President and to recipients approved by the President.

- The Intelligence Community rarely can publicly reveal the full extent of its knowledge or the precise bases for its assessments, as the release of such information would reveal sensitive sources or methods and imperil the ability to collect critical foreign intelligence in the future.
- Thus, while the conclusions in the report are all reflected in the classified assessment, the declassified report does not and cannot include the full supporting information, including specific intelligence and sources and methods.

The Analytic Process

The mission of the Intelligence Community is to seek to reduce the uncertainty surrounding foreign activities, capabilities, or leaders’ intentions. This objective is difficult to achieve when seeking to understand complex issues on which foreign actors go to extraordinary lengths to hide or obfuscate their activities.

- On these issues of great importance to US national security, the goal of intelligence analysis is to provide assessments to decisionmakers that are intellectually rigorous, objective, timely, and useful, and that adhere to tradecraft standards.
- The tradecraft standards for analytic products have been refined over the past ten years. These standards include describing sources (including their reliability and access to the information they provide), clearly expressing uncertainty, distinguishing between underlying information and analysts’ judgments and assumptions, exploring alternatives, demonstrating relevance to the customer, using strong and transparent logic, and explaining change or consistency in judgments over time.
- Applying these standards helps ensure that the Intelligence Community provides US policymakers, warfighters, and operators with the best and most accurate insight, warning, and context, as well as potential opportunities to advance US national security.

Intelligence Community analysts integrate information from a wide range of sources, including human sources, technical collection, and open source information, and apply specialized skills and structured analytic tools to draw inferences informed by the data available, relevant past activity, and logic and reasoning to provide insight into what is happening and the prospects for the future.

- A critical part of the analyst’s task is to explain uncertainties associated with major judgments based on the quantity and quality of the source material, information gaps, and the complexity of the issue.
- When Intelligence Community analysts use words such as “we assess” or “we judge,” they are conveying an analytic assessment or judgment.
- Some analytic judgments are based directly on collected information; others rest on previous judgments, which serve as building blocks in rigorous analysis. In either type of judgment, the tradecraft standards outlined above ensure that analysts have an appropriate basis for the judgment.

- Intelligence Community judgments often include two important elements: judgments of how likely it is that something has happened or will happen (using terms such as “likely” or “unlikely”) and confidence levels in those judgments (low, moderate, and high) that refer to the evidentiary basis, logic and reasoning, and precedents that underpin the judgments.

Determining Attribution in Cyber Incidents

The nature of cyberspace makes attribution of cyber operations difficult but not impossible. Every kind of cyber operation—malicious or not—leaves a trail. US Intelligence Community analysts use this information, their constantly growing knowledge base of previous events and known malicious actors, and their knowledge of how these malicious actors work and the tools that they use, to attempt to trace these operations back to their source. In every case, they apply the same tradecraft standards described in the Analytic Process above.

- Analysts consider a series of questions to assess how the information compares with existing knowledge and adjust their confidence in their judgments as appropriate to account for any alternative hypotheses and ambiguities.
- An assessment of attribution usually is not a simple statement of who conducted an operation, but rather a series of judgments that describe whether it was an isolated incident, who was the likely perpetrator, that perpetrator’s possible motivations, and whether a foreign government had a role in ordering or leading the operation.

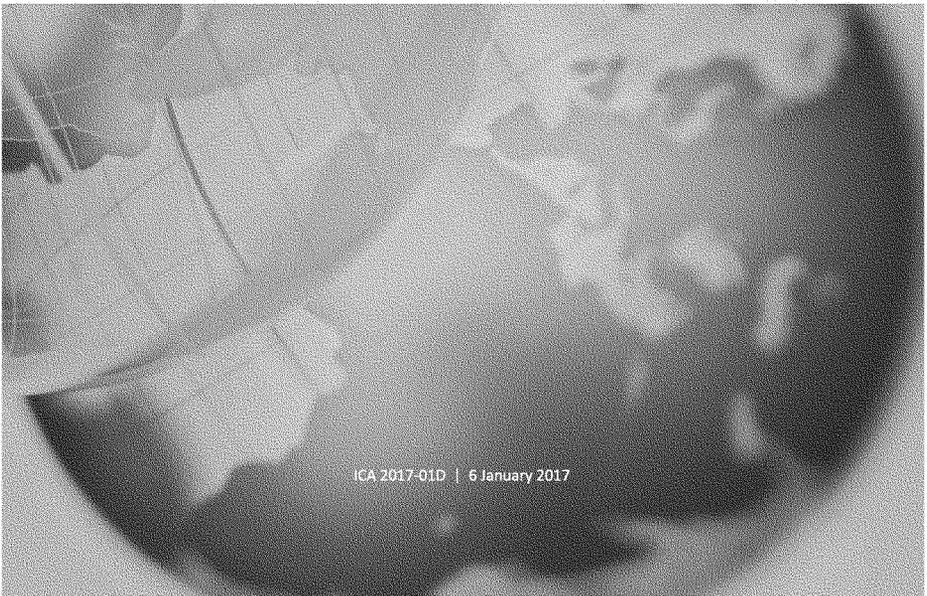
This report is a declassified version of a highly classified assessment. Its conclusions are identical to those in the highly classified assessment but this version does not include the full supporting information on key elements of the influence campaign.



ICA

INTELLIGENCE COMMUNITY ASSESSMENT

Assessing Russian Activities and Intentions in Recent US Elections



ICA 2017-01D | 6 January 2017

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Scope and Sourcing

Information available as of 29 December 2016 was used in the preparation of this product.

Scope

This report includes an analytic assessment drafted and coordinated among The Central Intelligence Agency (CIA), The Federal Bureau of Investigation (FBI), and The National Security Agency (NSA), which draws on intelligence information collected and disseminated by those three agencies. It covers the motivation and scope of Moscow's intentions regarding US elections and Moscow's use of cyber tools and media campaigns to influence US public opinion. The assessment focuses on activities aimed at the 2016 US presidential election and draws on our understanding of previous Russian influence operations. When we use the term "we" it refers to an assessment by all three agencies.

- This report is a declassified version of a highly classified assessment. This document's conclusions are identical to the highly classified assessment, but this document does not include the full supporting information, including specific intelligence on key elements of the influence campaign. Given the redactions, we made minor edits purely for readability and flow.

We did not make an assessment of the impact that Russian activities had on the outcome of the 2016 election. The US Intelligence Community is charged with monitoring and assessing the intentions, capabilities, and actions of foreign actors; it does not analyze US political processes or US public opinion.

- New information continues to emerge, providing increased insight into Russian activities.

Sourcing

Many of the key judgments in this assessment rely on a body of reporting from multiple sources that are consistent with our understanding of Russian behavior. Insights into Russian efforts—including specific cyber operations—and Russian views of key US players derive from multiple corroborating sources.

Some of our judgments about Kremlin preferences and intent are drawn from the behavior of Kremlin-loyal political figures, state media, and pro-Kremlin social media actors, all of whom the Kremlin either directly uses to convey messages or who are answerable to the Kremlin. The Russian leadership invests significant resources in both foreign and domestic propaganda and places a premium on transmitting what it views as consistent, self-reinforcing narratives regarding its desires and redlines, whether on Ukraine, Syria, or relations with the United States.

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Assessing Russian Activities and Intentions in Recent US Elections

ICA 2017-01D
6 January 2017

Key Judgments

Russian efforts to influence the 2016 US presidential election represent the most recent expression of Moscow's longstanding desire to undermine the US-led liberal democratic order, but these activities demonstrated a significant escalation in directness, level of activity, and scope of effort compared to previous operations.

We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election. Russia's goals were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. We have high confidence in these judgments.

- **We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him.** All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; NSA has moderate confidence.
- Moscow's approach evolved over the course of the campaign based on Russia's understanding of the electoral prospects of the two main candidates. When it appeared to Moscow that Secretary Clinton was likely to win the election, the Russian influence campaign began to focus more on undermining her future presidency.
- Further information has come to light since Election Day that, when combined with Russian behavior since early November 2016, increases our confidence in our assessments of Russian motivations and goals.

Moscow's influence campaign followed a Russian messaging strategy that blends covert intelligence operations—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or “trolls.” Russia, like its Soviet predecessor, has a history of conducting covert influence campaigns focused on US presidential elections that have used intelligence officers and agents and press placements to disparage candidates perceived as hostile to the Kremlin.

- Russia's intelligence services conducted cyber operations against targets associated with the 2016 US presidential election, including targets associated with both major US political parties.
- We assess with high confidence that Russian military intelligence (General Staff Main Intelligence Directorate or GRU) used the Guccifer 2.0 persona and DCLeaks.com to release US victim data

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obtained in cyber operations publicly and in exclusives to media outlets and relayed material to WikiLeaks.

- Russian intelligence obtained and maintained access to elements of multiple US state or local electoral boards. **DHS assesses that the types of systems Russian actors targeted or compromised were not involved in vote tallying.**
- Russia's state-run propaganda machine contributed to the influence campaign by serving as a platform for Kremlin messaging to Russian and international audiences.

We assess Moscow will apply lessons learned from its Putin-ordered campaign aimed at the US presidential election to future influence efforts worldwide, including against US allies and their election processes.

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Russia's Influence Campaign Targeting the 2016 US Presidential Election



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Russia's Influence Campaign Targeting the 2016 US Presidential Election

Putin Ordered Campaign To Influence US Election

We assess with high confidence that Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election, the consistent goals of which were to undermine public faith in the US democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump. When it appeared to Moscow that Secretary Clinton was likely to win the election, the Russian influence campaign then focused on undermining her expected presidency.

- We also assess Putin and the Russian Government aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to him. All three agencies agree with this judgment. CIA and FBI have high confidence in this judgment; NSA has moderate confidence.
- In trying to influence the US election, we assess the Kremlin sought to advance its longstanding desire to undermine the US-led liberal democratic order, the promotion of which Putin and other senior Russian leaders view as a threat to Russia and Putin's regime.
- Putin publicly pointed to the Panama Papers disclosure and the Olympic doping scandal as US-directed efforts to defame Russia, suggesting he sought to use disclosures to discredit the image of the United States and cast it as hypocritical.

- Putin most likely wanted to discredit Secretary Clinton because he has publicly blamed her since 2011 for inciting mass protests against his regime in late 2011 and early 2012, and because he holds a grudge for comments he almost certainly saw as disparaging him.

We assess Putin, his advisers, and the Russian Government developed a clear preference for President-elect Trump over Secretary Clinton.

- Beginning in June, Putin's public comments about the US presidential race avoided directly praising President-elect Trump, probably because Kremlin officials thought that any praise from Putin personally would backfire in the United States. Nonetheless, Putin publicly indicated a preference for President-elect Trump's stated policy to work with Russia, and pro-Kremlin figures spoke highly about what they saw as his Russia-friendly positions on Syria and Ukraine. Putin publicly contrasted the President-elect's approach to Russia with Secretary Clinton's "aggressive rhetoric."
- Moscow also saw the election of President-elect Trump as a way to achieve an international counterterrorism coalition against the Islamic State in Iraq and the Levant (ISIL).
- Putin has had many positive experiences working with Western political leaders whose business interests made them more disposed to deal with Russia, such as former Italian Prime Minister Silvio Berlusconi and former German Chancellor Gerhard Schroeder.
- Putin, Russian officials, and other pro-Kremlin pundits stopped publicly criticizing the US election process as unfair almost immediately

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after the election because Moscow probably assessed it would be counterproductive to building positive relations.

We assess the influence campaign aspired to help President-elect Trump's chances of victory when possible by discrediting Secretary Clinton and publicly contrasting her unfavorably to the President-elect. When it appeared to Moscow that Secretary Clinton was likely to win the presidency the Russian influence campaign focused more on undercutting Secretary Clinton's legitimacy and crippling her presidency from its start, including by impugning the fairness of the election.

- Before the election, Russian diplomats had publicly denounced the US electoral process and were prepared to publicly call into question the validity of the results. Pro-Kremlin bloggers had prepared a Twitter campaign, #DemocracyRIP, on election night in anticipation of Secretary Clinton's victory, judging from their social media activity.

Russian Campaign Was Multifaceted

Moscow's use of disclosures during the US election was unprecedented, but its influence campaign otherwise followed a longstanding Russian messaging strategy that blends covert intelligence operations—such as cyber activity—with overt efforts by Russian Government agencies, state-funded media, third-party intermediaries, and paid social media users or “trolls.”

- We assess that influence campaigns are approved at the highest levels of the Russian Government—particularly those that would be politically sensitive.
- Moscow's campaign aimed at the US election reflected years of investment in its capabilities, which Moscow has honed in the former Soviet states.

- By their nature, Russian influence campaigns are multifaceted and designed to be deniable because they use a mix of agents of influence, cutouts, front organizations, and false-flag operations. Moscow demonstrated this during the Ukraine crisis in 2014, when Russia deployed forces and advisers to eastern Ukraine and denied it publicly.

The Kremlin's campaign aimed at the US election featured disclosures of data obtained through Russian cyber operations; intrusions into US state and local electoral boards; and overt propaganda. Russian intelligence collection both informed and enabled the influence campaign.

Cyber Espionage Against US Political Organizations.

Russia's intelligence services conducted cyber operations against targets associated with the 2016 US presidential election, including targets associated with both major US political parties.

We assess Russian intelligence services collected against the US primary campaigns, think tanks, and lobbying groups they viewed as likely to shape future US policies. In July 2015, Russian intelligence gained access to Democratic National Committee (DNC) networks and maintained that access until at least June 2016.

- The General Staff Main Intelligence Directorate (GRU) probably began cyber operations aimed at the US election by March 2016. We assess that the GRU operations resulted in the compromise of the personal e-mail accounts of Democratic Party officials and political figures. By May, the GRU had exfiltrated large volumes of data from the DNC.

Public Disclosures of Russian-Collected Data.

We assess with high confidence that the GRU used the Guccifer 2.0 persona, DCLeaks.com, and WikiLeaks to release US victim data obtained in

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cyber operations publicly and in exclusives to media outlets.

- Guccifer 2.0, who claimed to be an independent Romanian hacker, made multiple contradictory statements and false claims about his likely Russian identity throughout the election. Press reporting suggests more than one person claiming to be Guccifer 2.0 interacted with journalists.
- Content that we assess was taken from e-mail accounts targeted by the GRU in March 2016 appeared on DCLeaks.com starting in June.

We assess with high confidence that the GRU relayed material it acquired from the DNC and senior Democratic officials to WikiLeaks. Moscow most likely chose WikiLeaks because of its self-proclaimed reputation for authenticity. Disclosures through WikiLeaks did not contain any evident forgeries.

- In early September, Putin said publicly it was important the DNC data was exposed to WikiLeaks, calling the search for the source of the leaks a distraction and denying Russian "state-level" involvement.
- The Kremlin's principal international propaganda outlet RT (formerly Russia Today) has actively collaborated with WikiLeaks. RT's editor-in-chief visited WikiLeaks founder Julian Assange at the Ecuadorian Embassy in London in August 2013, where they discussed renewing his broadcast contract with RT, according to Russian and Western media. Russian media subsequently announced that RT had become "the only Russian media company" to partner with WikiLeaks and had received access to "new leaks of secret information." RT routinely gives Assange sympathetic coverage and provides him a platform to denounce the United States.

These election-related disclosures reflect a pattern of Russian intelligence using hacked information in targeted influence efforts against targets such as Olympic athletes and other foreign governments. Such efforts have included releasing or altering personal data, defacing websites, or releasing e-mails.

- A prominent target since the 2016 Summer Olympics has been the World Anti-Doping Agency (WADA), with leaks that we assess to have originated with the GRU and that have involved data on US athletes.

Russia collected on some Republican-affiliated targets but did not conduct a comparable disclosure campaign.

Russian Cyber Intrusions into State and Local Electoral Boards. Russian intelligence accessed elements of multiple state or local electoral boards. Since early 2014, Russian intelligence has researched US electoral processes and related technology and equipment.

- DHS assesses that the types of systems we observed Russian actors targeting or compromising are not involved in vote tallying.

Russian Propaganda Efforts. Russia's state-run propaganda machine—comprised of its domestic media apparatus, outlets targeting global audiences such as RT and Sputnik, and a network of quasi-government trolls—contributed to the influence campaign by serving as a platform for Kremlin messaging to Russian and international audiences. State-owned Russian media made increasingly favorable comments about President-elect Trump as the 2016 US general and primary election campaigns progressed while consistently offering negative coverage of Secretary Clinton.

- Starting in March 2016, Russian Government-linked actors began openly supporting President-elect Trump's candidacy in media

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aimed at English-speaking audiences. RT and Sputnik—another government-funded outlet producing pro-Kremlin radio and online content in a variety of languages for international audiences—consistently cast President-elect Trump as the target of unfair coverage from traditional US media outlets that they claimed were subservient to a corrupt political establishment.

- Russian media hailed President-elect Trump's victory as a vindication of Putin's advocacy of global populist movements—the theme of Putin's annual conference for Western academics in October 2016—and the latest example of Western liberalism's collapse.
- Putin's chief propagandist Dmitriy Kiselev used his flagship weekly newsmagazine program this fall to cast President-elect Trump as an outsider victimized by a corrupt political establishment and faulty democratic election process that aimed to prevent his election because of his desire to work with Moscow.
- Pro-Kremlin proxy Vladimir Zhirinovskiy, leader of the nationalist Liberal Democratic Party of Russia, proclaimed just before the election that if President-elect Trump won, Russia would "drink champagne" in anticipation of being able to advance its positions on Syria and Ukraine.

RT's coverage of Secretary Clinton throughout the US presidential campaign was consistently negative and focused on her leaked e-mails and accused her of corruption, poor physical and mental health, and ties to Islamic extremism. Some Russian officials echoed Russian lines for the influence campaign that Secretary Clinton's election could lead to a war between the United States and Russia.

- In August, Kremlin-linked political analysts suggested avenging negative Western reports

on Putin by airing segments devoted to Secretary Clinton's alleged health problems.

- On 6 August, RT published an English-language video called "Julian Assange Special: Do WikiLeaks Have the E-mail That'll Put Clinton in Prison?" and an exclusive interview with Assange entitled "Clinton and ISIS Funded by the Same Money." RT's most popular video on Secretary Clinton, "How 100% of the Clintons' 'Charity' Went to...Themselves," had more than 9 million views on social media platforms. RT's most popular English language video about the President-elect, called "Trump Will Not Be Permitted To Win," featured Assange and had 2.2 million views.
- For more on Russia's past media efforts—including portraying the 2012 US electoral process as undemocratic—please see Annex A: Russia—Kremlin's TV Seeks To Influence Politics, Fuel Discontent in US.

Russia used trolls as well as RT as part of its influence efforts to denigrate Secretary Clinton. This effort amplified stories on scandals about Secretary Clinton and the role of WikiLeaks in the election campaign.

- The likely financier of the so-called Internet Research Agency of professional trolls located in Saint Petersburg is a close Putin ally with ties to Russian intelligence.
- A journalist who is a leading expert on the Internet Research Agency claimed that some social media accounts that appear to be tied to Russia's professional trolls—because they previously were devoted to supporting Russian actions in Ukraine—started to advocate for President-elect Trump as early as December 2015.

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Influence Effort Was Boldest Yet in the US

Russia's effort to influence the 2016 US presidential election represented a significant escalation in directness, level of activity, and scope of effort compared to previous operations aimed at US elections. We assess the 2016 influence campaign reflected the Kremlin's recognition of the worldwide effects that mass disclosures of US Government and other private data—such as those conducted by WikiLeaks and others—have achieved in recent years, and their understanding of the value of orchestrating such disclosures to maximize the impact of compromising information.

- During the Cold War, the Soviet Union used intelligence officers, influence agents, forgeries, and press placements to disparage candidates perceived as hostile to the Kremlin, according to a former KGB archivist.

Since the Cold War, Russian intelligence efforts related to US elections have primarily focused on foreign intelligence collection. For decades, Russian and Soviet intelligence services have sought to collect insider information from US political parties that could help Russian leaders understand a new US administration's plans and priorities.

- The Russian Foreign Intelligence Service (SVR) Directorate S (Illegals) officers arrested in the United States in 2010 reported to Moscow about the 2008 election.
- In the 1970s, the KGB recruited a Democratic Party activist who reported information about then-presidential hopeful Jimmy Carter's campaign and foreign policy plans, according to a former KGB archivist.

Election Operation Signals "New Normal" in Russian Influence Efforts

We assess Moscow will apply lessons learned from its campaign aimed at the US presidential election to future influence efforts in the United States and worldwide, including against US allies and their election processes. We assess the Russian intelligence services would have seen their election influence campaign as at least a qualified success because of their perceived ability to impact public discussion.

- Putin's public views of the disclosures suggest the Kremlin and the intelligence services will continue to consider using cyber-enabled disclosure operations because of their belief that these can accomplish Russian goals relatively easily without significant damage to Russian interests.
- Russia has sought to influence elections across Europe.

We assess Russian intelligence services will continue to develop capabilities to provide Putin with options to use against the United States, judging from past practice and current efforts. Immediately after Election Day, we assess Russian intelligence began a spearfishing campaign targeting US Government employees and individuals associated with US think tanks and NGOs in national security, defense, and foreign policy fields. This campaign could provide material for future influence efforts as well as foreign intelligence collection on the incoming administration's goals and plans.

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Annex A

Russia -- Kremlin's TV Seeks To Influence Politics, Fuel Discontent in US*

RT America TV, a Kremlin-financed channel operated from within the United States, has substantially expanded its repertoire of programming that highlights criticism of alleged US shortcomings in democracy and civil liberties. The rapid expansion of RT's operations and budget and recent candid statements by RT's leadership point to the channel's importance to the Kremlin as a messaging tool and indicate a Kremlin-directed campaign to undermine faith in the US Government and fuel political protest. The Kremlin has committed significant resources to expanding the channel's reach, particularly its social media footprint. A reliable UK report states that RT recently was the most-watched foreign news channel in the UK. RT America has positioned itself as a domestic US channel and has deliberately sought to obscure any legal ties to the Russian Government.

In the runup to the 2012 US presidential election in November, English-language channel RT America -- created and financed by the Russian Government and part of Russian Government-sponsored RT TV (see textbox 1) -- intensified its usually critical coverage of the United States. The channel portrayed the US electoral process as undemocratic and featured calls by US protesters for the public to rise up and "take this government back."

- RT introduced two new shows -- "Breaking the Set" on 4 September and "Truthseeker" on 2 November -- both overwhelmingly focused on criticism of US and Western governments as well as the promotion of radical discontent.
- From August to November 2012, RT ran numerous reports on alleged US election fraud and voting machine vulnerabilities, contending that US election results cannot be trusted and do not reflect the popular will.
- In an effort to highlight the alleged "lack of democracy" in the United States, RT broadcast, hosted, and advertised third-party candidate debates and ran reporting supportive of the political agenda of these candidates. The RT hosts asserted that the US two-party system does not represent the views of at least one-third of the population and is a "sham."

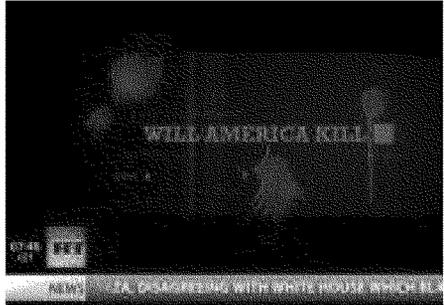


Messaging on RT prior to the US presidential election (RT, 3 November)

* This annex was originally published on 11 December 2012 by the Open Source Center, now the Open Source Enterprise.

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- RT aired a documentary about the Occupy Wall Street movement on 1, 2, and 4 November. RT framed the movement as a fight against "the ruling class" and described the current US political system as corrupt and dominated by corporations. RT advertising for the documentary featured Occupy movement calls to "take back" the government. The documentary claimed that the US system cannot be changed democratically, but only through "revolution." After the 6 November US presidential election, RT aired a documentary called "Cultures of Protest," about active and often violent political resistance (RT, 1-10 November).

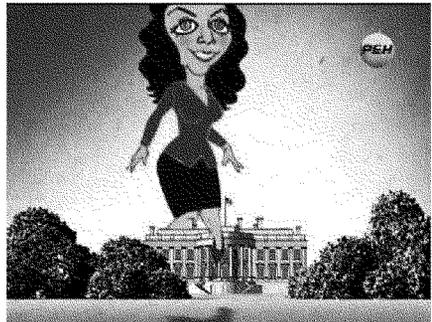


RT new show "Truthseeker" (RT, 11 November)

RT Conducts Strategic Messaging for Russian Government

RT's criticism of the US election was the latest facet of its broader and longer-standing anti-US messaging likely aimed at undermining viewers' trust in US democratic procedures and undercutting US criticism of Russia's political system. RT Editor in Chief Margarita Simonyan recently declared that the United States itself lacks democracy and that it has "no moral right to teach the rest of the world" (*Kommersant*, 6 November).

- Simonyan has characterized RT's coverage of the Occupy Wall Street movement as "information warfare" that is aimed at promoting popular dissatisfaction with the US Government. RT created a *Facebook* app to connect Occupy Wall Street protesters via social media. In addition, RT featured its own hosts in Occupy rallies ("Minaev Live," 10 April; RT, 2, 12 June).
- RT's reports often characterize the United States as a "surveillance state" and allege widespread infringements of civil liberties, police brutality, and drone use (RT, 24, 28 October, 1-10 November).
- RT has also focused on criticism of the US economic system, US currency policy, alleged Wall Street greed, and the US national debt. Some of RT's hosts have compared the United States to Imperial Rome and have predicted that government corruption and "corporate greed" will lead to US financial collapse (RT, 31 October, 4 November).



Simonyan steps over the White House in the introduction from her short-lived domestic show on REN TV (REN TV, 26 December 2011)

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RT broadcasts support for other Russian interests in areas such as foreign and energy policy.

- RT runs anti-fracking programming, highlighting environmental issues and the impacts on public health. This is likely reflective of the Russian Government's concern about the impact of fracking and US natural gas production on the global energy market and the potential challenges to Gazprom's profitability (5 October).
- RT is a leading media voice opposing Western intervention in the Syrian conflict and blaming the West for waging "information wars" against the Syrian Government (RT, 10 October-9 November).



RT anti-fracking reporting (RT, 5 October)

- In an earlier example of RT's messaging in support of the Russian Government, during the Georgia-Russia military conflict the channel accused Georgians of killing civilians and organizing a genocide of the Ossetian people. According to Simonyan, when "the Ministry of Defense was at war with Georgia," RT was "waging an information war against the entire Western world" (*Kommersant*, 11 July).

In recent interviews, RT's leadership has candidly acknowledged its mission to expand its US audience and to expose it to Kremlin messaging. However, the leadership rejected claims that RT interferes in US domestic affairs.

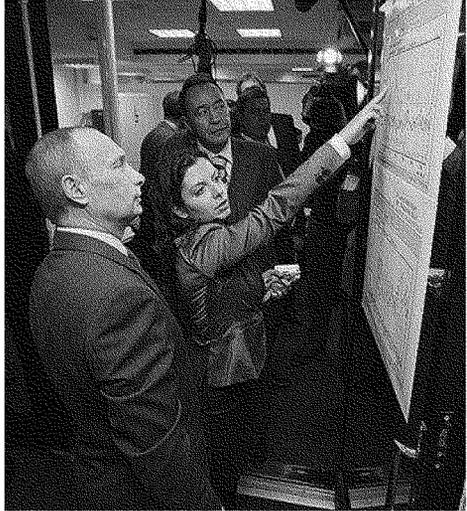
- Simonyan claimed in popular arts magazine *Afisha* on 3 October: "It is important to have a channel that people get used to, and then, when needed, you show them what you need to show. In some sense, not having our own foreign broadcasting is the same as not having a ministry of defense. When there is no war, it looks like we don't need it. However, when there is a war, it is critical."
- According to Simonyan, "the word 'propaganda' has a very negative connotation, but indeed, there is not a single international foreign TV channel that is doing something other than promotion of the values of the country that it is broadcasting from." She added that "when Russia is at war, we are, of course, on Russia's side" (*Afisha*, 3 October; *Kommersant*, 4 July).
- TV-Novosti director Nikolov said on 4 October to the Association of Cable Television that RT builds on worldwide demand for "an alternative view of the entire world." Simonyan asserted on 3 October in *Afisha* that RT's goal is "to make an alternative channel that shares information unavailable elsewhere" in order to "conquer the audience" and expose it to Russian state messaging (*Afisha*, 3 October; *Kommersant*, 4 July).
- On 26 May, Simonyan tweeted with irony: "Ambassador McFaul hints that our channel is interference with US domestic affairs. And we, sinful souls, were thinking that it is freedom of speech."

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RT Leadership Closely Tied to, Controlled by Kremlin

RT Editor in Chief Margarita Simonyan has close ties to top Russian Government officials, especially Presidential Administration Deputy Chief of Staff Aleksey Gromov, who reportedly manages political TV coverage in Russia and is one of the founders of RT.

- Simonyan has claimed that Gromov shielded her from other officials and their requests to air certain reports. Russian media consider Simonyan to be Gromov's protege (*Kommersant*, 4 July; Dozhd TV, 11 July).
- Simonyan replaced Gromov on state-owned Channel One's Board of Directors. Government officials, including Gromov and Putin's Press Secretary Peskov were involved in creating RT and appointing Simonyan (*Afisha*, 3 October).
- According to Simonyan, Gromov oversees political coverage on TV, and he has periodic meetings with media managers where he shares classified information and discusses their coverage plans. Some opposition journalists, including Andrey Loshak, claim that he also ordered media attacks on opposition figures (*Kommersant*, 11 July).



Simonyan shows RT facilities to then Prime Minister Putin. Simonyan was on Putin's 2012 presidential election campaign staff in Moscow (Rospress, 22 September 2010, Ria Novosti, 25 October 2012).

The Kremlin staffs RT and closely supervises RT's coverage, recruiting people who can convey Russian strategic messaging because of their ideological beliefs.

- The head of RT's Arabic-language service, Aydar Aganin, was rotated from the diplomatic service to manage RT's Arabic-language expansion, suggesting a close relationship between RT and Russia's foreign policy apparatus. RT's London Bureau is managed by Darya Pushkova, the daughter of Aleksey Pushkov, the current chair of the Duma Russian Foreign Affairs Committee and a former Gorbachev speechwriter (*DXB*, 26 March 2009; *MK.ru*, 13 March 2006).
- According to Simonyan, the Russian Government sets rating and viewership requirements for RT and, "since RT receives budget from the state, it must complete tasks given by the state." According to Nikolov, RT news stories are written and edited "to become news" exclusively in RT's Moscow office (Dozhd TV, 11 July; *AKT*, 4 October).
- In her interview with pro-Kremlin journalist Sergey Minaev, Simonyan complimented RT staff in the United States for passionately defending Russian positions on the air and in social media. Simonyan said: "I wish you could see...how these guys, not just on air, but on their own social networks, *Twitter*, and when giving interviews, how they defend the positions that we stand on!" ("Minaev Live," 10 April).

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RT Focuses on Social Media, Building Audience

RT aggressively advertises its social media accounts and has a significant and fast-growing social media footprint. In line with its efforts to present itself as anti-mainstream and to provide viewers alternative news content, RT is making its social media operations a top priority, both to avoid broadcast TV regulations and to expand its overall audience.

- According to RT management, RT's website receives at least 500,000 unique viewers every day. Since its inception in 2005, RT videos received more than 800 million views on *YouTube* (1 million views per day), which is the highest among news outlets (see graphics for comparison with other news channels) (*AKT*, 4 October).
- According to Simonyan, the TV audience worldwide is losing trust in traditional TV broadcasts and stations, while the popularity of "alternative channels" like RT or Al Jazeera grows. RT markets itself as an "alternative channel" that is available via the Internet everywhere in the world, and it encourages interaction and social networking (*Kommersant*, 29 September).
- According to Simonyan, RT uses social media to expand the reach of its political reporting and uses well-trained people to monitor public opinion in social media commentaries (*Kommersant*, 29 September).
- According to Nikolov, RT requires its hosts to have social media accounts, in part because social media allows the distribution of content that would not be allowed on television (*Newreporter.org*, 11 October).
- Simonyan claimed in her 3 October interview to independent TV channel Dozhd that Occupy Wall Street coverage gave RT a significant audience boost.

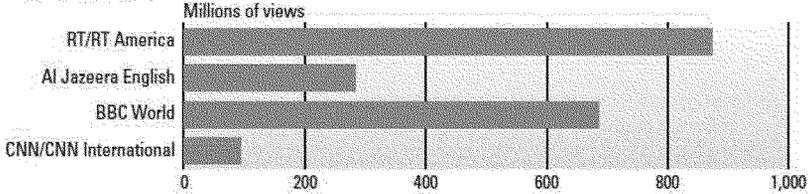
The Kremlin spends \$190 million a year on the distribution and dissemination of RT programming, focusing on hotels and satellite, terrestrial, and cable broadcasting. The Kremlin is rapidly expanding RT's availability around the world and giving it a reach comparable to channels such as Al Jazeera English. According to Simonyan, the United Kingdom and the United States are RT's most successful markets. RT does not, however, publish audience information.

- According to market research company Nielsen, RT had the most rapid growth (40 percent) among all international news channels in the United States over the past year (2012). Its audience in New York tripled and in Washington DC grew by 60% (*Kommersant*, 4 July).
- RT claims that it is surpassing Al Jazeera in viewership in New York and Washington DC (*BARB*, 20 November; RT, 21 November).
- RT states on its website that it can reach more than 550 million people worldwide and 85 million people in the United States; however, it does not publicize its actual US audience numbers (RT, 10 December).

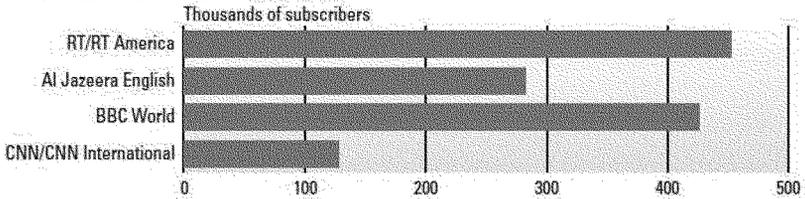
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TV News Broadcasters: Comparative Social Media Footprint

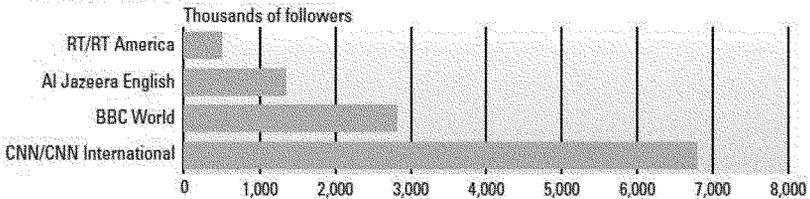
YouTube Views



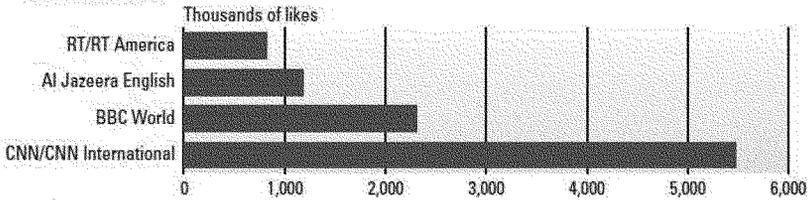
YouTube Subscribers



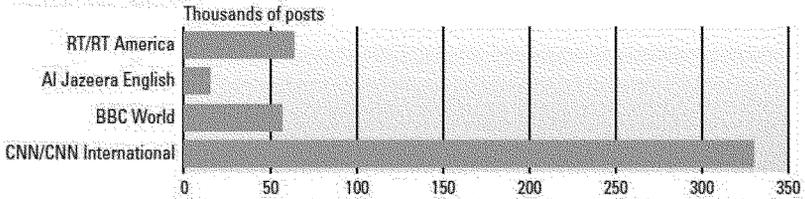
Twitter Followers



Facebook Likes



Facebook Chatter



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Formal Disassociation From Kremlin Facilitates RT US Messaging

RT America formally disassociates itself from the Russian Government by using a Moscow-based autonomous nonprofit organization to finance its US operations. According to RT's leadership, this structure was set up to avoid the Foreign Agents Registration Act and to facilitate licensing abroad. In addition, RT rebranded itself in 2008 to deemphasize its Russian origin.

- According to Simonyan, RT America differs from other Russian state institutions in terms of ownership, but not in terms of financing. To disassociate RT from the Russian Government, the federal news agency RIA Novosti established a subsidiary autonomous nonprofit organization, TV-Novosti, using the formal independence of this company to establish and finance RT worldwide (Dozhd TV, 11 July).
- Nikolov claimed that RT is an "autonomous noncommercial entity," which is "well received by foreign regulators" and "simplifies getting a license." Simonyan said that RT America is not a "foreign agent" according to US law because it uses a US commercial organization for its broadcasts (AKT, 4 October; Dozhd TV, 11 July).
- Simonyan observed that RT's original Russia-centric news reporting did not generate sufficient audience, so RT switched to covering international and US domestic affairs and removed the words "Russia Today" from the logo "to stop scaring away the audience" (*Afisha*, 18 October; *Kommersant*, 4 July).
- RT hires or makes contractual agreements with Westerners with views that fit its agenda and airs them on RT. Simonyan said on the pro-Kremlin show "Minaev Live" on 10 April that RT has enough audience and money to be able to choose its hosts, and it chooses the hosts that "think like us," "are interested in working in the anti-mainstream," and defend RT's beliefs on social media. Some hosts and journalists do not present themselves as associated with RT when interviewing people, and many of them have affiliations to other media and activist organizations in the United States ("Minaev Live," 10 April).

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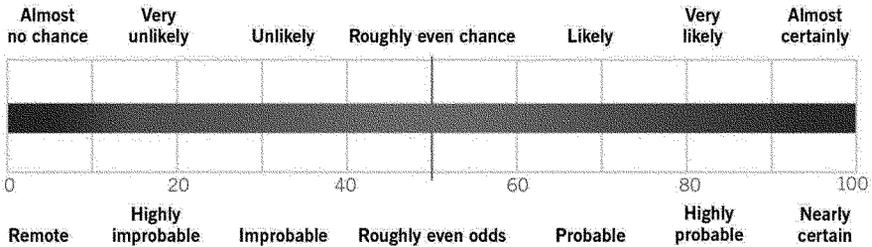
Annex B

ESTIMATIVE LANGUAGE

Estimative language consists of two elements: judgments about the likelihood of developments or events occurring and levels of confidence in the sources and analytic reasoning supporting the judgments. Judgments are not intended to imply that we have proof that shows something to be a fact. Assessments are based on collected information, which is often incomplete or fragmentary, as well as logic, argumentation, and precedents.

Judgments of Likelihood. The chart below approximates how judgments of likelihood correlate with percentages. Unless otherwise stated, the Intelligence Community's judgments are not derived via statistical analysis. Phrases such as "we judge" and "we assess"—and terms such as "probable" and "likely"—convey analytical assessments.

Percent



Confidence in the Sources Supporting Judgments. Confidence levels provide assessments of the quality and quantity of the source information that supports judgments. Consequently, we ascribe high, moderate, or low levels of confidence to assessments:

- **High confidence** generally indicates that judgments are based on high-quality information from multiple sources. High confidence in a judgment does not imply that the assessment is a fact or a certainty; such judgments might be wrong.
- **Moderate confidence** generally means that the information is credibly sourced and plausible but not of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.
- **Low confidence** generally means that the information's credibility and/or plausibility is uncertain, that the information is too fragmented or poorly corroborated to make solid analytic inferences, or that reliability of the sources is questionable.

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**Committee Depositions in the House of Representatives:
Longstanding Republican and Democratic Practice of Excluding Agency Counsel**

The Trump Administration has taken issue with agency counsel being excluded from congressional depositions—a procedure that is enshrined in House Rules, was repeatedly expanded by Republicans, and has been used by both Republicans and Democrats for decades.

This argument has no merit. Instead, it is the latest in a long line of baseless procedural challenges to the House of Representatives' authority to fulfill one of its most solemn responsibilities under the Constitution. The deposition rule that excludes agency counsel is intended for exactly these types of circumstances—to prevent agency officials who are directly implicated in the abuses we are investigating from trying to prevent their own employees from coming forward to tell the truth to Congress. This rationale applies with the same force to the Executive Office of the President as it does to any other Executive Branch agency.

The White House's frivolous challenge to the House deposition rules contradicts decades of precedent in which Republicans and Democrats have used exactly the same procedures to depose Executive Branch officials without agency counsel present, including some of the most senior aides to multiple previous Presidents.

These same deposition procedures were supported by Acting White House Chief of Staff Mick Mulvaney when he served as a Member of the Oversight Committee and by Secretary of State Mike Pompeo when he served as a Member of the Benghazi Select Committee. In fact, some of the same Members and staff currently conducting depositions as part of the present impeachment inquiry participated directly in depositions without agency counsel during the Clinton, Bush, and Obama Administrations. There should not be a different standard now because Donald Trump is in the White House.

Chairman Dan Burton

When Republican Rep. Dan Burton served as Chairman of the Committee on Government Reform, the Committee deposed 141 Clinton Administration officials without agency counsel present—including the following top advisors to President Bill Clinton:

- White House Chief of Staff Mack McLarty;
- White House Chief of Staff Erskine Bowles;
- White House Counsel Bernard Nussbaum;
- White House Counsel Jack Quinn;
- Deputy White House Counsel Bruce Lindsey;
- Deputy White House Counsel Cheryl Mills;
- Deputy White House Chief of Staff Harold Ickes;
- Chief of Staff to the Vice President Roy Neel; and
- Chief of Staff to the First Lady Margaret Williams.¹

¹ Committee on Government Reform, Democratic Staff, *Congressional Oversight of the Clinton Administration* (Jan. 17, 2006) (online at <https://wayback.archive-it.org/4949/20141031200116/http://oversight->

Chairman Henry Waxman

When Democratic Rep. Henry Waxman became Chairman, the Committee on Oversight and Government Reform continued conducting depositions without agency counsel during the George W. Bush Administration. For example, the Committee deposed five White House officials, including the White House Political Director, during investigations of the White House Office of Political Affairs and the use of private email accounts;² eight State Department officials, including a U.S. Ambassador, during investigations of misconduct by the Inspector General and others;³ two Justice Department Officials during investigations into lobbying contacts by Jack Abramoff;⁴ and an EPA official during an investigation of EPA's decision to deny California's request to regulate greenhouse gases.⁵

Chairman Darrell Issa

When Rep. Darrell Issa became Chairman, the Oversight Committee continued conducting depositions without agency counsel present during the Obama Administration. For example, during the investigation of the attacks in Benghazi, the Committee conducted depositions of Ambassador Thomas Pickering and a diplomatic security agent, both of which were personally attended by Rep. Jim Jordan.⁶ The Committee also conducted a deposition of John C. Beale, a former senior official at the Office of Air and Radiation at the EPA.⁷

archive.waxman.house.gov/documents/20060117103516-91336.pdf.

² House Committee on Oversight and Government Reform, Deposition of Matthew Aaron Schlapp (Aug. 27, 2007); House Committee on Oversight and Government Reform, Deposition of Sara Taylor (July 27, 2007); House Committee on Oversight and Government Reform, Deposition of Mindy McLaughlin (Apr. 3, 2008); House Committee on Oversight and Government Reform, Deposition of Monica V. Kladakis (Apr. 14, 2008); House Committee on Oversight and Government Reform, Deposition of Jennifer Farley (Jan. 9, 2008).

³ House Committee on Oversight and Government Reform, Deposition of Mark Duda, Assistant Inspector General for Audits, Department of State (Sept. 26, 2007); House Committee on Oversight and Government Reform, Deposition of Erich Hart (Oct. 3, 2007); House Committee on Oversight and Government Reform, Deposition of Gail Voshell (Oct. 5, 2007); House Committee on Oversight and Government Reform, Deposition of Terry Heide, Director of Congressional and Public Affairs for the Office of the Inspector General, Department of State (Nov. 8, 2007); House Committee on Oversight and Government Reform, Deposition of Robert Peterson, Assistant Inspector General, Department of State (Sept. 27, 2007); House Committee on Oversight and Government Reform, Deposition of William Edward Todd, Deputy Inspector General, Department of State (Oct. 12, 2007); House Committee on Oversight and Government Reform, Deposition of Elizabeth Koniuszkow, Department of State (Nov. 2, 2007); House Committee on Oversight and Government Reform, Deposition of Ambassador John L. Withers, Department of State (Aug. 20, 2008).

⁴ House Committee on Oversight and Government Reform, Deposition of Susan Johnson (Oct. 4, 2007); House Committee on Oversight and Government Reform, Deposition of Tracy Henke (June 20, 2007).

⁵ House Committee on Oversight and Government Reform, Deposition of Jason Burnett, Associate Deputy Administrator, Environmental Protection Agency (May 15, 2008).

⁶ House Committee on Oversight and Government Reform, Deposition of Ambassador Thomas R. Pickering, Department of State (June 4, 2013); House Committee on Oversight and Government Reform, Deposition of Diplomatic Security Agent #3, Department of State (Oct. 8, 2013).

⁷ House Committee on Oversight and Government Reform, Deposition of John Beale (Dec. 19, 2013).

Chairman Jason Chaffetz

When Rep. Jason Chaffetz became Chairman, the Oversight Committee continued conducting depositions during the Obama Administration without agency counsel present. For example, the Committee conducted a deposition of Dr. William Thompson, a senior scientist at the Centers for Disease Control and Prevention, during an investigation of the safety of vaccines,⁸ as well as a deposition of Stephen Siebert, a program manager at the State Department, during an investigation of embassy construction and security.⁹

Chairman Trey Gowdy

When Rep. Trey Gowdy became Chairman, the Oversight Committee continued conducting depositions without agency counsel present during the Obama Administration. For example, the Committee conducted a deposition of Joseph Maher, the Principal Deputy General Counsel for the Department of Homeland Security, during an investigation of the Department's policies for addressing whistleblower investigations by the Office of Special Counsel.¹⁰

Benghazi Select Committee

House Republicans felt so strongly during the Obama Administration about conducting depositions of Executive Branch officials without agency counsel present that they extended this authority to the Benghazi Select Committee, which was also chaired by Rep. Gowdy. On May 8, 2014, the House passed a resolution establishing the Benghazi Select Committee, and the accompanying regulations issued by the Rules Committee provided: "No one may be present at depositions except members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons, or for agencies under investigation, may not attend."¹¹

Expansion of Deposition Authority to Other Committees

The following year, also during the Obama Administration, House Republicans expanded this deposition authority to additional committees. In January 2015, the House voted to approve H. Res. 5, which, along with the accompanying regulations from the Committee on Rules, authorized the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Science, Space, and Technology to

⁸ House Committee on Oversight and Government Reform, Deposition of William W. Thompson, Centers for Disease Control and Prevention, Department of Health and Human Services (Nov. 22, 2016).

⁹ House Committee on Oversight and Government Reform, Deposition of Stephen W. Siebert, Department of State (May 26, 2016).

¹⁰ House Committee on Oversight and Government Reform, Deposition of Joseph P. Maher, Department of Homeland Security (Sept. 25, 2018).

¹¹ Deposition Procedures for the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, Congressional Record, H4056 (May 9, 2014) (online at www.congress.gov/113/crec/2014/05/09/CREC-2014-05-09-pt1-PgH4056.pdf).

conduct depositions without agency counsel present.¹²

Pursuant to this authority, under Chairman Kevin Brady, the Committee on Ways and Means conducted a deposition of David Fisher, the Chief Risk Officer of the Internal Revenue Service, without allowing agency counsel to attend.¹³ The Committee later reported: “The answers this witness provided in a compelled deposition—without Treasury counsel present—provided more insight into the Administration’s decision-making process than did any other individual.”¹⁴

Similarly, under Chairman Jeb Hensarling, the Committee on Financial Services conducted depositions of 12 witnesses from the Consumer Financial Protection Bureau without agency counsel present.¹⁵

Authority for Deposition Rule

The Constitution authorizes Congress to “determine the Rules of its Proceedings.”¹⁶ The regulations that govern House depositions state:

Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, Committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness’s counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.¹⁷

¹² H. Res. 5, 114th Cong. (online at www.congress.gov/bill/114th-congress/house-resolution/5).

¹³ House Committee on Ways and Means, Deposition of David Fisher, Internal Revenue Service (May 11, 2016).

¹⁴ House Committee on Energy and Commerce and House Committee on Ways and Means, *Joint Investigative Report into the Source of Funding for the ACA’s Cost Sharing Reduction Program* (July 2016) (online at https://gop-waysandmeans.house.gov/wp-content/uploads/2016/07/20160707Joint_Congressional_Investigative_Report-2.pdf).

¹⁵ House Committee on Financial Services, Deposition of James Keegan, Consumer Financial Protection Bureau (May 31, 2017); House Committee on Financial Services, Deposition of Melissa Heist, Consumer Financial Protection Bureau (June 6, 2017); House Committee on Financial Services, Deposition of J. Anthony Ogden, Consumer Financial Protection Bureau (June 14, 2017); House Committee on Financial Services, Deposition of Brian Patrick O’Brien, Consumer Financial Protection Bureau (June 27-28, 2017); House Committee on Financial Services, Deposition of Jacqueline Becker, Consumer Financial Protection Bureau (July 11, 2017); House Committee on Financial Services, Deposition of Julia Lynn Szybala, Consumer Financial Protection Bureau (July 17-18, 2017 and Oct. 11, 2017); House Committee on Financial Services, Deposition of Greg Evans, Consumer Financial Protection Bureau (July 21, 2017); House Committee on Financial Services, Deposition of Anne Harden Tindall, Consumer Financial Protection Bureau (July 27-28, 2017); House Committee on Financial Services, Deposition of Catherine D. Galicia, Consumer Financial Protection Bureau (July 31, 2017); House Committee on Financial Services, Deposition of Mary E. McLeod, Consumer Financial Protection Bureau (Aug. 3, 2017 and Oct. 18, 2017); House Committee on Financial Services, Deposition of Stephen Bressler, Consumer Financial Protection Bureau (Oct. 23, 2017 and Oct. 25, 2017); House Committee on Financial Services, Deposition of Stephen Bressler, Consumer Financial Protection Bureau (Nov. 6, 2017 and Nov. 7, 2017).

¹⁶ U.S. Const., Art. I, sec. 5, cl. 2.

¹⁷ 116th Congress Regulations for Use of Deposition Authority, Congressional Record, H1216 (Jan. 25, 2019) (online at www.congress.gov/116/crec/2019/01/25/CREC-2019-01-25-pt1-PgH1216-2.pdf).

The basis for this process is straightforward: it ensures that the Committees are able to depose witnesses in furtherance of our investigation without having in the room representatives of the agency or office under investigation. The rule nevertheless protects the rights of witnesses by allowing them to be accompanied in the deposition by personal counsel.



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.
Washington, DC 20548

B-330330

December 10, 2018

The Honorable Steve Womack
Chairman
Committee on the Budget
House of Representatives

The Honorable John Yarmuth
Ranking Member
Committee on the Budget
House of Representatives

Subject: *Impoundment Control Act—Withholding of Funds through Their Date of Expiration*

This responds to your request for our legal opinion regarding the scope of the authority provided under the Impoundment Control Act of 1974 (ICA) to withhold budget authority from obligation pending congressional consideration of a rescission proposal. Pub. L. No. 93-344, title X, 88 Stat. 297, 332 (July 12, 1974), *amended by* Pub. L. No. 100-119, title II, §§ 206, 207, 101 Stat. 754, 785 (Sept. 29, 1987), *classified at* 2 U.S.C. §§ 681-688; Letter from Representative Steve Womack, Chairman, and Representative John Yarmuth, Ranking Member, House Committee on the Budget, to Comptroller General (Oct. 31, 2018). Under limited circumstances, the ICA allows the President to withhold amounts from obligation for up to 45 calendar days of continuous congressional session. See ICA, § 1012(b); 2 U.S.C. § 683(b). At issue here is whether the Act allows such a withholding of a fixed-period appropriation scheduled to expire within the prescribed 45-day period to continue through the date on which the funds would expire.

As discussed below, we conclude that the ICA does not permit the withholding of funds through their date of expiration. The statutory text and legislative history of the ICA, Supreme Court case law, and the overarching constitutional framework of the legislative and executive powers provide no basis to interpret the ICA as a mechanism by which the President may unilaterally abridge the enacted period of availability of a fixed-period appropriation. The Constitution vests in Congress the power of the purse, and Congress did not cede this important power through the ICA. Instead, the terms of the ICA are strictly limited. The ICA permits only the temporary withholding of budget authority and provides that unless Congress rescinds the amounts at issue, they must be made available for obligation. The

President cannot rely on the authority in the ICA to withhold amounts from obligation, while simultaneously disregarding the ICA's limitations.

In accordance with our regular practice, we contacted the Office of Management and Budget (OMB) for its legal views on this matter. GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at www.gao.gov/products/GAO-06-1064SP; Letter from General Counsel, GAO, to General Counsel, OMB (Nov. 1, 2018). In response, OMB provided its legal analysis. Letter from General Counsel, OMB, to General Counsel, GAO (Nov. 16, 2018) (Response Letter).

BACKGROUND

The Constitution specifically vests Congress with the power of the purse, providing that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." U.S. Const., art. I, § 9, cl. 7. The Constitution also vests all legislative powers in Congress and sets forth the procedures of bicameralism and presentment, through which the President may accept or veto a bill passed by both houses of Congress and Congress may subsequently override a presidential veto. *Id.*, art. I, § 7, cl. 2, 3. The procedures of bicameralism and presentment form the only mechanism for enacting federal law. See *INS v. Chadha*, 462 U.S. 919, 951 (1983) ("[T]he prescription for legislative action in Art. I, §§ 1, 7, represents the Framers' decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure."). The Constitution also vests Congress with power to make all laws "necessary and proper" to implement its constitutional authorities. U.S. Const., art. I, § 8, cl. 18. To that end, Congress has enacted several permanent statutes that govern the use of appropriations, including the Antideficiency Act, which provides that agencies may incur obligations or make expenditures only when sufficient amounts are available in an appropriation. 31 U.S.C. § 1341. Because agencies may incur obligations only in accordance with appropriations made by law, and because the Constitution vests all lawmaking power in Congress, only appropriations duly enacted through the constitutional processes of bicameralism and presentment authorize agencies to incur obligations or make expenditures.

The Presentment Clauses allow the President to veto an appropriations bill before it becomes law. See Art. I, § 7, cl. 2, 3. However, the Constitution provides no mechanism for the President to invalidate a duly enacted law. Instead, the Constitution requires the President to "take Care that the Laws be faithfully executed." U.S. Const., art. II, § 3; see also *Clinton v. City of New York*, 524 U.S. 417, 438 (1998) (the Constitution does not authorize the President "to enact, to amend, or to repeal statutes").

An appropriation is a law like any other; therefore, unless Congress has enacted a law providing otherwise, the President must take care to ensure that appropriations

are prudently obligated during their period of availability. See B-329092, Dec. 12, 2017 (noting that the ICA operates on the premise that the President is required to obligate funds appropriated by Congress, unless otherwise authorized to withhold). An “impoundment” is any action or inaction by an officer or employee of the federal government that precludes obligation or expenditure of budget authority. GAO, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP (Washington, D.C.: Sept. 2005), at 61. The President has no unilateral authority to withhold funds from obligation. See B-135564, July 26, 1973. The ICA, however, allows the President to impound budget authority in limited circumstances. The President may temporarily withhold funds from obligation—but not beyond the end of the fiscal year—by proposing a “deferral.” ICA, § 1013; 2 U.S.C. § 684. The President may also seek the permanent cancellation of funds for fiscal policy or other reasons, including the termination of programs for which Congress has provided budget authority, by proposing a “rescission.” ICA, § 1012; 2 U.S.C. § 683.

When the President transmits a special message proposing a rescission of budget authority (a rescission proposal) in accordance with the ICA, amounts proposed for rescission may be impounded (that is, withheld from obligation) for a period of 45 calendar days of continuous congressional session.¹ See ICA, § 1012; 2 U.S.C. § 683. The Act states that such amounts “shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded or that is to be reserved.”² ICA, § 1012(b); 2 U.S.C. § 683(b). Section 1017 of the ICA establishes expedited procedures to facilitate Congress’s consideration of a rescission bill during the 45-day period. ICA, § 1017; 2 U.S.C. § 688. This opinion focuses on the withholding of amounts pursuant to a rescission proposal.

DISCUSSION

The ICA authorizes the President to withhold funds from obligation under limited circumstances. At issue here is whether the ICA allows the withholding of a fixed-

¹ The continuity of a session of Congress is only broken if either House adjourns for more than three days to a day certain, or upon an adjournment of Congress *sine die*. ICA, § 1011(5); 2 U.S.C. § 682(5). As a result of Congress’s current practice of conducting *pro forma* sessions, this 45-day period is likely to be 45 calendar days after the date of transmission of the special message.

² The ICA defines a “rescission bill” as “a bill or joint resolution which only rescinds, in whole or in part, budget authority proposed to be rescinded in a special message transmitted by the President under section 1012 [section 683], and upon which the Congress completes action before the end of the first period of 45 calendar days of continuous session of the Congress after the date on which the President’s message is received by the Congress.” ICA, § 1011(3); 2 U.S.C. § 682(3).

period appropriation, pursuant to the President's transmission of a rescission proposal, to continue through the date on which the funds would expire.

Powers Granted by the ICA are Limited

To interpret the ICA, we begin with the text of the statute and give ordinary meaning to statutory terms, unless otherwise defined. *Sebelius v. Cloer*, 569 U.S. 369, 376 (2013); *BP America Production Co. v. Burton*, 549 U.S. 84, 91 (2006). Section 1012(b) states that funds proposed to be rescinded “shall be made available for obligation unless, within the prescribed 45-day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded” Use of the conjunction “unless” denotes that the clause that follows provides an exception to the rule that precedes the term. *See American Heritage Dictionary* (4th ed. 2009) (defining “unless” as “except on the condition that” and “except under the circumstances that”). Further, “shall,” in the context of a statute, generally means “must.” *Ballentine’s Law Dictionary* (3d ed. 2010) (defining shall as “the equivalent of ‘must,’ where appearing in a statute”). *See also Western Minnesota Municipal Power Agency v. FERC*, 806 F.3d. 588, 592 (D.C. Cir. 2015) (“shall give preference” was a mandatory directive to the commission); *Drummond Coal Co. v. Watt*, 735 F.2d 469, 473 (11th Cir. 1984) (noting “‘shall’ is a mandatory, not permissive form”). The phrase “shall be made available” thus constitutes a mandatory directive that funds proposed for rescission be made available for obligation, and the term “unless” denotes the single exception to this requirement. The text of section 1012(b) then provides that the only mechanism that permits budget authority to be permanently withheld is Congress’s completion of action on a rescission bill within the 45-day period.

An appropriation is available to incur new obligations only during its period of availability, which, for a fixed-period appropriation, is a finite period of time.³ *See* 31 U.S.C. § 1551(a)(3). *See also* 31 U.S.C. §§ 1501, 1502 (obligation of a fixed-period appropriation must correspond to the *bona fide* needs of the appropriation’s period of availability and must be executed before the end of such period). For example, an agency may use a one-year appropriation to obligate the government for expenses properly chargeable to that year, or may use a multiple-year appropriation to obligate the government for expenses properly chargeable to that multiple-year period. But the government may not incur obligations against such appropriations after the relevant time frame, as the budget authority’s period of availability would have ended.

³ An obligation is defined as a “definite commitment that creates a legal liability of the government for the payment of goods and services ordered or received, or a legal duty on the part of the United States that could mature into a legal liability by virtue of actions on the part of the other party beyond the control of the United States.” *Glossary*, at 70. *See also* B-325526, July 16, 2014.

Immediately after the period of availability for obligation of a fixed-period appropriation ends, the budget authority is “expired” and no longer available to incur new obligations.⁴ *Glossary*, at 23 (defining expired budget authority). See also 18 Comp. Gen. 969 (1939). An expired account is only available to record, to adjust, and to liquidate obligations properly chargeable to that account during the account’s period of availability. 31 U.S.C. § 1553(a). Notably, the permissible uses of an expired appropriation relate back to obligations incurred during the period of availability of the funds and do not constitute new obligations themselves.

The plain language of section 1012(b) provides that absent Congress’s completion of action on a rescission bill rescinding all or part of amounts proposed to be rescinded within the prescribed 45-day period, *such amounts must be made available for obligation*. The authority to withhold is not severable from the provision’s requirement regarding the release of the funds. Indeed, the provision permits a *temporary* withholding of budget authority, and otherwise requires its availability for obligation in all other circumstances. As budget authority is available to incur obligations only during its period of availability, implicit in the ICA’s requirement under section 1012(b) that budget authority be “made available for obligation” is that such budget authority must not be expired. Because a fixed-period appropriation is current only for a definite period of time, section 1012(b) of the ICA requires that if Congress does not enact a rescission bill, the appropriation must be made available for obligation during that finite period. After this finite period has ended, the appropriation is expired and cannot be available for new obligations.

Consequently, the ICA does not permit budget authority proposed for rescission to be withheld until its expiration simply because the 45-day period has not yet elapsed. A withholding of this nature would be an aversion both to the constitutional process for enacting federal law and to Congress’s constitutional power of the purse, for the President would preclude the obligation of budget authority Congress has already enacted and did not rescind. For example, consider a situation where fiscal year budget authority is withheld pursuant to a special message submitted less than 45 days before the end of the fiscal year and where, upon conclusion of the 45-day period, Congress has not completed action on a corresponding rescission bill. An interpretation of section 1012(b) that would permit the withholding of such budget authority for the duration of the 45-day period would result in the expiration of the funds during that period. The expired amounts then could not be made available for obligation despite Congress not having completed action on a bill rescinding the amounts, as expired appropriations are not available for obligation. The ICA represents an agreement between the legislative and executive branches, whereby the President may withhold budget authority for a limited period during which Congress may *consider* the corresponding proposal to rescind the amounts using

⁴ An expired account closes five years after the period of availability for obligation ends, and any remaining balance is then cancelled. 31 U.S.C. § 1552(a).

expedited procedures. The expiration of these amounts would frustrate the design of the ICA, as it would contravene the plain meaning of section 1012(b), which requires that amounts not rescinded during this period of *consideration* be “made available for obligation.”

Regardless of whether the 45-day period for congressional consideration provided in the ICA approaches or spans the date on which funds would expire, section 1012(b) requires that budget authority be made available in sufficient time to be prudently obligated. The amount of time required for prudent obligation will vary from one program to another. In some programs, prudent obligation may require hours or days, while others may require weeks or months. We have previously signaled that the consequence of an unenacted rescission proposal should be the full and prudent obligation of the budget authority. B-115398, Aug. 27, 1976. In 1976, the President submitted a special message for which the 45-day period would end on September 29, 1976, leaving one day to obligate appropriations that were withheld. *Id.* We noted this one-day period could be insufficient to prudently obligate the funds. *Id.* We found the timing of the proposal “particularly troublesome” as it could “operate to deny to the Congress the expected consequence of its rejecting a rescission proposal—the full and prudent use of the budget authority.” *Id.*

We have drawn similar conclusions concerning deferrals under the ICA. In such cases we have noted that deferred funds must be released in sufficient time to allow them to be prudently obligated. See B-216664, Apr. 12, 1985 (emphasizing that deferral, under the President’s sixth special message for fiscal year 1985, of amounts scheduled to expire should not extend beyond the point at which the funds could be prudently obligated). See also 54 Comp. Gen. 453 (1974) (recognizing that a deferral of budget authority that “could be expected with reasonable certainty to lapse before [it] could be obligated, or would have to be obligated imprudently to avoid that consequence” constitutes a de facto rescission, and must be reclassified as a rescission proposal).

The legislative history of the ICA supports this construction of section 1012(b). During consideration of the report of the committee of conference on H.R. 7130, 93rd Cong. (1974), which was ultimately enacted into law as the ICA, members recognized that affirmative congressional action is required for a rescission of funds under the language of section 1012. Senator Sam J. Ervin, Jr., the sponsor of a related bill, stated regarding section 1012:

“[The purpose] is to provide an orderly method by which differences of opinion may be reconciled between the President and Congress in respect to the amounts of appropriations sought. . . . The recommendation of the President that an appropriation be eliminated or reduced *in and of itself would have no legal effect whatsoever*. In other words, for it to become effective, both Houses of Congress, by a majority vote, would have to take action either eliminating the appropriation or reducing the appropriation. . . . I might say that the

45-day provision is placed in the bill for the purpose of spurring speedy congressional action, but with recognition of the fact that Congress cannot deprive itself of any other power it has under the Constitution.”

120 Cong. Rec. 20,473 (June 21, 1974) (statement of Sen. Ervin) (emphasis added). As one member stated succinctly when discussing similar language: “the impoundment fails unless Congress acts affirmatively.” 119 Cong. Rec. 15,236 (May 10, 1973) (statement of Sen. Roth) (debating S.373, which would have required an impoundment to cease within 60 days unless it had been ratified by Congress). See also H.R. Conf. Rep. No. 93-1101, at 76 (1974); S. Conf. Rep. No. 93-924, at 76 (1974) (“Unless both Houses of Congress complete action on a rescission bill within 45 days, the budget authority shall be made available for obligation.”).

Congress considered bill language under which an impoundment would have continued indefinitely unless Congress took specific action to affirmatively *disapprove* of the impoundment. H.R. 8480, 93rd Cong. (1973) (providing that an impoundment “shall cease *if* within [60] calendar days of continuous session after the date on which the message is received by the Congress the specific impoundment shall have been *disapproved* by either House . . .” (emphasis added)). However, Congress did not enact such language.⁵ Instead, Congress enacted legislation under which an impoundment becomes permanent only if Congress enacts appropriate legislation through the processes of bicameralism and presentment.

Under the Constitution, the President must take care to execute the appropriations that Congress has enacted. Though the ICA permits the President to withhold amounts from obligation under limited circumstances, the amounts are permanently rescinded only if Congress takes affirmative legislative action through the constitutional processes of bicameralism and presentment. One must read the ICA as a whole. The Act outlines a process, and affords the President limited authority to withhold appropriated amounts while Congress expedites its consideration of the President’s legislative proposal to rescind the already enacted appropriations. It would be an abuse of this limited authority and an interference with Congress’s constitutional prerogatives if a President were to time the withholding of expiring budget authority to effectively alter the time period that the budget authority is available for obligation from the time period established by Congress in duly enacted appropriations legislation. It would be inimical to the ICA and to its constitutional underpinnings for the executive to avail itself of the withholding authority in the ICA, but to ignore the remainder of the process. See *generally* B-330376, Nov. 30, 2018

⁵ Congress did, however, initially enact language requiring that deferred funds be made available if either house of Congress passed an “impoundment resolution” disapproving of the deferral. Pub. L. No. 93-344, § 1013(b) (prior to 1987 amendment).

(citing *NRDC v. Abraham*, 355 F.3d 179, 205 (2d Cir. 2004)) (finding that agencies “cannot have it both ways,” claiming both the benefit of adhering to a statutory provision, while simultaneously arguing that the requirements of the provision do not apply). Therefore, amounts proposed for rescission must be made available for prudent obligation before the amounts expire, even where the 45-day period for congressional consideration provided in the ICA approaches or spans the date on which funds would expire: the requirement to make amounts available for obligation in this situation prevails over the privilege to temporarily withhold the amounts.

OMB asserts that the ICA does not preclude an impoundment from persisting through the date on which amounts would expire. Response Letter, at 2. Specifically, OMB relies on the purported silence of section 1012 with regard to the President’s ability to propose rescissions under the ICA late in the fiscal year, as compared to the language in section 1013, which governs the deferral of budget authority. *Id.* In particular, section 1013 states that a deferral “may not be proposed for any period of time extending beyond the end of the fiscal year in which the special message proposing the deferral is transmitted to the House and the Senate[.]” and also provides that the provisions of the section, which necessarily includes this proscription, do not apply to amounts proposed for rescission under section 1012. ICA, §§ 1013(a), (c); 2 U.S.C. §§ 684(a), (c). According to OMB, these distinctions demonstrate that section 1012 does not require the President to make withheld budget authority available for obligation before the end of the fiscal year. Response Letter, at 1. Under OMB’s rationale, the ICA grants the President authority to withhold funds for the entire 45-day period, even if such withholding would result in the expiration of impounded balances.

We disagree with OMB’s position. As a practical matter, OMB’s interpretation of the ICA would grant the President unilateral authority to rescind funds that are near expiration by altering the time period that the budget authority is available for obligation from the time period established in existing law. Suppose the President were to transmit a special message less than 45 days before amounts are due to expire. In OMB’s view, an impoundment could continue through the funds’ date of expiration—at which point the funds would no longer be available for new obligations. Therefore, fiscal year funds proposed for rescission in a special message late in the fiscal year, even if not legally rescinded by the enactment of legislation, would be effectively rescinded if Congress takes no action at all. In OMB’s view, only through affirmative legislative action could Congress prevent the rescission of funds that the President proposes for rescission in a special message transmitted close to the date on which the funds would expire. OMB’s reading of the ICA would preempt the congressional process by which the budget authority’s period of availability was established, fundamentally ceding Congress’s power of the purse to the President.

This interpretation would contradict the plain meaning of section 1012, which, by its terms, requires that amounts not rescinded through a rescission bill be made available for obligation. As previously discussed, this requirement that amounts be

made available for obligation already limits the time frame during which such amounts may be permissibly withheld; there is no need in section 1012 for language that specifically prohibits amounts from being withheld beyond the end of the fiscal year.

In addition, the legislative history of the ICA indicates that the distinctions between section 1012 and section 1013, on which OMB relies, do not carry the implications that OMB suggests. See 120 Cong. Rec. at 20,473 (statements of Sen. Ervin and Sen. McClellan) (discussing distinction between deferral and rescission proposals). Unlike a rescission proposal, through which the President seeks the permanent cancellation of budget authority and may temporarily withhold amounts pending congressional consideration, the ultimate objective of a deferral proposal is a temporary withholding only. Section 1013 was crafted to govern this temporary withholding of budget authority and, thus, specifies that amounts may not be withheld beyond the end fiscal year. See *id.* In contrast, section 1012 limits withholding to the prescribed 45-day period, absent Congress's completion of a bill rescinding the amounts proposed for rescission. Neither does section 1013(c), which provides that the provisions of section 1013 do not apply to rescission proposals submitted under section 1012, support OMB's position that there is no restriction on when the President may submit a rescission proposal. Rather, section 1013(c) was intended to clarify that any action that would seek the permanent cancellation of budget authority must be governed by the more stringent provisions of section 1012. See *id.* (statement of Sen. Ervin) ("Any action or proposal which results in a permanent withholding of budget authority must be proposed under section 1012. Section 1013(c) specifically provides that section 1013 does not apply to cases to which section 1012 applies. Only temporary withholding may be proposed under section 1013 . . .").

Through the ICA, Congress did not grant the President the extraordinarily broad rescissions authority that OMB asserts. Indeed, the ICA grants the President no authority whatsoever to rescind funds. The Act allows the President to transmit legislative proposals for rescission to Congress, while granting the President authority to withhold the funds for limited periods of time while Congress considers the proposals. Congress considered, and did not enact, language that would have granted the President authority to propose rescissions that would take permanent effect if Congress took no action. Instead, as we discussed above, under the ICA only Congress may rescind budget authority.

Under the Constitution, Congress enacts laws, and the President must take care to faithfully execute the terms of those laws, including appropriations acts. Within this framework, Congress enacted the ICA, which granted the President strictly circumscribed authority to temporarily withhold funds from obligation. The overarching constitutional framework of the executive and legislative powers, as well as the statutory text and legislative history of the ICA, provide no basis to construe the ICA as a mechanism by which the President may, in effect, unilaterally shorten the availability of budget authority by transmitting strategically-timed special

messages. Rather, amounts proposed for rescission must be made available for prudent obligation before the amounts expire, even where the 45-day period for congressional consideration in the ICA approaches or spans the date on which the funds would expire.

Prior Opinions

We have previously considered situations in which the President transmitted special messages concerning amounts that were near their date of expiration. We have intimated that in such a situation, the President may withhold the budget authority from obligation for the duration of the 45-day period, and that Congress must take affirmative action to prevent the withheld funds from expiring. See, e.g., B-115398, Dec. 15, 1975. In some instances we have simply noted that funds may expire, without stating whether the funds were properly withheld or reporting that they must be made available for obligation. See, e.g., B-115398, Aug. 27, 1976. See also B-220532, Sept. 19, 1986 (reclassifying deferral as rescission proposal, recognizing potential for funds to expire before being able to be obligated for intended purpose). As we explain below, in light of Supreme Court precedent and subsequent amendments to the ICA, we overrule these prior opinions.

In the President's second special message for fiscal year 1976, submitted on July 26, 1975, he included two rescission proposals of budget authority scheduled to expire on September 30, 1975.⁶ B-115398, Aug. 12, 1975. In our review of the special message, we stated that these amounts would lapse nearly a month before expiration of the 45-day period, B-115398, Aug. 12, 1975, and, in a subsequent report on the status of funds, confirmed the amounts had in fact lapsed during the 45-day period, B-115398, Dec. 15, 1975. In our report on the status of the funds, we stated that "having to wait 45 days of continuous session before it can be determined that a proposed rescission has been rejected is a major deficiency of the [ICA]." B-115398, Dec. 15, 1975. We offered that Congress should have an affirmative means within the Act to address scenarios such as this, by, for example "changing the Act to allow a rescission resolution as is now allowed for deferrals, or changing the Act to prevent funds from lapsing where the 45-day period has not expired." *Id.* We stated that with respect to the two rescission proposals, "Congress was unable, under the Act, to reject the rescission in time to prevent the budget authority from lapsing."⁷ *Id.*

⁶ Prior to fiscal year 1977, the fiscal year began on July 1 and extended through June 30 of the following year—for example, fiscal year 1976 began on July 1, 1975 and extended through June 30, 1976. Beginning on October 1, 1976, the fiscal year time frame changed to October 1 through September 30. See Pub. L. No. 93-344, title V, § 501, 88 Stat. at 321.

⁷ Similarly, the President submitted a special message about a year later, on July 19, 1977, proposing the rescission of budget authority that expired on

(continued...)

When the ICA was enacted, it required deferred funds to be made available if either house of Congress passed an “impoundment resolution” disapproving of the deferral. Pub. L. No. 93-344, § 1013(b) (prior to 1987 amendment). In 1975, we suggested that Congress create an analogous process to enable rejection of a rescission proposal. B-115398, Dec. 15, 1975. However, our statement predated *INS v. Chadha*, 462 U.S. 919, in which the Supreme Court held a one-house veto provision to be unconstitutional because it was an exercise of legislative power that circumvented the procedures of bicameralism and presentment. The deferral provision in the ICA was later eliminated in the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987.⁸ Pub. L. No. 100-119, title II, § 206.

Our 1975 opinions are based on the premise that Congress could amend the ICA to provide Congress with a unilateral mechanism to reject a rescission proposal. In addition to *Chadha*, other Supreme Court decisions also have resoundingly invalidated this premise. See *Clinton*, 524 U.S. 417, 438–41; *Chadha*, 462 U.S. at 951–58. As the Court made clear in *Clinton*, the Constitution vests the President with authority to “initiate and influence legislative proposals.” 524 U.S. at 438 (emphasis added). A rescission proposal is one such legislative proposal. The rescission proposal does not have the force of law: “[t]here is no provision in the Constitution that authorizes the President to enact, to amend, or to repeal statutes.” *Id.*

Because bicameral passage by Congress is necessary for the President’s proposal to become law, no congressional action is necessary to invalidate the President’s proposal. Without affirmative congressional action, the President’s proposal remains just that: a proposal. Our 1975 opinions intimate that, under some circumstances, congressional inaction on a rescission proposal can be tantamount to affirmative congressional action to enact the rescission proposal. This interpretation would, in effect, give the President power to amend or to repeal previously enacted appropriations merely by calibrating the timing of the submission of a special message. This interpretation is clearly contrary to the Supreme Court’s rulings in *Chadha* and *Clinton*. See 524 U.S. at 448–49; 462 U.S. at 951–58. Therefore, we overrule our prior inconsistent opinions.

(...continued)

September 30, 1977. B-115398, Aug. 5, 1977. The funds lapsed prior to completion of the 45-day period on October 4, 1977. B-115398, Oct. 26, 1977.

⁸ We initially opined that *Chadha* did not implicate the disapproval provision in the ICA. B-196854.3, Mar. 9, 1984. However, as Congress ultimately amended the ICA and eliminated the provision, this case is no longer applicable.

CONCLUSION

The terms of the ICA are strictly limited. They vest in the President limited authority to propose a rescission of budget authority and to withhold such budget authority from obligation for a limited time period during which Congress may avail itself of expedited procedures to consider the proposal. However, the statutory text and legislative history of the ICA, Supreme Court case law, and the overarching constitutional framework of legislative and executive powers provide no basis to construe the ICA as a mechanism by which the President may, in effect, unilaterally shorten the availability of budget authority by transmitting rescission proposals shortly before amounts are due to expire.

To dedicate such broad authority to the President would have required affirmative congressional action in legislation, not congressional silence. See, e.g., B-303961, Dec. 6, 2004 (declining to interpret a general “notwithstanding” clause to imply a waiver of the Antideficiency Act without indication that Congress intended to relinquish its “strongest means” to enforce its power of the purse). To paraphrase the Supreme Court, Congress does not alter the fundamental details of its constitutional power of the purse through vague terms or ancillary provisions —“it does not, one might say, hide elephants in mouseholes.” See *Whitman v. American Trucking Ass’ns*, 531 U.S. 457, 468 (2001) (declining to interpret a statute in a manner inconsistent with its plain meaning). A construction of the ICA that would permit the withholding of funds proposed for rescission through their date of expiration would be precisely this elephant.

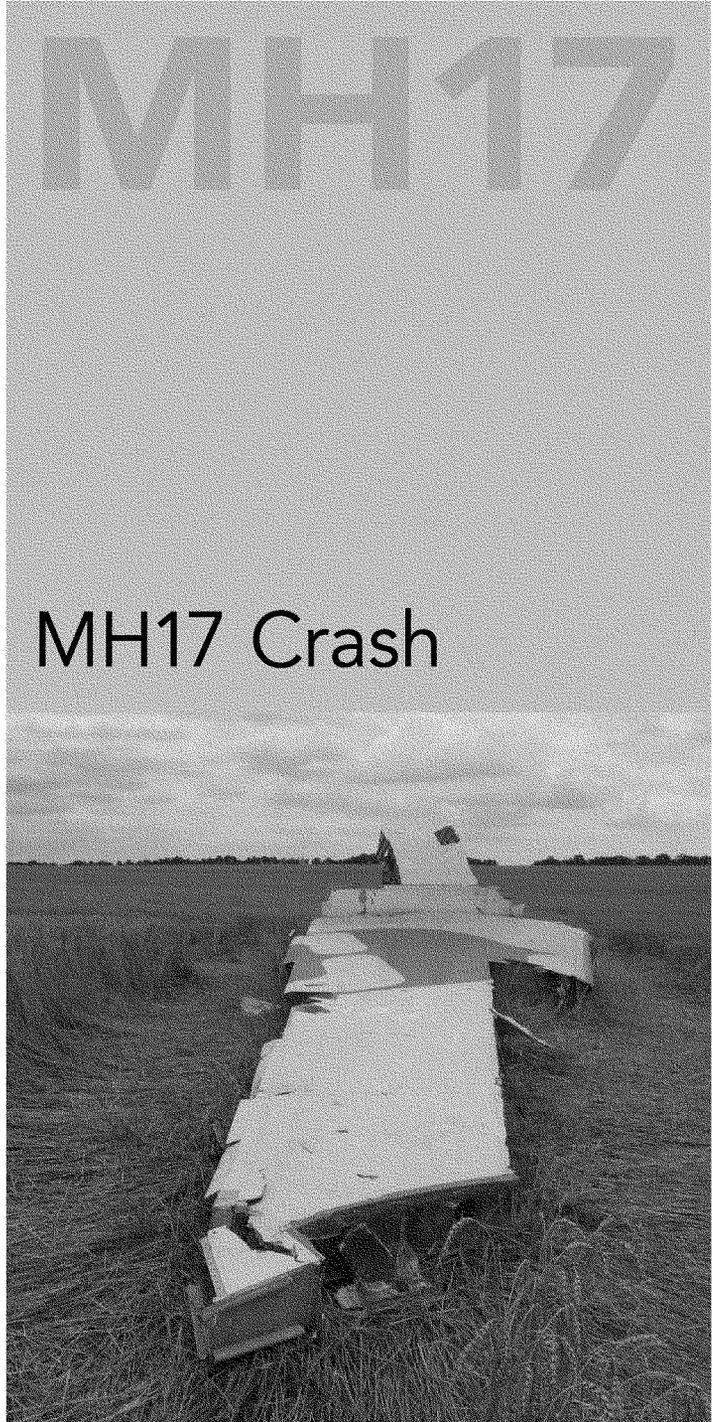
Though the ICA permits the President to withhold amounts from obligation under limited circumstances, the amounts are rescinded only if Congress takes affirmative legislative action through the constitutional processes of bicameralism and presentment. Therefore, amounts proposed for rescission must be made available for prudent obligation before the amounts expire, even where the 45-day period for congressional consideration in the ICA approaches or spans the date on which the funds would expire. We overrule prior inconsistent GAO opinions.

If you have any questions, please contact Julie Matta, Managing Associate General Counsel, at (202) 512-4023, or Omari Norman, Assistant General Counsel for Appropriations Law, at (202) 512-8272.

Sincerely,



Thomas H. Armstrong
General Counsel



Crash of Malaysia Airlines flight MH17

Hrabove, Ukraine, 17 July 2014

The Hague, October 2015

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Dutch Safety Board

The aim in the Netherlands is to limit the risk of accidents and incidents as much as possible. If accidents or near accidents nevertheless occur, a thorough investigation into the causes, irrespective of who are to blame, may help to prevent similar problems from occurring in the future. It is important to ensure that the investigation is carried out independently from the parties involved. This is why the Dutch Safety Board itself selects the issues it wishes to investigate, mindful of citizens' position of dependence with respect to authorities and businesses. In some cases the Dutch Safety Board is required by law to conduct an investigation.

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FOREWORD

On 17 July 2014, 298 people lost their lives when the Malaysia Airlines aeroplane they were in crashed near Hrabove, a village in the eastern part of Ukraine. The crash of flight MH17 caused the relatives of the occupants profound grief. There was also considerable dismay all over the world, especially when it became apparent that the aeroplane had presumably been shot down. The questions evoked by the crash were penetrating: Was the aeroplane actually shot out of the sky? And, if so, why was the aeroplane flying over an area where there was an on-going armed conflict?

Four days after the crash, the United Nations Security Council unanimously adopted Resolution 2166, in which the Security Council expresses its support for an independent international aviation investigation into the crash. The Dutch Safety Board has investigated the causes of the MH17 crash and why the aeroplane was flying over the eastern part of Ukraine. This report contains the results of that investigation. The Board is aware that this does not answer one important question - the question of who is to blame for the crash. It is the task of the criminal investigation to provide that answer.

International cooperation

This investigation into the crash of flight MH17 was conducted by the Dutch Safety Board in accordance with the international regulations that apply to independent accident investigation, laid down in Annex 13 of the Convention on International Civil Aviation. Although it soon became clear that the crash of flight MH17 was probably no 'ordinary' aviation accident, this framework proved to be of great value to this investigation. It formed the basis for a constructive cooperation between the states involved in the investigation: the Netherlands, Ukraine, Malaysia, the United States, the United Kingdom, Australia and the Russian Federation. The representatives of these states, who were members of the international investigation team, had access to the investigation information and were able to study and verify it.

This report contains the investigation's facts, analysis, conclusions and recommendations. The Dutch Safety Board would like to highlight two themes, which transcend the investigated crash but which the Board believes could contribute to improving safety in international civil aviation.

A blind spot in the risk assessment

The crash involving flight MH17 makes it clear that in its risk assessments, the aviation sector should take more account of the changing world within which it operates. In this world armed conflicts are ongoing between governments on the one hand and one or more non-governmental groups on the other. As a rule, such conflicts are more disorderly and less predictable than 'traditional' wars between states. The existence and the spread of advanced weapon systems means that the parties involved in these conflicts may

possess these types of weapon systems and therefore are able to hit targets at great distances and altitudes. The aviation sector should take urgent measures to identify, assess and manage the risks associated with flying over conflict zones more effectively.

Even though flying is a relatively safe form of transport, it still involves risks. Therefore, the civil aviation sector will always have to find a balance between safety and the price people are willing to pay for it. These considerations will have to be made as carefully as possible. It is therefore important that the sector innovates when estimating and assessing statistically improbable scenarios with a major impact. Risk assessments should not only focus on phenomena that have threatened civil aviation in the past but also devote attention to new and thus unfamiliar threats in a changing world. The challenge is to stimulate the imagination of the parties concerned in such a way that improbable scenarios are also at the forefront of their minds and receive sufficient attention.

No conclusive system of responsibilities

The system of responsibilities for civil aviation safety is not conclusive. In the system, states have sovereignty over their airspace and are responsible for operators being able to safely fly through that airspace. However, the crash involving flight MH17 demonstrates that an unrestricted airspace is not, by definition, safe. In practice, states embroiled in an armed conflict rarely close their airspace. Therefore, it is important that these states' responsibility for closing parts of their airspace above an armed conflict is formulated in a clearer and less non-committal manner.

Since, in the case of flying over conflict zones, one cannot simply rely on an unrestricted airspace being safe, other parties in the system also bear a major responsibility: airline operators, other states and international organisations such as ICAO and IATA. They should form a second barrier, because the principle of sovereignty may give rise to vulnerabilities. It is up to the parties cited to jointly ensure that the decision-making process related to flight routes is improved. No single party can achieve this alone. It requires new structures for cooperation between states and operators, as well as for mutually sharing information, even if it is meant to be confidential. International organisations should facilitate these parties in developing these structures.

The Dutch Safety Board is aware that there is no such thing as a perfect risk assessment, that a comprehensive system of responsibilities is impossible and that not all crashes and accidents can be prevented. There are, however, possibilities to improve civil aviation safety. The ball is now in the court of the states and the aviation sector.

SUMMARY

The crash of flight MH17 raised many questions. What happened exactly? Why was the aeroplane flying across an area where an armed conflict was being fought? The Dutch Safety Board answers these questions in this report; it does not address questions of blame and liability.

Causes of the crash

On 17 July 2014, at 13.20¹ (15.20 CET) a Boeing 777-200 with the Malaysia Airlines nationality and registration mark 9M-MRD disappeared to the west of the TAMAK air navigation waypoint in Ukraine. A notification containing this information was sent by the Ukrainian National Bureau of Air Accident Investigation (NBAAI) on 18 July 2014, at approximately 06.00 (08.00 CET). The NBAAI was notified by the Ukrainian State Air Traffic Service Enterprise (UkSATSE) that communication with flight MH17 had been lost. A signal from the aeroplane's Emergency Locator Transmitter had been received and its approximate position had been determined.

The aeroplane impacted the ground in the eastern part of Ukraine. The wreckage was spread over several sites near the villages of Hrabove, Rozsypne and Petropavlivka. Six wreckage sites were identified, spread over about 50 km². Most of the wreckage was located in three of these sites to the south-west of the village of Hrabove. This is about 8.5 km east of the last known position of the aeroplane in flight. At two sites, post-impact fires had occurred.

All 298 persons on board lost their lives.

The in-flight disintegration of the aeroplane near the Ukrainian/Russian border was the result of the detonation of a warhead. The detonation occurred above the left hand side of the cockpit. The weapon used was a 9N314M-model warhead carried on the 9M38-series of missiles, as installed on the Buk surface-to-air missile system.

Other scenarios that could have led to the disintegration of the aeroplane were considered, analysed and excluded based on the evidence available.

The airworthy aeroplane was under control of Ukrainian air traffic control and was operated by a licensed and qualified flight crew.

¹ All times in this report, unless otherwise indicated are in UTC and Central European (Summer) Time (CET). CET in the summer is UTC +2. See Section 12 - Abbreviations and Definitions, for further explanation.

Flight route over conflict zone

Flight MH17 was shot down over the eastern part of Ukraine, where an armed conflict broke out in April 2014. At first this conflict took place mainly on the ground, but as from the end of April 2014 it expanded into the airspace over the conflict zone: Ukrainian armed forces' helicopters, transport aeroplanes and fighters were downed.

On 14 July, the Ukrainian authorities reported that a military aeroplane, an Antonov An-26, had been shot down above the eastern part of Ukraine. On 17 July, the authorities announced that a Sukhoi Su-25 had been shot down over the area on 16 July. According to the authorities, both aircraft were shot down at an altitude that could only have been reached by powerful weapon systems. The weapon systems cited by the authorities, a medium-range surface-to-air missile or an air-to-air missile, could reach the cruising altitude of civil aeroplanes. Consequently they pose a threat to civil aviation.

Although (Western) intelligence services, politicians and diplomats established the intensification of fighting in the eastern part of Ukraine, on the ground as well as in the air, it was not recognised that as a result there was an increased risk to civil aeroplanes flying over the conflict zone at cruising altitude. The focus was mainly on military activities, and the geopolitical consequences of the conflict.

Ukraine's airspace management

With regard to airspace management Ukraine is responsible for the safety of aeroplanes in that airspace. On 6 June 2014, the airspace above the eastern part of Ukraine was restricted to civil aviation from the ground up to an altitude of 26,000 feet (FL260). This enabled military aeroplanes to fly at an altitude that was considered safe from attacks from the ground and eliminated the risk that they would encounter civil aeroplanes, which flew above FL260. The authorities automatically assumed that aeroplanes flying at a higher altitude than that considered safe for military aeroplanes, were also safe.

On 14 July 2014, the Ukrainian authorities increased the upper limit of the restricted airspace imposed on civil aviation to an altitude of 32,000 feet (FL320). The exact underlying reason for this decision remains unclear.

The Ukrainian authorities did not consider closing the airspace over the eastern part of Ukraine to civil aviation completely. The statements made by the Ukrainian authorities on 14 and 17 July 2014, related to the military aeroplanes being shot down, mentioned the use of weapon systems that can reach the cruising altitude of civil aeroplanes. In the judgment of the Dutch Safety Board, these statements provided sufficient reason for closing the airspace over the conflict zone as a precaution.

Choice of flight route by Malaysia Airlines and other airlines

Malaysia Airlines assumed that the unrestricted airspace over Ukraine was safe. The situation in the eastern part of Ukraine did not constitute a reason for reconsidering the route. The operator stated that it did not possess any information that flight MH17, or other flights, faced any danger when flying over Ukraine.

Not only Malaysia Airlines, but almost all airlines that used routes over the conflict zone continued to do so during the period in which the armed conflict was expanding into the airspace. On the day of the crash alone, 160 flights were conducted above the eastern part of Ukraine - until the airspace was closed.

Other states and the state of departure (the Netherlands)

The Chicago Convention provides states with the option of imposing a flight prohibition or restrictions on airlines and issuing recommendations related to the use of foreign airspace. Some states, such as the United States, the United Kingdom, France and Germany, use this option with regard to their resident airlines. Although flight MH17 took off from Dutch soil the Netherlands did not bear any formal responsibility for the flight, because it concerned a non-Dutch airline. The fact that Malaysia Airlines was operating the flight as KLM's code share partner did not provide any legal authority either.

During the period in which the conflict in the eastern part of Ukraine expanded into the airspace over the conflict zone, from the end of April 2014 up to the crash of flight MH17, not a single state or international organisation explicitly warned of any risks to civil aviation and not a single state prohibited its airlines or airmen from using the airspace over the area or imposed other restrictions.

At the Dutch Safety Board's request, the Dutch Review Committee for the Intelligence and Security Services (CTIVD) examined whether the Dutch intelligence and security services possessed any information that could have been important for the safety of flight MH17. The services had no indication that the warring factions intended to shoot down civil aeroplanes. The services did not have any information that the groups that were fighting against the Ukrainian government in the eastern part of Ukraine possessed medium or long-range surface-to-air missiles.

Possibilities for improvement

The crash of MH17 demonstrates that an unrestricted airspace is not, by definition, safe if the state managing that airspace is dealing with an armed conflict. The reality is that states involved in an armed conflict rarely close their airspace. This means that the principle of sovereignty related to airspace management can give rise to vulnerability. In the Board's opinion, states involved in armed conflicts should give more consideration to closing their airspace as a precaution. More effective incentives are needed to encourage them to do so.

Airline operators may not assume in advance that an unrestricted airspace above a conflict zone is safe. The fundamental principle currently adopted by operators is that they use the airspace, unless doing so is demonstrably unsafe. In their risk analyses, operators should take greater account of uncertainties and risk-increasing factors, such as when a conflict expands into the airspace. The current regulations do not stipulate that operators shall assess the risks involved in overflying conflict areas.

Operators themselves should gather more information to be able to perform an adequate risk assessment. This information can largely be acquired by consulting open sources, but in the case of conflict zones operators also need confidential information from states

with intelligence capabilities. Vital in this respect is the sharing of information between states, between states and operators and between operators.

Not only the gathering of information, but also combining information in the fields of safety and security, as well as on developments on the ground and in the air proves important. In this regard, international regulations (the Chicago Convention) are currently too divided across these different fields. It was established that there are gaps between the various responsibilities, for which a solution should be found.

Recommendations

Level 1: Airspace management in conflict zones

To ICAO:

1. Incorporate in Standards that states dealing with an armed conflict in their territory shall at an early stage publish information that is as specific as possible regarding the nature and extent of threats of that conflict and its consequences for civil aviation. Provide clear definitions of relevant terms, such as conflict zone and armed conflict.
2. Ask states dealing with an armed conflict for additional information if published aeronautical or other publications give cause to do so; offer assistance and consider issuing a State Letter if, in the opinion of ICAO, states do not sufficiently fulfil their responsibility for the safety of the airspace for civil aviation.
3. Update Standards and Recommended Practices related to the consequences of armed conflicts for civil aviation, and convert the relevant Recommended Practices into Standards as much as possible so that states will be able to take unambiguous measures if the safety of civil aviation may be at issue.

To ICAO Member States:

4. Ensure that states' responsibilities related to the safety of their airspace are stricter defined in the Chicago Convention and the underlying Standards and Recommended Practices, so that it is clear in which cases the airspace should be closed.

The states most closely involved in the investigation into the crash of flight MH17 could initiate this.

Level 2: Risk assessment

To ICAO and IATA:

5. Encourage states and operators who have relevant information about threats within a foreign airspace to make this available in a timely manner to others who have an interest in it in connection with aviation safety. Ensure that the relevant paragraphs in the ICAO Annexes concerned are extended and made more strict.

To ICAO:

6. Amend relevant Standards so that risk assessments shall also cover threats to civil aviation in the airspace at cruising level, especially when overflying conflict zones. Risk increasing and uncertain factors need to be included in these risk assessments in accordance with the proposals made by the ICAO Working Group on Threat and Risk.

To IATA:

7. Ensure that the Standards regarding risk assessments are also reflected in the IATA Operational Safety Audits (IOSA).

To states (State of Operator):

8. Ensure that airline operators are required through national regulations to make risk assessments of overflying conflict zones. Risk increasing and uncertain factors need to be included in these assessments in accordance with the proposals made by the ICAO Working Group on Threat and Risk.

To ICAO and IATA:

9. In addition to actions already taken, such as the website (ICAO Conflict Zone Information Repository) with notifications about conflict zones, a platform for exchanging experiences and good practices regarding assessing the risks related to the overflying of conflict zones is to be initiated.

Level 3: Operator accountability

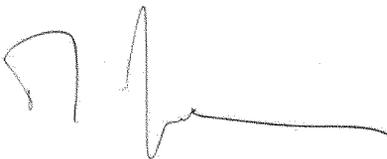
To IATA:

10. Ensure that IATA member airlines agree on how to publish clear information to potential passengers about flight routes over conflict zones and on making operators accountable for that information.

To operators:

11. Provide public accountability for flight routes chosen, at least once a year.

In Section 11 the recommendations are described in more detail.



T.H.J. Joustra
Chairman, Dutch Safety Board



M. Visser
General Secretary

1 INTRODUCTION

This report contains the product of the investigation that was conducted by the Dutch Safety Board and its international partners into the crash of flight MH17 on 17 July 2014. The report consists of two parts. The first part focuses on the causes of the crash. The second part addresses the flight route of flight MH17 on July 17 2014, and the decision-making processes regarding flying over conflict areas.

1.1 The investigation

Following the crash of Malaysia Airlines flight MH17 near the village of Hrabove (in the eastern part of Ukraine), the Ukrainian authorities initiated an investigation into the accident, in accordance with ICAO Annex 13. During the first days of the investigation, the Ukrainian authorities requested the Netherlands, the state with the largest number of nationals on board the aeroplane, to take over the investigation. The Netherlands granted the request made by the Ukrainian authorities. On 23 July 2014, Ukraine delegated the investigation to the Netherlands. Following the provisions of ICAO Annex 13, from that date the Netherlands was the State conducting the investigation. As the accident investigation authority of the Netherlands, the Dutch Safety Board was tasked to conduct the investigation.

A few days before, on 18 July 2014, the Dutch Safety Board had already launched an investigation into the decision-making related to flying over conflict zones, because questions were raised over whether civil airline operators should have been flying over the eastern part of Ukraine, an area in which an armed conflict had been ongoing for several months. As the route of flight MH17 is one of the circumstances contributing to the crash of flight MH17, the Dutch Safety Board decided to combine the investigation into the causes of the crash with the already ongoing investigation into the decision-making related to flight routes, and to present the findings in one report.

The investigation was performed in accordance with the provisions of Annex 13 - Aircraft Accident and Incident Investigation to the Convention of International Civil Aviation. The Standards and Recommended Practices in Annex 13 are prescribed for the conduct of civil aviation accident investigation.

1.2 Purpose and scope of the investigation

The purpose of this investigation was to establish the causes of the crash and the factors that contributed to the crash. On 21 July 2014, the United Nations Security Council unanimously adopted a resolution, concerning the crash of flight MH17.² The resolution

² UN Security Council, *Resolution 2166 (2014)*, S/res2166 (2014), 21 July 2014.

expressed support for the 'efforts to establish a full, thorough and independent international investigation into the incident in accordance with international civil aviation guidelines' and called on all United Nations Member States 'to provide any requested assistance to civil and criminal investigations'.

This investigation had two objectives. Firstly, the Dutch Safety Board wanted to establish the causes of the crash and wished to inform the relatives of the crew and the passengers, other parties concerned, and those having a special interest in the circumstances of the crash and the investigation accordingly. Secondly, the Dutch Safety Board intended to initiate appropriate safety actions in order to minimise the chance of similar occurrences in the future.

The investigation report provides a detailed description of the sequence of events of flight MH17 from the departure airport up to and including the ground impact. It describes and analyses how the flight was conducted, how the decisions related to the use of its airspace were taken by Ukraine, how the decision related to flying over the eastern part of Ukraine were taken by Malaysia Airlines, and other airline operators, and how the decision-making pertaining to flying over conflict areas is generally made. Finally, it also addresses the role of the Netherlands, as the state of departure of flight MH17, and other states with regard to flying over conflict areas.

The key questions are:

- What caused the crash of flight MH17?
- How and why were decisions made to use MH17's flight route?
- How is the decision-making process related to flying over conflict zones generally organised?
- What lessons can be learned from the investigation to improve flight safety and security?

In accordance with Annex 13, it is not the purpose of this investigation to apportion blame or liability. The sole objective of the Annex 13 investigation and the Final Report is the prevention of accidents and incidents.

1.3 Investigation methodology and parties concerned

The investigation was conducted by the Dutch Safety Board. In addition to investigators from the Dutch Safety Board, the states listed below participated in the investigation and appointed an Accredited Representative:

- Ukraine (State of Occurrence);
- Malaysia (State of the Operator and State of Registry);
- United States of America (State of Design and Manufacture of the aeroplane);
- United Kingdom (State of Design and Manufacture of the engines);

- * Australia (State that provided information on request - photographs of aeroplane wreckage parts at the crash area), and
- * Russian Federation (State that provided information on request - radar and communication data and information on weapon systems).

In addition to the states mentioned above, other states also had a special interest in the investigation because they lost citizens in the crash. In accordance with paragraph 5.27 of Annex 13, experts from the following states were invited to view the recovered wreckage parts: Belgium, Canada, Germany, Indonesia, Israel, Italy, New Zealand, the Philippines, and Vietnam. Some of these states were included because some passengers held multiple nationalities.

In accordance with paragraph 6.3 of Annex 13, the Dutch Safety Board sent the draft Final Report to the Accredited Representatives of the states participating in the investigation, inviting their significant and substantiated comments. In addition, (sections of) the draft Final Report were sent to other parties involved in the investigation (see Appendices V and W).

Simultaneously with this investigation report the Dutch Safety Board has published a separate document in which the investigation methodology used, and the choices that were made in the process are accounted for.³

1.4 Wreckage recovery

As the crash area was in an area of armed conflict, it was for a long time not safe for the investigators to travel to the crash area to perform an investigation and to recover the wreckage. The first opportunity that was deemed sufficiently safe was from 4 to 22 November 2014, about four months after the crash. The second opportunity was from 20 to 28 March 2015 and the third opportunity from 19 April to 2 May 2015. These recovery missions were organised by the Dutch Ministry of Defence. At the crash area, assistance was provided by the Organisation for Security and Cooperation in Europe (OSCE), the State Emergency Service (SES), and local residents.

Due to the limited time investigators had access to the wreckage area and because the wreckage was located in six sites spread out in an area of approximately 50 km², the Dutch Safety Board's first priority was to recover parts that were of specific importance to the investigation. The majority of the wreckage that was recovered from flight MH17 was secured during the first recovery mission. In addition, some wreckage parts, recovered during the second and third recovery missions, were used during the investigation.

3 Dutch Safety Board, *MH17 - About the investigation*, October 2015.

1.5 Preliminary report

The Dutch Safety Board published a Preliminary Report on 9 September 2014. The findings published in the Preliminary Report are listed below:

1. According to the information received from Malaysia Airlines the crew was properly licensed and had valid medical certificates to conduct the flight.
2. According to the documents, the aircraft was in an airworthy condition at departure from Amsterdam Airport Schiphol. There were no known technical malfunctions.
3. No technical malfunctions or warnings in relation to the event flight were found on Flight Data Recorder data.
4. The engine parameters were consistent with normal operation during the eventflight. No engine or aircraft system warnings or cautions were detected.
5. No aural alerts or warnings of aircraft system malfunctions were heard on the Cockpit Voice Recorder. The communication between the flight crew members gave no indication of any malfunction or emergency prior to the occurrence.
6. At the time of the occurrence, flight MH17 was flying at Flight Level 330 (FL330) (See Abbreviations and Definitions for explanation on Flight Level/FL) in unrestricted airspace of the Dnipropetrovsk (UKDV) Flight Information Region (FIR) in the eastern part of Ukraine. The aircraft flew on a constant heading, speed and altitude when the Flight Data Recording ended. Ukrainian State Air Traffic Service Enterprise (UkSATSE) had issued NOTAMs of restricted access to the airspace below FL320.
7. The last radio transmission by the flight crew began at 13.19:56 (15.19:56 CET) and ended at 13.19:59 (15.19:59 CET).
8. The last radio transmissions made by Dnipropetrovsk air traffic control centre to flight MH17 began at 13.20:00 (15.20:00 CET) and ended at 13.22:02 (15.22:02 CET). The crew of flight MH17 did not respond to these radio transmissions.
9. No distress messages were received by the air traffic control.
10. According to radar data, three commercial aircraft were in the same Control Area as flight MH17 at the time of the occurrence. All were under control of Dnipro Radar. At 13.20 (15.20 CET) the distance between the closest aircraft and MH17 was approximately 30 km.
11. Damage observed on the forward fuselage and cockpit section of the aircraft appears to indicate that there were impacts from a large number of high-energy objects (See Section 12, Abbreviations and Definitions) from outside the aircraft.
12. The pattern of damage observed in the forward fuselage and cockpit section of the aircraft was not consistent with the damage that would be expected from any known failure mode of the aircraft, its engines or systems.
13. The fact that there were many pieces of aircraft structure distributed over a large area, indicated that the aircraft broke up in the air.
14. Based on the preliminary findings to date (9 September 2014), no indications of any technical or operational issues were found with the aircraft or crew prior to the ending of the CVR and FDR recording at 13.20:03 (15.20:03 CET).
15. The damage observed in the forward section of the aircraft appears to indicate that the aircraft was penetrated by a large number of high-energy objects from outside the aircraft. It is likely that this damage resulted in a loss of structural integrity of the aircraft, leading to an in-flight break-up.

The Preliminary Report stated that the findings were preliminary and that further work was required to be performed, in order to substantiate factual information regarding:

- Analyses of data, including Cockpit Voice Recorder, Flight Data Recorder and other sources, recorded onboard the aeroplane;
- Analyses of recorded air traffic control surveillance data;
- Analysis of meteorological circumstances;
- Forensic examination of wreckage recovered and possible foreign objects, if found;
- Results of the pathological investigation;
- Analyses of the in-flight break-up sequence;
- Assessment of the operator's and State of Occurrence's management of flight safety over a region of conflict or high security risk;
- Any other aspects that are identified during the investigation.

On 10 September 2014, one day after the publication of the report, an amendment was made to the Dutch translation of the English report. On page 14, the following sentence was deleted: '*De NOTAM met luchtruimbeperving was uitgevaardigd in reactie op het neerschieten van een Antonov 24 vliegtuig op 14 juli dat op een hoogte van FL210 vloog.*' [translated: 'The restricted area NOTAM was issued in response to the loss of an Antonov 24 aeroplane that was shot down at FL210 on 14 July.'] The sentence was deleted because during this stage of the investigation it could not be established with complete certainty whether this information was accurate. When translating the original English report into Dutch, the relevant sentence was accidentally not removed. However, this did not affect the provisional conclusions in the preliminary report.

1.6 Other investigations

In addition to the investigation discussed above, several other investigations were initiated, both by the Dutch Safety Board and other organisations:

- *Dutch Safety Board investigations* - The Dutch Safety Board initiated two other investigations related to the crash of flight MH17. One focused on the availability of passenger information following the crash of flight MH17. The other was aimed at answering the question whether or not the occupants of flight MH17 were aware of the crash, and how their remains were recovered. The findings from the investigation into passenger information are published simultaneously in a separate report; the findings regarding awareness of occupants were published in this report. The investigation reports of the Dutch Safety Board were published simultaneously and are available on the Board's website.
- *Criminal investigation into flight MH17* - Parallel to and separately from the work of the Dutch Safety Board, the Joint Investigation Team is conducting a criminal investigation into the crash in order to gather evidence and to bring the perpetrators to justice. The Joint Investigation Team consists of police officers and public prosecutors from Australia, Belgium, Malaysia, the Netherlands, and Ukraine. It is being coordinated by the public prosecutor from the Netherlands.
- *Victim identification investigation* - The victims were transported from Ukraine to the Netherlands by the Royal Netherlands Air Force and Royal Australian Air Force. The

identification of all the victims took place at the Korporaal van Oudheusden barracks in Hilversum. The identification was carried out by a team of 120 forensic specialists. In addition to the National Forensic Investigation Team of the Netherlands (LTFO), 80 forensic specialists from Australia, Belgium, Germany, United Kingdom, Indonesia, Malaysia and New Zealand participated.

1.7 Reading guide

The report is divided into:

- Part A: containing the findings of the investigation into the causes of the crash of the aeroplane.
- Part B: containing the findings of the investigation into flying over conflict areas.
- The conclusions and recommendations made as a result of the investigation.

Part A contains a record of the facts and circumstances established in the investigation: the sequence of events, flight crew qualifications, aeroplane information, flight recorders, air traffic services and radars, weather, flight route information, the wreckage, medical and pathological information, and tests and research. Following the factual material, the significance of the relevant facts and circumstances presented are analysed, in order to determine which events contributed to the crash. The analysis is primarily divided into six subjects:

1. General matters, including the flight crew's qualifications and the airworthiness of the aeroplane;
2. The flight before the in-flight break-up, including pre-flight planning, weather considerations and flight operations;
3. The moment of the in-flight break-up;
4. The in-flight break-up, its aftermath, and causes of the crash;
5. Survival aspects;
6. The recording of radar surveillance data.

Part B concerns the decision-making process related to flight MH17. This part contains six sections:

1. A description of the system of responsibilities of parties involved;
2. Indicators related to the situation in the eastern part of Ukraine in the months prior to the crash of flight MH17;
3. The airspace management by Ukraine in the period up to and including 17 July 2014;
4. The route and flight operations of flight MH17, the decisions made by the airline, Malaysia Airlines, and the decisions made by other airlines and other states with regard to flying over the conflict area in the eastern part of Ukraine;
5. The role of the Netherlands, as the state of departure of flight MH17, with regard to flying over conflict areas;
6. Risk assessment related to flying over conflict zones.

Each of these sections contains both findings and analysis.

The appendices that were produced as a part of this report are either published separately in an appendix to this report or on the Dutch Safety Board's website: www.safetyboard.nl. Section 13 gives an overview of the appendices.

MH17

PART A: Causes of the crash

This part of the report focuses on the causes of the crash of Malaysia Airlines Boeing 777-200, 9M-MRD, flight MH17 on 17 July 2014.

PART A: CAUSES OF THE CRASH

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2 FACTUAL INFORMATION

2.1 History of the flight

On 17 July 2014, the day of the crash, the subject aeroplane, a Malaysia Airlines Boeing 777-200 with nationality and registration marks 9M-MRD, had arrived at its gate at Amsterdam Airport Schiphol (hereafter, Schiphol) in the Netherlands at 04.36 (06.36 CET) from Kuala Lumpur International Airport (hereafter, Kuala Lumpur) in Malaysia.

At 10.13 (12.13 CET), after having been serviced and prepared for flight, the aeroplane left gate G3, thirteen minutes later than planned, primarily due to overbooking and the late arrival of some transfer passengers, on a scheduled passenger flight to Kuala Lumpur with flight number MH17.

Malaysia Airlines had prepared and filed an air traffic control flight plan. The flight crew was provided by the ground handling agent with an operational flight plan, NOTAMs,⁴ load information and weather information prior to departure. The material had been prepared in Kuala Lumpur by Malaysia Airlines. The operational flight plan contained detailed route information, a summary of the mass data, fuel information and information on the winds and temperatures along the route. It was standard practice for the flight crew to study the material provided in order to adjust the fuel load or route planned if the pilot in command deemed this necessary.

There were 298 persons, including 283 passengers on board the aeroplane. The crew was composed of four flight crew members and 11 cabin crew members.

The aeroplane took off from Schiphol on runway 36C at 10.31 (12.31 CET). The aeroplane flew to the north of Amsterdam, and followed standard instrument departure route NYKER 3W to a south-easterly direction towards Germany. The aeroplane climbed in a series of steps to FL250 before crossing the Dutch/German border at air navigation waypoint SONEB. From SONEB the route continued south-east towards Poland. The aeroplane then continued, in accordance with the air traffic control flight plan, across Poland. After passing overhead Warsaw, the flight continued into Ukrainian airspace.

The flight was planned to initially cruise at FL310, climbing to FL330 in Polish airspace and climbing further to FL350 when passing air navigation waypoint PEKIT in Ukrainian airspace. After having crossed Ukrainian airspace, the flight was planned to continue over the Russian Federation towards the Caspian Sea, over north-east Iran, Afghanistan and Pakistan before passing overhead Delhi, India and then crossing the Bay of Bengal

⁴ A notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

towards Thailand before turning south towards Kuala Lumpur in Malaysia. The flight would remain at FL350 until Thai airspace when a climb to FL370 would be made before the top of descent prior to the landing at Kuala Lumpur (see Figure 1) after a flight of approximately eleven and a half hours.

In the air traffic control flight plan (see Appendix C), a climb on airway L980 from FL330 to FL350 was planned for at air navigation waypoint PEKIT. It was noted that the airline's operational flight plan called for the climb from FL330 to FL350 to be made at air navigation waypoint EDIMI, 74 NM before PEKIT. The reason for having planned two different positions to climb in the two flight plans is explained in paragraph 3.3.2.1.

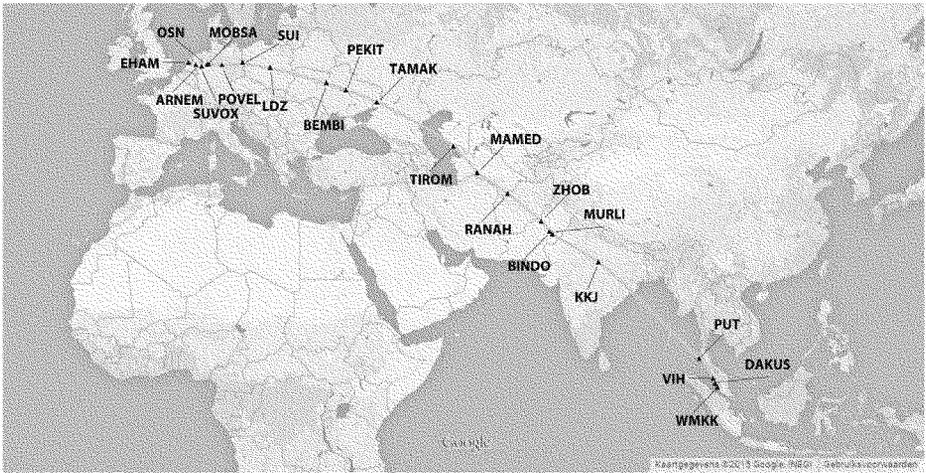


Figure 1: Diagram of the route planned. (Source: Google, INEGI)

According to data from the Ukrainian State Air Traffic Service Enterprise, the aeroplane was flying at FL330 and, at about 12.53 (14.53 CET), entered Dnipropetrovsk Radar Control (Dnipro Radar) Sector 2 of the Dnipropetrovsk (UKDV) Flight Information Region (FIR). Dnipro Radar Sector 2 is a part of Ukrainian airspace. Figure 2 shows the details of the airspace structure in Ukraine.

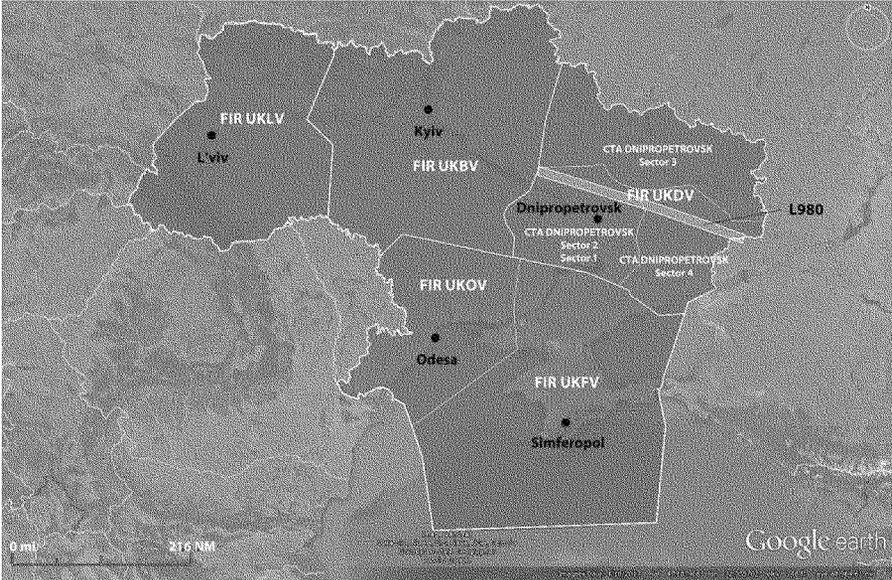


Figure 2: Ukrainian FIRs and Sectors in UKDV FIR. (Source: Google, Landsat)

On establishing initial contact with the flight crew, at 12.53 (14.53 CET) and at a position about 6 NM before PEKIT, Dnipro Radar asked whether the aeroplane could climb to FL350 in accordance with the air traffic control flight plan. The flight crew responded, without providing a specific reason (see Table 1 for an extract of the air traffic control transcript), that they were unable to comply with the request and requested to remain at FL330. This matter is discussed and analysed in paragraph 3.3.2.1.

Parties communicating	Text
ATC to MH17	Malaysian one seven, Dnipro Radar, hello, identified, advise ... able to climb flight level three five zero?
MH17 to ATC	Malaysian one seven, negative, maintain three three zero
ATC to MH17	Malaysian one seven, roger

Table 1: Extract from Air Traffic Control (ATC) transcript. (See Appendix G for a full transcript of the communications)

Dnipro Radar had identified a potential loss of separation between flight MH17 and another Boeing 777 aeroplane also flying at FL330 approaching flight MH17 from behind. In order to solve the potential conflict, Dnipro Radar cleared the other traffic to climb to FL350.

At 13.00 (15.00 CET), at a position about 40 NM after waypoint PEKIT, the flight crew of MH17 made a request to Dnipro Radar to change their track by turning to the left and deviating 20 NM north, in order to avoid the weather associated with the cumulonimbus clouds on the aeroplane's track. The flight crew also inquired whether FL340 was available. Dnipro Radar cleared the aeroplane to deviate around the weather as requested, but instructed the aeroplane to remain at FL330 due to conflicting civil aviation.

Flight Data Recorder and radar data both show that after deviating from the route to the left by about 6.5 NM (laterally from the centreline of the original track), the aeroplane turned back towards airway L980 centreline at 13.05 (15.05 CET).

Two minutes later at 13.07 (15.07 CET), Sector 2 of Dnipropetrovsk Area Control Centre transferred the flight to Sector 4 of Dnipropetrovsk Area Control Centre, a sector that also uses the callsign Dnipro Radar.

After a further slight turn to the right at 13.15 (15.15 CET), radar data showed that at 13.19 (15.19 CET) the aeroplane was at a position 3.6 NM north of the centreline of airway L980, almost back on its original course, between air navigation waypoint GANRA and waypoint TAMAK. From this point, Dnipro Radar cleared the aeroplane to fly directly to air navigation waypoint RND, about 45 NM south-east of TAMAK and south of the planned airway. The boundary between Ukrainian and Russian Federation airspace on the airway is at air navigation waypoint TAMAK. Figure 3 shows the route flown by MH17 across the eastern part of Ukraine and the planned route into Russian Federation airspace.

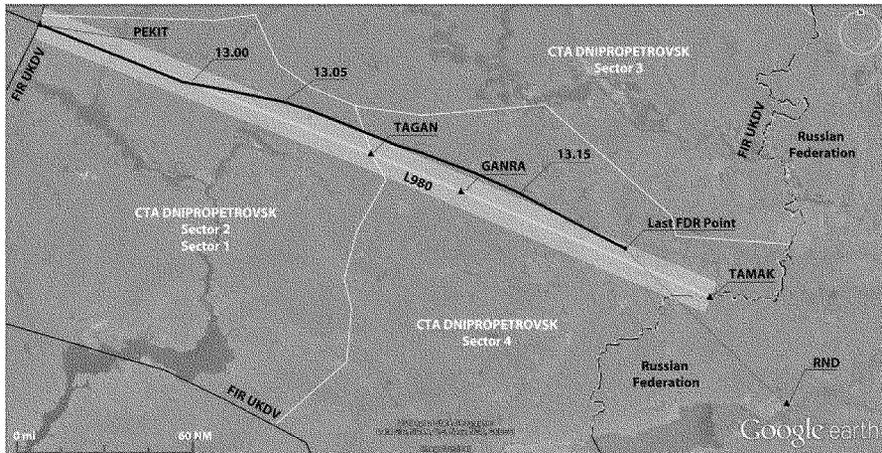


Figure 3: Route of flight MH17 across the eastern part of Ukraine. The light grey shading shows the area that is 5 NM left and right of the centreline of airway L980. The black line shows flight MH17 deviating from airway L980 between air navigation waypoints PEKIT and TAGAN. (Source: Google, Landstat)

The clearance direct to air navigation waypoint RND was acknowledged by the flight crew at 13.19:56 (15.19:56 CET). This was the last radio transmission from flight MH17. Dnipro Radar immediately, at 13.20:00 (15.20:00 CET), advised flight MH17 to proceed to expect a clearance direct to waypoint TIKNA after RND. TIKNA is an air navigation waypoint in the Russian Federation located on airway A87. According to the air traffic control flight plan, flight MH17 had planned to use airway A87 after crossing the Ukrainian/Russian Federation border. No acknowledgement or further radio communication from flight MH17 was received.

The aeroplane impacted the ground near the village of Hrabove in the eastern part of Ukraine. The moment of impact could not be determined exactly. However, in various articles and video's from the media, local habitants described parts of the aeroplane

falling from the sky and some wreckage and human remains impacted houses and gardens at about 16.30 local time (15.30 CET). Wreckage parts of the aeroplane were spread over a number of sites, also near the villages of Rozsypne and Petropavlivka.

Wreckage was identified within six different sites spread over an area of about 50 km². The majority of the wreckage was located in three sites (see paragraph 2.12.2) south-west of Hrabove. These three sites were located about 8.5 km on a bearing of 080° from the last known position of the aeroplane in flight. At two of these sites, post-impact fires had occurred.

2.2 Injuries to persons

Injuries	Flight crew	Cabin crew	Passengers	Others	Total
Fatal	4	11	283 ⁵	0	298
Serious	0	0	0	0	0
Minor/None	0	0	0	0	0
Total	4	11	283	0	298

Table 2: Injury chart.

The occupants of the aeroplane were citizens of the following states:

Netherlands	193	Belgium	4
Malaysia	43	Philippines	3
Australia	27	Canada	1
Indonesia	12	New Zealand	1
United Kingdom	10		
Germany	4	Total	298

The nationalities indicated above reflect the information provided by the operator, based on the passports that were used for check-in. 24 passengers had multiple nationalities resulting in differences in nationality numbers published by other sources. These nationalities were Australia, Belgium, Germany, Indonesia, Israel, Italy, Malaysia, the Netherlands, United Kingdom, United States and Vietnam. Further information on the nationalities of the occupants is included in the MH17 Passenger Information report.

No reports were received regarding injuries or fatalities to persons on the ground as a result of the crash.

⁵ Includes three infants who had not reached the age of 2 years.

2.3 Damage to the aircraft

The aeroplane was destroyed.

2.4 Other damage

Damage was caused to houses, buildings, parts of the infrastructure and agricultural ground as a result of a combination of the aeroplane wreckage, human remains, cargo and baggage falling on the ground and the post-crash fire. This information was obtained via photos taken by the investigators and police, as well as media information and material published on the internet.

2.5 Personnel information

2.5.1 Flight crew

The flight crew consisted of two Captains and two First Officers, all of whom were fully qualified to operate a Boeing 777-200. Further details are recorded in Table 3.

Flight crew member	Qualification	Data
Captain (Team A) Malaysian nationality male, age 44	License	Airline Transport Pilot Licence
	777 type rating	Valid to: 31 October 2014
	Base check	Valid to: 29 October 2014
	Line check	Valid to: 31 October 2014
	Medical certificate	Class 1 Valid to: 31 October 2014
	Flying experience	Total: 12,385.57 hours 777-200: 7,303.15 hours Last 90 days: 116.02 hours Last 30 days: 34.54 hours Last 24 hours: 0.0 hours
First Officer (Team A) Malaysian nationality male, age 26	License	Airline Transport Pilot Licence
	777 type rating	Valid to: 31 March 2015
	Base check	Valid to: 13 December 2014
	Line check	Valid to: 28 February 2015
	Medical certificate	Class 1 Valid to: 31 March 2015
	Flying experience	Total: 4,058.49 hours 777-200: 296.22 hours Last 90 days: 117.58 hours Last 30 days: 40.13 hours Last 24 hours: 0.0 hours

Flight crew member	Qualification	Data
Captain (Team B) Malaysian nationality male, age 49	License	Airline Transport Pilot Licence
	777 type rating	Valid to: 31 October 2014
	Base check	Valid to: 20 August 2014
	Line check	Valid to: 30 November 2014
	Medical certificate	Class 1 Valid to: 31 October 2014
	Flying experience	Total: 13,239.08 hours 777-200: 7,989.14 hours Last 90 days: 152.31 hours Last 30 days: 62.21 hours Last 24 hours: 0.0 hours
First Officer (Team B) Malaysian nationality male, age 29	License	Airline Transport Pilot Licence
	777 type rating	Valid to: 30 November 2014
	Base check	Valid to: 6 January 2015
	Line check	Valid to: 31 March 2015
	Medical certificate	Class 1 Valid to: 30 November 2014
	Flying experience	Total: 3,190.12 hours 777-200: 227.48 hours Last 90 days: 138.14 hours Last 30 days: 28.24 hours Last 24 hours: 0.0 hours

Table 3: Flight crew information.

The operator's Operations Manual Part A sets out procedures to meet the applicable flight time limitations regulations. For a flight of around 12 hours, four pilots, two of whom are Captains, are required. On flight MH17, two captains and two First Officers were scheduled to operate the flight in two teams; Team A and Team B. Team A flew the first part of the flight and were at the controls at the time of the crash, the Captain in the left pilot seat and the First Officer in the right pilot seat. When not acting as pilots, it is common practice for the other flight crew members (Team B, in this case) to rest in the bunks that are located behind the cockpit, in a seat in business class or to occupy the observer seats in the cockpit.

2.5.2 Cabin crew

There were eleven cabin crew members. The investigation did not consider cabin crew training and qualification relevant for the investigation into the causes of the crash. Hence, the cabin crew records were not reviewed and analysed.

Summary of the crew information

According to the documents and information received from Malaysia Airlines the flight crew was properly licensed to conduct the flight. The flight crew consisted of two Captains, two First Officers and eleven cabin crew members.

2.6 Aircraft information

This Section and Appendix J provide information on the following:

- A general description of the aeroplane involved in the crash;
- A description of the operation, airworthiness and maintenance of the aeroplane and specific systems and equipment that are deemed relevant to the investigation, and
- The load of the aeroplane.

2.6.1 General description

The aeroplane, a Boeing 777-200, is a low-wing, wide body, commercial aeroplane fitted with two wing-mounted turbofan engines and a tricycle landing gear configuration. The aeroplane's maximum take-off mass was 286,897 kg. The passenger seating configuration for 9M-MRD was 33 business class seats located in the front of the cabin and 247 economy class seats. The aeroplane had accumulated 76,322 flight hours and 11,434 cycles (see Section 12 - Abbreviations and Definitions). The aeroplane was equipped with two Rolls-Royce Trent-892B series engines.

The most recent version of the certificate of registration of 9M-MRD, issued by the Department of Civil Aviation Malaysia, in accordance with Malaysia Civil Aviation Regulations 1996, was dated 23 August 2006. The Department of Civil Aviation Malaysia issued a certificate of airworthiness numbered M.0817 for 9M-MRD (serial number 28411) on 7 July 2014 that replaced the certificate previously issued on 8 July 2013. The new certificate was valid until 29 July 2015.

The scheduled maintenance, implementation of mandatory modifications and the treatment of defect reports were analysed. Details on this and other airworthiness related issues at Malaysia Airlines are provided in Appendix J.

2.6.2 Aeroplane load and technical defects

According to the load sheet, the aeroplane was loaded as follows:

Load sheet data	
Checked baggage and cargo:	17,751 kg
Passengers and hand-baggage (based on standard masses):	20,225 kg
Aeroplane - empty mass:	145,015 kg
The aeroplane's balance figures were:	
Percentage mean aerodynamic chord (MAC):	25.51
Loaded index:	35.47

Table 4: Load data.

The actual take-off mass of the aeroplane was 278,691 kg⁶ and the forward and aft limits of the centre of gravity at the take-off mass were 21 and 38.5 percent MAC, respectively. The take-off mass and the load were within authorised limits.

The 17,751 kg baggage and cargo load was distributed in the under-floor cargo compartments as shown in Appendix E.

The NOTOC (see Section 12 - Abbreviations and Definitions and Appendix E) produced for the flight crew by the ground handling agent showed that the loaded cargo did not contain any dangerous goods. The NOTOC recorded medical supplies, cut flowers and animals as being on board and classified as Special Load.

A review of the cargo manifest showed no evidence of any goods that should have been classified as dangerous goods; e.g. chemicals, vehicle engines, etc. It was noted that a single lithium-ion battery was included on the cargo manifest. This item was declared as properly packaged and was therefore exempted from being classified as dangerous goods. As such, this small item was not considered relevant to the investigation.

The technical log entry made prior to departure from Schiphol shows that the fuel quantity in the aeroplane was 96,500 kg of which 9,800 kg remained from the previous flight. This is 800 kg more than was required for the planned take-off fuel of 95,700 kg. Prior to flight MH17, engine oil was added to the left engine. The technical log was signed by the line engineer and the captain of flight MH17, confirming that the required maintenance checks had been conducted.

Three deficiencies were open as deferred items on flight MH17. These were:

- Cockpit Voice Recorder area microphone cap in the cockpit was missing;
- A comment about the condition of two cabin overhead bins;
- The left engine acoustic lining was damaged. The area of the damage was approximately 2 x 6 centimetres.

Summary of aircraft information

- According to the documents and information received, the aeroplane was in an airworthy condition on departure from Schiphol, with three technical defects documented.
- The flight documents also showed that the aeroplane was prepared for departure from Schiphol with a load of 283 passengers, 17,751 kg of checked baggage and cargo and 96,500 kg of fuel. An air traffic control flight plan had been filed. The flight crew had been provided with an operational flight plan, NOTAMs, loading and weather information.
- The mass and the centre of gravity of the aeroplane were within authorised limits.

⁶ The take-off mass excludes 800 kg of fuel that was used during taxiing.

2.7 Meteorological information

2.7.1 General

The weather conditions described in this paragraph were obtained from three meteorological institutes:

- Royal Dutch Meteorological Institute (KNMI);
- British Met Office;
- Ukrainian Hydrometeorological Institute.

2.7.2 Forecast weather

The meteorological reports (METARs) for the airports in the vicinity, and at about the time of the crash (times in UTC only), show the following information:

Explanation of relevant information	Airport name (ICAO code) METAR
Information issued: 17 July, 13.30; Wind: mainly from direction 050° and variable between 020° and 090°, speed 6 m/s; Cloud and visibility: CAVOK; ⁷ Temperature: 25 °C, dew point 16 °C; Barometric pressure at sea level: 1,011 hPa, and No significant change expected.	Kyryvi Righ (UKDR) 171330Z 05006MPS 020V090 CAVOK 25/16 Q1011 3609///70 NOSIG
Information issued: 17 July, 13.30; Wind: mainly from direction 060°, speed 5 m/s; Cloud and visibility: visibility more than 10 km, thunderstorms in the vicinity, scattered cumulonimbus cloud coverage at 3,300 feet, broken at 10,000 ft; Temperature: 25 °C, dew point 18 °C; Barometric pressure at sea level: 1,011 hPa, and; Expected change: temporarily in the coming 60 minutes, wind direction 050° and wind speed 8 m/s with gusts of 14 m/s, thunderstorms and rain and cloud coverage: cumulonimbus clouds broken at 1,500 feet.	Dnipropetrovsk (UKDD) 171330Z 06005MPS 9999 VCTS SCT033CB BKN100 25/18 Q1011 08210270 TEMPO 05008G14MPS TSRA BKN015CB
Information issued: 17 July, 13.30; Wind: mainly from direction 070°, speed 4 m/s; Cloud and visibility: visibility more than 10 km, scattered cumulonimbus cloud coverage at 3,300 ft, broken cloud coverage at 20,000 ft; Temperature: 31 °C, dew point 11 °C; Barometric pressure at sea level: 1,013 hPa, and Expected change: temporarily in the coming 60 minutes, wind direction 080°, wind speed 9 m/s with gusts of 16 m/s.	Kharkiv (UKHH) 171330 07004MPS 9999 SCT033CB BKN200 31/11 Q1013 070/// 65 TEMPO 08009G16MPS

⁷ CAVOK stands for "Ceiling and Visibility OK"; specifically, (1) there are no clouds below 5,000 feet above aerodrome level or minimum sector altitude (whichever is higher) and no cumulonimbus or towering cumulus; (2) visibility is at least 10 kilometres or more, and (3) no current or forecast significant weather such as precipitation, thunderstorms, shallow fog or low drifting snow.

Explanation of relevant information	Airport name (ICAO code)
	METAR
Information issued: 17 July, 13.30; Wind: direction 030°, speed 7 m/s; Cloud and visibility: CAVOK; Temperature: 30 °C, dew point 16 °C; Barometric pressure at sea level: 1,015 hPa; Runway clear of contamination and braking action is good, and Expected change: no significant change.	Kyiv Boryspil (UKBB) 171330 03007MPS CAVOK 30/16 Q1015 88CLRD95 NOSIG

Table 5: METARs in force on 17 July 2014.

On 17 July two SIGMET⁸ messages for the Dnipropetrovsk Flight Information Region were published. The second SIGMET, number 5, superseded the first. The SIGMETs (with times in UTC only) contain the following information:

Plain language explanation	SIGMET
SIGMET 4 for the UKDV FIR Validity: 17 July between 09.00 and 12.00; Forecast: Embedded thunderstorms with large hail stones forecast over the whole Dnipropetrovsk region, with cloud tops between 34,000 and 39,000 feet moving North with a speed of 20 km/h, and Expected change: No change.	UKDV SIGMET 4 VALID 170900/171200 UKDV UKDV DNJPROPETROVSK FIR EMBD TSGR FCST OVER WHOLE DNJPROPETROVSK FIR TOP FL340/390 MOV N 20 KM/H NC
SIGMET 5 for the UKDV FIR Validity: 17 July between 12.00 and 15.00; Forecast: Embedded thunderstorms with large hail stones forecast over the whole Dnipropetrovsk region, with cloud tops between 37,000 and 41,000 ft, moving North with a speed of 15 km/h, and Expected change: intensifying.	UKDV SIGMET 5 VALID 171200/171500 UKDV UKDV DNJPROPETROVSK FIR EMBD TSGR FCST OVER WHOLE DNJPROPETROVSK FIR TOP FL370/410 MOV N 15 KM/H INTSF

Table 6: SIGMETs in force on 17 July 2014.

2.7.3 Weather information provided to flight crew

Prior to departing from Schiphol, the flight crew received the most recent weather information from the ground handling agent during the flight preparation. The information provided was:

- Prognostic weather charts for significant weather, valid on 17 July at 06.00, 12.00 and 18.00 (08.00, 14.00 and 20.00 CET) on the route Amsterdam - Kuala Lumpur between FL250 and FL630;
- The forecast wind direction, speed and air temperature between Amsterdam and Kuala Lumpur from ground level to FL430 at different points along the planned route;
- Forecast of turbulence and, if present, its severity at each air navigation waypoint on the route Amsterdam - Kuala Lumpur;

⁸ A SIGMET contains information concerning en-route weather phenomena which may affect the safety of aircraft operations.

- The weather reports of large airports and Flight Information Regions on the route Amsterdam - Kuala Lumpur, including the METAR for Kyiv Boryspil Airport described above.

The prognostic weather charts for significant weather showed an area with occasional embedded cumulonimbus clouds up to FL350 north-west of the Black Sea forecast to move north-east during the period of the forecast.

The forecast wind and temperature in Ukraine at FL330 and FL350, as reported to the flight crew in the information provided by the ground handling agent prior to the flight, varied between 160 and 165 degrees/17 to 19 knots in Ukrainian airspace up to air navigation waypoint PEKIT, and between 180 and 220 degrees/20 to 40 knots between air navigation waypoint PEKIT and the border with the Russian Federation at air navigation waypoint TAMAK. The outside air temperature varied between -40 and -50 °C.

2.7.4 Actual weather

An aftercast was made of the general weather conditions in the area of Donetsk at about 14.00 (16.00 CET) on 17 July 2014 by KNMI.

A near stationary occlusion associated with an area of low pressure above the Black Sea extended from the Russian Federation and Ukraine to Romania. In between this depression and an anticyclone over north-western Europe, a weak north-easterly flow led warm and unstable continental air over the vicinity of the crash site. Several clouds, producing rain and thunderstorms, originated at different places in this system. The cloud base was between 3,000 and 5,000 feet with peaks, generally, at around FL350.

Weather satellite images of Europe showed large cloud formations west and north of the Black Sea; an area largely matching with the Dnipropetrovsk Flight Information Region. The area to the south of flight MH17's last known position contained mostly cumulonimbus clouds and possibly thunderstorms. The sky above areas associated with the cumulonimbus clouds was obscured with a cloud base of between 1,000 and 5,000 ft. In other places, the sky was less obscured. The weather system was moving to the north-east. See also Appendix F.

Analysis of ground observations, showed that thunderstorms were reported in the area to the south, west and south-west of the crash area. The winds at ground level were north or north-easterly and tended to gradually veer with altitude, eventually becoming south-westerly by about FL230. From this point, the winds increased in speed with altitude towards the tropopause, indicated at being around FL400. The cloud cover is shown on a visible-light satellite image issued at 13.00 (15.00 CET).

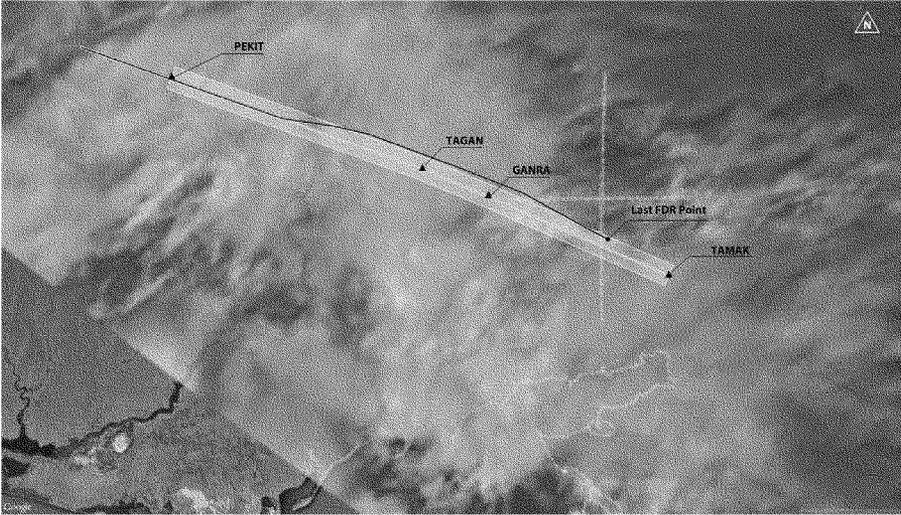


Figure 4: Satellite image of weather and route overlaid on map of the eastern part of Ukraine. Note: the yellow cross was added by the meteorological institute to mark the geographic position 48°N 038° E. (Source: Google, TerraMetrics)

Summary of the weather information

The weather forecast indicated that the weather over the eastern part of Ukraine included thunderstorms. The actual weather was consistent with the forecast.

2.8 Aids to navigation

In addition to the NOTAMs described in paragraph 2.9.4 of this report, the flight crew's briefing package contained one company instruction that pertained to Ukrainian airspace. On 28 April 2014, Malaysia Airlines introduced briefing note MAS 00083/14 regarding the possible loss of Global Positioning System (GPS) signals in Ukrainian airspace (See Appendix D). Flight Data Recorder data showed that the GPS reception was normal on flight MH17.

2.9 Air Navigation Service Provider information and other data

2.9.1 General

This Section contains information regarding air traffic management in Ukraine and the Russian Federation. Information regarding the Russian Federation is included since flight MH17 was about to enter Russian Federation airspace. Following a short introduction about the Air Navigation Service Providers, radar data from both Air Navigation Service Providers and the communications between the air traffic controllers from Ukraine and the

Russian Federation are described. Lastly, information from Airborne Warning and Control System (AWACS) aeroplanes is described. Air traffic management, the airspace affected and associated restrictions are described in detail in Section 6 (part B) of this report.

Licenses and qualifications of the air traffic controllers were not relevant to the investigation into the crash. The handling of the flight and the actions after radio contact with flight MH17 was lost, were considered adequate.

2.9.2 Air traffic management

Ukrainian State Air Traffic Service Enterprise (UkSATSE) is the air navigation service provider for civil aviation in Ukraine. Air traffic management in Ukraine is the responsibility of a two-party system, comprising the Ministry of Infrastructure and the Ministry of Defence. Civil and military air traffic management activities are coordinated by Integrated Civil Military Air Traffic Management System that functions as a part of UkSATSE.

For the Russian Federation, civil and military air traffic management is the responsibility of the State Air Traffic Management Corporation (GKOVD). This is a government owned corporation (a so-called Federal State Unitary Enterprise) which is supervised by the Federal Agency for Air Transport (ROSAVIATSIA), which in turn comes under the Ministry of Transport.

2.9.3 Airspace

Ukrainian airspace is made up of five flight information regions and a network of airways for the purpose of provision of air traffic control service for en-route flights. Ukraine applies the ICAO system of flight levels. It was noted that due to the situation in Crimea, the Ukrainian authorities restricted the use of segments of the routes within Simferopol FIR from 3 April 2014. At the time of the crash, these restrictions, published in NOTAM number 0569/14, were in force.

The adjacent sector in the Russian Federation to Dnipropetrovsk Control Sector 4 in Ukraine has the callsign Rostov Radar.

For flights such as flight MH17, performed under instrument flight rules, the general principle of standard flight levels (FL) applies: odd thousands of feet (flight levels 310, 330, 350) when on a magnetic track of 0° through 179° and even thousands of feet (flight levels 300, 320, 340) when on a magnetic track of 180° through 359°. Other flight levels may be available from air traffic control.

For flight MH17, following airway L980, through the Dnipropetrovsk (UKDV) FIR, on an eastbound track, odd number standard flight levels were in use, as depicted in its flight plan for this part of its routing: FL330 and FL350. The airway's width is 10 NM (5 NM on either side of the centreline) and extends from FL280 to FL660 vertically.

2.9.4 Airspace restrictions

Both Ukraine and the Russian Federation had issued NOTAMs that restricted access to parts of their respective airspace up to FL320. On 17 July parts of the airspace in both countries were restricted up to FL320. At the time of the crash, flight MH17 was flying at FL330 in unrestricted airspace of the Dnipropetrovsk (UKDV) FIR in the eastern part of Ukraine.

Appendix D contains complete details of all NOTAMs in force at the time of the crash and provides a short explanation of the structure and content of the NOTAMs. In Part B of this report the airspace restrictions are described and discussed in more detail.

Summary of the airspace information

At the time of the occurrence, flight MH17 was flying at FL330 in unrestricted airspace of the Dnipropetrovsk (UKDV) FIR in the eastern part of Ukraine.

2.9.5 Air traffic services surveillance data

2.9.5.1 Introduction

Ground-based data sources were available and obtained for the investigation. Recorded data from Ukrainian and Russian Federation radar stations was provided to the Dutch Safety Board.

Air traffic services surveillance data is, in general, obtained from three different sources:

- *Primary radar*: a system that emits a series of radio waves in pulses that are reflected off moving targets. Target position and speed are determined by comparison of the transmitted and the reflected radio waves.
- *Secondary surveillance radar*: a radar system that interrogates a transponder carried in an aircraft to provide the air traffic controllers with information such as aircraft type, position, altitude, flight number and destination. This is known as Mode S.
- *Automatic Dependent Surveillance - Broadcast data*: an aircraft-based technology whereby the aircraft broadcasts its position, altitude and speed to air traffic control.

The data received by the sensors in the three systems is known as raw data. The raw data is processed for display on a radar screen for use by air traffic control staff. The raw data received by the radar sensors, the data processed for display and the actual displayed data can all be recorded and stored for analysis at a later date. The Standards and Recommended Practices in ICAO Annex 11 - *Air Traffic Services*, contain the requirements for recording and retaining such data. Table 7 summarises the standards for recording and retaining data in Annex 11. The recordings are to be retained for a minimum of 30 days.

Data type	ICAO Annex 11 Reference
Data link data between ATC and aircraft	6.2.2
Data link data between ATC stations	
ATC computer data exchanged between ATC stations	
Surveillance data (including primary and secondary data) shall be saved for incident and accident investigation, Search and Rescue and ATC system evaluation and training.	6.4.1

Table 7: Summary of Annex 11 air traffic management data recording requirements.

A state that, for certain reasons, does not comply with an ICAO Standard is required to notify ICAO that a difference between their national regulations and the ICAO Standard exists. A review of the differences notified to ICAO by states showed that neither Ukraine nor the Russian Federation had notified to ICAO that their national regulations differed from the Standards promulgated in Annex 11.

Surveillance data from the radar systems of both Ukraine and the Russian Federation was requested for the investigation. The data requested for the investigation was as follows:

Type	Ukraine	Russian Federation
Primary radar data - raw data	Not available	Not available
Primary radar data - processed data	Not available	Not available
Secondary surveillance radar data - raw data	Available	Not available
Secondary surveillance radar data - processed data	Available	Not available
ADS-B data	Available	Not available
Other data made available	Video film of radar screen showing processed secondary data	Video film of radar screen showing processed primary and secondary data

Table 8: Radar data, requested and received.

Appendix I contains various relevant stills from the videos provided by both UkSATSE and GKOVD.

The reasons why data was not available are discussed in paragraph 2.9.5.3.

On 23 July 2014 (before the MH17 investigation was delegated to the Netherlands), experts of the international group of investigators and a representative of NBAAI had an interview with UkSATSE experts. During the interview information from different sources was provided by UkSATSE. The transferring of Air Traffic Control (ATC) records, including video and audio records to the experts of the international group of investigators was laid down in a protocol. See Appendix M. The next day, the investigators transferred the information received from UkSATSE to the Dutch Safety Board.

2.9.5.2 Surveillance radar data

The radar data for flight MH17 received from both Air Navigation Service Providers, UkSATSE and GKOVD, is described in this paragraph.

The Ukrainian civil primary radar stations in the area were not functioning at the time of the crash due to scheduled maintenance. The military primary radar stations were also not operational. The Ukrainian Ministry of Defence stated that this system was not operational, because there were no Ukrainian military aircraft in the sector through which flight MH17 flew. UkSATSE provided secondary surveillance radar data in raw data format and a video containing a replay of the radar screen. Figure 5 shows a sample image of the replay of the radar screen and an explanation of the data displayed.

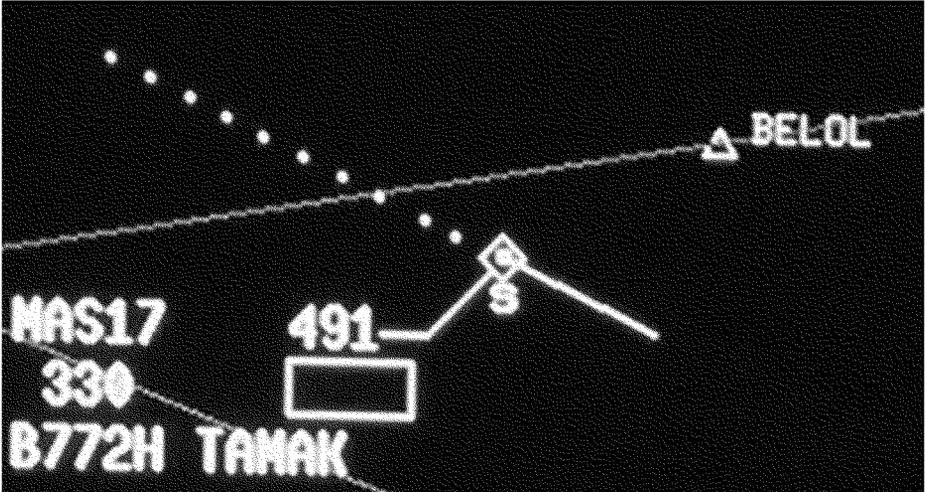


Figure 5: Sample Ukrainian radar screen display. (Source: UKSATSE)

The secondary surveillance radar symbol for flight MH17, showed the flight number 'MAS17', the flight level '330' and aeroplane type 'B772H'. The letter 'H' stands for 'heavy'; a term referring to the aeroplane's wake-turbulence category. The word 'TAMAK' indicated the air navigation waypoint to which the aeroplane was cleared. The number '491' indicated the aeroplane's groundspeed in knots. The line displayed in brown was airway W633 with air navigation waypoint BELOL displayed.

The data did not contain any failures, emergency codes or other alerts from flight MH17.

The raw data for the last received message and the last target data information from flight MH17 both have a time stamp of 13.20:03 (15.20:03 CET). The processed data showed that no Mode S data was displayed from 13.20:18 (15.20:18 CET) and the coasting mode (see Abbreviations and Definitions) was activated at 13.20:36 (15.20:36 CET). This is shown by the target symbol changing from a diamond shape (◊) to a hash (#) and by an arrow next to the target symbol. This can be seen in the images in Appendix I. Due to processing delays in the system, the change in display was not expected to coincide with the actual time of the last Mode S transmission; the former may occur later.

The combined primary radar and secondary surveillance radar data from the Russian Federation's Air Navigation Service Provider, GKOVD, was provided in the form of a video containing a radar screen replay. No other data was received. Due to the absence of raw data, it was not possible to verify the video radar replay. The video of the radar screen did not show any failures, emergency codes or other alerts of flight MH17. Figure 6 presents a sample image of the replay of the radar screen and an explanation of the data displayed. This primary radar data was available for an area between about 30 to 60 km to the south of the aeroplane's final position and about 90 km to the north and east and about 200 km to the west.

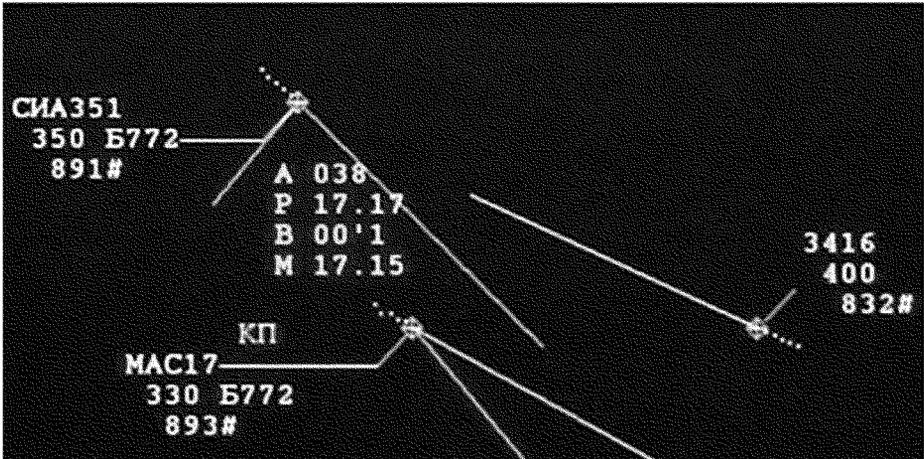


Figure 6: Sample Russian Federation radar screen display. (Source: GKOVD)

GKOVD data showed flight MH17 as a combined primary and secondary target radar symbol and label. The data label for the flight 'MAS17' showed the callsign in Cyrillic script 'MAC17', the flight level '330' and the aeroplane type 'Б772Н' with the 'Б' in Cyrillic script (meaning Boeing 777-200). The number '893' indicated the aeroplane's ground-speed in km/h. N.B. This image is not of the same moment as the image in Figure 5.

From the Ukrainian raw radar data it was established that the last secondary radar return was at 13.20:03 (15.20:03 CET) with flight MH17 flying straight and level at FL330. The video radar replay did not show any primary or secondary radar targets in the vicinity of flight MH17 at that time.

In general, the video replay of the Russian Federation's combined primary and secondary radar data was consistent with the Ukrainian radar data. The following observations were made:

- Flight MH17's target was detected by primary and secondary radar;
- The video replay data was consistent with the radar data from Ukraine until 13.20:03 (15.20:03 CET);
- At 13.20:47 (15.20:47 CET), there was a 'jump' from the previous track; this is due to the radar re-acquiring the target. In essence, the radar target was coasting and it was re-acquired north of the coasting track;
- The target data for flight MH17 was lost on the Russian Federation radar screen at 13.20:58 (15.20:58 CET). At that moment the secondary radar label changed to 'xxxx';
- The MH17 label on the radar screen continued to be visible as a coasting secondary radar target until 13.22:10 (15.22:10 CET) and until 13.25:57 (15.25:57 CET) as a primary radar target;
- A second, primary, target was visible near the MH17 labelled target on two occasions. Once between 13.20:47 - 13.21:08 and again between 13.21:18 - 13.25:57 (15.20:47 - 15.21:08 and 15.21:18 - 15.25:57 CET).

Regarding other aeroplanes in the vicinity, the surveillance data showed that three other aeroplanes flew through the same sector as flight MH17 at around the time of the crash, see Figure 7. These three aeroplanes were operating flights for Air India⁹ (flight AIC113), EVA Air (flight EVA88) and Singapore Airlines (flight SIN351). Two of these flights were cruising eastbound and one flight was cruising westbound. All flights were under the control of Dnipro Radar. At 13.20 (15.20 CET), the distance between flight MH17 and the closest of the three aeroplanes was 33 km.

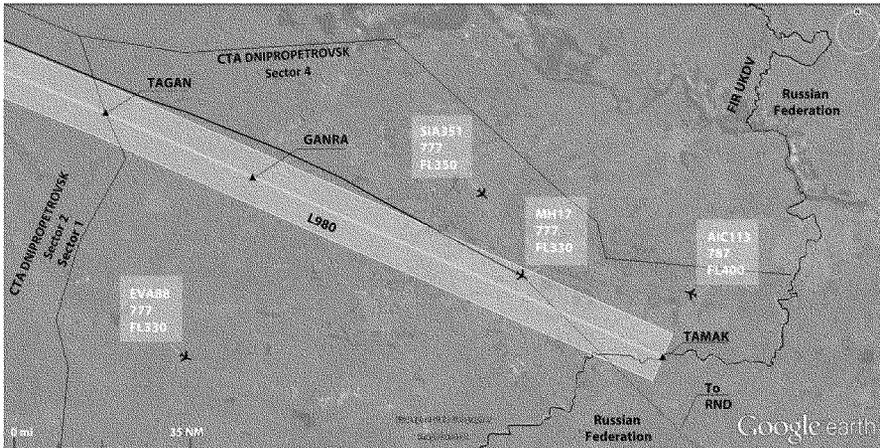


Figure 7: Image of the Dnipropetrovsk FIR, Sectors 2 and 4, and the flown (black line) and intended (thin black line) route of flight MH17. The yellow line represents the centre of airway L980. Also the aeroplane type and flight level of the three aeroplanes flying in the same area are shown. The image depicts the situation at 13.20 (15.20 CET). (Source: Google, Landsat)

Summary of the radar data

- The raw UkSATSE surveillance radar data and the GKOVD radar screen video replay both showed flight MH17 on a straight and level flight on FL330 until 13.20:03 (15.20:03 CET).
- The GKOVD radar screen showed flight MH17 after 13.20:03 (15.20:03 CET) and also showed primary returns in the vicinity of the MH17 target up to 13.25:57 (15.25:57 CET).
- According to radar data three commercial aeroplanes were in the same area as flight MH17 at the time of the occurrence. Two aeroplanes were flying eastbound through the airspace and one was flying westbound. All aeroplanes were under the control of Dnipro Radar. At 13.20 (15.20 CET), the distance between flight MH17 and the closest of the three other aeroplanes was 33 km.

⁹ In the Preliminary Report, Figure 2 showed the relative positions of other traffic. Air India flight AIC113 was erroneously shown as an Airbus A330 and not as a Boeing 787.

2.9.5.3 Recording of surveillance radar data

Both Ukraine and the Russian Federation were requested to provide their surveillance radar data of flight MH17. Not all the requested information was provided (see paragraph 2.9.5.1).

The Russian Federation did not provide the radar data stating that no radar data was saved, but instead provided the radar screen video replay, which showed combined surveillance primary and secondary radar. In the absence of the underlying radar data (so-called raw data), the video information could not be verified. For analysis, raw data is preferred to processed data. The screenshots and video films made of the data, as displayed to the controller, whilst of use, were the least preferred media for analysis.

In accordance with ICAO Annex 11 - Air Traffic Services, paragraph 6.4.1 (Automatic recording of surveillance data) states are required to automatically record data from primary and secondary surveillance radar equipment systems for use in accident and incident investigations, search and rescue, and air traffic control and surveillance systems evaluation and training. These recordings shall be retained for a period of at least thirty days, and for accident and incident investigation for a longer period until it is evident that the recordings will no longer be required.

The Federal Air Transport Agency of the Russian Federation stated that because the crash had occurred outside Russian Federation territory, no radar data was saved, nor was it required to be saved by national requirements. The Federal Air Transport Agency confirmed that if the event had occurred in Russian Federation territory, the recorded radar data would have been saved in accordance with Russian Federation requirements. The national requirements for radar data recording management in the Russian Federation are included in the following documents:

- Federal Aviation Regulations 'CNS and aeronautical telecommunications', as endorsed by Federal Aviation Service Decree Number 115, dated 26 November 2007;
- Federal Aviation Regulations 'ATM in the Russian Federation', as endorsed by Ministry of Transport Decree Number 293, dated 25 November 2011.

The regulation, 'CNS and aeronautical telecommunications', states that information that is supplied through aeronautical telecommunication networks and radar data sources to the displays installed at the working positions of air traffic controllers should be recorded by special equipment.

This is further clarified in the regulation, 'ATM in the Russian Federation', in terms of the set of recorded information and their storage time. The regulation states that radio communications between air traffic control units and flight crew members, air traffic controller conversations, pre-flight inspections, weather information transferred by radio, radar and flight plan information should be recorded by special equipment. In addition, the recorded data should be stored for 14 days using analogue media and for 30 days when using digital media.

The information provided by the Russian Federation does not mention an exception to the requirement to store radar data when that data relates to an area outside the Russian Federation territory. When a state cannot, or will not, follow the provisions of an ICAO standard, ICAO requires that the difference between the national version of a specific standard and ICAO's text be reported to ICAO. The obligation to make such a notification was imposed by Article 38 of the Convention on International Civil Aviation. The Russian Federation has not filed a difference to ICAO Annex 11 paragraph 6.4.1.

2.9.6 Communications

A transcript of the communications between flight MH17, other traffic in the area and air traffic controllers, and of communication between air traffic controllers at Dnipro and Rostov air traffic control centres is contained in Appendix G to this report. Below is a summary of the communication.

The flight crew of flight MH17 made initial radio contact with Dnipro Radar (Sector 2) at 12.53:29 (14.53:29 CET) and reported being at FL330. Dnipro Radar (Sector 2) requested the flight to climb to FL350 but the flight crew replied that they were unable to do so. Six minutes later, MH17's flight crew asked for a clearance to deviate 20 NM to the left 'due to weather'; this request was approved. The flight crew next asked to climb to FL340. Dnipro Radar responded that FL340 was not available at the time.

At 13.07:46 (15.07:46 CET) Dnipro Radar (Sector 2) transferred the flight to Dnipro Radar (Sector 4). Contact with this station was established at 13.08:00 (15.08:00 CET).

After coordinating by telephone with air traffic control in the next sector (Rostov Control, in the Russian Federation), which the aeroplane was about to enter, flight MH17 was cleared at 13.19:49 (15.19:49 CET) to proceed direct to air navigation waypoint RND. This message was confirmed by the flight crew between 13.19:56 and 13.19:59 (15.19:56 and 15.19:59 CET).

At 13.20:00 (15.20:00 CET) Dnipro Radar (Sector 4) further advised flight MH17 to expect a further clearance to fly direct to air navigation waypoint TIKNA after passing waypoint RND. This message was not acknowledged by flight MH17. From this time until 13.35:50 (15.35:50 CET) Dnipro Radar (Sector 4) called flight MH17 repeatedly, and also contacted Rostov Control, but no response from MH17 was received. The flight crew of the nearby aeroplane, Singapore Airlines flight 351, en-route from Copenhagen to Singapore, was asked if they could see flight MH17 either visually or on the Airborne Collision and Avoidance System display. The flight crew of Singapore Airlines flight 351 answered that they could not see flight MH17. Singapore Airlines flight 351 also tried, without success, to contact flight MH17 by radio on the emergency frequency 121.5 MHz. Following the transmission at 13.20:00 (15.20:00 CET), the last radio transmissions from Dnipro Radar (Sector 4) to flight MH17 were ten unanswered calls between 13.26 (15.26 CET) and 13.35 (15.35 CET).

No distress messages from flight MH17 were received by air traffic control.

Summary of the radio communications

- The last radio transmission made by flight MH17 began at 13.19:56 (15.19:56 CET) and ended at 13.19:59 (15.19:59 CET).
- The last radio transmissions made by Dnipropetrovsk air traffic control centre (Dnipro Radar) to flight MH17 began at 13.20:00 (15.20:00 CET) and ended at 13.35:50 (15.35:50 CET). The flight crew did not respond to these transmissions.
- No distress messages from flight MH17 were received by air traffic control.

2.9.7 Airborne Warning and Control System aeroplanes

Two NATO Airborne Warning and Control System (AWACS) aeroplanes conducted missions in NATO airspace over Poland and Romania on 17 July 2014.

In correspondence with the Dutch Safety Board, the NATO Supreme Allied Commander Europe stated that the AWACS aeroplanes detected flight MH17 during its flight but the aeroplane *'had flown beyond NATO AWACS coverage well before it crashed'*. He noted that, following a request from the Dutch Safety Board, NATO specialists had re-analysed the data that had been collected by the AWACS aeroplanes on 17 July but that *'there is no data from the AWACS which would be relevant to the investigation of the crash. Supreme Headquarters Allied Powers Europe does not hold any other radar or other AWACS data relevant to MH17'*.

Summary of the information regarding AWACS aeroplanes

NATO AWACS aeroplanes did not have information pertinent to the investigation.

2.10 Aerodrome information

Not applicable to this investigation.

2.11 Flight recorders, satellite and other data

2.11.1 Recovery of Cockpit Voice Recorder and Flight Data Recorder

The Cockpit Voice Recorder and Flight Data Recorder were not recovered by the Annex 13 investigation team. Individuals unknown to the investigation team removed the two flight recorders from the wreckage area. On 21 July 2014, the recorders were handed over to a Malaysian official in Donetsk, Ukraine by representatives of the armed group present in the area. On 22 July 2014, the recorders were handed over to the Dutch Safety Board in Kyiv, Ukraine. Appendix H contains further information on the Cockpit Voice Recorder and the Flight Data Recorder readouts and data analysis.

Both flight recorders had two sets of text labels, one in Cyrillic text and one in French. The manufacturer's text labels were in French and, on the other side of the recorder, in English. The other text label was in Cyrillic text on the recorder unit and read *'The Prosecutor General's Office of the Donetsk People's Republic'*. These text labels were not added by the Dutch Safety Board, but were on both data recorders when they were handed over to the Safety Board.

No evidence or indications of manipulation of the flight recorders were found.

2.11.2 Cockpit Voice Recorder

The housing of the Cockpit Voice Recorder (Figure 8) was damaged. The model and serial numbers were unreadable on the data plate, but the serial number 1366, was stamped on the underside of the chassis. The serial number 1366 was also provided by Malaysia Airlines. The external damage to the Cockpit Voice Recorder was consistent with impact damage; however, the internal memory module was intact. The Cockpit Voice Recorder was successfully downloaded and contained valid data from the flight.



Figure 8: Cockpit Voice Recorder. (Source: Dutch Safety Board)

The replay of the communications recorded on the Cockpit Voice Recorder matched air traffic control communications with flight MH17 (see Appendix G). The audio recording indicated that besides the flight crew, a cabin crew member was in the cockpit. The audio recording included the internal cockpit flight crew communication which contained no indication that there was anything unusual with the flight. The Cockpit Voice Recorder audio recording ended abruptly at 13.20:03 (15.20:03 CET). A replay of the Cockpit Voice Recorder audio recording did not identify any aeroplane aural warnings or alerts of system malfunctions. One of the four recorded audio channels, the cockpit area microphone, was of poor sound quality. The relevant parts of the Cockpit Voice Recorder audio recording were integrated with the air traffic control transcript in Appendix G of this report.

At the end of the recording, two sound peaks were identified on the last 20 milliseconds of the recording. A graphic representation of the two sound peaks for the four Cockpit Voice Recorder microphones is shown in Figure 9.

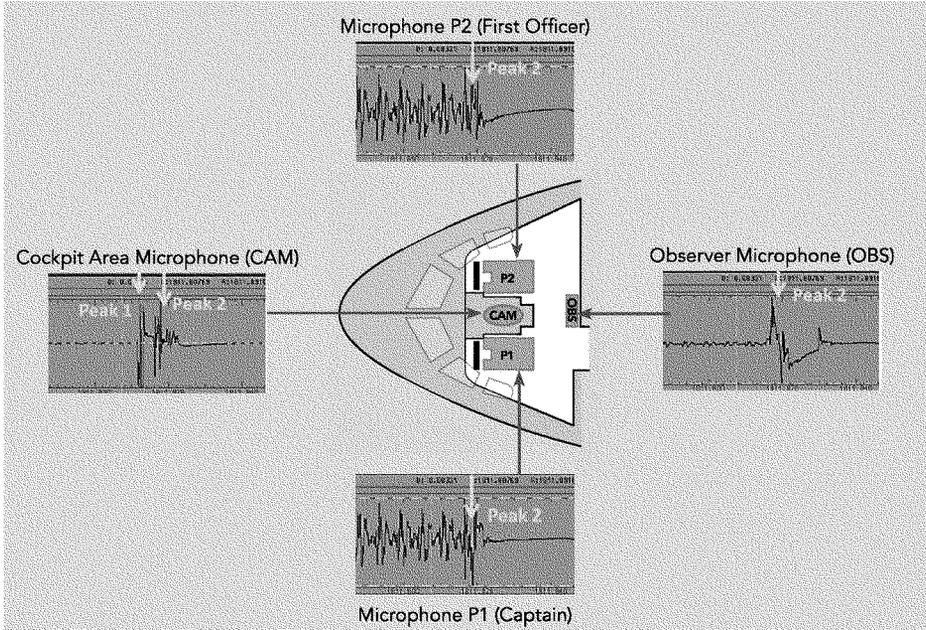


Figure 9: Sound peaks recorded at the end of the CVR recording. (Source: Dutch Safety Board)

The time period shown on each image is 4 milliseconds. The sound identified as 'peak 1' was only recorded on the cockpit area microphone (CAM).

2.11.3 Flight Data Recorder

The Flight Data Recorder (Figure 10) was manufactured by Allied Signal, model number 980-4700-003 and serial number 2196. The serial number matched the details provided by Malaysia Airlines. The recorder that was given to the Dutch Safety Board had no Underwater Locator Beacon attached.

The exterior of the flight data recorder was slightly damaged, but the internal memory module was intact. The external damage on the Flight Data Recorder and the loss of the underwater locator beacon was consistent with impact damage. The Flight Data Recorder, designed so that a minimum of the last 25 hours of operational data is retained on the recording medium, was successfully downloaded and contained valid data from flight MH17.

2.11.4 Quick Access Recorder

The aeroplane was equipped with a Quick Access Recorder (QAR). This unit, installed in the rear part of the aeroplane, records similar data to the Flight Data Recorder and is, as its name suggests, easily accessible for, among other things, maintenance purposes. The QAR was not recovered.

2.11.5 Emergency Locator Transmitters

The aeroplane was equipped with two Emergency Locator Transmitters. One Emergency Locator Transmitter was a fixed unit mounted in the aeroplane (Model ADT 406 AF) and the other unit was a portable unit to be used during emergency evacuations (Model ADT 406 AP). The Emergency Locator Transmitters operate on three frequencies: 406 MHz, 243 MHz and 121.5 MHz. The Emergency Locator Transmitters were powered by high-energy lithium batteries and are capable of transmitting signals for at least 60 hours.

Each Emergency Locator Transmitter was uniquely identifiable by a hexadecimal code embedded into the Emergency Locator Transmitter software. More information on the Emergency Locator Transmitter is described in Appendix H.

The fixed Emergency Locator Transmitter, located in the aft section of the aeroplane, was connected to the cockpit remote control panel for manual activation. The Emergency Locator Transmitter was connected to an antenna on top of the fuselage and it also had a back-up antenna.

The portable Emergency Locator Transmitter was located in a stowage area to the right of the forward passenger door 1R. The portable Emergency Locator Transmitter had only a manual activation system. It was not recovered. It had not been activated, because no data was found to have been received by the ground stations.

The fixed Emergency Locator Transmitter can be activated in one of three ways, automatically, manually using a switch in the cockpit or manually using a switch on the Emergency Locator Transmitter unit. The Emergency Locator Transmitter system logic is designed to transmit the first encoded signal after 30 seconds when automatically activated and after 50 seconds when manually activated. The automatic activation is based on a G-Switch in accordance with the EUROCAE ED-62 standard. The threshold for activation is 2.0 to 2.6 g acceleration directed in the direction of flight of the aeroplane. Normal turbulence during flight will not activate the Emergency Locator Transmitter.

Emergency Locator Transmitter detection

After the Emergency Locator Transmitter has been activated, the detection and localisation process has two stages. Firstly, the Emergency Locator Transmitter emergency signal is picked up by at least one of the six satellites in a geosynchronous orbit that contain Emergency Locator Transmitter reception equipment. These signals are then relayed to one or more of 31 ground stations. Secondly, when a low-earth orbit satellite (five such satellites have Emergency Locator Transmitter signal detection equipment) passes overhead the Emergency Locator Transmitter, its signal is used to calculate the position of the Emergency Locator Transmitter. Again, this information is relayed to ground stations. This second detection may have a delay, as more than one low-earth orbit satellite pass may be required to determine the Emergency Locator Transmitter's position. As the location determination process is done on the basis of the Doppler shift principle, two possible locations are generated and by correlation of subsequent satellite passes one of the two locations is eliminated.

On 10 July 2014, a test signal during maintenance from the fixed Emergency Locator Transmitter was detected by a satellite and relayed to three ground stations. On 17 July, five ground stations received an Emergency Locator Transmitter signal which had been relayed by two satellites between 13.20:35 and 13.20:36 (15.20:35 and 15.20:36 CET). This signal was active until 11.48:06 (13.48:06 CET) on 18 July.¹² The locations of the fixed Emergency Locator Transmitter as transmitted by the satellites showed that the Emergency Locator Transmitter was located, up to the moment that transmissions ended, in wreckage site 4. This was the site that contained, among other parts, the fuselage between the wing and the tail section (see Section 2.12).

The fixed Emergency Locator Transmitter was not recovered by the investigation team, although the fuselage structure at the rear of the aeroplane onto which the fixed Emergency Locator Transmitter was mounted was recovered. Figure 11 shows the typical installation of a fixed Emergency Locator Transmitter in a Boeing 777 (left) and the panel recovered from the wreckage of flight MH17 where the fixed Emergency Locator Transmitter was mounted (right).

¹² Appendix H provides more information on the times of the receipt of the Emergency Locator Transmitter signal.

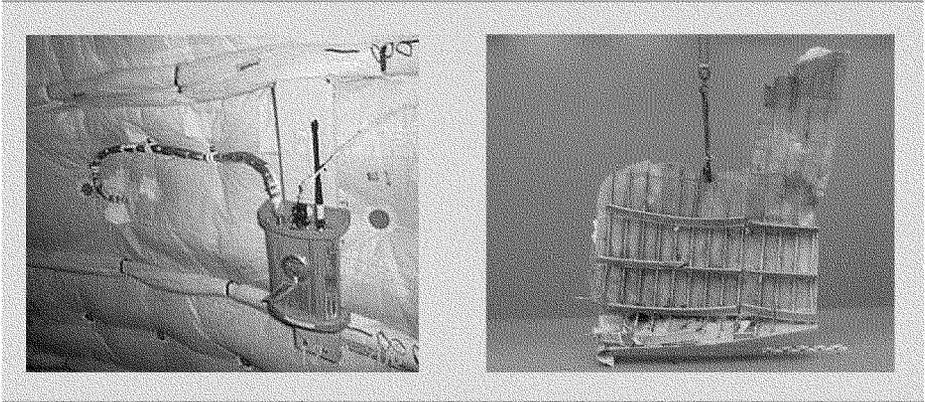


Figure 11: Fixed ELT location installed in a Boeing 777 (left), panel recovered from 9M-MRD with no insulation material or ELT attached (right). (Source: Dutch Safety Board)

Summary of the data from the Emergency Locator Transmitters

- The aeroplane was equipped with two Emergency Locator Transmitters, one fixed and one portable. Neither Emergency Locator Transmitter was recovered.
- The fixed Emergency Locator Transmitter was automatically activated and its signal was detected at 13.20:35 - 13.20:36 (15.20:35 - 15.20:36 CET). No signal was detected from the portable Emergency Locator Transmitter.
- The fixed Emergency Locator Transmitter transmitted from a location in wreckage site 4 until 11.48:06 (13.48:06 CET) on 18 July 2014.

2.11.6 Other aeroplane data

Two other recorded data sources that were obtained for the investigation were:

- Data transmitted by Very High Frequency (VHF) radio, and
- Data transmitted by Satellite Communication (SATCOM).

The SATCOM data was of interest to the investigation because, unlike VHF radio, SATCOM interrogates the aeroplane's system if no data is exchanged for more than about 15 minutes.

2.11.6.1 Satellite Communication

SATCOM is a radio system that uses a constellation of satellites used to transmit voice and data (see explanation below). Aircraft Communication Addressing and Reporting System (ACARS) (see Abbreviations and Definitions) can make use of SATCOM to transmit data to ground stations. The SATCOM system used by the aeroplane was linked to the Inmarsat network.

SATCOM and Inmarsat

The Satellite Communication system uses aircraft earth stations to provide the aircraft interface to the Inmarsat satellites. Inmarsat is a provider of global mobile satellite communications services, delivering voice and high-speed data communications on land, at sea and in the air. Inmarsat operates several satellites in geosynchronous orbit. Four satellites cover the oceans and the three major landmasses. Their combined footprints provide worldwide communications coverage except in the extreme Polar Regions. Inmarsat also has a terrestrial network to receive satellite messages, so-called land earth station operators. One of these stations is located in Burum, the Netherlands. It was this station that received data from flight MH17, prior to relaying the data further on the Inmarsat ground network.

SATCOM transmissions were recorded as having taken place throughout the flight at irregular intervals between 10.11 (12.11 CET) and 13.08 (15.08 CET). The transmissions were relayed via two satellites. The last transmission from flight MH17 by SATCOM was between 13.07:26 and 13.08:51 (15.07:26 and 15.08:51 CET). The ground station had an inactivity timer. After approximately 15 minutes the ground station checked to see if the aeroplane terminal was still operating by sending a message to the system: a so-called Log-on Interrogation. As the ground station did not receive a reply from flight MH17, the Log-on Interrogation message was sent two more times; again without reply. The ground station's logic then considered that the aeroplane's reception terminal was not operating. This occurred at 13.21:26 (15.21:26 CET), 14 minutes after the previous transmission commenced.

2.11.6.2 Aircraft Communication Addressing and Reporting System

The following Aircraft Communication Addressing and Reporting System (ACARS) messages were sent/received on 17 July 2014 to and from the aeroplane:

- load sheet and mass and balance information;
- Auxiliary Power Unit report;
- engine data (take-off and climb);
- position reports;
- flight route information;
- communication status messages (uplink messages).

The ACARS data showed a total fuel quantity of 96,400 kg. This is 100 kg less than is recorded on the technical log and is considered to be a small inconsistency between the different measuring means. The maximum fuel capacity of the aeroplane type, according to Boeing, was 135,224 kg. The margin between the actual take-off mass of 278,691 kg and the aeroplane's maximum take-off mass of 286,897 kg was 8,206 kg.

According to the aeroplane's load sheet 86,900 kg of fuel was required as trip fuel for the flight. Trip fuel is defined as being the fuel quantity required for the period of the flight from take-off to landing. It excludes fuel required for taxi-out and taxi-in, but includes the fuel required for known or expected weather conditions or air traffic control restrictions.

The fuel planned to be remaining on landing at Kuala Lumpur was 8,800 kg. ACARS data showed that the engines were consuming an average of 8,758 kg of fuel per hour in the two hours of cruise flight for which ACARS reports were available. Flight Data Recorder data showed that the fuel on board immediately prior to the end of the recording was 70,100 kg.

The timing and content of several messages could be verified by cross reference of other sources; e.g. Rolls-Royce and Inmarsat. The first ACARS message from the aeroplane on 17 July was transmitted at 09.24 (11.24 CET) from Schiphol.

At 09.56:35 (11.56:35 CET), an ACARS transmission of the load sheet was recorded. The Rolls-Royce engine take-off and climb reports for the Engine Health Monitoring programme were sent to Malaysia Airlines at 10.31:20 (12.31:20 CET) and 10.48:32, (12.48:32 CET), respectively.

Engine Health Monitoring

Engine Health Monitoring is a system that intermittently records a number of engine parameters for the purpose of maintenance trend monitoring of the engine's performance. More details on Engine Health Monitoring are included in Appendix J.

Various position reports, generated between take-off at Schiphol and 13.12 (15.12 CET), were transmitted by ACARS. ACARS Message number 50868018 showed that at 12.57:32 (14.57:32 CET), the last position report was sent.

ACARS Message number 50868202 was the last SATCOM transmission and it was recorded at 13.07 (15.07 CET). The final ACARS VHF radio transmission was, according to the ACARS log, made at 13.12 (15.12 CET). Later messages sent from the ground to the aeroplane were not received by the aeroplane. These messages were stored by Malaysia Airlines and were available to the investigation.

Summary of the other recorded data

None of the recorded data sources indicated that electrical power was available on flight MH17 after 13.20:03 (15.20:03 CET).

2.12 Wreckage and impact information

The following paragraphs describe the geographic area of the crash and wreckage as it was found. Details are provided on the location, identification and observed damage of the wreckage pieces.

2.12.1 Crash area access

Under escort of the Organisation for Security and Cooperation in Europe (OSCE), air accident investigators from Ukraine and Malaysia, the Australian Federal Police and journalists had access to the crash area in the days following the crash. During these visits, the wreckage was photographed extensively and showed the locations mostly undisturbed. The information gathered was shared with the Dutch Safety Board.

Due to the security situation within the geographic area of the crash, the Dutch Safety Board was unable to start the collection and preservation of the wreckage directly after Ukraine had delegated the investigation to the Netherlands.

It was not until 4 November 2014 that the Dutch Safety Board was able to visit the various locations where the wreckage was located, under the protection of the Dutch Ministry of Defense's Recovery Mission. Starting on 16 November, after receiving permission from local authorities, wreckage parts were collected during six days and transported to the Netherlands for the investigation and partial reconstruction of the aeroplane. It was necessary to cut some parts into smaller pieces for transport.

It was not until 20 March 2015 that it was possible to gain access to the site north-west of the village of Petropavlivka for the first time. Between 19 April and 2 May, pieces of wreckage that had been collected by local residents were recovered.

It should be noted that many pieces of the wreckage were not physically examined by the Dutch Safety Board until four months after the crash. During this period some parts were removed, therefore it was not possible to retrieve all wreckage pieces. Wherever possible, the photographs taken immediately after the crash were used in conjunction with the wreckage found.

2.12.2 General distribution and description of the wreckage

The wreckage parts of the aeroplane were identified within an area of approximately 50 km². Most of the wreckage was located on six sites within this area. The majority of the wreckage was located in three of these sites to the south-west of the village of Hrabove. Figure 12 shows the geographic location of the six wreckage sites. Each wreckage site has an associated colour. The distribution of wreckage pieces over a large area indicates an in-flight break-up.

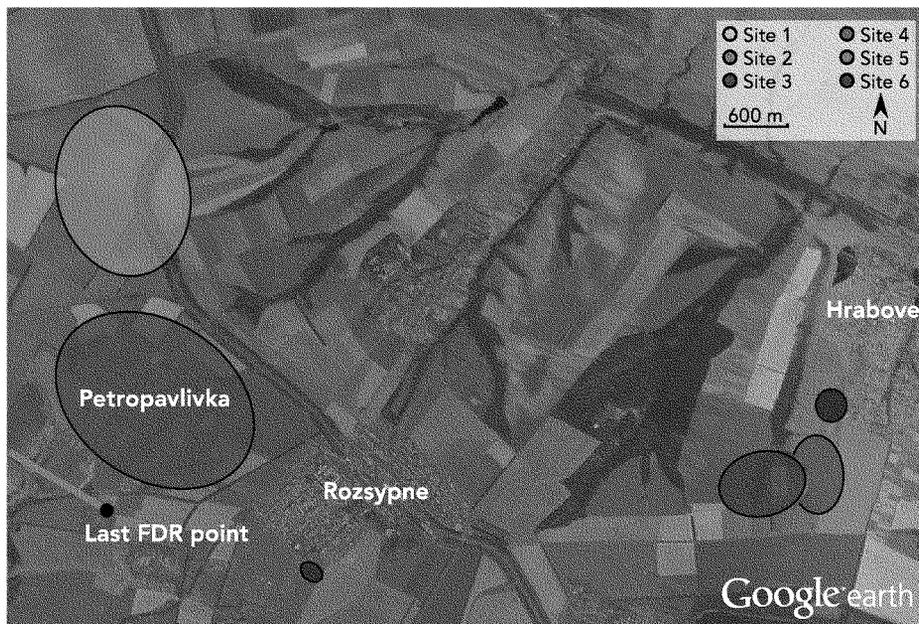


Figure 12: Overview of wreckage area showing the six smaller sites. (Source of satellite images: Google Earth/Digital Globe)

Table 9 gives an overview of the wreckage sites that are described in this paragraph. Outside of the six specified sites, no items of note were identified. Between sites 3 and 4, personal belongings, as well as small pieces of wreckage originating from the aft side of the aeroplane were found.

Wreckage site no.	Colour code	Notes	Paragraph
1	○ Yellow	Farm land	2.12.2.1
2	● Orange	Residential area of Petropavlivka	2.12.2.2
3	● Red	Farm land south of the village of Rozsypne	2.12.2.3
4	● Green	A built-up area partially surrounded by a forest in a gully	2.12.2.4
5	● Blue	Farm land separated by an elevated road	2.12.2.5
6	● Purple	Farm land separated by an elevated road southwest of the village of Hrabove	2.12.2.6
0	● Black	Parts of wreckage of which the initial location could not be verified	2.12.2.7

Table 9: Description of wreckage sites in this report.

Figure 13 shows the origin of the wreckage pieces that were recovered from the various wreckage sites by the Dutch Safety Board.

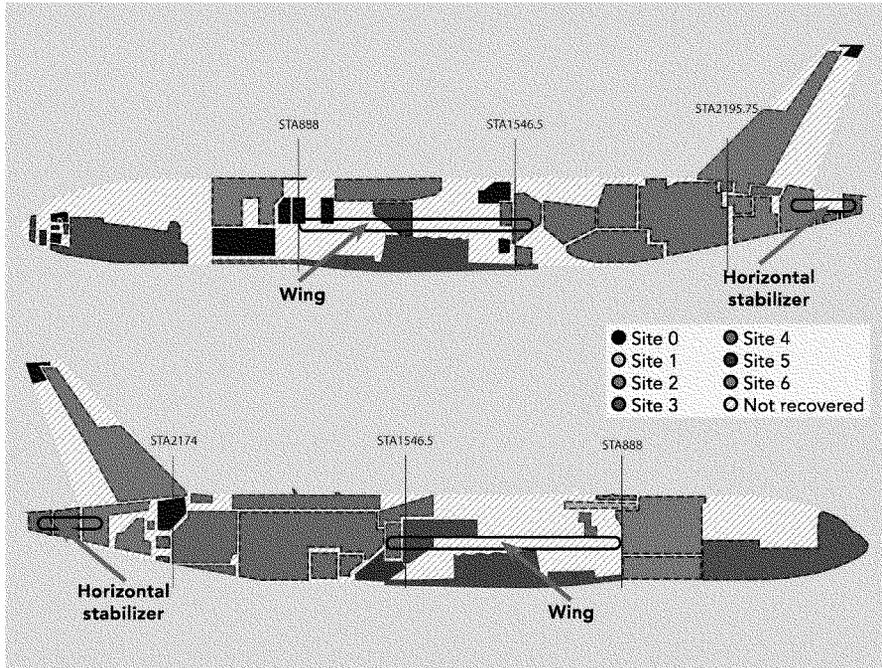


Figure 13: Side view left (top) and right (bottom). Identification of wreckage retrieved from the wreckage sites. The retrieved parts of the wings, engines and horizontal stabilizers, found in sites 5 and 6, are not shown in this image, but are described in the following paragraphs. (Source: Dutch Safety Board)

As a result of shelling within the geographic area of the crash, the Dutch Safety Board was not able to retrieve all identified wreckage pieces during the recovery mission in November 2014. The site in which these wreckage pieces were located was either not accessible to the Dutch Safety Board or the pieces were no longer present at their impact location. Table 10 indicates the wreckage pieces not able to be recovered.

Wreckage part	Section	Location
Cockpit fuselage top section	41	Site 1
Fuselage top above business class (two pieces)	41	Site 1
Fuselage left hand side with positive pressure relief valves	43	Site 1
Forward section passenger floor (business class)	41	Site 2
Fuselage with windows and door frame of door 1L	41	Site 2
Fuselage with door frame of door 1R and surrounding fuselage	41	Site 2

Table 10: Wreckage parts not able to be recovered.

The following paragraphs provide, per wreckage site, a detailed description of the wreckage parts, relevant for the analysis. In the description of the pieces of wreckage of the aeroplane, Boeing references such as sections and stations (STA) are used. Information on these two means of reference is provided in the list of Abbreviations and Definitions.

2.12.2.1 Wreckage site 1 (yellow)

This site of approximately 3 km², is located 8.8 km west of the village of Hrabove. Parts of wreckage were distributed over three agricultural fields which were separated by roads and vegetation. No fire nor infrastructure damage was observed on this site. An overview of the wreckage sites 1, 2 and 3 and the locations of the wreckage pieces is depicted in Figure 14.

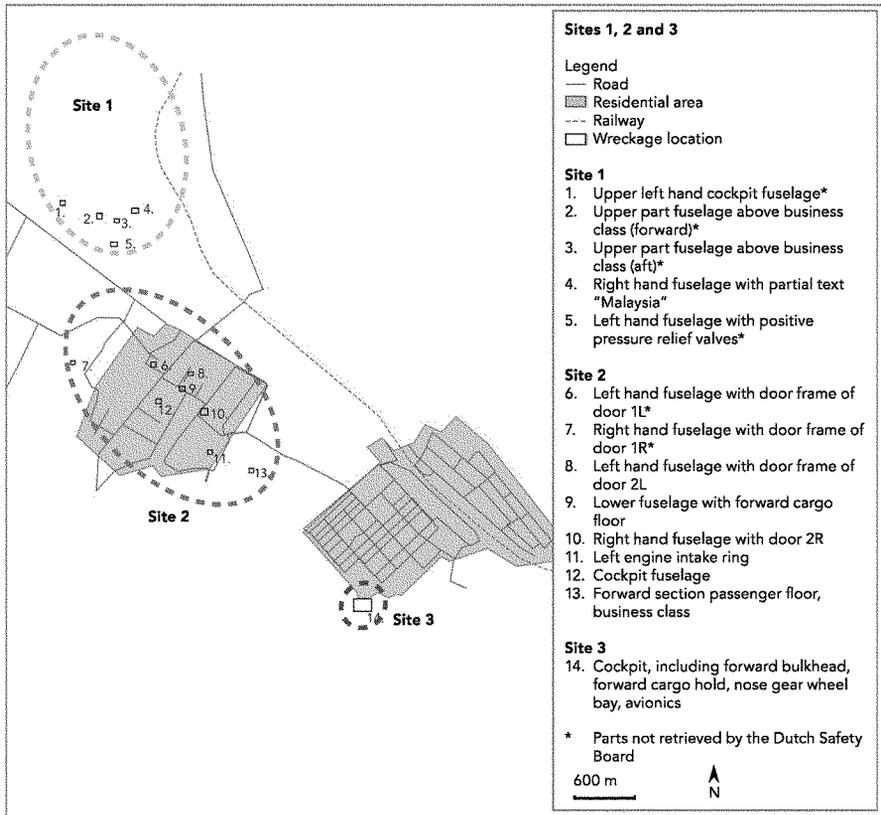


Figure 14: Overview of wreckage sites 1, 2 and 3 and the locations of the wreckage pieces. (Source: Dutch Safety Board)

The numbers in brackets following the titles below correspond with the locations in Figure 14.

Upper left hand cockpit fuselage (1)

A portion of the cockpit fuselage's top section (STA236.5 to STA332.5) was located in the south-western region of site 1 (Figure 15). This part was not recovered. The fuselage skin

showed evidence of perforation from the outside. The aft side of the fuselage skin was bent upwards and a number of formers and stringers were missing from the fuselage. The upper side of the fuselage showed traces of soot.



Figure 15: Upper left hand cockpit fuselage. (Source: DCA Malaysia)

Upper parts of fuselage above the business class (2 and 3)

The upper side of the forward fuselage (section 41), above the business class, was found in two pieces. The distance between the two pieces of fuselage was approximately 150 metres.

The foremost part of the upper fuselage (STA357.25 to STA529) was found in the southern region of site 1. The inner portion of the fuselage was facing upwards and the Traffic Alert and Collision Avoidance System (TCAS) antenna module was visible. A number of formers and stringers were partly detached from the fuselage and others were broken.

The aft portion of the upper fuselage (STA529 to STA655) was located in the south of site 1. The exterior side of the fuselage was facing upwards and showed evidence of perforation from the outside. The upper transponder antenna, attached to the outside of the fuselage, showed no signs of damage.

The upper parts of the fuselage above the business class were no longer present at the time of the recovery mission.

Right hand fuselage with partial text 'Malaysia' (4)

A wreckage piece with a partial print of the text 'Malaysia' belonging to section 43 and section 45 (STA846 to STA1032) on the right hand side of the aeroplane was located on the south-eastern side of site 1. The upper portion of the fuselage had sheared just above the text and the letter 'M' on the left hand side of the wreckage piece appeared to be missing. All edges showed clear shears. Halfway, the fuselage was partially sheared from top to bottom. Formers and stringers were no longer attached to the fuselage.

Left hand fuselage with positive pressure relief valves (5)

The part of the fuselage containing the two positive pressure relief valves was found in the south of site 1. The fuselage part of the left hand side of the aeroplane (STA529 to STA655), also contained a static port and six passenger windows. Photographic evidence showed that both positive pressure relief valves were found in a closed position. The upper side of the fuselage was sheared just above the window frames. This wreckage piece was no longer present at the time of the recovery mission.

Cockpit and cabin furnishing

In site 1, pieces of cockpit and cabin furnishing, including the Captain's charts folder and pieces of a galley trolley, were found. A single overhead luggage bin, belonging to row 11 JK was found on the eastern region of the site. The surrounding overhead luggage compartments were missing.

Cargo

Fragments of two cargo containers with registration AKE3951MH and AKE3540MH were identified on site 1. In total six textile rolls each with a length of approximately 100 metres were located in the northern region of site 1. These rolls were identified as being part of the cargo. The cargo manifest indicated that in the forward- and aft cargo compartment of the aeroplane, two unit load devices, each carrying 10 textile rolls, had been loaded. These pieces of cargo were used as part of the trajectory analysis in paragraph 3.11.7.

2.12.2.2 Wreckage site 2 (orange)

This site of approximately 2.5 km², covers a large part of the village of Petropavlivka and is located 8 km west of Hrabove. Several structures in the village of Petropavlivka were damaged by debris. An overview of the wreckage site and the location of the wreckage pieces is depicted in Figure 14.

Left hand fuselage with door frame of door 1L (6)

The door frame of door 1L (STA309.5 to STA529) with surrounding fuselage was located in the northern region of site 2. The inner structure of the fuselage was facing upwards and the frames of six passenger windows were visible. Photographic evidence showed traces of soot on the bottom portion of the fuselage and the absences of the upper door sill. This wreckage piece was not recovered from the wreckage site.

Cockpit and cabin furnishing were found nearby the fuselage. However, the initial impact location of this furnishing on the ground could not be verified due to the absence of photographic and video evidence. It is of note that as time went by, pieces of wreckage were collected by the residents of Petropavlivka.

Right hand fuselage with door frame of door 1R (7)

The fuselage near door 1R (STA276.5 to STA345) was located parallel to a dirt road in the western region of site 2. The exterior side of the fuselage was facing upwards and a portion of the door frame of door 1R was visible. This wreckage piece was no longer present at the time of the recovery mission.

Left hand fuselage with doorframe of door 2L (8)

The fuselage near door 2L (STA655 to STA930) was found in a yard in the north-eastern region of area 2. The exterior side of the fuselage was facing upwards and the upper side of the fuselage was folded in longitudinal direction. The fuselage contained three windows. The upper portion of the fuselage contained the casing of the anti-collision light. A partial letter ('M') of the text 'Malaysia' was visible.

Lower fuselage with forward cargo floor (9)

Pieces of the cargo floor (STA634 to STA888) were found in Petropavlivka, in the centre of site 2. The skin on the right hand side of the fuselage had sheared just above the cargo floor and the cargo rails itself were visible. The fuselage was relatively intact, aside from shear damage. Two static ports were visible on the right hand side of the fuselage. Cracks were observed in the transverse direction on the cargo floor.

The left nose wheel landing gear door and the casing of the right negative pressure relief vent were found near the cargo floor.

Right hand fuselage with door 2R (10)

The fuselage containing door 2R was identified in the eastern region of site 2. The fuselage surrounding door 2R had sheared above the text 'sia' near STA655 on the left side and STA888 on the right side.

The door was positioned in the door frame and the fuselage had sheared below the frame of the left negative pressure relief valve. The left negative pressure relief valve was attached to the upper portion of the frame and the valve was pinned in its open position between the casing and the ground. Neither the frame nor the door of the right negative pressure relieve valve were found at site 2.

The negative pressure relief valve itself was cracked over the half of its vertical length. The valve showed damage consistent with the valve being fully opened and striking the adjacent rib (Figure 16).

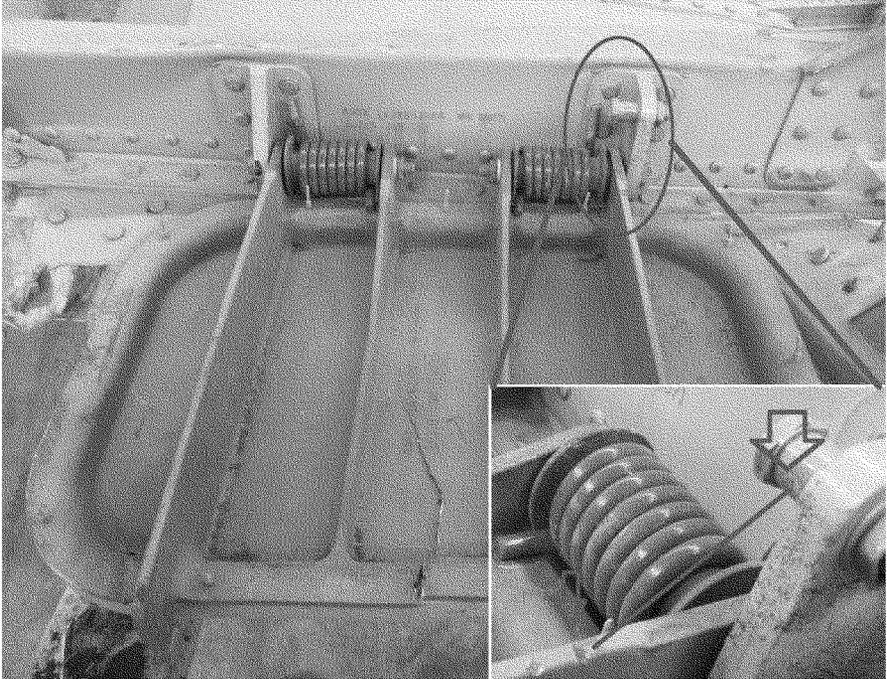


Figure 16: Inside of the valve in closed position with crack and marked bracket. Inset shows detail of the bracket with pin showing damage on pin and rib. (Source: Dutch Safety Board)

Left engine intake ring (11)

The leading edge of the left engine intake ring was found in the south-eastern region of site 2. The ring showed perforation damage on approximately the 40, 50, 60, 135, 180, 200, 290 and 300 degree positions, aft looking forward. See Figure 17.

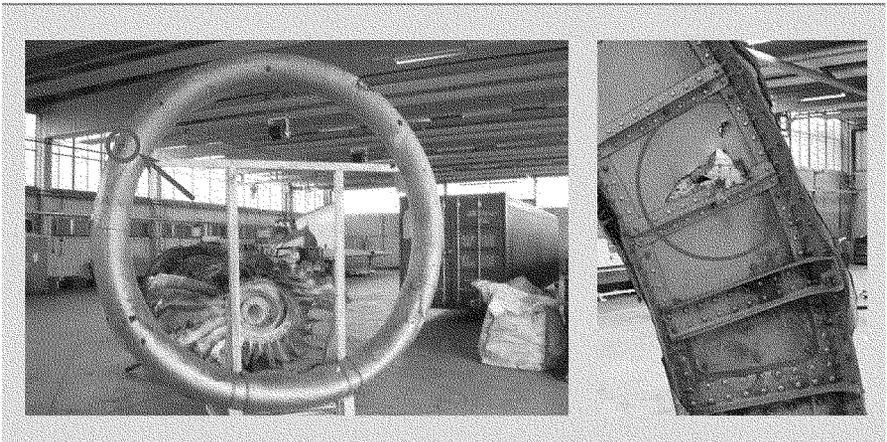


Figure 17: Damaged left engine intake ring, with impact marks seen from the front side (left photo) and from the rear side (right photo). (Source: Dutch Safety Board)

Cockpit fuselage (12)

Part of the fuselage, originating from the left hand side of the cockpit was identified in a garden in the central region of site 2. This part contained numerous puncture holes and pitting. It also showed traces of soot. The formers on the inner side of the fuselage had been sheared off. See Figure 18.

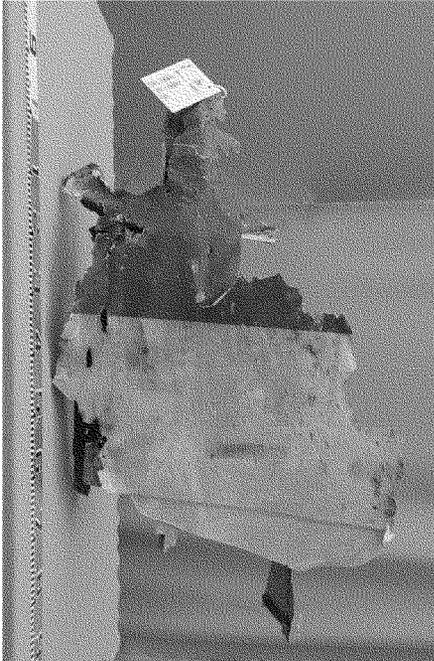


Figure 18: Part of fuselage left hand side showing holes and pitting. (Source: Dutch Safety Board)

Forward section passenger floor (business class) (13)

A portion of the cabin floor from section 41 was located in the south-eastern region of site 2. The cabin floor contained business class seats which were tilted in a downward position, but still attached to the seat racks. This wreckage piece was no longer present at the time of the recovery mission.

Cabin furnishings

Cabin furnishings such as passenger seats and overhead bins were spread across site 2. These items belonged primarily to section 41 and 43 of the aeroplane. In the eastern region of the site, parts of the overhead passenger service unit with reference STA747, situated above door 2L, and the centre overhead luggage compartment of row 2 were identified. The distance between the overhead passenger service unit and the overhead luggage bin was approximately 260 metres.

The passenger service unit was equipped with a television screen which appeared to be intact. The latch that seals the casing housing the oxygen masks, was missing and the oxygen masks were deployed. The position of the solenoid could not be verified due to the absence of photographic evidence.

A centre overhead luggage compartment was located in a line of trees. The compartment, with overhead luggage bins on both sides, came from the centre section above rows 1 and 2. One of the overhead bins had a placard with '2 DFG', indicating row 2 seat D, F and G. The overhead luggage compartment contained fragments of 5 overhead bins.

2.12.2.3 Wreckage site 3 (red)

The cockpit and most of the lower part of the surrounding fuselage (section 41) was found in site 3 (Figure 14), about 7 km south-west of Hrabove. The site, approximately 70 x 40 metres, was located in a sunflower field situated on the southern corner of the village of Rozsypne. Within this relatively concentrated site, cockpit instruments, avionics equipment and fragments of cabin and cargo furnishings were found. Aside from flattened vegetation, shallow impact marks were observed on the ground. The distance between the site where the cockpit fell and the place where the first larger pieces of wreckage were found, near wreckage site 4, is approximately 6 km.

Photographic and video evidence from the days after the crash indicated that site 3 had been disturbed and aeroplane parts and cargo had been removed from the site. A number of avionics units, photographed by third parties following the days of the crash, were no longer present during the recovery mission of the Dutch Safety Board in November 2014.

General description cockpit and surrounding fuselage (14)

The forward portion of the aeroplane, part of the cockpit including the forward bulkhead, was found in a tilted nose-down position facing in an easterly direction. The cockpit and surrounding fuselage had separated in the longitudinal direction of the aeroplane revealing cockpit and cabin furnishings. It is of note that the upper portion of the cockpit fuselage was not located in site 3.

The nose landing gear wheel bay and the avionics compartment had perforated the cockpit floor and cabin floor pushing it in an upward direction. The adjacent cabin floor had separated in the longitudinal direction into two pieces. The left portion of the cabin floor was still attached to the fuselage and parts of the left galley were visible. Other than the severe structural damage of the fuselage, the bottom portion of the fuselage was found as a whole. The fuselage on the right hand side of the aeroplane had sheared behind the large cargo door and the adjacent cargo floor was visible.

On the left hand side of the cockpit, between STA132.5 and STA220.5 of the aeroplane, no pieces of fuselage were recovered. The left angle of attack sensor, still attached to a portion of the fuselage, was located in the vicinity of the cockpit wreckage.

The right hand side of the cockpit remained fairly intact. The window panes of the right cockpit windows were still in place. The presence of soot is noted on the inside of the right cockpit windows 2 and 3. The upper portion of the right hand side of the fuselage showed evidence of both perforation and ricochet marks. In contrast to the left hand side of the cockpit (see paragraph 2.12.2.7), the lower right hand side did not show similar signs of perforation from the outside (see Figure 19). The size of the perforation holes is detailed in paragraph 2.6 of Appendix X.

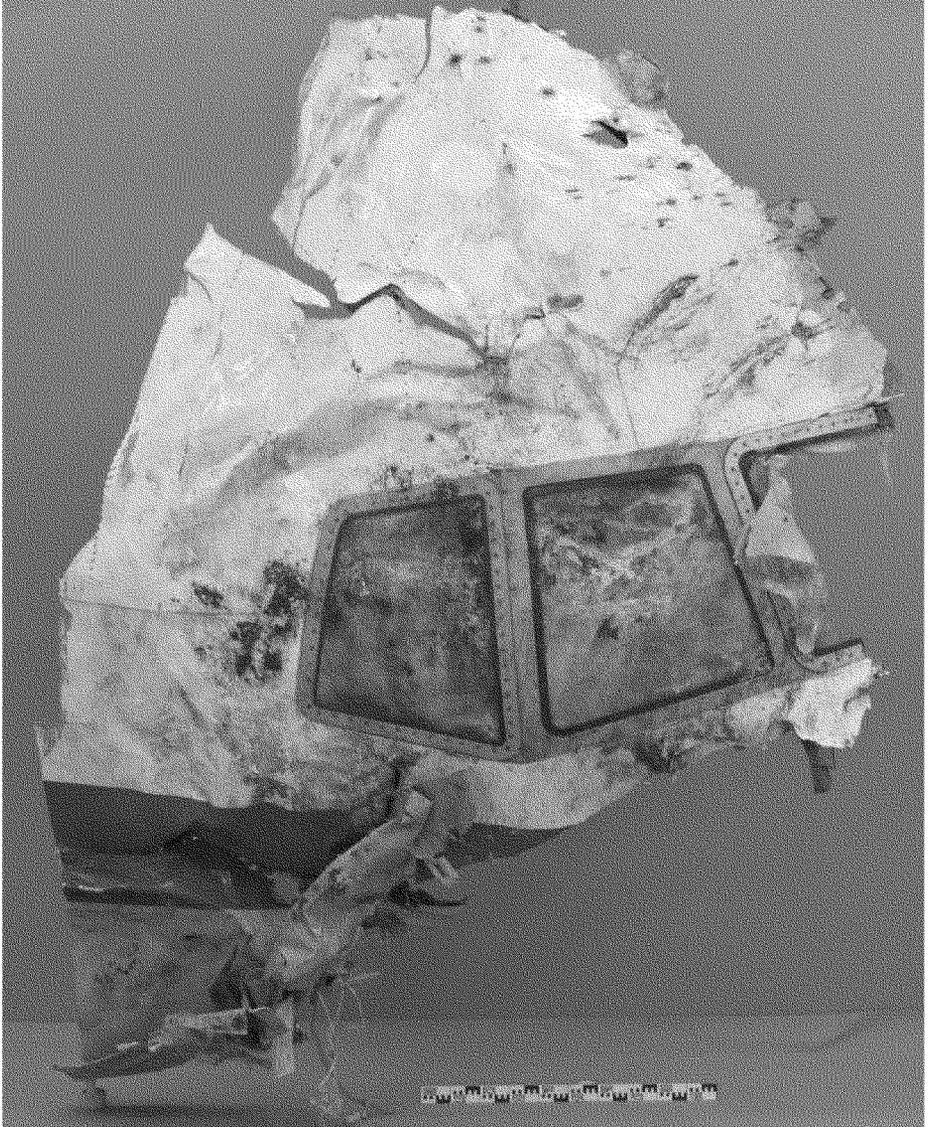


Figure 19: Part of the right hand side of the cockpit. (Source: Dutch Safety Board)

There was perforation damage on the forward pressure bulkhead. Three holes were visible. Parts of the cockpit fuselage were still attached to the left hand and right hand side of the forward bulkhead (Figure 20). The left hand side of the fuselage attached to the forward pressure bulkhead contained numerous puncture holes and pitting was observed (Figure 21). The right hand side of the fuselage attached to the forward pressure bulkhead had no perforation damage.

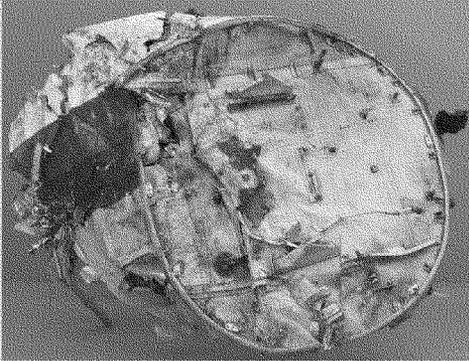


Figure 20: Forward pressure bulkhead and right hand fuselage. (Source: Dutch Safety Board)

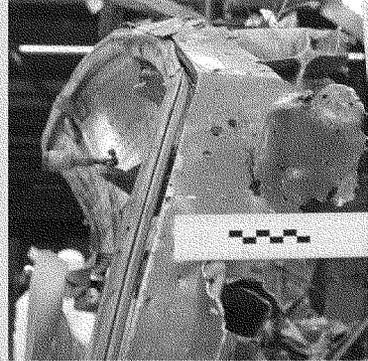


Figure 21: Puncture holes on left hand fuselage at the forward pressure bulkhead. (Source: Dutch Safety Board)

A large part of the cockpit floor was found, broken up in several parts, and stripped of most of its content, see Figure 22. Seats, centre console, wall structure and most of the control mechanics were separated from the floor structure; only part of the first officer's control mechanism remained attached. A part of the right hand side of the cockpit floor was attached to the aft side of the forward pressure bulkhead. This piece of wreckage included a significant part of the first officer's controls and the associated link mechanism. It was extensively deformed and the construction was folded in on itself.

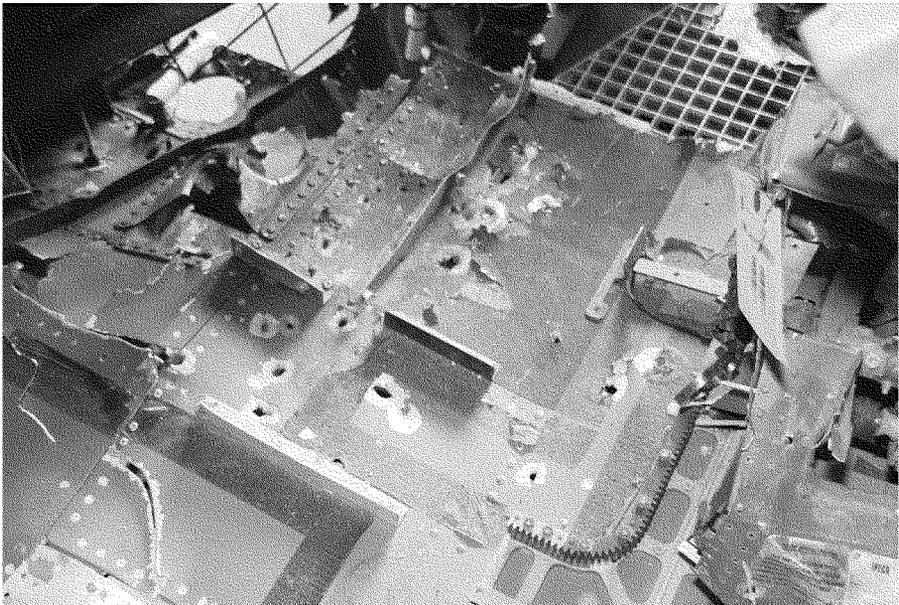


Figure 22: Cockpit floor with floor parts showing perforation holes. (Source: Dutch Safety Board)

The fuselage skin (STA250 and STA330) was pushed in between the stringers and frames, see Figure 23.



Figure 23: Fuselage skin pushed in between stringers and frame. (Source: Dutch Safety Board)

The floor part left of and below the captain's seat was recovered. This part of the floor was punctured extensively and was also covered in soot and showed signs of heat damage. The lower part of the captain's control column showed signs of perforation (Figure 24); the upper part was not recovered.

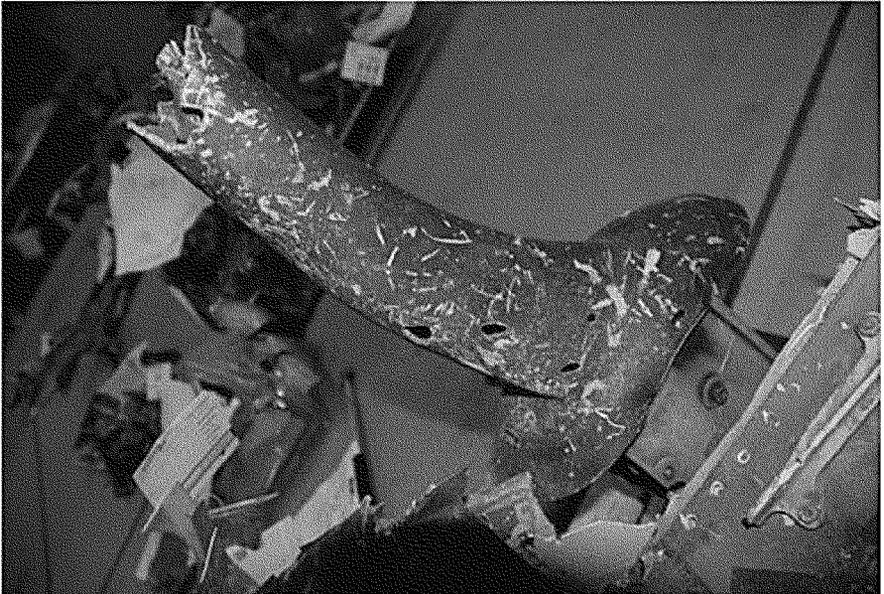


Figure 24: Lower part of Captain's control column showing perforation damage. (Source: NLR)

Within close proximity to the cockpit wreckage, cockpit furnishings, including pilot seats and cockpit instruments were found. Together with parts of the cockpit floor, the throttle quadrant and pedestal had been pushed in an upward direction. The left hand side plate and the throttle quadrant showed perforation damage (see Figure 25). The remainder of the cockpit instruments such as the Mode Control Panel and a number of cockpit display units were found in a heap. A large part of the centre pedestal was recovered.



Figure 25: Throttle quadrant (viewed from the left hand side) showing perforation damage. (Source: NLR)

Most of the captain's seat was recovered in close proximity to the wreckage. It was found in three parts: seat bottom, backrest and headrest. All of the parts showed perforation damage and signs of distortion by ground impact.

The main structure of the first officer's seat was deformed and had perforation holes, mainly on the backrest support. The floor plate to the left of the seat showed extensive holing, as did the headrest panel. See Figure 26.

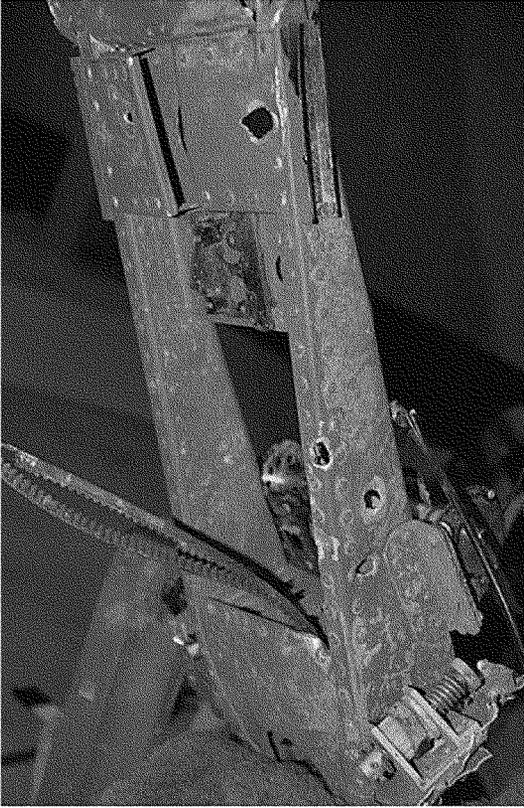


Figure 26: Backrest support of first officer's seat, showing perforation damage. (Source: NLR)

The seat base with some of the backrest structure of the first observer seat was recovered together with part of the floor structure it was attached to. The metal part of the headrest was found separately. All parts showed impact damage.

Smaller numbers of impact holes were present in other locations, including below the second observer seat (Figure 27).

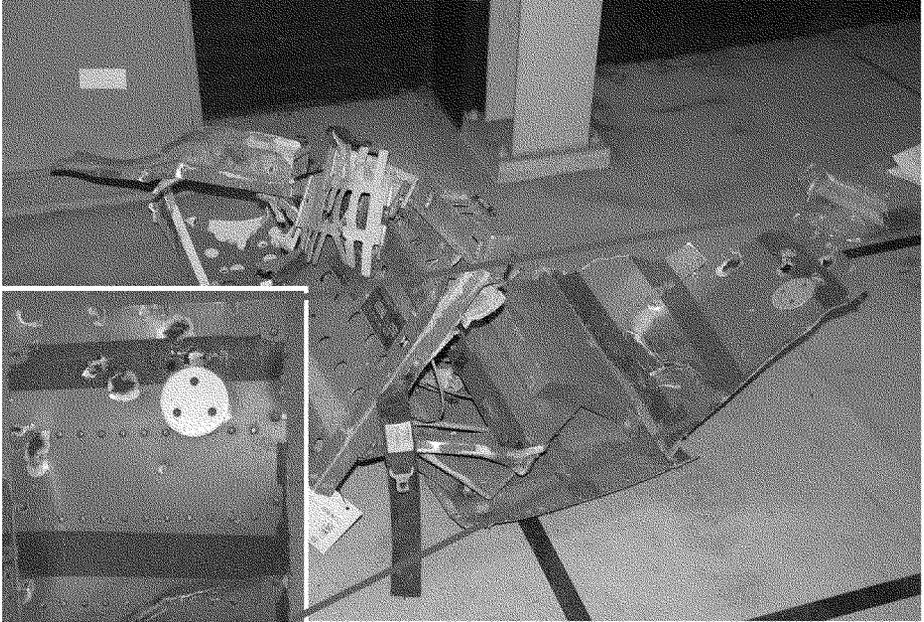


Figure 27: Perforation holes in seat back panel of left observer seat. Note: The seat back panel is shown flat on the floor in this image. (Source: NLR)

From the area just behind the cockpit, at the level of the first doors, one part of the floor (composite honeycomb structure) was retrieved. The floor panel included a number of beams, but lacked all of the structure above floor level. The part showed some damage, but no perforation damage.

A number of the avionic units, located in the forward section of the aeroplane, were recovered. One possible object impact mark was found on top of the left engine vibration monitoring unit. This is located on the outboard side of rack numbered E1-4, which is close to the fuselage on the left hand side.

Cargo and containers

A number of cargo containers and their content were distributed close to the wreckage.

2.12.2.4 Wreckage site 4 (green)

The fuselage of the aeroplane between the wing and the tail section (section 46 to section 48) was primarily located in site 4, approximately 2 kilometres south, south-west of Hrabove. Pieces of wreckage, including both horizontal stabilizers and both wing tips were distributed over this site of approximately 540 x 650 metres. The site contains a number of farm buildings surrounded by a fence and it was partially surrounded by a forest which was located in a gully. The right stabilizer was found in a small lake in the south-easterly part of the site. An overview of the wreckage site and the location of the wreckage pieces is depicted in Figure 28. A total of about 50 oxygen generators were recovered from sites 4 and 5.

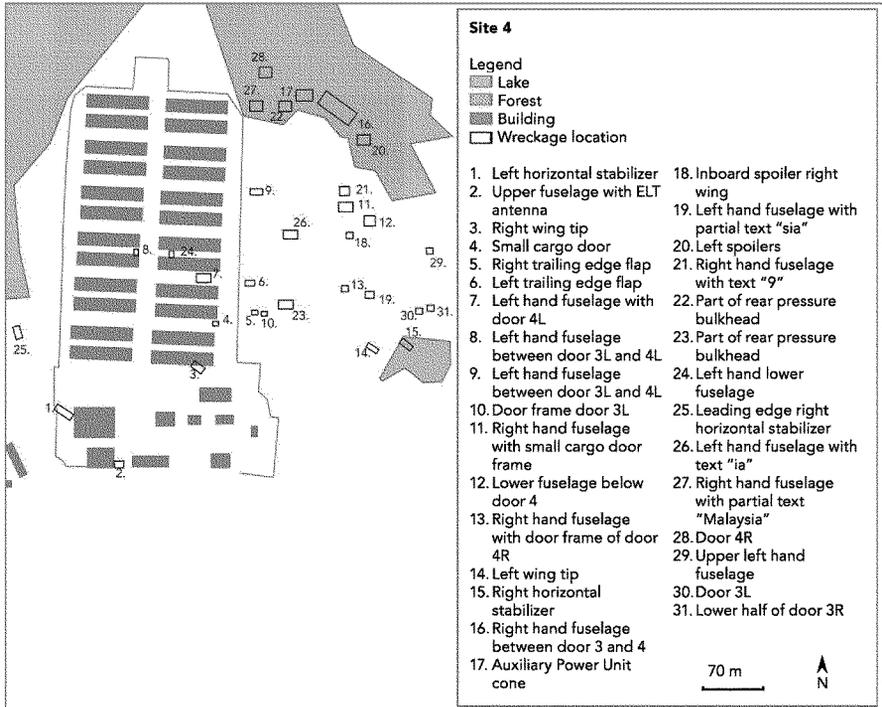


Figure 28: Overview of wreck site 4 and the location of the wreckage pieces. (Source: Dutch Safety Board)

The numbers in brackets following the titles below correspond with their locations in the diagram above.

Left horizontal stabilizer (1)

The left horizontal stabilizer was located in the south-westerly region of site 4. The stabilizer impacted the ground in a slightly tilted position with the bottom side facing upwards. The stabilizer was relatively intact and it appeared the stabilizer had sheared near the stabilizer wing box. Damage was observed on the leading edge of the stabilizer. The elevator surface was missing.

Upper fuselage with Emergency Locator Transmitter antenna (2)

The top fuselage between STA1664 to STA2000 was found near a building in the south-westerly region of site 4. The fuselage was folded and showed three antennas on the exterior side of the fuselage. This included the Emergency Locator Transmitter antenna and the low gain SATCOM antenna.

Right wing tip (3)

The right wing tip was located near farm buildings in the south-westerly region of site 4. The wing tip was facing in a south-easterly direction and was upside down. The wing tip had sheared from the wing at the fourth fuel tank vent hatch, counting from the tip towards the root. A safety line attach point was visible on the top side of the wing tip. The outboard aileron was missing.

Small cargo door (4)

The small cargo door belonging to the right hand side of the aeroplane was found in between the farm buildings. The door was found in one piece with the exterior side facing upwards. The small cargo door vent, located on the upper side of the cargo door, was missing. The door assembly was cracked in lateral direction.

Left and right trailing edge inboard flap (5 and 6)

A part of the inboard trailing edge flap of the left wing and a part of the inboard trailing edge flap of the right wing were found in the field east of the agricultural buildings. Both inboard flaps had broken off in longitudinal direction revealing the inner structure on both sides of the flaps.

Left hand fuselage with door 4L (7)

Door 4L and surrounding fuselage (STA1916 to STA2174) were identified between a number of buildings in the central region of site 4. The door was in the closed position and a portion of the bottom fuselage was folded. Four window frames, including two window panes as well as a part of the rear pressure bulkhead were still attached to the fuselage. The aeroplane registration, '9M-MRD' was visible.

Left hand fuselage between doors 3L and 4L (8, 9 and 10)

The left hand fuselage between doors 3L and 4L was separated in three pieces. The first piece (STA1546.5 to STA1622) was found in the field, close to the fence surrounding a number of farm buildings. The fuselage contained the right hand door frame of door 3L, two window frames and a portion of the wing to body fairing.

A second piece (STA1743 to STA1790) was found in the western region of site 4. This piece included eight window frames, with some window panes still attached. The bottom part of the fuselage showed a large tear in lateral direction.

The third piece was found close to the second piece in the field, close to a fence surrounding farm buildings. The fuselage (STA1790 to STA1916) contained five complete window frames, including two window panes. Three holes, approximately 10 by 10 centimetre, were noted; one below the window frames and one above the window frames.

Right hand fuselage with small cargo door frame (11)

Fuselage with part of the aft side of the wing to body fairing was found in the field east of the agricultural buildings. The fuselage contained the cargo door control switch, as well as the right hand side of the frame of the small cargo door.

Lower fuselage below door 4 (12)

Part of the lower left hand fuselage (STA1958 to STA2150) was found in the eastern region of site 4, in a field to the east of the farm buildings. This part contained the lower part of the frame of the pressure control system outflow valve and the tail strike indicator. On the inside, part of the cargo floor was still attached to the fuselage.

Right hand fuselage with door frame of door 4R (13)

The door frame of door 4R and the surrounding fuselage of the right hand side (STA1958 to STA2129) of the aeroplane was found in the eastern region of site 4, in the field east of the farm buildings. The letters 'MRD', part of the aeroplane's registration, were visible, and two window frames were still attached. Although the door frame was complete, it had been broken in one of the lower corners, and was found in a twisted position on the ground. Door 4R itself was found in the northern region of site 4, in the gully. On the lower half of the door, a perforation from the outside is visible.

Left wing tip (14)

The left wing tip was located near the small lake in the south-easterly region of site 4, with its top side facing upwards and the tip in a north-westerly direction. A safety line attachment point was visible on the top side of the wing tip. The tip showed signs of impact damage on the top side and the leading edge (see Figure 29). The wing tip broke off from the wing at the fourth fuel tank vent hatch, counting from the tip towards the root. Several pieces of foreign objects were recovered from inside the left wing tip (one piece is shown in paragraph 2.12.2.8).



Figure 29: Left wing tip with impact damage near and outboard of the safety line attachment point. (Source: Dutch Safety Board)

Right horizontal stabilizer (15)

The right horizontal stabilizer was submerged in a small lake in the south-eastern region of site 4. The stabilizer was moved and placed near the small lake. The stabilizer had broken off at rib 15. The trailing edge of the right horizontal stabilizer was missing, as well as the tip. Parts of skin on the upper side of the stabilizer were missing.

Right hand fuselage between door 3R and 4R (16)

The right hand side of the fuselage between doors 3R and 4R was located in the gully in the wooded site on the northern region of site 4. The fuselage included the aft door frame of door 3R, the cargo door frame and the bulk cargo door. The lower side of the cargo door frame and door 3R itself were missing. The cargo door was found in the central region of site 4, between a number of buildings. The fuselage above the windows was missing. No impact damage on the fuselage was observed.

Auxiliary Power Unit cone (17)

The Auxiliary Power Unit (APU) cone was located in the gully in the small forest in the northern region of site 4. The cone had broken off at STA2508 and no damage was observed on the exterior side of the APU cone.

Inboard spoiler right wing (18)

An inboard spoiler belonging to the right wing was found with the top side facing upwards in the field east of the agricultural buildings. The spoiler was damaged along the trailing edge of the spoiler assembly, revealing the internal structure.

Left hand fuselage with partial text 'sia' (19)

A portion of the fuselage of the left hand side with text 'sia', which is part of the 'Malaysia' logo on the side of the aeroplane (STA1014 to STA1077) was found in the field east of the buildings, in the eastern region of site 4.

Inboard spoilers left wing (20)

Two inboard spoilers, still attached to part of the spoiler assembly, belonging to the left wing, were found in the gully. Both spoiler panels were damaged and a lower portion of the wing was still attached to the spoiler assembly.

Right hand fuselage with partial text '9M-MRD' (21)

This part of the fuselage (STA2150 to STA2295.65) belongs to the right hand side and shows part of the registration '9'. The top side shows a mostly straight shear. Both sides were jagged and the bottom side is irregularly sheared. Formers and stringers, as well as a small part of the rear pressure bulkhead were still attached to the fuselage. Three holes were visible; each approximately 1 by 2 centimetre. This part of the fuselage was found in the north-eastern region in the field east of the buildings.

Rear pressure bulkhead (22 and 23)

The rear pressure bulkhead was separated into four pieces. A small portion of the rear pressure bulkhead was still attached to the fuselage surrounding door 4L. The largest piece was found in the forest in the gully in the northern region of site 4. The remaining part of the rear pressure bulkhead is missing.

Left hand lower fuselage (24)

The fuselage, belonging to the lower left hand side of the fuselage (STA1706 to STA1979) was found in between the agricultural buildings. The exterior side of the fuselage was facing upwards and a hole of approximately 10 by 15 centimetre was visible.

Leading edge right horizontal stabilizer (25)

The leading edge was found, separated from the stabilizer, west of the agricultural buildings. The leading edge of the stabilizer was perforated from the outside.

Left hand fuselage with partial text 'Malaysia' (26)

This part of the fuselage (STA1056 to STA1371) belongs to the left hand upper side and shows 'ia', part of the text 'Malaysia' and was found in the field close to the fence surrounding the buildings. Most of the formers and some of the stringers were damaged, but still attached to the fuselage.

Right hand fuselage with partial text 'Malaysia' (27)

This part of the fuselage (STA909 to STA975) belongs to the right hand side and shows a partial 'ay' and contains two complete and two half window frames. The bottom edge shows a straight tear, the top and sides are irregular. Formers and stringers are no longer attached to the fuselage. This part of the fuselage was found in the gully at site 4.

Door 4R (28)

Passenger door 4R was found in the gully at site 4. Dents are visible on the edges of the door. A hole of approximately 1 by 10 centimetre is visible at the bottom side of the door.

Upper left hand fuselage with horizontal stabilizer travel range (29)

The fuselage (STA2268.25 to STA2344.5) was found east of the agricultural buildings. The exterior side of the fuselage was facing upwards and a part of the horizontal stabilizer travel range was visible. Several holes, approximately 1 by 1 centimetre, were observed.

Door 3L (30)

Passenger door 3L was found in the field east of the buildings. The door showed a horizontal fold and the frame at the back of the door is cracked at the location of the fold.

Door 3R (31)

The lower half of passenger door 3R was found in the eastern region of site 4. This part was no longer attached to the door assembly. The lower right hand corner was sheared. It was noted that, although the upper portion of the door has been recovered, its initial impact location is unknown.

2.12.2.5 Wreckage site 5 (blue)

A part of the aft section of the aeroplane, including the vertical stabilizer and the surrounding fuselage was located in site 5, situated approximately 750 metres south-west of Hrabove. Within this site, pieces of wreckage were distributed over approximately 600 x 800 metres. Parallel to the elevated road on the west side, there were power lines. It was noted that one of these power lines on the west side of the elevated road had been clipped. An overview of the wreckage site and the location of the wreckage pieces is depicted in Figure 30.

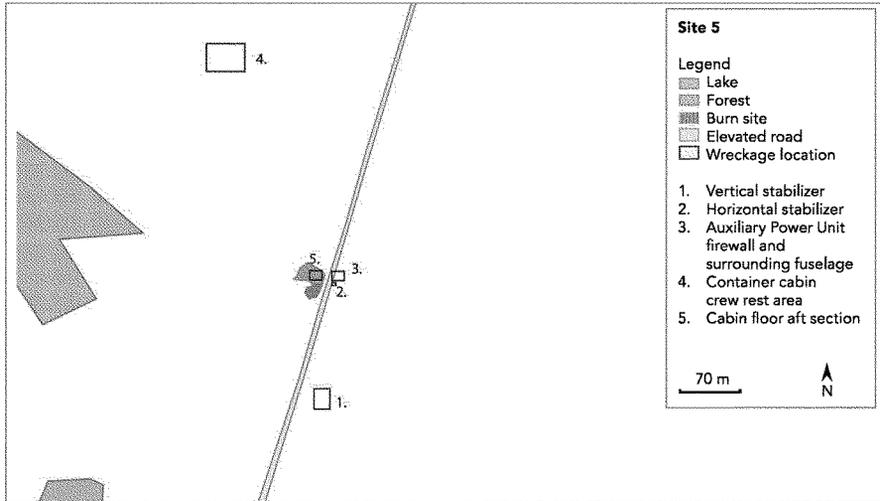


Figure 30: Overview of wreckage site 5 and the location of the wreckage pieces. (Source: Dutch Safety Board)

On the west side of the elevated road a burn site was identified containing the remains of the aeroplane's aft section, including cabin furnishing (seats and seat tracks) and cargo. These wreckage pieces were damaged by fire.

Photographic evidence and satellite imagery showed that the wreckage site was disturbed on 17 July 2014 and pieces of wreckage were repositioned.

The numbers in brackets following the titles below correspond with their location in Figure 30.

Vertical stabilizer (1)

The vertical stabilizer was located on the eastern side of the elevated road with the top part of the stabilizer facing in south, south-westerly direction. The left side of the vertical stabilizer was facing upwards. The upper part of the leading edge, the horn balance and rudder control surface were missing. A small portion of the fuselage from the left hand side of the aeroplane was still attached to the vertical stabilizer.

Horizontal stabilizer (2)

The horizontal stabilizer front spar was detached from its housing and was situated on the elevated road next to the aft portion of the tail. Fragments of the right horizontal stabilizer were still attached to the front and rear spar of the horizontal stabilizer. The front part of the stabilizer box showed impact marks in a lateral direction.

Auxiliary Power Unit firewall and surrounding fuselage (3)

The aft section of the aeroplane which contained the Auxiliary Power Unit firewall and surrounding fuselage near the horizontal stabilizer and vertical stabilizer was situated on the elevated road. The top side of the tail section was facing downwards and the horizontal and vertical stabilizer were not attached to the fuselage. Fragments of the bottom portion of the fuselage were facing upwards. It was noted that the remainder of

the lower fuselage was missing. The Auxiliary Power Unit firewall was visible and the Auxiliary Power Unit itself was not present aft of the firewall. The portion of the tail which houses the horizontal stabilizer and wing box was severely damaged. The fuselage, with the horizontal stabilizer travel range indication on the left hand side of the aeroplane, was detached from the surrounding fuselage of the Auxiliary Power Unit firewall.

Container cabin crew rest area (4)

The container of the lower cabin crew rest area (located in cargo hold 3, between STA1437 and STA1538) was found approximately 150 metres west of the elevated road. The container had split into two and its furnishing was visible. The aft portion of the container was facing upwards and the forward portion of the container was facing downwards. Both parts of the container showed signs of damage.

Cabin floor aft section (5)

Remains of the aft floor section of the aeroplane were identified in the concentrated wreckage site on the west side of the elevated road. Some of the passengers seats were still attached to the floor and facing downwards. Fragments of the floor and passengers seats had been damaged by fire. Based on the downward facing directions of the passenger seats and the attachment points of the seat racks and the seats, it was determined that the top part of the aft section of the floor was facing downwards.

Cargo and cargo containers

Five cargo containers, including the aeroplane's equipment container, were found in this site. The content of these containers was also found in site 5.

2.12.2.6 Wreckage site 6 (purple)

Wreckage site 6, situated in the south-western corner of the village of Hrabove, measured approximately 250 x 200 metres. Within this site, a smaller region, where a high intensity fire had occurred, measured approximately 100 x 60 metres. An overview of the wreckage site and the location of the wreckage pieces is depicted in Figure 31.

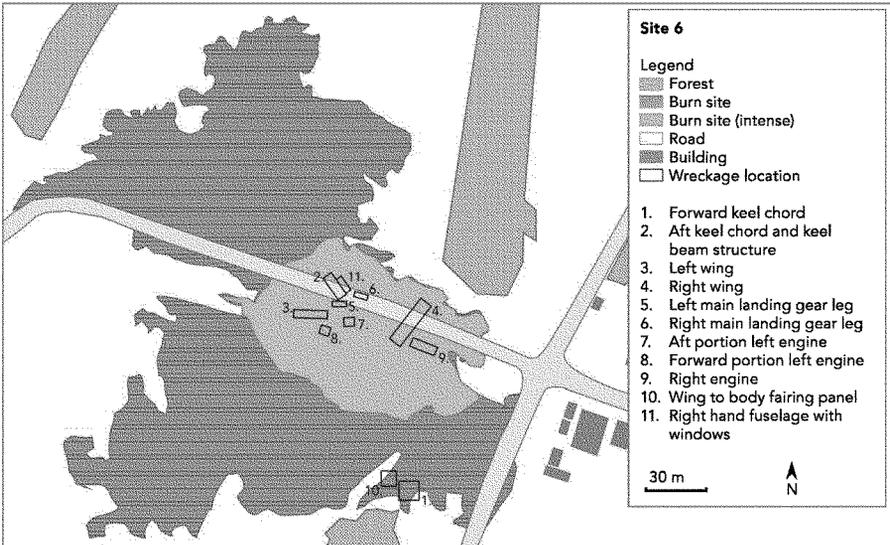


Figure 31: Overview of wreckage site 6 and the location of the wreckage pieces. (Source: Dutch Safety Board)

The numbers in brackets following the titles below correspond with their location in the diagram above.

All large pieces of wreckage that were located in site 6 were found in this smaller region, with the exception of the forward keel chord. Pieces of wreckage were distributed over two sub-sites, a northern and southern site, separated by an elevated road. Photographic evidence and satellite imagery showed that the wreckage site was disturbed on 18 July 2014 and pieces of wreckage were repositioned. The centre section of the aeroplane, including parts of the wings and both engines were located on site 6.

Another fire occurred on the corner of the residential area on the eastern side of site 6. Both sub-sites included vegetation, infrastructure and pieces of wreckage that showed signs of fire damage. A wooden fence and a haystack within this area were damaged by fire.

Forward keel chord (1)

The forward keel chord (STA888 to STA1025) was separated from the keel beam and facing in a south-easterly direction in the southern part of site 6. The bottom side of the forward keel chord was facing upwards and chord itself and parts of the wing to body fairing were visible. A portion of the cargo rail was still attached to internal structure of the fuselage.

Aft keel chord and keel beam structure (2)

The keel beam was located on the elevated road on site 6 and showed signs of fire damage. The aft keel chord was still attached to the keel beam. Both wreckage pieces showed signs of fire damage. The bottom side of the aft keel chord was facing upwards. Pieces of the cargo rails were identified on the top side of the aft keel chord.

Wings (3 and 4)

Most of the fragments of the wings were located in the southern region of site 6. The remains of the wings showed extensive fire damage. The wings were found upside down, as indicated by the tank hatches and their markings.

The left wing was situated parallel to the elevated road in the south-western corner of site 6. The remains of the wing contained partial markings of the aeroplane's registration; '9' and 'M'. The tank hatches and markings were visible. The left wing near the partial registration was relatively intact. Further along the wing, towards the root, melted aluminium was observed. Based on the marking of the registration and the orientation of the tank hatches, it was determined that the left wing was facing in south-westerly direction.

The right wing was situated perpendicular to and across the elevated road. The wing contained placards and markings stating '*Fuel Tank Vent Right Wing*' indicating the right wing. The portion of the wing, below the tip, was relatively intact and no fire damage was visible. Further along the wing, towards the root, the tank hatches were no longer visible. Pieces of melted aluminium indicated that parts of the wing were consumed by fire. Based on the sequence of the tank hatches, the presence of placards, markings and tank hatch screws, it was determined that the right wing was facing north.

Main landing gear legs (5 and 6)

Both main landing gear legs were located on the elevated road with the landing gear bogies still attached. All the tires on the main landing gear were consumed by fire and the rims were visible. Photographic evidence indicated that the right hand retract actuator was close to its retracted (gear-up) length.

Engines (7, 8 and 9)

Both the left and right engines were separated from the wing and had impacted the ground in a slightly inverted attitude. Both fans were found detached and the fan blades of both engines remained in place in their discs. The engines were located in the southern region of site 6.

The left engine was located near the left wing. The core of the left engine had split into two sections. The front part of the engine was facing north and the aft part of the engine was facing west. The fan blades and the intermediate compressor blades of the left engine showed little evidence of rotation at impact.

The right engine was located on the south side of site 6, parallel to the elevated road. The core of the right engine was relatively intact with its forward side facing west. The right engine was located near the right wing and was separated from the wing.

Wing to body fairing panels (10)

Fragments of a wing to body fairing originating from the right hand side of the aeroplane were identified on the south side of site 6. The exterior side of the wing to body fairing was facing upwards. A crack in the transverse direction was noted on the exterior side of the fairing. The interior side of the panel showed signs of fire damage.

Right hand fuselage with windows (11)

A portion of the fuselage, containing seven passenger windows and the forward door frame of door 3R, was found underneath the keel beam and showed signs of fire damage. Below the door frame of door 3R the Ram Air Turbine actuator was identified with the turbine fan missing. The fuselage was deformed extensively.

Cargo

Fragments of cargo containers were found, but due to fire damage, none were identifiable.

2.12.2.7 Wreckage site 0 (black)

Pieces of wreckage of which the initial location could not be verified due to insufficient photographic and video evidence are identified as being at the so-called site 0. These wreckage pieces may have been moved or photographed at a different location within the geographic area. Primarily within the village of Petropavlivka, it is known that wreckage pieces were gathered near central locations such as the town hall. Some pieces of wreckage were collected by local residents and handed over to the Dutch Safety Board (Figure 32). The wreckage pieces of which the initial location is uncertain are listed below.



Figure 32: Handover of the left cockpit window frame to the Dutch Safety Board by members of the SES. This is the same part as is shown in Figure 33. (Source: Dutch Safety Board)

Fuselage with the lower part of a cockpit window frame

Part of the fuselage (STA180.5 to STA228.5), originating from the left hand side of the cockpit, was located at the side of the road, in the central region of site 2, near the village of Petropavlivka. Residents of the village reported that the wreckage piece had been moved to expedite the search and recovery mission. The fuselage skin was punctured from the outside in a number of places and the outside fuselage skin was pitted and showed traces of soot. Frames on the inner side of the fuselage had been sheared off.

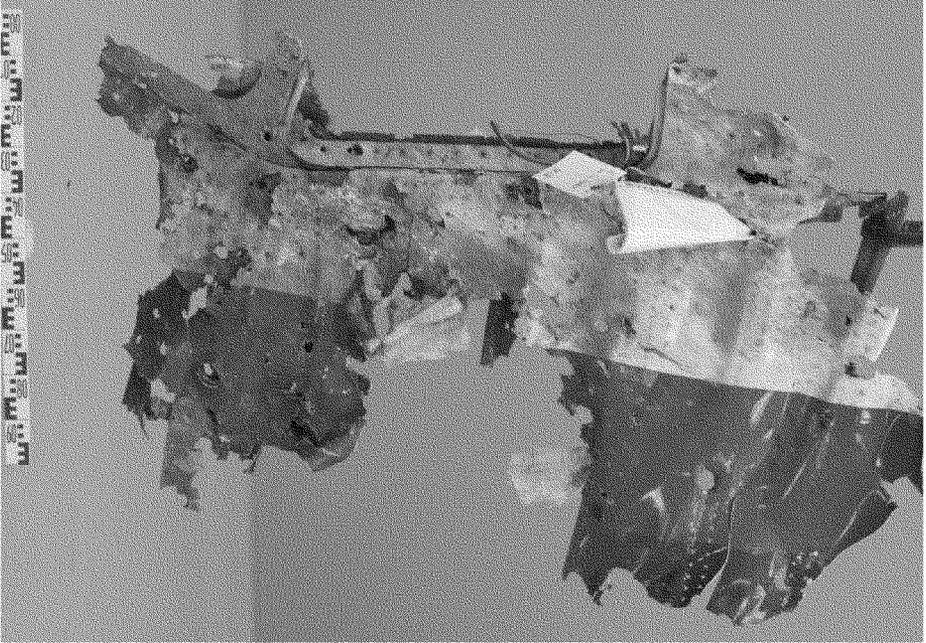


Figure 33: Part of the left cockpit window frame. (Source: Dutch Safety Board)

Cockpit window left hand side

One of the layers of the window (window number 2) on the left hand side of the cockpit was collected by local residents. Cockpit windows are made of multiple layers of glass and plastic. The window had a total of 102 puncture holes and marks, varying in size and shape, as seen in Figure 34. Parts of the window frame were still attached to the window.

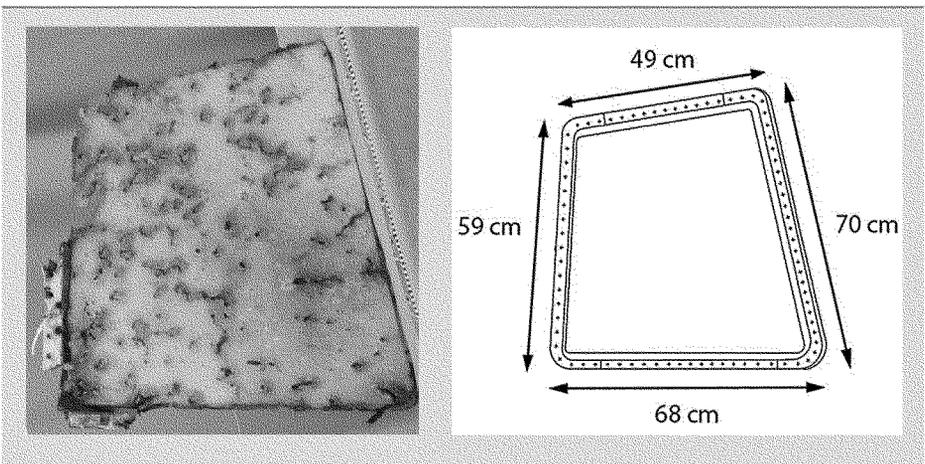


Figure 34: Left cockpit window 2. (Source: Dutch Safety Board)

The left nose landing gear door

Photographic evidence indicated that the left nose landing gear door had been placed in front of the village hall in Petropavlivka in site 2. Nose landing gear related components were all identified within or close to site 3. This included the nose landing gear itself and the right nose landing gear door.

The rudder horn balance

A portion of the rudder horn balance was photographed for the first time on site 4 during the recovery mission of the Dutch Safety Board in November 2014. Prior to this mission, no photographs of this part were available.

Lower part doorframe door 2L and surrounding fuselage

This part of the fuselage (STA655 to STA825) was collected for the Dutch Safety Board by local residents. Its initial location is unknown. The lower part of the doorframe of door 2L is still attached to the fuselage. Furthermore, the fuselage contains three static ports and a light bulb.

Frame of left hand side negative pressure relief vent

This part of the fuselage contains the complete, but broken frame of the forward negative pressure relief vent on the left hand side (STA788.5 to STA825) and is partially wrinkled. The vent itself is missing. The initial location of this part is unknown.

Left hand fuselage with partial text 'Malaysia'

A part of the fuselage with letters from the operator's name, located between STA846 and STA1035 were recovered. Parts of some of the window frames were attached. The fuselage skin was torn and many stringers on the rear of the fuselage skin were missing. The initial location of this part is unknown.

Left hand fuselage cockpit with pitot tube

This part of the fuselage (STA180.5 to STA212.5) contains the left pitot tube and the left ice detector. Impact damage is visible on the upper part and the sheared edges are jagged.

Right hand fuselage with partial text 'Malaysia'

This part of the fuselage contains the top part of the text 'Malaysia' on the right hand side of the aeroplane (STA846 to STA1032) and was identified in site 1. All edges show clear shears. Halfway, the fuselage is partially sheared from top to bottom. Formers and stringers were no longer attached to the fuselage.

2.12.2.8 Other relevant objects recovered

During the recovery of the wreckage, a number of parts that did not originate from the aeroplane and its content were found in the wreckage area. The parts found appeared to be connected with a surface-to-air missile. The parts that were suspected to be related to a surface-to-air missile were transported to the Gilze-Rijen Air Force Base in the same way as the aeroplane wreckage was. On arrival the parts underwent the same examination as the pieces of aeroplane wreckage. Subsequently the parts that were suspected to be related to a surface-to-air missile were subjected to forensic examination, as part of the criminal investigation (see Section 2.16). In order to not risk impeding the criminal

investigation, the Dutch Safety Board has decided not to publish images of all of the recovered fragments that were presented to the Annex 13 partners during the progress meeting in August 2015. Images of three of the parts are shown in Figure 36.

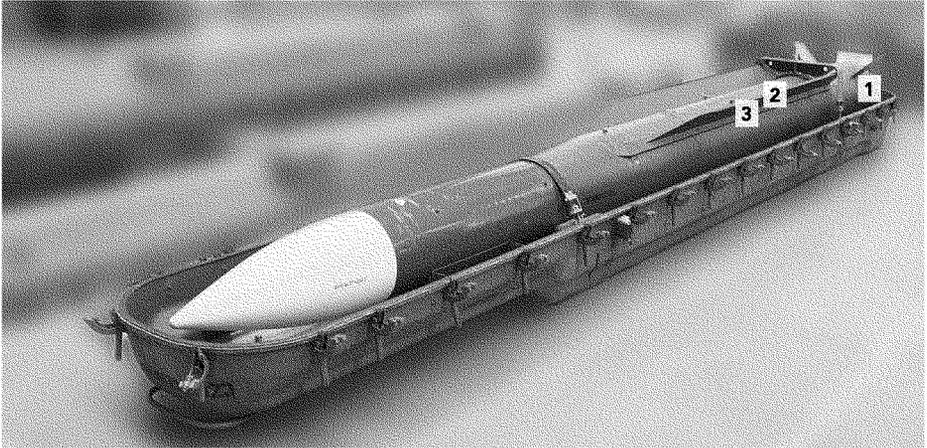


Figure 35: Image of 9M38M1 surface-to-air missile showing the approximate location of three of the parts recovered. (Source: NBAAI)

The shape and form of the parts recovered is consistent with a 9M38 series surface-to-air missile. Images of three of the recovered parts are shown in Figure 36 together with an indication of origin on a 9M38 series surface-to-air missile; namely an engine nozzle (1), part of one of the four stabilizer fins (2) and a data cable (3).

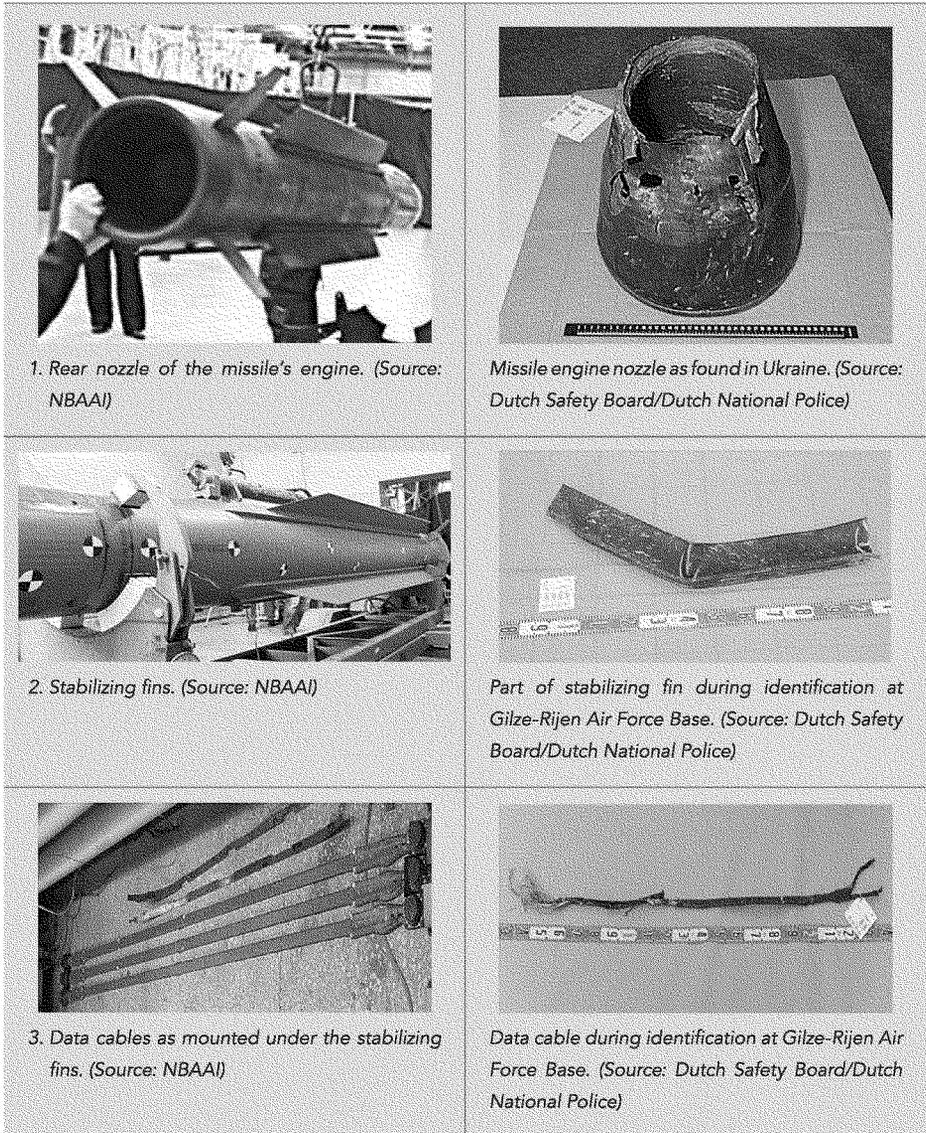


Figure 36: Weapon parts recovered. The parts are shown with sample photos showing their origin on a 9M38M1 surface-to-air missile. Numbers correspond with numbers in Figure 35.

In addition, several fragments were recovered from the wreckage of the cockpit and from the left wing tip that did not belong to the aeroplane or to its contents. Two of those fragments are described in paragraph 2.16.3 and shown in Figure 40.

Summary of the wreckage information

- Within the geographic area, approximately 50 km², six sites with wreckage were identified. These sites were located west and south-west of the village of Hrabove.
- The distribution of wreckage pieces over a large area indicates an in-flight break-up.
- Site 1 is north of the village of Petropavlivka which is situated 8.8 kilometres west of Hrabove. Site 2 covers a large part of the village of Petropavlivka, situated 8 kilometres west of Hrabove. Site 3 is the southern corner of the village of Rozsypne, 7 kilometres south-west of Hrabove.
- Pieces of wreckage originating from section 41 and 43 of the aeroplane were found in site 1, 2, and 3. The top portions of the fuselage of section 41 were mostly located in site 1. Parts of the fuselage originating from section 43 were mainly found in site 2. The fuselage of the cockpit and cockpit interior were primarily located in site 3.
- Site 4, located 2 kilometres south, southwest of Hrabove was adjacent to site 5, located 750 metres south of Hrabove. Site 6 was located in the south-westerly corner of Hrabove.
- The mid and aft sections of the aeroplane were distributed over sites 4, 5 and 6. Site 4 contained mostly pieces of wreckage originating from section 44, 46 and 47. Both wing tips and both stabilizers were also found in this site. In site 5, pieces of section 48 were found, including the vertical stabilizer. This site was partially subjected to fire. Both the wings and engines were found in site 6. Parts of the aeroplane in this site were damaged or consumed by fire.
- A few hundred holes and ricochet marks were found in the forward fuselage. Over a dozen holes and marks were found in the left engine intake ring and the left wing tip.
- A number of parts were found that were not part of the aeroplane's wreckage but were considered to be related to the crash. These parts appeared to originate from a 9M38 series surface-to-air missile.
- Some pieces of wreckage that were identified as having been in the wreckage area shortly after the crash were not found during the recovery missions.

2.13 Medical and pathological information

2.13.1 General

The identification of the human remains began in Donetsk, Ukraine the day after the crash. After registration, the pathologist of the mortuary opened files for the human remains, took photographs, wrote descriptions and took DNA samples. At the time an autopsy was performed on one of the bodies. A section of rib was removed from eleven of the bodies.¹³ This was for DNA examination as part of the identification process and is the common local working method. Subsequently the decision was made to perform the identification process in the Netherlands.

¹³ LTFO employees and their international colleagues have informed the relatives involved about this matter.

The human remains, including the DNA material, were taken to the Netherlands for identification. Fragmentation, fire and decomposition explain why little or no human remains were found for some of the passengers.

As part of the identification and forensic investigation, before the body bags containing human remains were opened in Hilversum, the Netherlands and the remains were visually examined, an X-ray or CT scan was made of all of the body bags received. The scans revealed foreign objects both in and on some of the human remains. Most of the foreign objects were (later) identified as:

- personal belongings (medical implants, rings, coins, telephones, zips on clothing, etc.);
- objects originating from the aeroplane (such as seat belts, fragments of seats, parts of the fuselage), or
- objects that stem from the ground (stones, coal particles, etc).

Objects that did not have a readily identifiable source, were removed and sent to the Netherlands Forensic Institute (NFI) for further examination. Once the metal fragments had been removed, the human remains were released for identification. The identification of the human remains, both of the victims with the Dutch nationality and of the victims with other nationalities, was carried out by a team consisting of 120 forensic specialists from the National Forensic Investigations Team (LTFO) from the Netherlands and 80 forensic specialists from Australia, Belgium, Germany, the United Kingdom, Indonesia, Malaysia and New Zealand.

The relatives were informed by the authorities of their respective countries about the identification process of their family members and all related actions. Once they had been identified, the human remains were handed over to the relatives.

2.13.2 Crew autopsy

Following a request from the public prosecutor four bodies, that were suspected to be those of crew members, were selected for further investigation. These were provided to NFI for a detailed autopsy and toxicological examination.

The findings were as follows:

- *First Officer Team A*: The First Officer was found with a four-point harness on and had an epaulette worn by a First Officer. The post-mortem examination revealed that this crew member sustained multiple fractures of the skull, spine, pelvis, ribs, arms and legs. In this body, an aeroplane part identified as belonging to the right hand side of the aeroplane, was found during the post-mortem examination. During the body scan of the First Officer's body, over 120 objects (mostly metal fragments) were detected. The majority of the fragments were found in left side of the upper torso.
- *Purser*: More than 100 objects were detected. The scatter pattern that the fragments formed was uniform and comparable with the pattern of the First Officer.
- *Captain Team B (non-operating flight crew)*: Three metal fragments were detected by means of X-ray examination. Two of which were identified as surgical clips. The third fragment was found not to be present inside the body.

- *Cabin crew member:* This person had sustained relatively few injuries and no metal fragments were found other than a medical implant.

Following identification, it was found that the body of the Captain from Team A was not one of the four bodies that underwent detailed examination. The body of the Captain from Team A had undergone an external and internal examination to remove foreign objects. This examination showed a great deal of fragmentation in the body. In addition, hundreds of metal fragments were found. Several bone fractures and other injuries that were observed in the Captain's body were judged to be related to the impact of metal fragments travelling at a high velocity.

Summary of the autopsy results of the crew members in the cockpit

The Captain and First Officer from Team A and the Purser sustained multiple fatal injuries associated with the impact of metal fragments moving at high velocity.

2.13.3 Toxicological examination of crew members

Samples were collected for toxicological examination from the four bodies during the post-mortem examination. At that time, these bodies were presumed to be four possible flight crew members. The results of the identification process determined that one of the bodies was that of the First Officer, from Team A, who was operating the aeroplane at the time of the crash. The toxicological examination was performed by the NFI.

For the First Officer's body there were no indications of the presence of medicines (including sedatives), drugs or pesticides in the body. In the First Officer's body, traces of ethanol and metabolites of ethanol (Ethyl Glucuronide and Ethyl Sulphate) were found in liver and muscle tissue. Ethanol may have been formed, in whole or in part, post-mortem. There is insufficient research data available on these metabolites in liver and muscle tissue to interpret this finding. No blood was available for toxicological analysis as a result of post-mortem change.

Summary of the toxicological examination

- No traces of medicines, drugs or pesticides were found in the body of the First Officer from Team A who was at the controls of the aeroplane at the time of the crash. Traces of ethanol and its metabolites were found in liver and muscle tissues which may be formed, in whole or in part, post-mortem.
- No blood was available for toxicological analysis as a result of change post-mortem.

2.13.4 Medical examination of other crew members and passengers

Remains from all but two passengers were found, enabling them to be identified during the identification process. It is noted that only a few foreign objects were present, identified and extracted for further examination from the bodies of the passengers (See Section 2.16).

The bodies in the fuselage section forward of the wings and in the fuselage section aft of the wings were largely intact. Radiographic examination and CT scans of these bodies showed multiple fractures and/or crushing. It proved impossible to determine when these injuries were sustained. Because of the severity of the injuries resulting from the impact on the ground, any injury sustained earlier could not be distinguished. How many passengers had already died before the impact on the ground could not be determined.

The centre section of the aeroplane was severely damaged and burnt. This was the section of the aeroplane that landed upside down and was consumed by fire after impacting the ground. The majority of the human remains from this section of the aeroplane were fragmented and/or burnt. The injuries of most of the passengers from this section of the aeroplane could not be assessed with the CT images.

The scans showed metal fragments in the bodies of a large number of occupants. Research showed that these fragments included medical implants, jewellery and objects that originated from within the aeroplane.

In view of their positions in the aeroplane, the crew members (other than those who were seated in the cockpit) are expected to have suffered the same fate as the passengers.

Summary of medical examinations of passengers and crew

The majority of the occupants seated in the cabin suffered multiple fractures consistent with the in-flight disintegration of the aeroplane and ground impact.

2.14 Fire

No indication was found of the ignition or proliferation of an on-board fire prior to the aeroplane breaking up in flight.

Wreckage site 6 contained evidence of a large fire that consumed much of the centre section of the aeroplane. The two main landing gear legs and the centre wing box showed fire damage. In addition, the engines showed signs of partial exposure to a fire.

A second, smaller, fire was found to have burned near the location of the auxiliary power unit firewall at wreckage site 5.

Summary of fire information

There was no in-flight fire before the in-flight break-up. Fires erupted at two wreckage sites after the crash.

2.15 Survival aspects

2.15.1 Search and Rescue

The local Ukrainian State Emergency Service (SES) recovered human remains between 17 July and 21 July 2014. The SES is a federal organisation which has local teams that, among other things, are responsible for the protection of the population in case of disasters. When a disaster occurs, the SES is given authority over other services. In the case of flight MH17, the SES was assisted in the recovery by local fire brigades, police, farmers and miners. Hundreds of Ukrainians were involved.¹⁴

Flight MH17 crashed in an area where an armed conflict was ongoing. Because of this, part of the area where aeroplane wreckage and bodies had come down was difficult to access during the first period. Initially, due to the conflict, it was not possible for Dutch and other foreign experts to enter these areas because of the assessed safety risks.

On 17 July, the pathologist of the mortuary in Donetsk went to the villages of Rozsypne and Petropavlivka¹⁵ where bodies had come down. From there, he directed the recovery of these bodies. A total of 37 bodies was transferred to the mortuary in Donetsk, where the identification process began. When it became apparent how many bodies had to be recovered, the mortuary was ordered by the Ukrainian government as well as by the anti-government groups to adopt a different working method. From then on, the bodies were collected in a refrigerated railway carriage in Torez and then transferred to Kharkiv. The 37 bodies that were originally brought to Donetsk were also transferred to Kharkiv.

In Kharkiv, an international team led by experts from the Netherlands organised the preparations for transporting the human remains to the Netherlands. The preparations were carried out in a factory building that had been made available for this purpose.

The first reconnaissance missions involving Dutch nationals took place on 20 and 21 July. The Dutch team observed that there were no more human remains visible at the locations accessible to them. It can therefore be concluded that the SES had thoroughly searched the locations that were accessible during the first days.¹⁶

After the initial recovery in July 2014, international follow-up missions took place in November 2014, March 2015 and April 2015.¹⁷ During these follow-up missions, human remains were found that had not been accessible or immediately visible during the first period. During the last mission, the soil was excavated at the site where the centre section of the aeroplane had crashed, which was where the largest fire had occurred. More human remains were discovered there.

¹⁴ <http://www.rijksoverheid.nl/nieuws/2014/08/09/vliegramp-mh17-waar-heeft-de-missie-gezocht.html>, consulted on 15 July 2015.

¹⁵ These were two of the six crash sites.

¹⁶ See also: <http://www.rijksoverheid.nl/onderwerpen/vliegramp-mh17/nieuws/2014/08/06/persconferentie-rutte-over-terugtrekken-missie-uit-rampgebied-mh17.html>.

¹⁷ The website <http://www.rijksoverheid.nl/onderwerpen/vliegramp-mh17/nieuws> includes an overview of all activities with regard to the transferral of human remains and belongings. Information can also be found at: <https://www.politie.nl/themas/vliegt-mh17%5B2%5D/qa-vlucht-mh17.html>.

2.15.2 Data carriers

No photographs or (text) messages from occupants were found on personal data carriers such as mobile phones that were taken after the impact of high-energy objects. In total, 407 personal data carriers were found. The condition of 54% of the data carriers found was adequate for the NFI to further examine the data stored. The other 46% was too badly damaged to be examined.

Summary of survival aspects

The human remains and bodies were initially recovered by the local State Emergency Service. The organisation received assistance from local fire departments, emergency services, police and locals.

2.16 Tests and research

During the examination of the wreckage parts at Gilze-Rijen Air Force Base and the forensic examinations in Hilversum fragments were safeguarded and further examined by the Netherlands Forensic Institute (NFI). This work is described in the following paragraphs.

2.16.1 Forensic examination

In the course of the investigation, hundreds of fragments were found in the wreckage of the aeroplane, the remains of the crew members and passengers. Some of the fragments were found to be aeroplane parts, some were identified as personal belongings and other fragments originated from the ground.

A distinct group was identified as small pieces of metal that were suspected to be high-energy objects, or parts of them. These fragments were extracted from the Captain from Team A, the First Officer from Team A, the Purser, who was present in the cockpit at the time of the crash, and from the cockpit wreckage (Figure 37). These fragments were found to be ferrous.

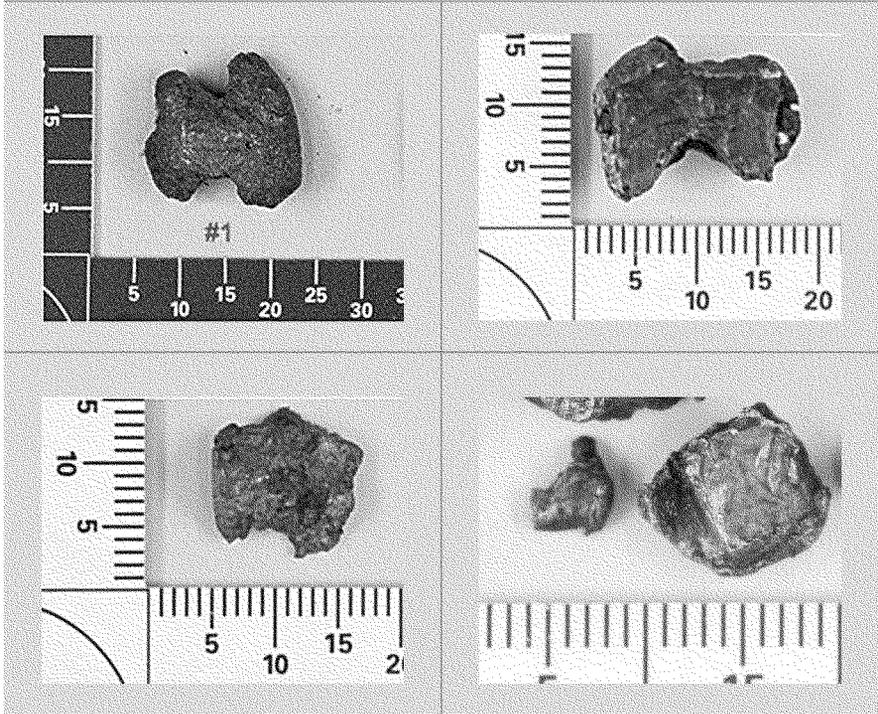


Figure 37: Four distinctly shaped fragments. Top left: cockpit. Top right: Captain's body. Bottom left: Purser's body. Bottom right: First Officer's body. (Source: NFI). Scale is in millimetres.

Further forensic examinations were conducted on a number of these fragments. The selection was based on size, shape, mass and ferrous properties. In total 72 fragments were selected for further examination. Fifteen of these 72 fragments were found in the remains of the three crew members, one was found in the body of a passenger. The remaining 56 foreign fragments were recovered from the wreckage.

2.16.2 Examination of the selected fragments

The origin and the elemental composition of the selected fragments, together with 21 reference fragments (e.g. aeroplane metal structure, cockpit glass) were examined by the NFI using a scanning electron microscope and energy dispersive X-ray analysis (EDX) system. Further examinations were conducted on cross-sections of the fragments by using a Focused Ion Beam (FIB).

The elemental composition of these fragments was determined qualitatively and it was found that 43 of the 72 examined fragments consisted of unalloyed steel. The fragment obtained from the passenger was found to be non-metallic (coal-slag) and the others were made of stainless steel.

On 20 of the selected fragments of unalloyed steel, aluminium and/or glasslike deposits were present. On 14 of these fragments, the glass deposit consisted of sodium, aluminium, silicon, oxygen, and zirconium.

Cross-sections were made using the FIB technique on fragments recovered from the remains of the crew members, that had a glass and/or aluminium deposit. Scanning electron microscope examinations of the cross-sections created showed that both the aluminium and glass deposits were present in the form of thin layers of re-solidified material. These layers have a thickness ranging from tenths micrometres to tens of micrometres (Figure 38). On a small number of fragments thin layers containing traces of copper and plastic were found.

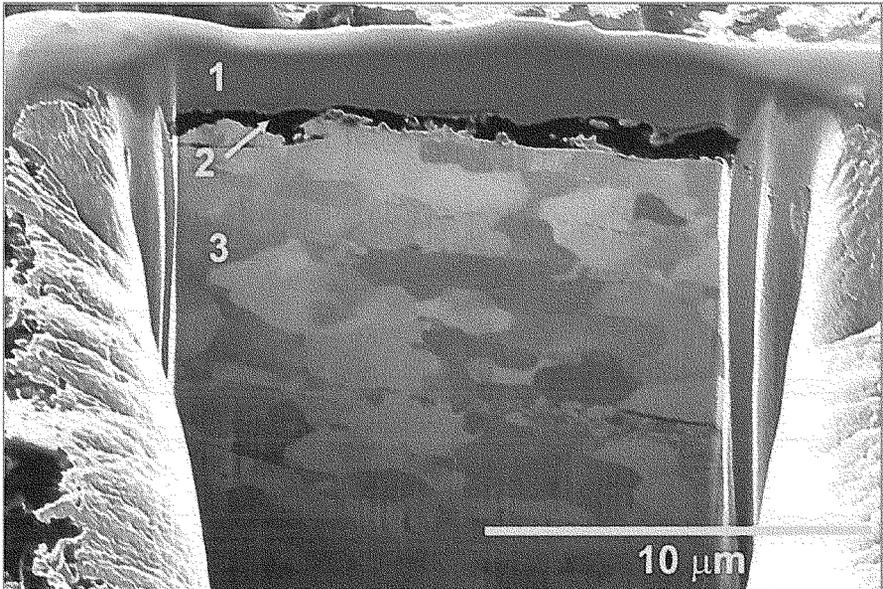


Figure 38: Example of SEM examination on a cross-section made using FIB. Note: 1) Layer of platina deposited by NFI, 2) layer of re-solidified molten cockpit glass, 3) unalloyed steel. (Source NFI)

The elemental composition of the aluminium traces found were consistent with the elemental composition of the aluminium obtained from the aeroplane as reference material. The investigation did not analyse each trace of aluminium to identify which aluminium alloys were present.

The glass deposits present on the surface of the 14 fragments had an elemental composition of sodium, aluminium, silicon, oxygen and zirconium. This composition corresponds to that of cockpit window glass from a reference piece held by the NFI and with the cockpit glass obtained from the wreckage. The other pieces of glass that were secured from the wreckage contained no zirconium. It is noted that common types of glass, such as window glass, car windscreen glass and glass on mobile telephones do not contain zirconium.

The examination further showed that several fragments recovered from the crew members (Figure 39) were heavily deformed on one side of the fragment and that the opposite side was only slightly deformed. The deposits that were detected were mainly found on the heavily deformed side of the fragments in a re-solidified state.

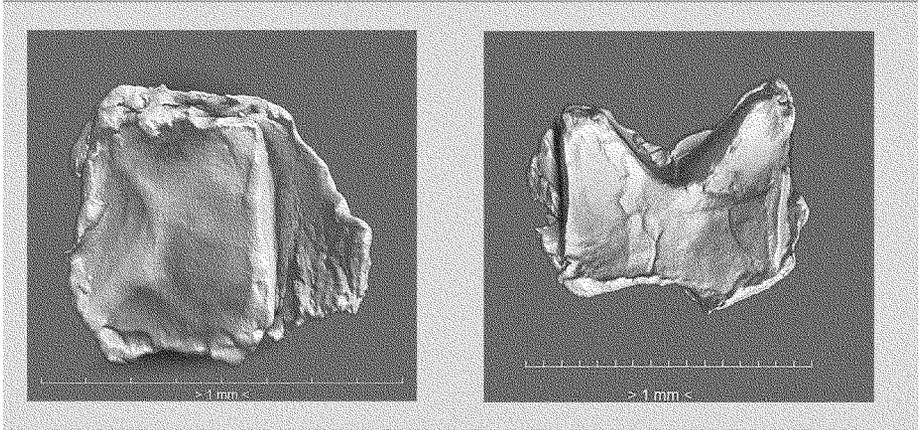


Figure 39: Micro CT-images of the fragments (shown at the right side of Figure 37, left from the First Officer's and right from the Captain's body) show the deformation of the fragments. (Source: NFI)

The investigation concluded that these fragments impacted the aeroplane at a very high velocity, thereby deforming the object at the side of the impact. The consequential frictional heat melted the aeroplanes materials (glass, aluminium etc.) and a thin layer of solidified aeroplane material was deposited to the heavily deformed side of the object. Although the velocity of the object was reduced due to the impact with the aeroplane, the object continued its path and then impacted the crew member where it was found. These fragments were as such assessed to be high-energy objects.

The chemical composition of 20 selected fragments which had either a very distinctive shape (including the two bow-tie shaped pre-formed fragments) or a layer of deposits or both was determined. This was determined by means of laser-ablation inductively coupled plasma mass spectrometry.

A comparison between the fragments and their composition was made using a statistical analysis method called Principal Component Analysis. The analysis showed that the 20 selected fragments from the wreckage and the remains can be divided in two distinctive groups. Within such a group, no statistical difference could be determined between the fragments, indicating that the fragments originated from the same source. In other words, the fragments within a group were made from the same unalloyed steel base material (i.e. the same plate). One of the analysed fragments could not be linked to a distinctive group.

The result of the Principal Component Analysis was that from the 20 selected fragments, 19 fragments were assessed to be high-energy objects; 8 originated from the flight crew and 11 from the wreckage. A summary of the results is given in Table 11 and Table 12. One fragment not linked to either of the two distinctive groups above was concluded to be a high-energy object as well. This conclusion was drawn primarily on the basis of the fragment's shape (a deformed cubic form) and the presence of a similar glass deposit on the fragment.

The examinations showed that one further fragment, not included in the Table 11, that was obtained from a passenger was found to be coal slag.

Number	Location	Shape and dimensions (millimetres)	Mass (grams)	Group (see below)
1	Document binder	-	-	2
2	Document binder	-	-	2
3	Cockpit	Irregular, -	4.9	1
4	Cockpit	Irregular, -	1.3	1
5	Cockpit	Irregular, -	2.5	1
6	Cockpit	Irregular, -	1.1	2
7	Wreckage	Irregular, -	3.2	2
8	Wreckage	Irregular, -	2.7	1
9	Wreckage	Irregular, -	0.8	1
10	Cockpit	Bow-tie, 14 x 14 x 4.5	6.1	1
11	Cockpit	Irregular, -	2.7	1
12	Human remains	Irregular, -	3.5	1
13	Human remains	Irregular, -	0.1	1
14	Human remains	Irregular, -	0.1	1
15	Human remains	Cubic, 6 x 6 x 5	1.3	Other
16	Human remains	Irregular, -	1.5	1
17	Human remains	Irregular, -	2.2	1
18	Human remains	Irregular, -	16	2
19	Human remains	Cubic, 12 x 12 x 1	1.2	2
20	Human remains	Bow-tie, 12 x 12 x 5	5.7	1

Table 11: Overview of the 20 selected fragments.

The elemental composition of the two groups in the column of Table 11 is shown in Table 12.

Group	% Vanadium	% Chromium	% Manganese	% Cobalt	% Nickel	% Copper	% Molybdenum	% Tungsten
1	0.0021	0.060	0.4619	0.0083	0.063	0.141	0.0058	0.0014
2	0.0010	0.134	0.4170	0.0133	0.119	0.241	0.0072	0.0021

Table 12: Composition in (percentage) of elements found in steel of the two groups of fragments examined.

2.16.3 Explosive residue and paint analysis

In addition to the examination described above, as part of the criminal investigation, 126 swab samples were taken on various locations of the wreckage of the aeroplane and one of the missile parts in paragraph 2.12.2.8 and analysed by the NFI for the presence of explosive residues.

Approximately 30 of the 126 swab samples showed traces of mainly two different explosives; the nitroamine RDX and trinitrotoluene (TNT). A few of the 30 samples showed traces of PETN. On the tested missile part traces of RDX was found. On the missile part TNT or PETN could not be identified.

The investigation into the origin of the explosive residues was made more complicated as the objects from which the swab samples were taken had been exposed to the elements for a long period of time. The possibility of contamination during transport and by the fact that the wreckage lay in an area of armed conflict is a concern for the explosive residue analysis.

One of the fragments that was recovered from the wreckage of the aeroplane, was found in the left wing tip and a second one was found lodged in the left cockpit window frame. Figure 40 shows images of both of these fragments.

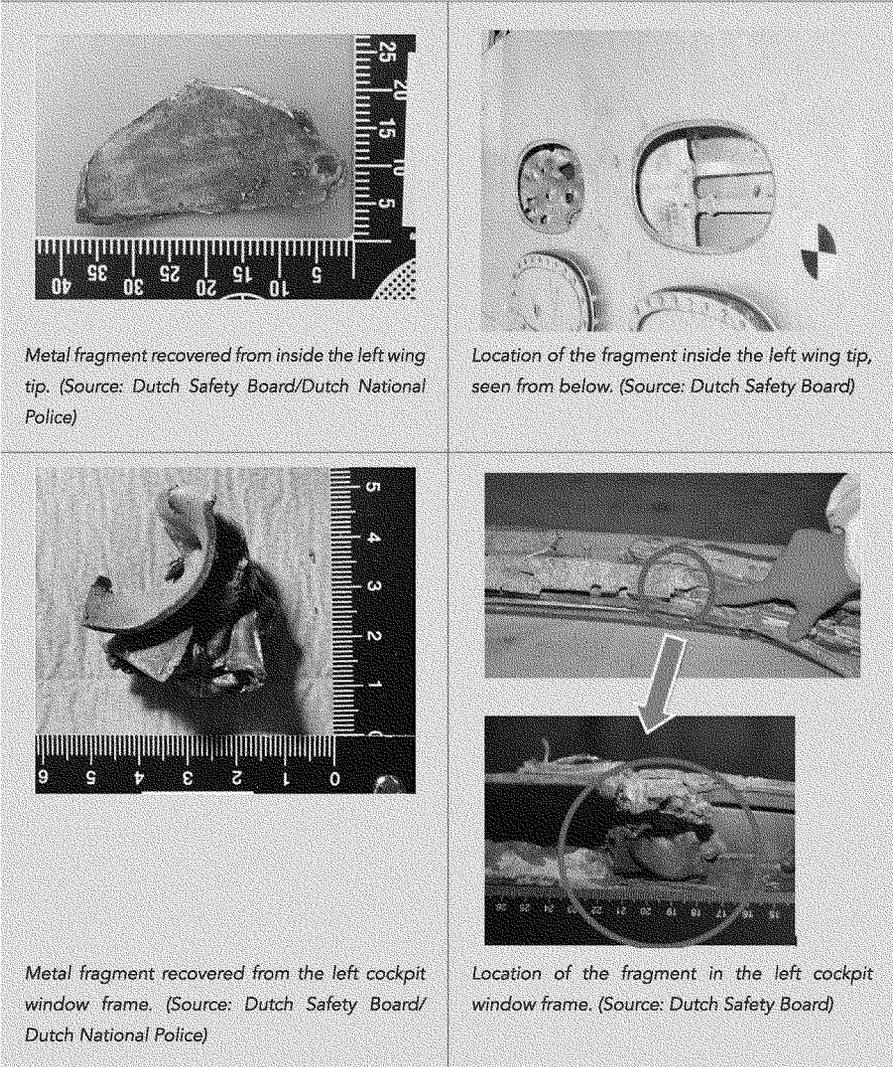


Figure 40: Two of the metal fragments recovered from the aeroplane wreckage.

A number of paint samples taken from these metal fragments recovered from the aeroplane and missile parts recovered at the wreckage area (see Figure 36 and Figure 40 and in paragraph 2.12.2.8) were compared.

The colour and build-up of the paint layers was visually examined and the chemical composition of the paints were analysed using Fourier-transform infra-red spectrometry.

The missile parts found at the wreckage area and the fragments recovered from the wreckage were painted with the same number of paint layers and had the same colour. Furthermore, the chemical composition (as analysed using Fourier-transform infrared

spectroscopy) of each paint layer was identical for the samples analysed. It was concluded that the paint samples taken from missile parts could not be distinguished from those found on foreign objects extracted from the aeroplane.

The results of these analyses were provided to the Dutch Safety Board by the public prosecutor.

Summary of forensic investigation

- Over 500 fragments were recovered from the wreckage of the aeroplane, the remains of the crew members and passengers. Many of the objects were identified as personal belongings, aeroplane parts or objects that originated from the ground after impact. In addition, many of the objects were metal fragments that were suspected to be high-energy objects, or parts of them. From the second group of objects, 72 fragments that were similar in size, mass and shape were further investigated.
- 43 of the 72 fragments were found to be made of unalloyed steel and four of these fragments, although heavily deformed and damaged, had distinctive shapes; cubic and in the form of a bow-tie.
- On 20 of 43 fragments made of unalloyed steel, a thin layer of re-solidified aluminium and glass was detected. These fragments were found both in the remains of crew members and in the cockpit area of the wreckage. No unalloyed steel fragments were found in the remains of the passengers.
- The elemental composition of the re-solidified glass was compared with the cockpit glass and was found to match. Likewise, the elemental composition of the aluminium deposits matched the composition of the aluminium used in the aeroplane.
- Deformation and abrasion of the fragments was caused by the impact of the fragments with the aeroplane at very high velocity. The consequential frictional heat resulted in the formation of a thin layer of re-solidified aeroplane material on the fragment. These fragments were as such assessed to be high-energy objects.
- Some of the recovered aeroplane wreckage parts and one of the missile parts recovered showed traces of explosive residues.
- Paint samples taken from missile parts found in the wreckage area match those found on foreign objects extracted from the aeroplane.

2.17 Organisational and management information

Factual information and the analysis related to the decision-making processes around the flight routes are contained in Part B of this report entitled '*Flying over conflict zones*'.

The following subjects relevant to this crash were investigated:

- The decision-making with regard to flight routes by Malaysia Airlines, with particular emphasis on the route across Ukraine;

- The management of airspace in Ukraine, with particular emphasis on the restrictions of airspace promulgated by the Ukrainian authorities.

2.18 Additional information

This paragraph contains a number of relevant subjects that have not been addressed elsewhere in Section 2. These relate to:

- the pressure cabin and the cabin emergency oxygen system;
- background information on possible external sources of damage to the wreckage parts;
- the safety actions taken following the crash.

2.18.1 Pressure cabin

Crashes in the past have shown that an in-flight break-up can occur following the sudden failure of a pressurised cabin. Therefore, information relating to the functioning of the pressure cabin were reviewed. Malaysia Airlines provided a list of mandatory occurrence reports for the aeroplane that was involved in the crash, reflecting the period between delivery in 1997 and November 2013, none of which related to the functioning of the pressure cabin.

Maintenance information from Malaysia Airlines for the period between November 2013 and 17 July 2014 did not reveal any tail strike occurrences or damage to the rear bulkhead.

A review of the entries in the aeroplane technical log (ATL) in the period from November 2013 to July 2014 showed write-ups of buzzing or whistling noises emanating from the seal of two cockpit windows and one cabin door. Repairs to the seals had been made and annotated in the log.

Technical information provided by Malaysian Airlines indicated that repairs to the fuselage skin in Section 46 had been carried out in 2012 and 2013 due to corrosion. The repaired fuselage skin panel was recovered with all of the repair still in place.

A Service Bulletin had been issued by Boeing (reference number 777-53A0068) to address the risk of a fuselage skin rupture in the SATCOM antennae area which could result in a depressurisation of the cabin. The Service Bulletin was made mandatory by the Federal Aviation Administration who issued Airworthiness Directive 2014-05-03. The Service Bulletin was not applicable to the aeroplane that crashed. This issue is explained in more detail in paragraph 3.2.2.

2.18.2 Emergency oxygen system description

Emergency oxygen for the flight crew is stored in oxygen bottles installed below the cockpit. Oxygen is supplied as soon as the flight crew don their masks, irrespective of the cabin pressure. Entries in the ATL made by ground engineers from Malaysia Airlines showed that the oxygen bottles had been replenished on a regular basis in accordance with standard maintenance practices.

The Boeing 777 is equipped with a cabin emergency oxygen system consisting of chemical oxygen generators with masks that are stored above the seats. Each passenger seat, cabin attendant seat, toilet and crew rest berth have masks, including additional masks for infants travelling in the lap of an adult passenger.

The emergency oxygen masks can be deployed manually by pushing the 'PASS OXYGEN' switch in the cockpit on the pilot's overhead panel. The masks will be deployed automatically, when the cabin pressure altitude exceeds 13,500 feet. In the event of a sudden loss of pressurisation, e.g. a depressurisation, the masks will deploy according to the aeroplane manufacturer, with a time delay of a few seconds. Sometimes masks deploy unintentionally, when the passenger service unit (PSU) is exposed to a heavy shock or distortion of its container; for instance after a hard landing.

When the emergency oxygen masks are deployed, either manually or automatically, internal software logic to the Electrical Load Management System will result in an activation signal to open the passenger service units above each block of seats. The system logic has an in-built delay for the activation signal. The signal activates the solenoid switch of the passenger service units. The activated solenoid switch withdraws a latch pin in the door panel of the passenger service unit, allowing it to open, followed by the masks falling out.

The chemical oxygen generators are fired by a downward force being applied to the mask. The application of this force results in the attached lanyard pulling out the firing pin, which in turn allows the mixing of chemicals in the generator. This mixing of chemicals starts a chemical reaction that provides a high concentration of oxygen starting to flow to the mask via a hose for about 10 to 20 minutes.

The aeroplane manufacturer stated that the Electric Load Management System non-volatile memory does not record a signal as to whether or not the Electrical Load Management System has activated the emergency passenger oxygen system, so as to deploy the masks. The Flight Data Recorder does not record information regarding the activation of the emergency oxygen system. However, in the event of activation this will generate a Master Caution warning. The Master Caution warning and the cabin pressure altitude are both recorded. The recorded cabin pressure altitude during cruise flight up to the moment that the Flight Data Recorder stopped recording was 4,800 feet and there were no warnings recorded.

According to the aeroplane manufacturer, the operator can choose whether or not to store the signal that activates the emergency oxygen system on the Quick Access Recorder (QAR), if installed. The aeroplane did have a QAR installed which was not recovered from the wreckage site. Malaysia Airlines provided QAR data from earlier flights to show that the failure of the pressurisation of the cabin pressure system and cabin pressure altitude warning were recorded, but not the actual activation of the emergency oxygen system.

During the investigation about fifty chemical oxygen generators were recovered from the wreckage sites. With the exception of one, none of the chemical oxygen generators had its firing pin in place and all displayed a black coloured stripe; an indication that the

generators had been fired. An example of one of the chemical oxygen generators found and a part of its passenger service unit is shown in Figure 41.



Figure 41: Chemical oxygen generators and part of the passenger service unit. (Source: Dutch Safety Board)

Some chemical oxygen generators were attached to their passenger service unit; others were found separated. All of the chemical oxygen generators were damaged and most of them were heavily distorted. About a dozen of the plastic PSU containers, or a part of them, which normally contain the emergency oxygen masks, were found. The containers are relatively rigid, but may nevertheless be deformed. The containers were heavily damaged, incomplete or cracked. All the latches, which cover the masks and keep them stored in the container, were missing. All of the solenoid switches were found in the 'unlatched' position. A few switches were damaged and could not be reset in the 'latched' position. For most of the chemical oxygen generators recovered, the masks and oxygen supply tubes were missing.

The chemical oxygen generator which had a firing pin installed originated from a crew rest area, which has a different stowage construction to the ones in the passenger service units. The stripe on this chemical oxygen generator was orange/red, indicating that the generator had not been fired. The latch was found separated from the plastic box and the corresponding frame of the latch box was cracked. The solenoid switch was found in the unlatched position and its lever was heavily distorted and could not be reset to the 'latched' condition. The two emergency oxygen masks and the oxygen supply tubes in this unit were found intact.



Figure 42: Emergency oxygen mask found on passenger. (Source: Dutch Safety Board)

During the victim identification process in the Netherlands, one passenger was found with an emergency oxygen mask, see Figure 42. The strap was around the passenger's neck and the mask was around the throat. No information was available about how this passenger was found at the wreckage site. The NFI examined the mask for biological traces and performed DNA tests. No DNA profiles could be obtained from the five samples taken. Therefore, DNA analysis was not possible. The lack of DNA material can be explained by the mask having been left outside for a long time at high temperatures.

There were no useable fingerprints found on the mask. The high temperatures may have caused the quality of fingerprints on the mask to deteriorate.

Summary of emergency oxygen system

- The emergency oxygen masks can be deployed manually at any time by the flight crew. During flight, the masks are deployed automatically, without an input from the flight crew, when the cabin pressure altitude exceeds 13,500 feet.
- The flow of oxygen through the mask starts when the firing pin is removed by the application of a downward force on the lanyard attached to the firing pin and the oxygen mask hose.
- About fifty fired chemical oxygen generators were recovered. One, unfired, chemical oxygen generator was found in a crew rest area.
- A cabin pressure altitude of 4,800 feet was recorded on the Flight Data Recorder during cruise flight up to the moment that the Flight Data Recorder stopped recording.
- There was no data recorded regarding the activation of the emergency oxygen system on the Flight Data Recorder. The Quick Access Recorder, a potential source of data, was not recovered.
- One passenger was found with an oxygen mask. DNA analysis was not possible.

2.18.3 External sources of damage

In Section 3.5 a number of scenarios are analysed that relate to the possible source or sources of the objects that perforated the aeroplane. These include meteor and space debris. A number of military systems as possible sources of damage were also considered. These are, for better readability, described in Section 3.6 of this report. This paragraph provides factual background information on meteor strikes and the re-entry of space debris.

2.18.3.1 Meteor

The investigation considered the possibility of a meteor as being the cause of the crash and sought information from the Royal Dutch Society for Weather and Astronomy (*Koninklijke Nederlandse Vereniging voor Weer- en Sterrenkunde*). The passage of a meteor through the upper atmosphere (from 110 down to 15 km above the earth's surface) is associated with distinct, measurable sound waves as it decelerates to speed below that of the speed of sound. These sound waves, at a frequency outside the range of the human ear, are known as 'ultranoise'.

The Royal Dutch Society for Weather and Astronomy confirmed that no such sound waves were recorded in Ukraine at the time of the crash. In background information, the Royal Dutch Society for Weather and Astronomy noted that meteors fall for the last 10-15 km in an almost vertical path, meaning that any such impact would be directly from above, perpendicular to an assumed flat ground surface.

The chance of a meteor striking an aeroplane was calculated as being one event in 59,000 to 77,000 years. This value was obtained from the University of Pittsburgh's Department of Geology and Planetary Science and was originally part of the NTSB's investigation into the 1996 accident to TWA flight 800 (see NTSB Report AAR-00/03, dated 23 August 2000).

2.18.3.2 Space debris

The Aerospace Corporation, a research and development centre based in the United States of America that works with space programmes, maintains a register of the re-entry of space debris. This register stated that no space debris re-entered the earth's atmosphere in the period 10 to 19 July 2014.

Summary of meteor and space debris information

- The chance of a meteor striking an aeroplane was calculated as being one event in 59,000 to 77,000 years.
- No 'ultranoise' was recorded in Ukraine at the time of the crash.
- No re-entering space debris was known that could have hit the aeroplane.

2.18.4 Safety actions taken

Following the crash, at 15.00 (17.00 CET) on 17 July 2014 the UkSATSE issued NOTAM A1507/14. This NOTAM added another restricted area above the existing area, commencing at FL320 to an unlimited altitude.

At 23.00 on 17 July 2014 (01.00 CET, 18 July), UkSATSE issued NOTAM A1517/14, which increased the size of the restricted area and imposed a limitation from the surface to an unlimited altitude. This NOTAM became effective at 00.05 (02.05 CET) on the morning of 18 July. Table 13 summarises these NOTAMs. These two NOTAMs, issued by UkSATSE and covering an area of the eastern part of Ukraine, closed the airspace.

NOTAM number	Lower limit	Upper limit	Valid from (UTC)
1507/14	FL320	UNL	17 July, 15.00
1517/14	SFC	UNL	18 July, 00.05

Table 13: Ukrainian NOTAMs post-crash.

2.19 Useful or effective investigation techniques

ICAO Annex 13 reserves a paragraph for providing information on useful or effective investigation techniques that may be of use in future air accident investigations.

2.19.1 Wreckage registration and tagging

During the on-site recovery missions in Ukraine, wreckage parts were tagged, photographed and registered. During the transportation to the Netherlands, this process was checked at the different locations where parts were transferred to other means of transportation.

Upon arrival at Gilze-Rijen Air Force Base the wreckage was visually inspected, pieces of wreckage were given a tag with an identification number and were then photographed in front of a green screen. A database was created containing the following details for each tagged piece of wreckage:

- the identification of the part found;
- its location in the aeroplane;
- the location where it was found in Ukraine;
- all the images made of that part or piece.

The Dutch Safety Board collected and maintained an archive of photos and videos of the wreckage and the wreckage sites that were taken from 17 July 2014 onwards by investigators, media and police. The photographic and film material was used in the database for wreckage registration. The information was valuable in noting whether wreckage had remained undisturbed at the crash site or had been moved or taken away. This information also assisted in the planning of the wreckage recovery missions.

2.19.2 Wreckage identification

The location of parts of the aeroplane was based on the appearance of the part, any special features noted, station and stringer numbers on the parts. The fracture pattern of the fuselage skin and its frame was drawn on a two-dimensional grid of stations and stringer numbers. From these drawings it was possible to see whether parts were adjacent or whether parts were missing.

The images of the parts were placed on a two-dimensional grid of station and stringer numbers to make a digital two-dimensional reconstruction of the aeroplane. The photos were also used to mark the mode of deformation of each fracture surface. For the fractures analysed, the direction of the fracture and the direction of the principal stress were determined when possible. The nature of a fracture was determined based on the features of static overloading, fatigue and corrosion. For static overloading, the major deformations or fractures observed were linked to the type of overloading, i.e. pure tensile, tensile-shear, tensile-bending or tear. Together with the examination of the fractures, deformation of all parts was studied, both the in and out of plane deformations. These deformations aided in interpreting the major load components leading to each fracture.

The major fractures were determined from the two-dimensional drawings and photo reconstruction. The location on the ground where these parts were found was also indicated on the digital two-dimensional photo reconstruction. Finally, all information was combined to gain an insight of the break-up.

2.19.3 Wreckage reconstruction

The reconstruction of the aeroplane's fuselage and parts of the cockpit assisted the investigation and allowed the Dutch Safety Board to demonstrate the results of the investigation. The reconstruction was intended to demonstrate the answers to the following questions:

- From which position relative to the aeroplane did the high-energy objects come?
- What were the effects of the impact of the high-energy objects on the aeroplane structure?
- How did the aeroplane break up?

The physical evidence of the recovered wreckage and other investigation activities were sufficient for the Dutch Safety Board to complete the investigation. The reconstruction was of significant value to the investigation as it allowed the investigators to better visualise the recovered wreckage and the damage when comparing the analyses performed with the parts of the wreckage. The assembly of the wreckage into a three-dimensional reconstruction provides the relatives of the passengers and crew, the stakeholders and the public with compelling physical evidence of some of the main conclusions drawn in the investigation.

2.19.4 High-energy object analysis

Four studies regarding the source of the high-energy objects and the damage they caused were produced by specialist external laboratories as part of the investigation. The Dutch Safety Board requested specialist assistance from the Dutch National Aerospace Laboratory (NLR) and the Netherlands Organisation for Applied Scientific Research (TNO).

The NLR work was performed by the Defence Systems Department. This department provides operational, technical and scientific support to the Dutch Ministry of Defence in general, and the Royal Netherlands Air Force in particular. The main research subject is airborne self-protection, which requires an extensive knowledge of the performance of surface-to-air and air-to-air weapon systems. For this purpose the department has several tools at its disposal. One of these is the Weapon Engagement Simulation Tool (WEST), an in-house developed software tool to simulate the flyout and performance of threat systems. The work was performed using pieces of wreckage at the Gilze-Rijen Air Force Base, photographs and three-dimensional laser scans of some of the parts of the aeroplane. The NLR report is contained in Appendix X.

TNO used a computer-based ballistic simulation to reconstruct the damage from an assumed warhead when striking the aeroplane. This TNO report is contained in Appendix Y.

TNO performed a blast damage simulation using a computer model of the warhead. A Computational Fluid Dynamics simulation was performed to provide a high fidelity, quantitative, description of the blast loading that would be caused by the detonation of the warhead identified by NLR and TNO taken into account the evidence found. This TNO report is contained in Appendix Z.

The details of how the software models for each company performs its calculations are proprietary information to those companies and have, as such, not further been described.

3 ANALYSIS

3.1 Introduction

In this section, the significance of the relevant facts and the circumstances surrounding the crash are analysed. In Section 2.12, it was established that the wreckage of flight MH17 was spread out over a large area, indicating an in-flight break-up. In addition, the break-up occurred after an abrupt loss of electrical power. In this analysis six main subjects are distinguished:

1. General matters, including the flight crew's qualifications and the airworthiness of the aeroplane;
2. The flight before the in-flight break-up, including pre-flight planning, weather considerations and flight operations;
3. The moment of the in-flight break-up;
4. The in-flight break-up, its aftermath and causes:
 - a damage analysis of the wreckage, with emphasis on the perforation of the aeroplane;
 - the source of the high-energy objects that perforated the aeroplane;
 - failure analysis of the aeroplane structure, and
 - passenger oxygen system.
5. Survival aspects, and
6. The recording of radar surveillance data.

These subjects are chronologically presented with specific attention to the loss of electrical power, the break-up and their causes. A number of different scenarios and possible causes are considered and analysed.

3.2 General

3.2.1 Flight crew qualifications

Based on the information in Section 2.5, the flight crew members were in possession of valid licences and medical certificates.

Findings

The flight crew members were in possession of valid licences and medical certificates.

3.2.2 Airworthiness

3.2.2.1 General

In order to establish the airworthiness of the aeroplane prior to the flight on 17 July 2014, the investigation reviewed the way that Malaysia Airlines planned, performed and documented the maintenance of the aeroplane. For example, Malaysia Airlines' documented system for the evaluation, deferral and later rectification of technical defects of the aeroplane was examined. In addition, a list containing occurrence reports for the subject aeroplane from the aeroplane's delivery in 1997 to November 2013 was reviewed. The background to the material in this paragraph is contained in Appendix J. Two specific matters were analysed with regard to the crash. These relate to the aeroplane's pressure cabin and to the engines.

3.2.2.2 Pressure cabin

None of the mandatory occurrence reports for the aeroplane involved in the crash sent to the Department of Civil Aviation Malaysia between aeroplane's delivery in 1997 and November 2013 were related to the functioning of the pressure cabin.

Aeroplane technical log entries revealed that since the heavy maintenance check in November 2013 cabin doors and a cockpit window produced buzzing or hissing sounds. These type of complaints, which occasionally occur with jet aeroplanes, were caused by leaking seals and were repaired. As such, these sounds may bring some discomfort for passengers and crew, but would not cause a depressurisation. According to the aeroplane technical log, no such complaints were present on leaving Amsterdam for the return flight to Kuala Lumpur.

The Flight Data Recorder indicated that until the end of recording the cabin pressure altitude was constant at 4,800 feet and correct for the cruise level at that time and no warnings were recorded. Analysis of the passenger oxygen system is contained in Section 3.12.

The aeroplane's rear pressure bulkhead and adjacent parts of the fuselage were not found at the beginning of the debris pattern (sites 1, 2 and 3) but in site 4 (see paragraph 2.12.2.4). This indicated that the failure of the rear pressure bulkhead was of a secondary, rather than a primary failure. The fractures were predominately consistent with tensile overstress indicating an instant overload resulting in a failure of the rear bulkhead structure rather than, for example, a failure due to a faulty repair, fatigue or corrosion (see paragraph 3.11.5 for more information on the rear pressure bulkhead).

Maintenance information and occurrence data from Malaysia Airlines was reviewed back to the aeroplane's delivery in 1997. This data did not reveal any tail strike occurrences or damage to the bulkhead. In addition, the physical evidence derived from the investigation in the Netherlands allows the Dutch Safety Board to conclude that the rear pressure bulkhead was not damaged prior to the flight on 17 July 2014.

In paragraph 2.18.1, the contents of Boeing Service Bulletin 777-53A0068 and Airworthiness Directive 2014-05-03 were described. These documents addressed the risk of a fuselage skin rupture due to corrosion under those SATCOM antennae installed

on top of the fuselage. This could result in depressurisation. The upper fuselage skin area mentioned in the Service Bulletin was not recovered. However, Boeing and Malaysia Airlines documentation revealed that the SATCOM antennae on the aeroplane that crashed were installed above the rear passenger doors. This is a different location than the 777 aeroplanes addressed in the Boeing Service Bulletin. Therefore, neither Boeing Service Bulletin 777-53A0068 nor Airworthiness Directive 2014-05-03 were applicable to the aeroplane that crashed.

According to Malaysia Airlines documents, a part of the fuselage at section 46 had been repaired. This part of the fuselage was recovered and examined. The repair to the fuselage skin was still in place and intact.

The aeroplane's structural integrity is further analysed in paragraphs 3.11.2 to 3.11.5.

3.2.2.3 Engines

Information regarding engine maintenance carried out for the past three years by the operator was received. It was not possible to determine whether complaints - if any - were relevant to the investigation. However, aeroplane technical log entries since the last major maintenance check in November 2013 did not show significant engine anomalies. On 17 July 2014, the aeroplane technical log contained no complaints about the engines. In addition, none of the occurrence reports referred to in paragraph 3.2.2.1 were related to the functioning of the engines.

The minor damage to the acoustic liners in the engine that was noted in the technical log from time to time was considered to be consistent with normal wear and tear of the engine. Such damage did not pose any hazard to the engines.

An analysis of Rolls-Royce's Engine Health Monitoring data (see Appendix J) concluded that no engine operating parameter limits were exceeded during the period between 4 and 17 July 2014. It can be concluded for both engines that there is no evidence of either engine having encountered a failure or having shown unusual engine behaviour prior to the departure from Schiphol on 17 July.

Findings

The Dutch Safety Board found no evidence to suggest that the aeroplane was not in an airworthy condition on departure from Amsterdam Airport Schiphol. There were no known technical malfunctions that could affect the safety of the flight.

3.3 The flight before the in-flight break-up

3.3.1 Pre-flight planning

Flight Data Recorder data from this flight and several previous flights, were reviewed in order to determine the operator's fuel calculation policy. The data indicated that the flights landed with final reserve fuel (30 minutes flight time), diversion fuel and 20 minutes

contingency fuel. This represented a fuel value of between about 8,000 kg and 10,000 kg. For flight MH17 the planned fuel remaining was 8,800 kg.

Based on Section 2.6, the aeroplane's mass and balance were within the required manufacturer's limits. There were no dangerous goods loaded as cargo.

An air traffic control flight plan was filed and the flight crew was provided with an operational flight plan, NOTAMs, loading and weather information.

There were no technical defects noted on the aeroplane technical log that would have affected the safety of the flight.

Based on paragraph 2.9.3, the planning of the flight route through Ukraine included the flight across the Dnipropetrovsk Flight Information Region at FL330 - FL350. For this part of the route there were no restrictions for these altitudes.

Findings

- The pre-flight planning was conducted according to the applicable procedures.
- The mass and balance of the aeroplane were within authorised limits.
- There were no airspace restrictions affecting the planned route.

3.3.2 Flight execution

3.3.2.1 Vertical profile

As stated in Section 2.1 of this report, the airline's operational flight plan called for a climb from FL330 to FL350 at a point 74 NM before PEKIT, whilst the air traffic control flight plan called for the climb to be made at PEKIT. This apparent discrepancy is the result of the fact that the air traffic control flight plan is prepared earlier than the operational flight plan and that the latter document takes account of a more recent forecast for wind speed and direction. The operational flight plan is therefore more accurate than the air traffic control flight plan as it contains recent weather information.

However, 6 NM before PEKIT, the captain decided to deviate from the planned vertical profile by not climbing to FL350 as requested by the air traffic controller but maintained FL330. It is not known why the flight crew did not accept this request as the flight crew did not provide the air traffic controller with an explanation. The air traffic controller did not request an explanation either.

The Dutch Safety Board tried to find an explanation for this operational decision by discussing the operator's procedures with Malaysia Airlines. Malaysia Airlines showed that, as per the Boeing performance handbook, the optimal altitude to use for the prevailing conditions was 33,800 feet at the time of the air traffic controller's request and for the following 8 to 10 minutes. The optimal altitude in this case is related to fuel efficiency. As FL340 is a non-standard level for an eastbound flight (see paragraph 2.9.3), the flight crew, in the opinion of Malaysia Airlines would have preferred to remain at

FL330. According to information provided by Malaysia Airlines, and included in the operational flight plan, the weather forecast showed that the likelihood of turbulence was less at FL330 than at FL350. Whilst neither factor can be confirmed as reflecting the flight crew's decision process, the Dutch Safety Board is of the opinion that the decision not to climb from FL330 to FL350 was a normal operational decision made by the flight crew as the result of normal operational considerations.

Finding

The flight crew's decision not to accept the air traffic controllers request to climb from FL330 to FL350 was determined to be a normal operational consideration.

3.3.2.2 Horizontal profile

A comparison of the fuel consumption was made based on the last position report sent by Aircraft Communications Addressing and Reporting System (ACARS) and the operational flight plan. According to the operational flight plan, the aeroplane should have passed air navigation waypoint PEKIT after 2 hours and 26 minutes flight time with 72,300 kg of fuel remaining. A position report transmitted by ACARS for a point 20 NM past PEKIT showed that the aeroplane had flown 2 hours and 25 minutes and had 73,000 kg of fuel on board. 20 NM equates to about 2 or 3 minutes of flight and 40 kg of fuel. The differences between the planned and the actual fuel consumption was considered negligible. It was concluded that the flight proceeded as planned up to the moment that the flight crew made a request to divert slightly to the north.

According to Section 2.7, the weather forecast for flight MH17 was similar to the actual weather on 17 July 2014, as determined by aftercast. The weather was composed of thunderstorms moving north from the Black Sea. Cloud cover varied between partial and overcast over the eastern part of Ukraine. The weather was consistent with thunderstorms that a flight crew would reasonably be expected to circumnavigate.

According to the information in paragraph 2.9.6, shortly after 13.00 (15.00 CET), the flight crew requested a slight deviation around bad weather and received permission from Dnipro Radar to deviate from the planned flight route. The aeroplane turned left to the north-east. When approximately 6.5 NM north of the centreline of the airway L980 and abeam air navigation waypoint TAGAN, the flight continued parallel to the L980 airway in order to avoid the bad weather. In view of the forecast and actual weather, the flight crew's request and flight execution to deviate slightly to the north of the planned track to avoid bad weather were considered consistent with normal operations. The higher and more energetic clouds were south of the route, moving north-east. After circumnavigating the bad weather, the flight turned slightly back to the right to approach the original route. At 13.19:56 (15.19:56 CET) the flight crew acknowledged to Dnipro Radar the clearance to proceed direct to waypoint RND.

At 13.20:00 (15.20:00 CET) Dnipro Radar advised flight MH17 to expect a further clearance to proceed direct to TIKNA after RND. The information was not read back or acknowledged by the flight crew. At this point in time, the aeroplane was within 5 NM of

the centreline of airway L980 and proceeding on a direct track to waypoint RND. The fact that the flight crew requested a deviation of 20 NM but only flew approximately 6.5 NM north, was consistent with normal operational practice of minimising any additional distance flown.

The actions of the air traffic controllers are consistent with normal operations. The communication between the flight crew and the air traffic controllers by both parties appeared normal and was considered consistent with normal operations.

Findings

With the exception of a deviation requested by the flight crew to avoid bad weather, the aeroplane followed the planned route, airway L980 across Ukraine. The maximum deviation from the airway's centreline was approximately 6.5 NM. This is considered normal.

3.3.2.3 Flight data

The Flight Data Recorder records approximately 1,300 parameters; for an effective investigation a shortlist of parameters considered to be useful for the investigation was created in order to gain an insight into the possible cause or causes of the crash. Relevant details of the last three minutes of flight recorded on the Flight Data Recorder are published in Appendix H.

The investigation included a verification that the aeroplane's warning systems had functioned correctly and these signals were present on the Flight Data Recorder recording. For example, the Flight Data Recorder contained a recording of the activation of the aeroplane's master warning; a warning that should, and was, generated when the autopilot was disconnected at a point on an earlier flight.

No aeroplane system warnings or cautions for flight MH17 were recorded on the Flight Data Recorder. All engine parameters were normal for cruise flight until the recorders ended at 13.20:03 (15.20:03 CET).

Flight Data Recorder engine parameters were continuously sampled during the flight. According to the data on the Flight Data Recorder, both engines were running at cruise power during the flight across Ukraine. All indications regarding the operation of the engines were normal and no abnormalities were shown. All of the engine indications were as they would be expected to be during cruise flight. No abnormal vibrations were recorded. There were no warnings recorded. Appendix H contains an overview of the engine data recorded on the Flight Data Recorder.

Findings

- The Flight Data Recorder contained data for flight MH17. No warnings were detected for either aeroplane systems or for the engines in the analysis of the Flight Data Recorder data for the flight on 17 July 2014.
- According to the data, up to 13.20:03 (15.20:03 CET), flight operations were normal.

3.3.2.4 *Flight crew*

Analysis of the Flight Data Recorder and the Cockpit Voice Recorder did not reveal any indications in the flight crew's performance that suggested diminished capabilities or incorrect actions.

Based on the results of the toxicological examination conducted, any contribution of ethanol (alcohol), drugs, medicines and/or pesticides to the behaviour and/or the flying skills of the First Officer cannot be concluded and his death cannot be explained on the basis of the results from the toxicological examination.

It was concluded that the flight crew handled the aeroplane appropriately.

Findings

- The flight crew handled the aeroplane appropriately.
- There is no evidence that the crew handled the aeroplane inappropriately or the First Officer's flying skills were affected by alcohol, drugs or medicine.

3.4 The moment of the in-flight break-up

This Section is intended to establish and verify the moment at which the in-flight break-up occurred.

3.4.1 **Aeroplane data recorders**

According to the information in Section 2.11, the following Flight Data Recorder parameters as recorded at 13.20:03 (15.20:03 CET) were as shown in the box below:

Aeroplane position	
Latitude	48.12715 N
Longitude	38.52630538 E
Altitude ¹⁸	32,998 feet
Indicated airspeed	293 knots
Magnetic heading	115 degrees
Drift angle	-4 degrees
Weather	
Wind direction	219 degrees
Wind speed	36 knots
Static air temperature	-44 °C
Total air temperature	-12/-13 °C

Small variations in the data are possible due to differences in resolution from the various data sources.

The latitude and longitude data is shown above in the format that it was recorded in. This position is converted to read 48° 07' 37.74"N 038° 31' 34.698"E.

A detailed analysis of the Cockpit Voice Recorder, covering the last 20 milliseconds of the recording at 13.20:03 (15.20:03 CET) as described in paragraph 2.11.2, was performed. The analysis showed that two peaks of sound were identified in this timeframe. Using specialised audio recording analysis software, a graphical representation of the sound over time, its waveform, could be established. The waveform analysis assisted in determining the signal's characteristics, for example, duration and energy.

The first sound peak had a duration of 2.1 milliseconds and the signal was recorded on the cockpit area microphone channel only. Because no other Cockpit Voice Recorder channels recorded the first sound peak, the direction of this signal could not be established. Wave spectrum analysis suggested that the sound peak was representative for an 'electrical spike' as it showed the form of an electro-magnetic pulse that could have been caused by static discharge or similar.

Signal triangulation was used to determine the origin of the second sound peak recorded on the Cockpit Voice Recorder. The poor sound quality on the cockpit area microphone channel noted during the investigation was most likely due to the missing microphone cap from the cockpit area microphone. The fact that the microphone cap was missing was noted on the aeroplane's deferred defects list.

¹⁸ Altimeter set to the standard pressure of 1013.25 hPa.

The time difference between the first and the second sound peak was determined to be 2.3 milliseconds. The second peak had a duration of 2.3 milliseconds and was recorded by all four channels. However, the recordings of the second peak were not simultaneous on all channels; some of the recordings had a different timestamp. The wave spectrum is representative for a sound wave. The time difference between the channels showed that the sound was recorded by the cockpit area microphone (CAM) and pilot 1 (P1) microphones first, followed by the pilot 2 (P2) microphone and, lastly, the observer (OBS) microphone. This difference in time showed that the sound wave originated outside the aeroplane starting from a position above the left hand side of the cockpit, propagating from front to aft (see Figure 43). It is concluded that the event was highly energetic in nature based on the short time duration of the event.

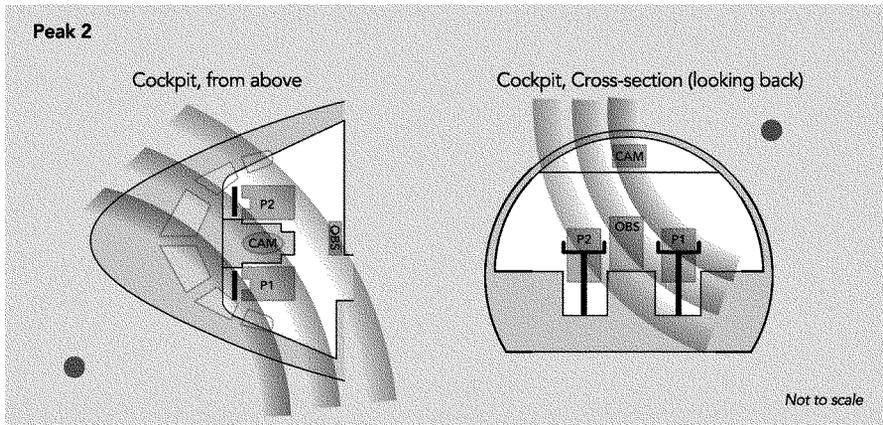


Figure 43: Second sound peak - graphic representation. (Source: Dutch Safety Board)

The fact that the microphone cap of the cockpit area microphone was missing did not influence the calculation. However, during the investigation, the Dutch Safety Board noted that the sound peaks were of such short time duration that any minor differences in recording will cause the signal triangulation to be erroneous. For example, signal latency (refers to a short period of delay between when an audio signal enters and when it emerges from a system) can be influenced by the Cockpit Voice Recorder microphone wiring. When one microphone wire is 'longer' compared to others this may affect the time for the signal to reach the Cockpit Voice Recorder. Nonetheless, the signal triangulation is consistent with the impact damage on the left side of the cockpit. Therefore it is likely that the origin of the sound peak recorded on the Cockpit Voice Recorder is a high frequency sound wave from outside the cockpit.

The Flight Data Recorder data as described in paragraph 2.11.3 and Appendix H was examined to try and identify any acceleration or deceleration associated with the sound wave that had been recorded on the Cockpit Voice Recorder. The following three axes of acceleration with their sampling rate were recorded on the Flight Data Recorder:

- longitudinal acceleration: 4 times a second (4 Hz);
- vertical acceleration: 8 times a second (8 Hz);
- lateral acceleration: 4 times a second (4 Hz).

The acceleration data on these three axes was examined and all three axes showed stable data up to the recording's end at 13.20:03 (15.20:03 CET).

Findings

- The Cockpit Voice Recorder audio ended abruptly. The short noise peak recorded in the last 20 milliseconds of the recording was a highly energetic sound wave. Signal triangulation showed that the noise originated from outside the aeroplane, starting from a position above the left hand side of the cockpit, propagating from front to aft.
- The sound wave detected in the last 20 milliseconds of the Cockpit Voice Recorder recording could not be observed in the form of acceleration data on the Flight Data Recorder.

3.4.2 Surveillance radar data

The radar data that was received from Ukraine from UKSATSE showing flight MH17, is described in paragraph 2.9.5.2. From the Ukrainian raw radar data it was established that the last secondary surveillance radar return was at 13.20:03 (15.20:03 CET) with the aeroplane flying straight and level at FL330. The video radar replay did not show any radar targets in the vicinity of flight MH17 at that time other than the three commercial aeroplanes mentioned in paragraph 2.9.5.2

The surveillance radar data showing flight MH17, that was received from the Russian Federation were from GKOVD, is also described in paragraph 2.9.5.2. Flight MH17's target was detected by primary surveillance and secondary surveillance radar. A second primary target was generated close to the target labelled MH17 on two occasions. No other data was received. Due to the absence of raw data, it was not possible to verify the video radar replay. The video of the radar screen did not show any failures, emergency codes or other alerts of flight MH17.

The Ukrainian radar data, comprising of both raw and processed data as described in paragraph 2.9.5.1 was analysed separately. The last radar data recorded by UkSATSE showing no abnormalities with the target or symbol for flight MH17, was at 13.20:00 (15.20:00 CET). Time 13.20:03 (15.20:03 CET) coincided with two data points in the raw data from secondary radar information provided by UkSATSE. The last position message from the aeroplane's Automatic Dependent Surveillance - Broadcast data and the last secondary radar target identification message both have a time stamp of 13.20:03 (15.20:03 CET). The processed data showed that no secondary surveillance data was displayed from 13.20:18 (15.20:18 CET) and that the coasting mode was activated at 13.20:36 (15.20:36 CET). Due to processing delays, it is not expected that the radar display will coincide with the actual time of the last secondary surveillance data transmission; this may occur later.

The target data for flight MH17 was lost on the GKOVD radar screen at 13.20:58 (15.20:58 CET). At that moment the secondary radar label changed to 'xxxx'. The 22 seconds between the label changes and the change to coasting mode on the UkSATSE radar can be explained by the different software settings in the two radar systems.

On the GKOVD video (see Appendix I), a second radar target, close to the MH17 labelled target, was visible for 21 seconds between 13.20:47 - 13.21:08 and for 40 seconds between 13.21:18 - 13.25:57 (15.20:47 - 15.21:08 and 15.21:18 - 15.25:57 CET). The second target was considered to be aeroplane debris falling down and having sufficient reflection to be detected as a primary target. This is consistent with the wind direction and final position of the wreckage.

From the information provided by UkSATSE and GKOVD, there were no radar targets other than the three commercial aeroplanes identified in paragraph 2.9.5.2, either commercial or military, displayed on the air traffic control screens within a range of 30 to 60 km to the south of flight MH17 and more than 90 km to the north and east and about 200 km to the west. There are no other unidentified primary or secondary targets visible within 30 km of flight MH17 in these data.

There are a number of factors that affect the ability of a civil primary radar system to detect and display a small, fast-moving missile on a radar screen. The two most significant are detection sensitivity and system filtering. Detection sensitivity refers to the power of the radar system dictates how small an object can be detected and at what range it can be detected. System filtering is intended to remove phenomena from a radar screen that are detected but are not required to be displayed, e.g. rain. The high speed of the missile may result in the radar system filtering the detected signal out of the images displayed on the screen as it would, correctly, not appear to be the signal of an aeroplane.

It is concluded that it is very unlikely that the air traffic control primary radar systems in the area could detect and display the missile on the air traffic controller's screen.

Findings

- The raw UkSATSE surveillance radar data and the GKOVD radar screen video replay showed that flight MH17 was on a straight and level flight at FL330 until 13.20:03 (15.20:03 CET).
- Coasting tracks were observed on both sets of radar data. Coasting tracks were shown on the GKOVD radar screen video replay of primary and secondary radar from 13.20:03 (15.20:03 CET) and onward.
- The GKOVD radar screen video replay from 13.20:47 - 13.21:08 and 13.21:18 - 13.25:57 (15.20:47 - 15.21:08 and 15.21:18 - 15.25:57 CET) showed targets which are considered to be aeroplane debris falling down.
- The radar information provided showed that the only aircraft in the direct vicinity of flight MH17 were three commercial aeroplanes. There was no evidence of other traffic in the vicinity of flight MH17.

3.4.3 Determining the events around 13.20 (15.20 CET)

This paragraph examines other, verifiable, recorded data so as to analyse the hypothesis that electrical power was lost at the moment that the recorders stopped recording.

In Section 2.11 it was established that the Cockpit Voice Recorder and Flight Data Recorder both stopped recording at 13.20:03 (15.20:03 CET). In paragraphs 2.9.5.2 and 3.4.2, it was shown that the transmission of radar surveillance data from flight MH17 ended at 13.20:03 (15.20:03 CET).

Following a final SATCOM transmission at 13.08:51 (15.08:51 CET), the ground system's inactivity timer ran out approximately 15 minutes later, as it is programmed to do. An attempt by the SATCOM system at 13.21:26 (15.21:26 CET) to establish connection with the aeroplane from the ground was not successful.

A signal from the fixed Emergency Locator Transmitter was first received at 13.20:35 (15.20:35 CET) by Geostationary satellites of the emergency COSPAS-SARSAT network. According to the ELT's specifications (see paragraph 2.11.5), an automatic, acceleration or deceleration triggered, activation of the fixed Emergency Locator Transmitter has a 30 seconds delay. A manual activation, by a guarded switch located in the overhead panel in the cockpit, of the fixed ELT has a delay of 50 seconds whereafter the ELT is activated and detectable by Geostationary satellites. A second delay for both a manual or automatic activation of approximately 1 or 2 seconds is expected due to signal latency while going through the emergency satellite network.

Five ground stations received an Emergency Locator Transmitter signal which had been relayed by two satellites between 13.20:35 and 13.20:36 (15.20:35 and 15.20:36 CET). Considering the time of the receipt of the signal and the 50 second time delay on manual activation, it was concluded that manual activation would have had to have occurred around 13.19:45 (15.19:45 CET). This would have been recorded on the Flight Data Recorder and, in all probability, on the Cockpit Voice Recorder. As this is not the case, manual activation of the ELT is discounted.

The receipt of the signal, considering an automatic activation of the fixed ELT, with a time delay of 30 seconds plus 1 or 2 seconds, would suggest an activation time between about 13.20:05 - 13.20:06 (15.20:05 - 15.20:06 CET). The automatic activation was caused by the Emergency Locator Transmitter's G-switch detecting a longitudinal deceleration of between at least 2.0 g and 2.6 g. This is consistent with the aeroplane breaking up after the recorders stopped at 13.20:03 (15.20:03 CET).

A second ELT, a portable Emergency Locator Transmitter, was onboard that can only be activated manually. No signal from the portable ELT was detected by the COSPAS-SARSAT emergency network.

The loss of the two recorders and the radar data at 13.20:03 (15.20:03 CET) indicated that the electrical power was lost at this moment. The automatic activation of the fixed ELT between 13.20:05 - 13.20:06 (15.20:05 - 15.20:06 CET), caused by a deceleration, supported this. Finally, no other recorded data (e.g. SATCOM transmissions) contradicted the hypothesis.

All times mentioned (in UTC only) that support this conclusion are set out in chronological order in Figure 44.

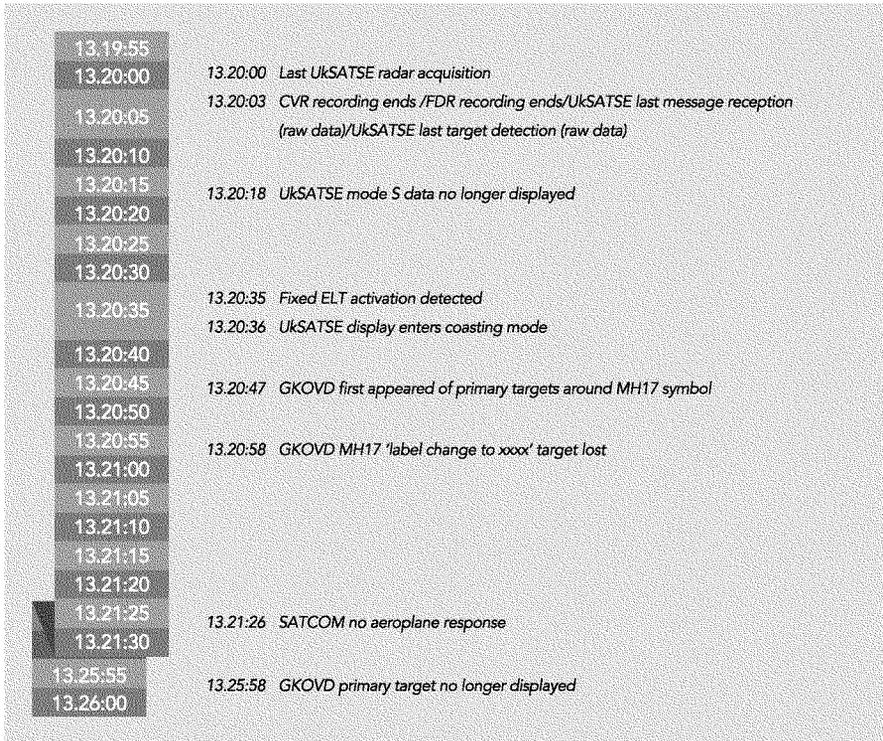


Figure 44: Diagram showing a number of key moments in the recorded data. (Source: Dutch Safety Board)

Findings

- The Cockpit Voice Recorder and Flight Data Recorder stopped recording at 13.20:03 (15.20:03 CET) due to electrical power interruption.
- The fixed Emergency Locator Transmitter was automatically activated by a longitudinal deceleration of between at least 2.0 g and 2.6 g. Its signal was first detected between 13.20:35 and 13.20:36 (15.20:35 - 15.20:36 CET). System logic means that the ELT was activated between about 13.20:05 and 13.20:06 (15.20:05 - 15.20:06 CET).

3.5 Possible sources of damage

In paragraphs 3.4.1 and 3.4.3 it was shown that shortly before the Cockpit Voice Recorder stopped recording at 13.20:03 (15.20:03 CET), a high-frequency sound wave was detected, originating outside the aeroplane from a position above the left hand side of the cockpit propagating from front to aft. Shortly after the Cockpit Voice Recorder and Flight Data Recorder stopped recording the Ukrainian and Russian Federation radar data, SATCOM data and ELT activation data all show that the aeroplane suffered structural

failure and lost electrical power, experienced a deceleration (described in paragraph 3.4.3), and started to break up. The complete in-flight break-up sequence is analysed in Section 3.10.

In this section the possible scenarios that could have led to the in-flight break-up of the aeroplane's structure are described and analysed. Some of the scenarios were related to internal aspects such as airworthiness, whilst others were related to external sources. Those scenarios that were found not to be able to cause the damage noted (see Section 2.12) were, following analysis, excluded.

3.5.1 Lightning strike, meteor and space debris re-entry

Although there were thunderstorms in the area at the time of crash (see Section 2.7), there was no evidence in the wreckage recovered or on the recorded data that a lightning strike occurred that could have caused or exacerbated the high-energy object damage.

Based on the evidence provided by the Royal Netherlands Association for Meteorology and Astronomy regarding the lack of 'ultranoise' in Ukraine on the date of the crash as described in paragraph 2.18.3.1, and the damage patterns on the aeroplane, it was concluded that a meteor strike did not occur.

In addition, the possibility that space debris caused the crash was considered (see paragraph 2.18.3.2). The Aerospace Corporation database for 2014 showed no debris re-entering the atmosphere between 10 and 19 July 2014.

Finding

The in-flight break-up was not caused by an external event such as a lightning strike, the impact of a meteor or the re-entry of space debris.

3.5.2 Possible internal causes

The sound wave lasting 2.3 milliseconds that was recorded in the last 20 milliseconds on the Cockpit Voice Recorder did not contain the same signature wave form as either an internal explosion (bomb or fuel tank) or structural failure and explosive decompression. Examples include the accident to flight PA103 at Lockerbie (Scotland) in 1988 and flight TWA 800 off Long Island (United States of America) in 1996. In these two cases, the sound signature was about 200 milliseconds long with the internal explosion building very quickly to high value with a very short wavelength. The sound wave then dissipated over time. In the case of structural failure and explosive decompression, the time is similar but the peak noise was lower and the rate of dissipation was slower.

Findings

The form of the 2.3 millisecond sound wave did not match the signature waveforms associated with structural failure and explosive decompression in a number of previous aeroplane accidents.

Fuel tank explosion

A fuel tank explosion was not able to produce the sort of high-energy object perforation from outside the fuselage.

Had a fuel explosion taken place, evidence of ruptured fuel tanks, with deformation of the tanks pushing from the inside outwards should be found. The fuel tanks were not recovered as they were destroyed in the fire at wreckage site number 6. However, the fact that a large fire took hold on the ground is an indication that the fuel tanks were reasonably intact and had a large quantity of fuel to feed the fire that took hold.

Finding

The in-flight break-up was not caused by a fuel tank explosion.

Uncontained engine failure

Another source of damage to the aeroplane was considered; an uncontained engine failure. In such an event, high-speed rotating parts of the engine are freed from within the engine intake ring. Such parts have sufficient energy to penetrate the fuselage. In this case, the shape of the perforation holes did not resemble the shape that would be caused by engine parts. In addition, an uncontained engine failure would not damage the cockpit. The fuselage damage would be restricted to areas adjacent to the engine.

The analysis of the Flight Data Recorder data found neither evidence of a condition that could lead to an uncontained failure or any other malfunction to the engines up to 13:20:03 (15:20:03 CET). On the basis of the above, an uncontained engine failure was excluded as a possible cause of the damage to the aeroplane.

Finding

The in-flight break-up was not caused by an uncontained engine failure.

Detonation of an explosive device in the cabin/baggage hold

Whilst the break-up sequence of the fuselage described in Section 3.11 of this report had some similarities with the failure and break-up sequences noted in accidents such as those at Lockerbie in 1988, this crash differed with the Lockerbie accident and other similar accidents in that the perforation was from the outside. An explosive device inside

the pressure hull of the aeroplane would not be able to produce the damage patterns found in the wreckage; therefore an explosive device detonating inside the aeroplane was excluded as a possible cause of the crash.

Finding

The in-flight break-up was not caused by the detonation of an explosive device inside the aeroplane.

Fire due to dangerous goods or other baggage

With the exception of a single Lithium-ion battery, the review of the cargo manifest described in paragraph 2.6.2 showed no evidence that any materials were being carried that could have started a fire. There was no fire warning recorded on the Flight Data Recorder and the crew made no mention of any such event, as recorded on the Cockpit Voice Recorder.

As with the other scenarios, a fire inside the aeroplane would not be able to produce the damage patterns found on the wreckage. Therefore, an on-board fire was excluded as a possible cause of the crash.

Findings

- There was no cargo classified as dangerous goods on board the aeroplane, nor was any evidence found of a fire caused by dangerous goods inside the aeroplane.
- The in-flight break-up was not caused by an on-board fire.

3.5.3 Damage from external causes

As none of the potential causes of damage analysed were able to produce the damage observed to the aeroplane and, in particular, the cockpit area, external causes were further analysed.

In Section 2.12, hundreds of holes and ricochet marks that were observed on the forward fuselage and in the cockpit are described. The interior of the cockpit, including the left hand sides of the cockpit seats, showed evidence of large scale disintegration, extensive crushing and had dozens of perforation holes. Section 2.12 also described the holes and ricochet marks found on the left engine intake ring and the left wing tip.

The damage to the forward fuselage was concentrated in a band around the left hand side of the fuselage starting adjacent to the cockpit windows 2 and 3. The concentration is reduced rearwards of this area and ends ahead of the left hand forward passenger door, door 1L. Some witness marks are also noted on the top of the cockpit just above the windows.

The pattern of damage observed in the forward fuselage and cockpit area of the aeroplane was consistent with the damage that would be expected from a large number of high-energy objects that perforated the aeroplane from outside. The impact damage, described in paragraph 2.12.2, was caused by foreign objects. The examinations of these objects (see Section 2.16) classified these objects as high-energy objects that originated from outside the aeroplane.

The damage observed showed evidence of both piercing and plugging perforation damage with entry damage bending plate material inwards. The non-penetrating damage as well as the ricochet damage clearly originated from outside the aeroplane. On a number of places on the structure, where multiple layers of plate material are riveted together, some high-energy objects impacted the structure at a shallow angle, perforated the first outer plate but ricocheted back off the second plate, and exited through the outer plate.

The main location of the damage of high-energy objects was on the left hand and upper side of the cockpit. The right hand side of the cockpit showed no high-energy object damage. As is shown in Figure 45 the two cockpit windows on the right hand side and the surrounding structure were unaffected by high-energy object impact.



Figure 45: Right hand side of cockpit. (Source: Dutch Safety Board)

There was a relatively clear boundary between parts of the wreckage that were affected by the high-energy object impacts and parts that were unaffected. On the front side of the cockpit, the boundary was the forward corner of the left hand front window. The most forward impact damage occurred just above and aft of this corner. On the top and right hand side of the cockpit the damage boundary was indicated by the ricochet

impacts on the cockpit roof as indicated in Figure 46. To the right of this area no impact damage was present. On the left hand side, the rear impact damage boundary was found in front of the left hand forward passenger door.



Figure 46: Right hand side cockpit roof, looking front to back. (Source: Dutch Safety Board)

The total number of hits (over 350), of all types of impact damage, on the available wreckage of the cockpit suggests that the total number of hits of high-energy objects was well over 800. The highest density of hits on the left hand side of the cockpit was calculated to be over 250 hits per square metre. The highest density of hits was on the left front windows.

Figure 47 shows the high-energy object damage observed on a number of parts of wreckage. In addition, such damage was also noted in a panel of the cockpit roof. The high-energy object damage was primarily limited to the left hand side of the cockpit and a small part of the fuselage immediately aft of that. At the rearward edge of the panel, positioned on the left hand side of the aeroplane between approximately STA220 and STA410 close to the forward passenger door and on panels further away from the cockpit, no high-energy object damage was noted. The cockpit panel at STA132.5 appeared to be the leading edge of the high-energy object damage.

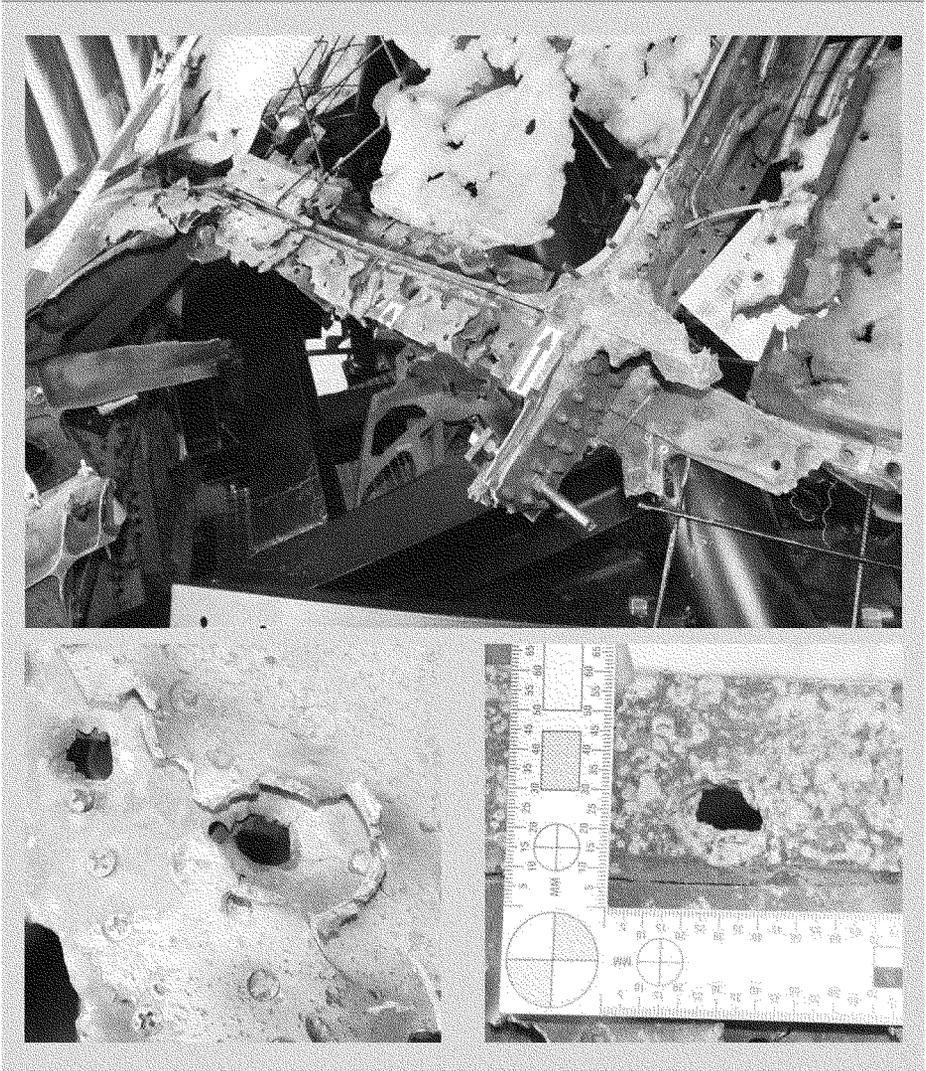


Figure 47: Part of the left hand cockpit window frame with enlarged detail. The perforation damage had a regular pattern of larger and smaller holes. (Source: Dutch Safety Board)

The skin plates were further damaged by pitting, which may have been caused by the impact of many small hot particles such as high explosive residue and molten metal. The pitting damage occurred locally; adjacent panels did not show any pitting damage.

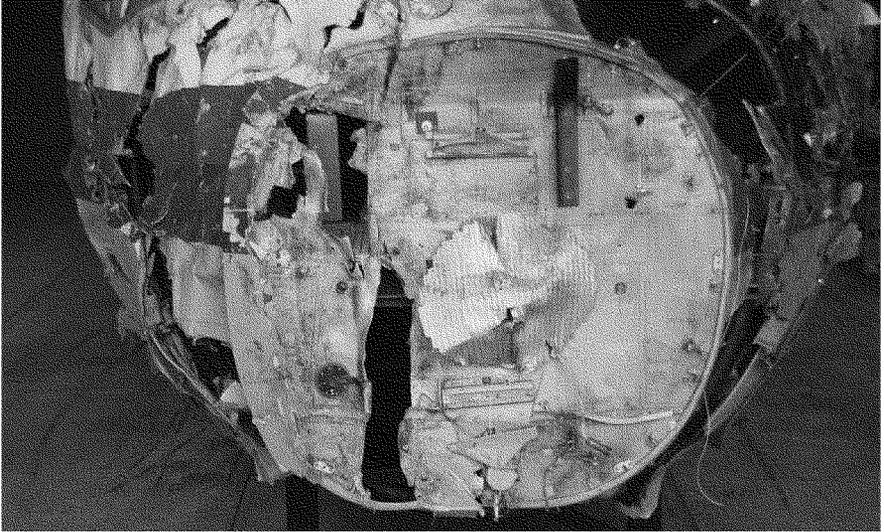


Figure 48: Cockpit bulkhead at junction with radome. (Source: Dutch Safety Board)

There was no perforation damage found in the cockpit bulkhead (Figure 48) that can be identified, with any certainty, as being from the perforation of high-energy objects. The perforation in the bulkhead was the result of other parts of the cockpit's structure having pushed through the plating.

For the non-perforating ricochet and grazing hits, the angle relative to the structure was measured to give a direction in the flat plane of the structure plate. This was done for the cockpit roof (see Figure 49), the lower left hand cockpit side and aft of the cockpit windows.

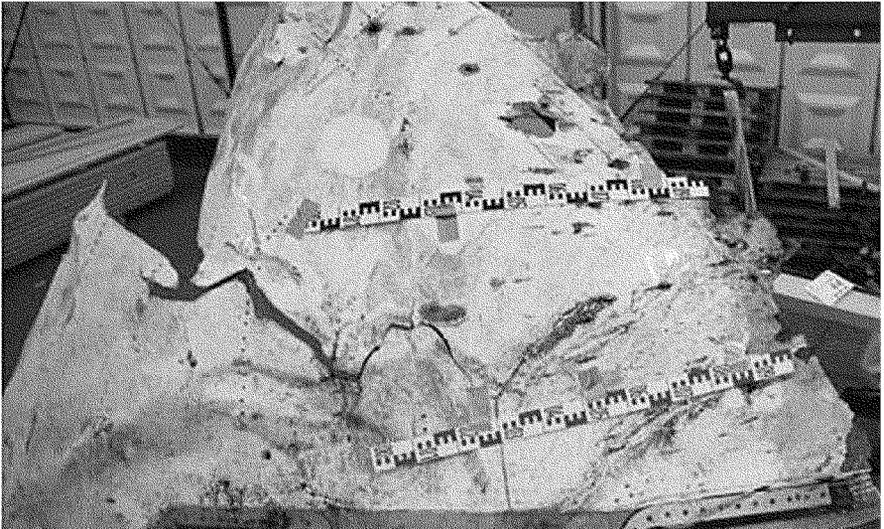


Figure 49: Grazing on cockpit roof. (Source: NLR)

The orientation of the ricochet and grazing marks on the cockpit roof are not parallel but they appear to converge towards a point left of the cockpit. Other ricochet and grazing marks were noted on the left wing tip.

To determine the trajectory of the high-energy objects, the direction of the impact damage was analysed on several parts of the cockpit area. Using fibreglass rods and three-dimensional scans of the structure the direction of high-energy objects penetrating multiple layers of material was determined. A network of lines of string passed through straight lines of damage was set up. This is known as 'stringing' and is used to analyse the general direction of impact damage as shown in Figure 50. The results show trajectories of perforating damage converging to a general area to the left of, and above, the cockpit.

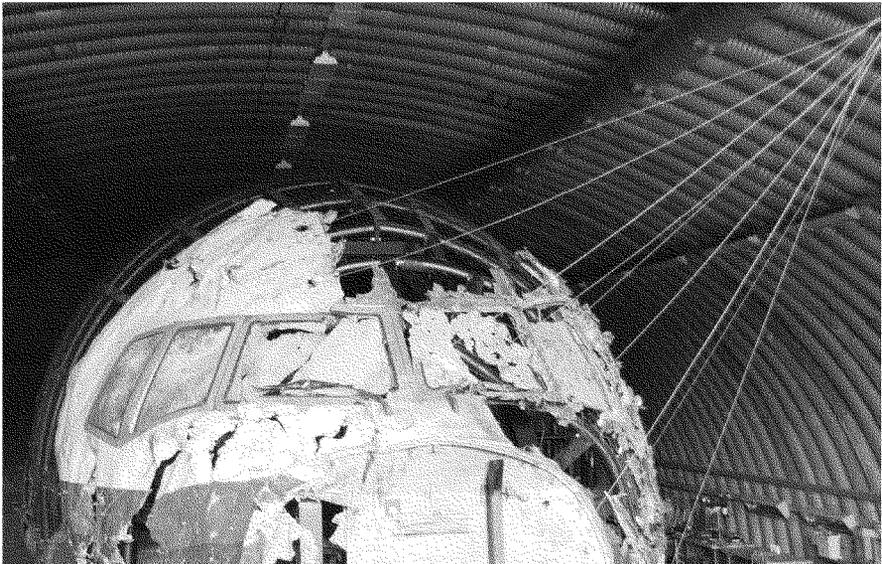


Figure 50: Impression of stringing of the cockpit. (Source: Dutch Safety Board)

Using the shape and orientation of the witness marks, including the perforation holes in the engine intake ring and left wing tip, a trajectory direction was derived. There, most of the individual perforation holes were significantly larger than those found in the wreckage of the cockpit.

It should be noted that although the 'stringing' is brought to a single point in Figure 50, it is not suggested that the point of detonation was actually a small single point. The lines are brought together to illustrate the divergent nature of the spray pattern of the high-energy objects. Stringing is only used to generate an indication of the detonation's position and is not intended to identify a specific point in space.

In addition to the damage caused by the perforation or ricocheting of high-energy objects, evidence was found for the effects of detonation blast. For example, the cockpit floor plate to the left of the left hand seat showed blast deposits, direct pressure damage, extensive fragmentation damage and extensive fragment holing.

Another example of blast damage was found in a panel on the right hand side of the fuselage between STA250 and STA330 (see Figure 51); the fuselage skin was pushed-in in the areas relative to the fuselage's structural support elements (i.e. the stringers and frame). These structural support elements showed no deformation. The sort of damage noted is typical of a phenomenon known as 'dishing'. Dishing is a type of damage associated with the effects of blast.



Figure 51: Blast damage on the forward right hand side of the fuselage. The panel was also damaged by the break-up of the aeroplane and impact with the ground. (Source: Dutch Safety Board)

Findings

- The damage observed on the forward fuselage and cockpit area of the aeroplane indicated that there were multiple impacts from over 800 high-energy objects from outside the aeroplane.
- The back-traced trajectories of perforating damage converged to a general area to the left of, and above, the cockpit.
- The wreckage of the aeroplane contained over 350 hits from high-energy objects that struck the outside of the aeroplane. These witness marks were concentrated in a band around the left hand side of the fuselage starting adjacent to the cockpit windows 2 and 3. The concentration reduced rearwards of this area and it ended ahead of the front left passenger door, door 1L. The highest density was approximately 250 witness marks per square metre.
- Evidence of blast damage was found around the cockpit in the form of pitting and soot. Some forward fuselage panels showed deformation as a result of the blast.

3.6 Weapon systems

In the paragraphs above, a number of external sources of damage were analysed and excluded. Because of the nature of the damage, weapon systems that potentially could have caused damage to the aeroplane were analysed. The damage produced by each weapon system was then compared to the damage found on the aeroplane and to the injuries sustained by the aeroplane's occupants. The weapon systems considered were:

- air-to-air gun/cannon;
- air-to-air missile;
- surface-to-air missile.

Although many sorts of weapons exist, the investigation focused on those weapons that were considered potentially relevant and are common in the region.

3.6.1 Air-to-air gun/cannon

The number of bullets (typically either armour-piercing or high-explosive) that would have impacted the aeroplane in the case of air-to-air gunfire under the prevailing conditions (i.e. a left frontal hemisphere attack at about 30,000 feet and at the cruise speed of flight MH17) is expected not to exceed several dozen at best. This is a much lower number than the 350 high-energy object hits that were found on the wreckage of the cockpit.

Air-to-air gun/cannon fire does not produce fragments in the shape of cubes or bow-ties as were found in the wreckage and in the bodies of three of the crew members.

In addition, for an air-to-air gun/cannon to have caused the damage found, another aircraft would have to have been recorded by, at least primary radar data. The analysis in

paragraph 3.4.2 of this report shows that no (military) aeroplanes were within at least 30 km of flight MH17 at the time of the crash. Primary radar data was available for an area between about 30 to 60 km to the south of the aeroplane's final position and about 90 km to the north and east and about 200 km to the west.

Findings

The high-energy object damage was not caused by an air-to-air gun or cannon because:

- the number of the perforations was not consistent with gunfire, and
- air-to-air gun/cannon fire does not produce fragments with the distinctive forms that were found in the wreckage and in the bodies of three of the crew members.

3.6.2 Air-to-air missile

Two types of air-to-air missile were considered in the investigation; those with a warhead filled with rods and those with a fragmentation warhead.

Air-to-air missiles with a warhead filled with rods eject a ring of metal rods after the warhead's explosive charge detonates near its target. The rods then cut into the target. Figure 52 shows an example of the typical damage pattern; where the rods separated into individual high-energy objects.



Figure 52: Example of damage caused by metal rod warheads. (Source: PPRuNe, via NLR)

Other air-to-air missiles have fragmentation warheads; warheads that are designed to fragment into small, high-energy objects on detonation.

Table 14 provides an overview of typical air-to-air missiles in use in the region. The table is simplified and excludes variants and derivative versions of the weapons.

Air-to-air missile type	Warhead type	Warhead contains bow-tie shaped fragments	Warhead mass (kg)
R-27	Rod	No	39
R-33	Fragmentation	No	47
R-37	Fragmentation	No	60
R-40	Fragmentation	No	38
R-60	Rod	No	3 - 3.5
R-73	Rod	No	8
R-77	Rod	No	22.5

Table 14: Typical air-to-air missiles present in the region.

No evidence of the characteristic damage produced by a rod warhead was identified and no rods were found within the wreckage. Of the three missiles listed in Table 14 with fragmentation warheads, none contain the bow-tie shaped fragments described in Section 2.16. As none of those air-to-air missiles in use in the region having fragmentation warheads that include bow-tie shaped fragments, these missiles cannot have caused the damage to flight MH17.

In addition, for an air-to-air missile to have caused the damage found, another aircraft would have to have been recorded by, at least primary radar data.

Findings

- The damage pattern found in the aeroplane's wreckage does not match the damage expected from any of the air-to-air missiles in use in the region.
- None of the air-to-air missiles in use in the region have the distinctly formed bow-tie shaped fragments in their warhead.

3.6.3 Surface-to-air missile

In the previous paragraphs, possible scenarios from both internal and external sources have been excluded on the basis that these sources do not match the damage described in Section 2.12 and the high-energy objects that were found in the bodies of the crew members in the cockpit and in the wreckage as described in Section 2.13. A final source is considered in this paragraph; the surface-to-air missile.

In the investigation, two types of surface-to-air missile were considered. Portable, shoulder-launched missiles known as man-portable air-defence system (MANPADS) and larger systems which may be mobile or fixed installations. The basic difference in the systems is in size and range.

MANPADS could not have caused damage to the aeroplane, because the altitude of flight MH17 (33,000 feet) cannot be reached by MANPADS.

Considering larger systems, these are usually radar guided weapons with guidance being provided by a combination of ground control and autonomous 'seeker' control. All warheads detonate on impact with a target but some also detonate at close proximity on passing the target. A proximity fuse uses a beam of radar or laser energy in a cone with a forward angle with respect to the missile axis to sense the presence of a target. When a part of the target passes through the beam, the target is detected and shortly thereafter the fuse will detonate the missile's warhead. The warhead is typically a fragmentation device. Fragmentation warheads are composed of between hundreds and several thousand pre-formed fragments, possibly of different shapes, in layer or layers around an explosive core. On detonation, the warhead showers the target with these small metal fragments; objects that are designed to penetrate the target aircraft structure and weaken it so that it is severely damaged or destroyed. Although designed to destroy high-flying military aeroplanes, some of these systems have the capability, in terms of both range and speed, to engage an aeroplane such as a Boeing 777 operating at the altitude and speed of flight MH17.

The generic form of a surface-to-air missile is shown in Figure 53.

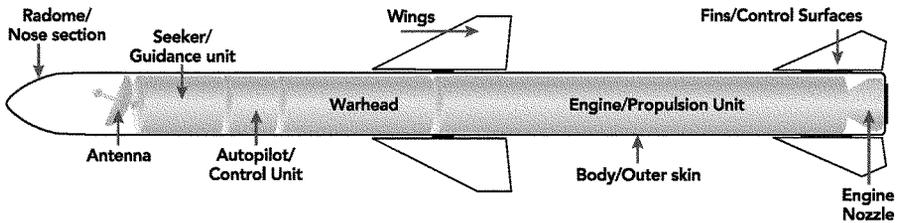


Figure 53: Generic form of a surface-to-air missile. (Source: Dutch Safety Board)

There are three different types of fragmentation warhead; pre-formed, smooth and grooved or scored case. In a pre-formed fragmentation warhead, the case surrounding the explosive material is composed of one or more layers of pre-formed, separate, fragments closely packed together. This is different to the natural fragmentation of a smooth case and the controlled fragmentation of a grooved or scored case where the fragments are formed by the explosive force at the moment of detonation. The fragments of a pre-formed fragmentation warhead are arranged regularly around the circumference of the warhead. The fragmentation pattern created after the warhead's detonation is a bounded fragment spray zone primarily consisting of pre-formed fragments. The damage caused by pre-formed fragmentation is different from that of natural and controlled fragmentation and is very distinct in that the pre-formed fragments give a regular pattern of fragment impacts within a bounded area on the structure of the target.

In a warhead using pre-formed fragments, the separate fragments propagate from the detonation point in an expanding, divergent, ring-like pattern (see Figure 54).

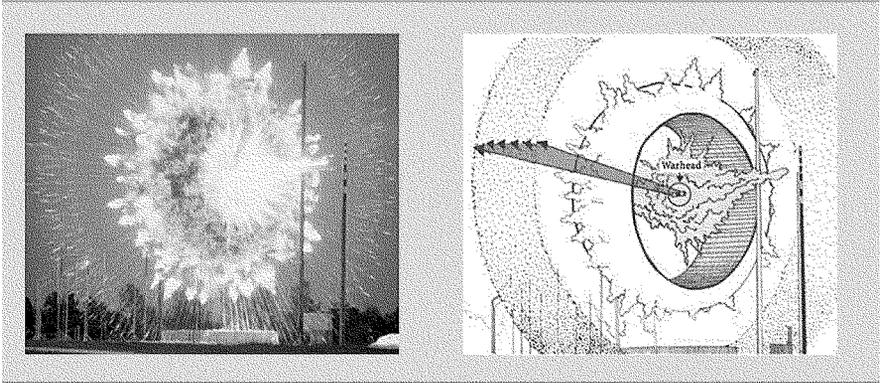


Figure 54: Fragmentation pattern of a stationary, horizontal high-explosive fragmentation warhead detonation. (Source: *The Fundamentals of Aircraft Combat Survivability Analysis and Design*¹⁹, Robert E. Ball, reprinted by permission of the American Institute of Aeronautics and Astronautics, Inc.)

The fragmentation pattern consists of several sections. In simple terms, two patterns can be considered; the primary and the secondary pattern. After warhead detonation, the pre-formed fragments form the primary fragmentation pattern. The warhead is not located at the very front of the missile as it is behind the guidance, electronics, proximity fuse and seeker sections. Upon detonation of the warhead, these parts will disintegrate and create a secondary fragmentation pattern moving forward in a cone as shown in Figure 55.

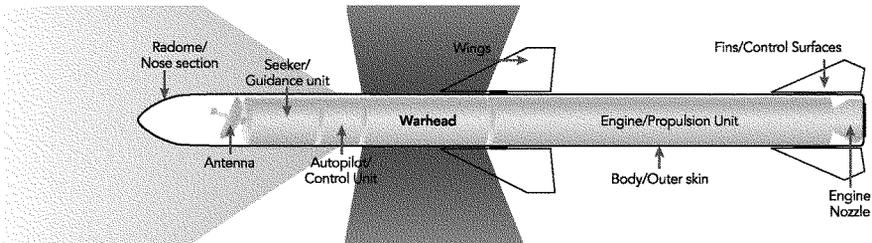


Figure 55: Primary (red) and secondary (yellow) fragmentation pattern. (Source: Dutch Safety Board)

Findings

- MANPADS could not have caused damage to the aeroplane, because the altitude of flight MH17 (33,000 feet) cannot be reached by MANPADS.
- Other, larger, types of surface-to-air missiles with fragmentation warheads are able to engage aeroplanes of the size and speed of a Boeing 777 at its cruising altitude.
- Pre-formed fragmentation warheads contain fragments of different shapes.

3.6.4 Multiple weapon impacts

The investigation also examined the available data and wreckage to address the hypothesis that the aeroplane was struck by more than one weapon. The damage to the forward part of the aeroplane requires that at least one surface-to-air weapon is a part of the scenario. Three scenarios are considered:

- Two surface-to-air weapons struck the aeroplane;
- A surface-to-air weapon and aerial cannon fire, struck the aeroplane;
- A surface-to-air weapon and an air-to-air missile struck the aeroplane.

The aeroplane's wreckage showed that all of the high-energy objects that perforated the aeroplane originated from a single volume in space. No other witness marks were found. The hypothesis that a second surface-to-air weapon detonated near to a part of the aeroplane that was not recovered, i.e. wings or centre section, was discounted as the wreckage distribution described in paragraph 2.12.2 would be different as the break-up of a wing would affect the path that the damaged aeroplane followed.

Finding

Considering the wreckage distribution, the damage patterns and the fact that only once source of damage was found, the aeroplane was not struck by more than one weapon.

3.6.5 Surface-to-air weapon systems common in the region

In the previous paragraphs, air-to-air weapons and all surface-to-air weapons not having a pre-formed fragmentation warhead were excluded on the basis of the damage pattern found, the injuries sustained by three crew members in the cockpit, the fragments found and the wreckage distribution. This paragraph continues the analysis further by reviewing surface-to-air weapons with pre-formed fragmentation warheads that were, potentially, in use in the region.

There are around twenty types of surface-to-air missiles common in the region that are capable of engaging a target at an altitude of 33,000 feet. All of these types use radar guidance and are equipped with a fragmentation warhead. Three systems, potentially relevant to the investigation, are noted in Table 15.

System name	S-300	S-200	9K37
Missile (typical)	5V55	5V28	9M38/9M38M1
Warhead mass (kg)	130	220	70
Fragment shape and size (mm)	Cubic (5 x 5 x 5)	Mix of round balls (9 and 12)	Mix of cubic (8 x 8 x 5 and 6 x 6 x 8.2) and bow-ties (13 x 13 x 8)

Table 15: Typical surface-to-air weapon systems in the region.

It is noted that the shapes of the pre-formed fragments found in the wreckage and the bodies of crew members in the cockpit; bow-tie and cubes, are only found in the 9N314M warhead (see Figure 56). The 9N314M warhead can be fitted to the 9M38M1 missile. These missiles are launched from a Buk surface-to-air missile system (see Figure 57).

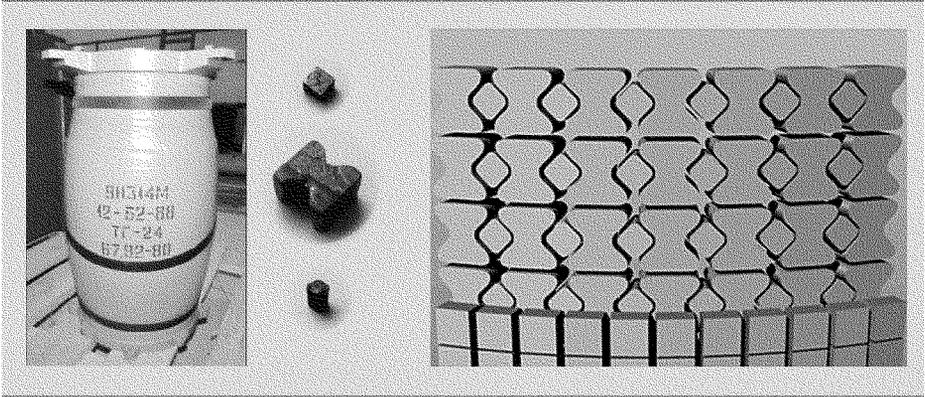


Figure 56: Left: Sample 9N314M warhead. (Source: JSC Concern Almaz-Antey). Centre: from top to bottom, square, bow-tie and filler fragments. (Source: JSC Concern Almaz-Antey). Right: 3D print of the pre-formed fragment arrangement. (Source: AAIB). Note: the model name for the 9N314M warhead is shown on the left hand image in Cyrillic text, '9H314M'.

The Buk surface-to-air missile system is present in this region and is the only weapon system whose missiles have warheads containing, among other fragments, pre-formed fragments in the shape of a bow-tie in its warhead.

The Buk is a medium range, mobile weapon system equipped with semi-active radar guided missiles. Its generic designation in the Russian Federation is 9K37 and its NATO designation is SA-11. The Buk became operational in 1979 and has since then gone through several upgrades. The system was designed in the former Soviet Union as a further development of its predecessor, the 2K12 Kub missile system (NATO designation, SA-6).

According to the manufacturer of the Buk surface-to-air missile system, JSC Concern Almaz-Antey, the oldest version of the missile system (Kub) and the latest version (Buk-M2 series) could not have been used because they are not equipped with a 9N314M warhead. According to the Kyiv Research Institute for Forensic Expertise of the Ministry of Justice, both the 9M38 and 9M38M1 missiles can carry the 9N314M warhead (see Table 16).

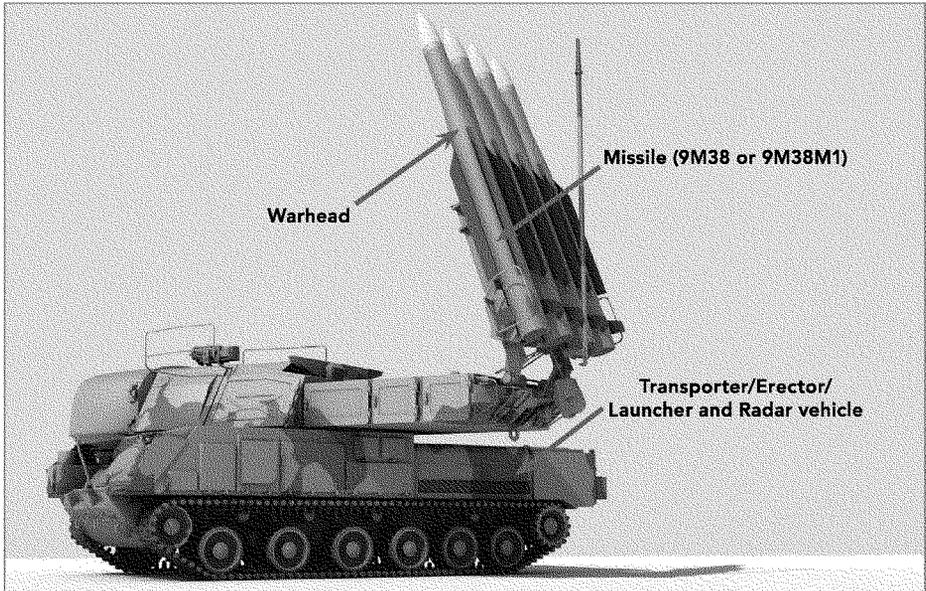


Figure 57: A typical Buk surface-to-air missile system. (Source: Dutch Safety Board)

Normally, the system operates as unit of several vehicles, consisting of:

- one Target Acquisition Radar;
- one Command Post;
- several Transporter Erector/Launcher and Radar vehicles;
- several Transporter/Erector/Launcher and Loader vehicles;
- technical, maintenance and other support vehicles.

The Target Acquisition Radar will search for and detect targets. Once a target has been detected by the Target Acquisition Radar, the fire control radar in the Transporter/Erector/Launcher and Radar vehicle can acquire and track the target. Once in range, a missile from the Transporter/Erector/Launcher and Radar vehicles can be launched to engage the target. However, each Buk Transporter/Erector/Launcher and Radar vehicle is equipped with its own fire control radar, allowing the vehicle to search for and engage with a target independently.

Warhead	9N314M		
Missile	9M38		9M38M1
Name	Buk	Buk M1	Buk M1-2
Designator	9K37	9K37M	9K37M1-2
NATO code	SA-11	SA-11	SA-11
Year introduced	1979	1983	1988

Table 16: Relevant combinations of missile and warhead on the Buk surface-to-air missile system.

Buk operating characteristics

- The missiles used by the Buk, the 9M38 and 9M38M1 missiles, are all about 5.55 m long, weigh about 700 kg and use semi-active radar homing with proportional-navigation guidance. In semi-active radar homing systems the active tracking radar on the ground illuminates the target with a beam of radar energy. The passive radar seeker in the nose of the missile tracks the radar energy reflected off the target. Proportional-navigation guidance systems use the target tracking information obtained from the seeker, to steer the missile directly towards the collision point with the target. If the target does not change its direction or velocity, the missile will follow a more or less straight path towards this collision point.
- The Buk surface-to-air missile system is able to engage targets at altitudes up to 70,000 or 80,000 feet.
- The Buk system's missiles (the 9M38 and 9M38M1 missiles) are equipped with both an impact and a proximity fuse. The impact fuse detonates the warhead when the missile directly hits the target. However, in most cases the missile will not directly hit the target but pass closely by the target.

The Buk system's missiles (the 9M38 and 9M38M1 missiles) carry a 70 kg high-explosive fragmentation warhead, composed of a high-explosive detonator surrounded by layers of pre-formed fragments. The 9N314 and 9N314M warheads are composed of two layers of pre-formed fragments. The inner layer of pre-formed fragments in the 9N314M warhead is composed of bow-tie shaped fragments together with square shaped 'filler' fragments. The outer layer consists of larger square shaped fragments (see Figure 56). On detonation, the warhead's casing will shatter into irregularly shaped pieces. Information, provided by JSC Concern Almaz-Antey, regarding the pre-formed fragments used in the Buk surface-to-air weapon system is shown in Table 17.

Term 9N314M

In this report, based on information of JSC Concern Almaz-Antey, the term 9N314M is used to describe a 70 kg high-explosive fragmentation warhead with preformed bowtie and square shaped fragments.

9N314M warhead	Square	Bow-tie	Filler
Dimensions (mm)	8 x 8 x 5	13 x 13 x 8	6 x 6 x 8.2
Mass (grams)	2.35	8.10	2.10
Proportion in warhead*	ca. half	ca. quarter	ca. quarter
Composition	unalloyed steel	unalloyed steel	unalloyed steel

9N314 warhead	Square	Filler
Dimensions (mm)	8 x 8 x 5	13 x 13 x 8
Mass (grams)	2.35	10.50
Proportion in warhead*	ca. three-quarters	ca. quarter
Composition	unalloyed steel	unalloyed steel

* Approximation made by the Dutch Safety Board.

Table 17: Pre-formed fragments in warheads used in Buk surface-to-air missile systems. (Source: JSC Concern Almaz-Antey)

The total number of pre-formed objects in a 9N314M warhead is, according to the Russian Federation defence group, JSC Concern Almaz-Antey, between 7,000 and 8,000.

Findings

- The 9N314M warhead carried on the 9M38-series of missiles as installed on the Buk surface-to-air missile system contains bow-tie, filler and square pre-formed fragments.
- The missiles launched by the Buk surface-to-air missile system can reach targets up to an altitude of 80,000 feet.

3.7 Source of the damage

This Section brings the various parts of the analysis and the underlying factual information together to identify and confirm the origin of the fragments that struck the aeroplane at 13.20:03 (15.20:03 CET).

The sound peaks recorded on the Cockpit Voice Recorder gave a clear indication that at 13.20:03 (15.20:03 CET) a high-frequency sound originated at a point above and to the left of the cockpit. The fact that the different Cockpit Voice Recorder microphones each recorded the sound wave at a slightly different moment provided confirmation that the sound wave moved from left to right. Paragraph 3.4.1 showed that the sound wave was recorded on the left hand microphone before it was recorded on the one furthest to the right.

The high-frequency sound recorded on the Cockpit Voice Recorder is the sound of a pressure wave associated with an explosion.

The damage observed on the forward fuselage and cockpit area of the aeroplane indicated that there were multiple impacts from a large number of fragments from outside the aeroplane. The maximum density was over 250 witness marks per square metre. A small amount of damage was also observed to the left engine intake ring and the left wing tip (see Section 2.12).

There was also evidence of pitting and burning (soot deposits) near to the outside of the left cockpit windows. These parts of the wreckage showed traces of explosive residues. Two windows panels that were recovered showed signs of having been exposed to heat. In addition to the evidence of pitting and burning near to the outside of the left cockpit windows, some fuselage panels on the right hand side of the fuselage showed signs of having been deformed by the effects of a high pressure wave (blast). See paragraph 3.5.3.

Many small fragments were found in the bodies of three crew members that, at the time of the crash, were in the cockpit. Fragments were also found in the wreckage of the aeroplane. Three fragments, made of unalloyed steel, had a distinct bow-tie or cubic shape. Such fragments were not found in the bodies of any other victims. Also, one fragment extracted from the cockpit wreckage had this distinctive bow-tie shape (see Sections 2.13 and 2.16). Bow-tie shaped fragments are found in the 9N314M warhead.

The in-flight break-up sequence of the aeroplane's structure indicated that the cockpit separated immediately following the detonation of a warhead.

Using the shape and orientation of the witness marks, including the perforation holes in the left engine intake ring and left wing tip, a trajectory direction was derived. The results show trajectories of perforation damage converging to a single source to the left of, and above, the cockpit.

Foreign objects were recovered from the cockpit and the left wing tip. These objects were examined. As part of the criminal investigation, paint samples taken from missile parts found in the wreckage area match those found on these foreign objects.

Notwithstanding the possibility of sample degradation and contamination, some of the wreckage parts and the missile part recovered showed traces of explosive residues (e.g. RDX). The results were provided to the Dutch Safety Board (see Sections 2.12 and 2.16).

Findings

The combination of the recorded pressure wave, the damage pattern found on the wreckage caused by blast and the impact of fragments, the bow-tie shaped fragments found in the cockpit and in the body of one of the crew members in the cockpit, the injuries sustained by three crew members in the cockpit, the analysis of the in-flight break-up, the analysis of the explosive residues and paint found, and the size and distinct, bow-tie, shape of some the fragments, led the Dutch Safety Board to conclude that the aeroplane was struck by a 9N314M warhead as carried on a 9M38-series missile and launched by a Buk surface-to-air missile system.

3.8 Simulations to assess the origin of the damage

3.8.1 Introduction

Using the results in Section 3.7 that the aeroplane was struck by a warhead, a number of simulations were run. These were intended to corroborate the findings and to calculate the volume of space of the warhead's detonation location and the missile's possible flight path from the ground to detonation. Simulations performed by three parties delivered results that were consistent with the damage observed on the aeroplane's wreckage. A study provided by the Russian Federation had results that were not consistent with the damage. More information on this matter is contained in Appendix V to this report and in the report 'MH17-About the investigation'.

NLR performed two studies to verify that the damage observed on the wreckage could originate from a 9N314M warhead. The studies were a fragmentation visualisation model and a missile flyout simulation. TNO used, independently, its terminal ballistics simulation to verify that the damage observed on the wreckage could originate from a 9N314M warhead. As part of this work, alternative warhead loads and detonation positions were simulated. In addition to the above work, TNO simulated the blast loading that the detonation of the warhead exerted on the aeroplane. To this end, a computational fluid dynamics simulation of the detonation was performed by TNO. More informative about these simulations can be found in Appendices X, Y and Z.

On behalf of Ukraine, the Kyiv Research Institute for Forensic Expertise of the Ministry of Justice and military experts of the Ukrainian Defense Ministry provided the results of their simulations performed regarding the origin of the damage.

3.8.2 Fragmentation visualisation model

A simulation model of the location and the boundaries of the damage on the fuselage of the Boeing 777 was constructed by NLR, using the primary fragmentation pattern of the 9N314M warhead, the known speed of the aeroplane and a three dimensional model of

a Boeing 777. Light was used to visualise the area of the fuselage exposed to the primary fragments of the warhead (see Figure 58). This fragmentation visualisation model was used to compare the actual high-energy object damage on the cockpit with the calculated fragment spray of the warhead from the point of view of detonation location, boundary and impact angle. The full report is published in the on-line appendices on the Dutch Safety Board's website (Appendix X).

The simulation model resulted in a detonation location of the warhead that was to the left of and above the cockpit, whereby the missile was travelling at a speed of approximately 700 metres per second (approximately 1,360 knots or 2,520 kilometres per hour) in the opposite direction to the direction of flight of the aeroplane, coming slightly from below and from the right with respect to the aeroplane's longitudinal axis, seen from the cockpit.

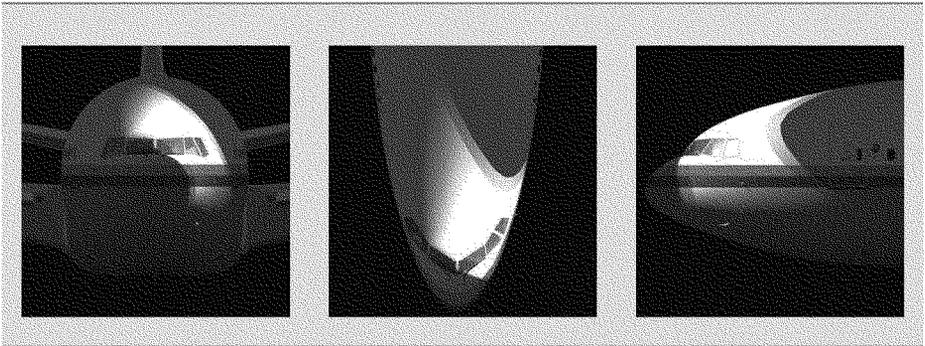


Figure 58: Expected damage pattern caused by a 9N314M-model warhead. Lit areas show where damage was expected. (Source: NLR)

Using the modelled warhead's detonation point with the aeroplane's last known location, speed and attitude (see paragraph 3.4.1), the fragmentation visualisation model matched the damage observed on the wreckage of the aeroplane. The estimated position of the detonation was 0.25 metres ahead of the aeroplane's nose, 3 metres to the left of, and 3.7 metres above the tip of the nose.

The end speed of the missile at the moment of the warhead's detonation was about 700 metres per second. This indicates that the point of detonation was well below the missile's ceiling.

Findings

Simulation showed that the observed damage and the modelled fragment pattern resulted in an estimated detonation location of the warhead to the left and above of the cockpit.

3.8.3 Warhead simulation

Using the presence of a pre-formed fragmentation 9N314M warhead, TNO worked to analyse the possible trajectories of the high-energy objects that would emanate from the warhead. A summary of that work is discussed in this paragraph. The full report is published in the on-line appendices on the Dutch Safety Board's website (Appendix Y).

Several runs of the simulation were performed using three different warheads varying in size, shape and explosive force. Table 18 shows the three warhead models used in the simulation.

Characteristics	Model I	Model II	Model III
Number of pre-formed fragments	Unknown	1,825 bow-tie 1,825 filler 4,093 square	1,870 bow-tie 1,870 filler 4,100 square
Minimum ejection angle (degrees)	72	76	68
Maximum ejection angle (degrees)	109	112	126
Lowest fragment speed (m/s)	circa 1,700	circa 1,300	circa 1,110
Highest fragment speed (m/s)	circa 2,300	circa 2,520	circa 2,460

Table 18: Warhead models used by TNO in the warhead simulation tool.

The following consideration was included in the simulation; fragmentation damage is dependent on the distance of an aircraft from the warhead, the orientation of the aircraft relative to the cloud of fragments and their impact velocity. The impact velocity is determined by the vector sum of the warhead's speed, the ejection velocity of the fragments and the speed of the aircraft. Fragments encounter deceleration through the atmosphere and perforating the aircraft structure, losing kinetic energy with each subsequent perforation of material.

This warhead simulation was intended to compare the outcome with the actual damage observed. Multiple runs of the simulation were performed using different warhead characteristics (e.g. mass and number of pre-formed fragments), weapon approach speed and angles. The warhead's determined position at detonation took into account the time between detonation of the warhead and the impact of the fragments. The results of the simulation are shown in Table 19.

Simulation case	Weapon end speed (m/s)	X-axis (metres)	Y-axis (metres)	Z-axis (metres)	Azimuth (°)	Elevation (°)
Model Ia	circa 600	-0.4	-3.5	3.7	-17	7
Model Ib	circa 600	-0.7	-2.0	3.5	-35	10
Model IIa	circa 600	0.0	-2.0	3.7	-30	15
Model IIb	730	0.0	-2.0	3.7	-27	10
Model IIIa	circa 600	0.5	-2.3	3.4	-27	10
Model IIIb	730	0.5	-2.3	3.5	-24	7
Model IIIc	730	1.4	-0.8	3.0	-72	22

Table 19: TNO Simulation results. Note: The simulation of warhead model IIIc was performed using data provided to TNO by JSC Concern Almaz-Antey.

The best-match (green band in Table 19) between the simulation and the damage observed on the aeroplane was obtained with a 70 kg warhead flying at 730 metres per second and passing left of the aeroplane with an angle of 27 degrees to the aeroplane's x-axis and with a nose up attitude of 10 degrees (model IIb).

A visualisation of the results of model IIb, the model that provided the best match with the damage described in paragraphs 2.12.2.3 and 2.12.2.7, is shown in Figure 59.

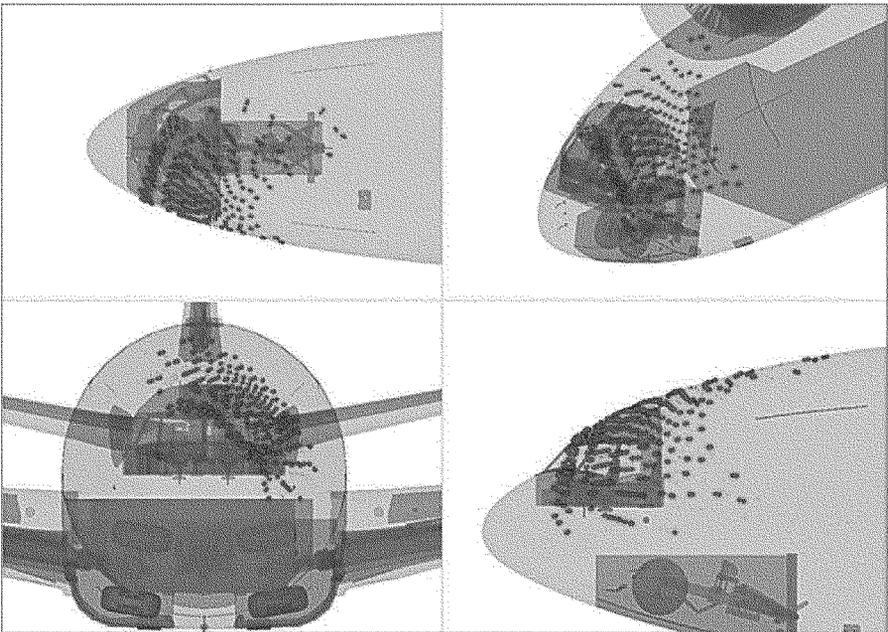


Figure 59: Image of the damage pattern produced by the model IIb in the warhead simulation model. (Source: TNO)

Based on its calculations, TNO concluded that a 70 kg warhead detonated 0.0 metres ahead and 2.0 metres to the left of, and 3.7 metres above the aeroplane's nose.

TNO's simulation also showed that there is no match obtained between the observed damage on the aeroplane and the simulated damage patterns when a smaller and lighter, 40 kg, warhead was applied. Figure 60 shows the simulated damage patterns for the set of simulations with a 40 kg warhead which were closest to the actual observed damage. This pattern gave a poorer match than was obtained with a heavier warhead (Model IIb).

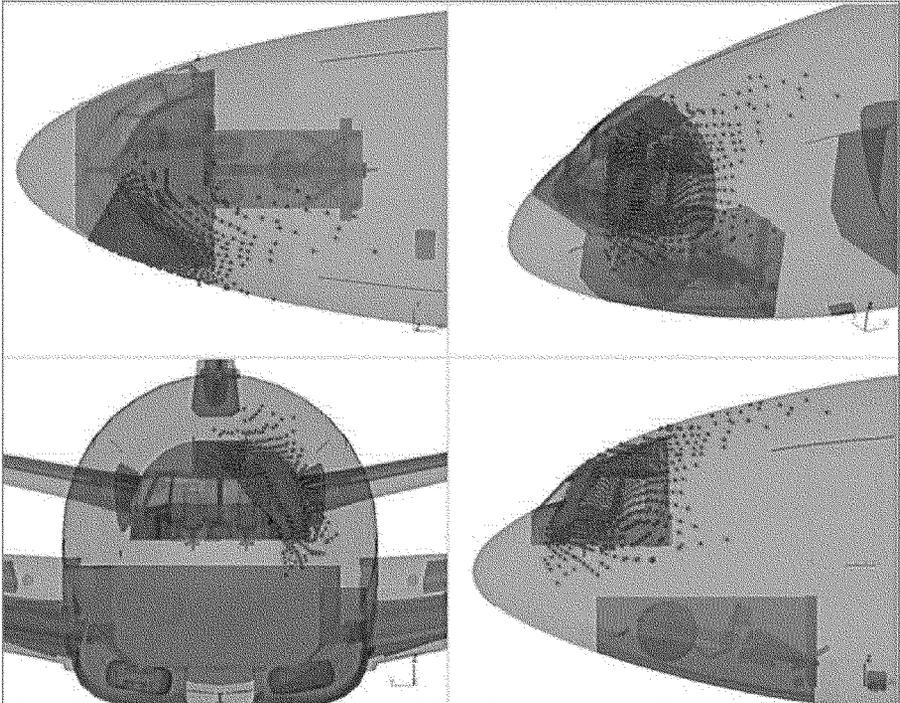


Figure 60: Image of the damage pattern produced by the model of a 40 kg warhead in the warhead simulation model. (Source: TNO)

Finding

Simulation demonstrated that a 70 kg warhead best matched the damage observed on the wreckage of the aeroplane.

3.8.4 Ukrainian study

Based on the Ukrainian simulations, performed by the Kyiv Research Institute for Forensic Expertise of the Ukrainian Ministry of Justice and the military experts of the Ukrainian Defense Ministry, it was concluded that a 9N314M warhead detonated at approximately 4 metres to the left of and above the tip of the aeroplane's nose.

3.8.5 Volume of space containing the detonation positions

The results of the simulations performed by NLR, TNO and the Kyiv Research Institute for Forensic Expertise described in the paragraphs above were consistent with each other. The distance from the tip of the aeroplane's nose to the point where, according to these simulations, the detonation took place is shown in Table 20.

	X-axis (- = ahead of nose)	Y-axis (- = left side)	Z-axis
TNO	0.0	-2.0	3.7
NLR	-0.25	-3.0	3.7
Kyiv Research Institute for Forensic Expertise	0.0	-4.0	4.0
JSC Concern Almaz-Antey (see note)	-0.40	-3.5	3.7

Table 20: Summary of detonation positions (distance in metres). Note: The data provided by JSC Concern Almaz-Antey used information that TNO had initially calculated and was included in the draft Final Report sent to the Annex 13 partners for consultation in June 2015. As part of that consultation, TNO updated its calculated position to the one shown in the table. The Russian Federation provided this data to the Dutch Safety Board without confirming that a 9N314M warhead, carried by a 9M38-series missile and launched from a Buk surface-to-air missile system, had caused the crash.

The Dutch Safety Board took account of uncertainties in the models by defining a volume of space that enclosed the results of the different simulations instead of a finite point in space. The volume of space of the warhead's detonation locations shown in Figure 61 is less than one cubic metre and is located at approximately 4 metres above the tip of the aeroplane's nose on the left side of the cockpit.

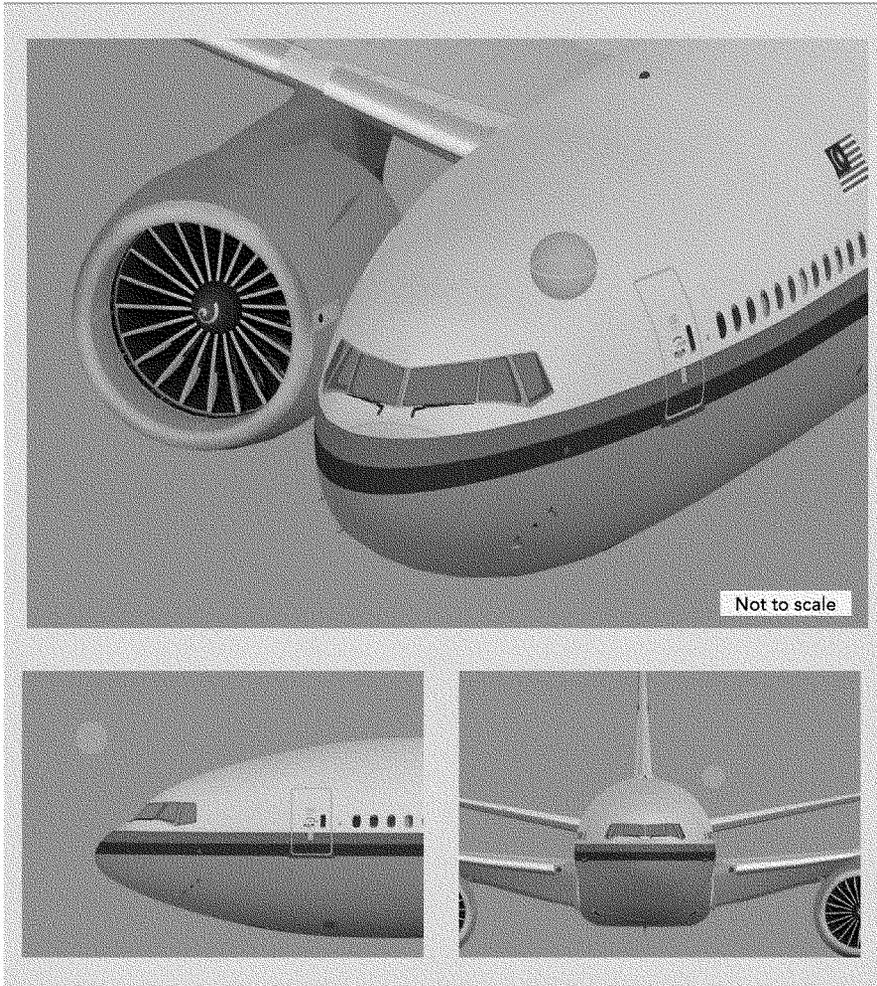


Figure 61: Simplified representation of the volume of space of the warhead detonation location according to three independent simulations. (Source: Dutch Safety Board)

Finding

The simulations performed indicated that the location of the explosion of a 9N314M warhead was in a volume of space that is less than one cubic metre and about four metres above the tip of the aeroplane's nose on the left side of the cockpit.

3.8.6 Simulations of the missile's flight path

The investigation into the detonation of the warhead included fly out simulations which also comprised the weapon's possible flight paths. NLR, Ukraine, and JSC Concern

Almaz-Antey performed simulations to calculate the missile's flight path based on the detonation positions calculated in the simulations as described in paragraph 3.8.5. These simulations are described below, commencing with the work performed by NLR.

Using a data set that simulated the characteristics of both the Boeing 777 and a 9M38-series missile armed with a 9N314M warhead, fly out simulations were conducted to assess the possible flight paths back from the volume of space of detonation locations to the ground. Numerous missile launches were simulated over a grid on the ground, independently of the launching platform. At each location, missile launch angles in the horizontal and vertical plane were varied. In these simulations, a number of uncertainties were accounted for. These included uncertainties in weapon performance and guidance, orientation angles and airspeeds. This allowed the possible flight paths to be calculated that matched the end conditions associated with the detonation location in the volume of space.

All of the possible points from where these flight paths could have commenced are visualised in Figure 62. Outside the calculated area of about 320 square kilometres, a 9N314M warhead carried on a 9M38-series missile as installed on the Buk surface-to-air missile system cannot create the damage pattern observed on the aeroplane.

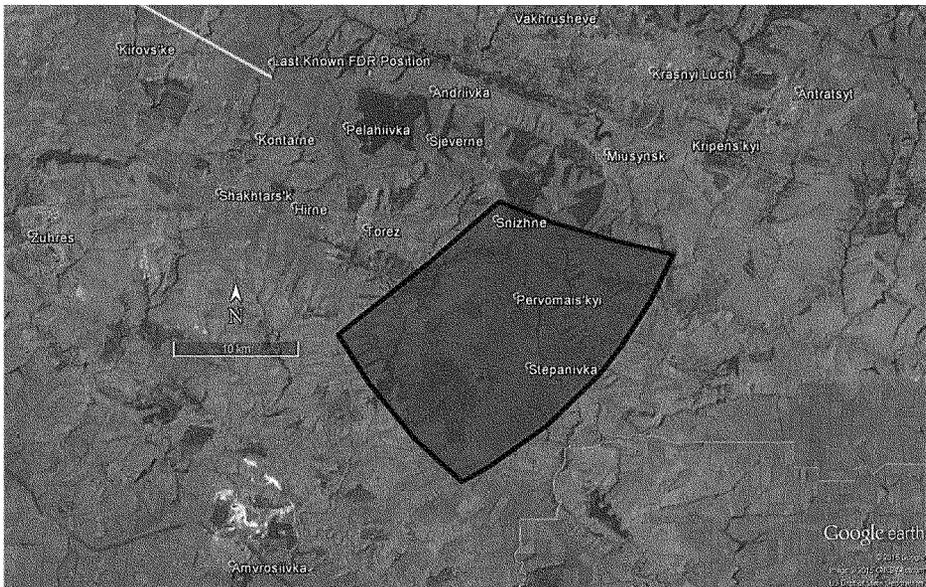


Figure 62: Visualisation of NLR fly out simulation results. (Source: NLR)

In a simulation performed by the Kyiv Research Institute for Forensic Expertise, an area of 4 square kilometres was calculated using the 9M38M1 missile and 9N314M warhead. This is shown in Figure 63.

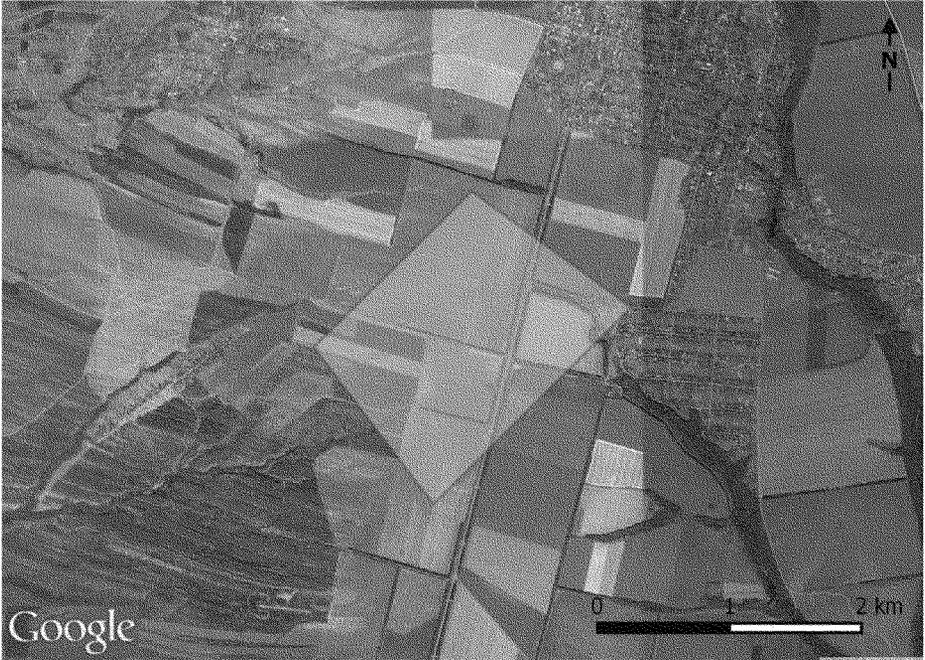


Figure 63: Visualisation of Kyiv Research Institute for Forensic Expertise fly out simulation results. (Source: Kyiv Research Institute for Forensic Expertise)

JSC Concern Almaz-Antey performed a simulation of the effects that would be expected from this weapon using detonation data that TNO had calculated and was included in the draft version of this report. This was done without confirming that a 9N314M warhead, carried by a 9M38-series missile and launched from a Buk surface-to-air missile system had caused the crash. The material provided by JSC Concern Almaz-Antey was used by the investigation as a validation of the models used by NLR and Kyiv Research Institute for Forensic Expertise.

Results for sets of similar calculations were supplied; one for a warhead launched by a 9M38 missile and one for the same warhead launched by a 9M38M1 missile. These calculations produced two areas, respectively, approximately 20 and 63 square kilometres. The areas calculated by JSC Concern Almaz-Antey (see Figure 64) are consistent with the results of the NLR and Kyiv Research Institute for Forensic Expertise calculations.

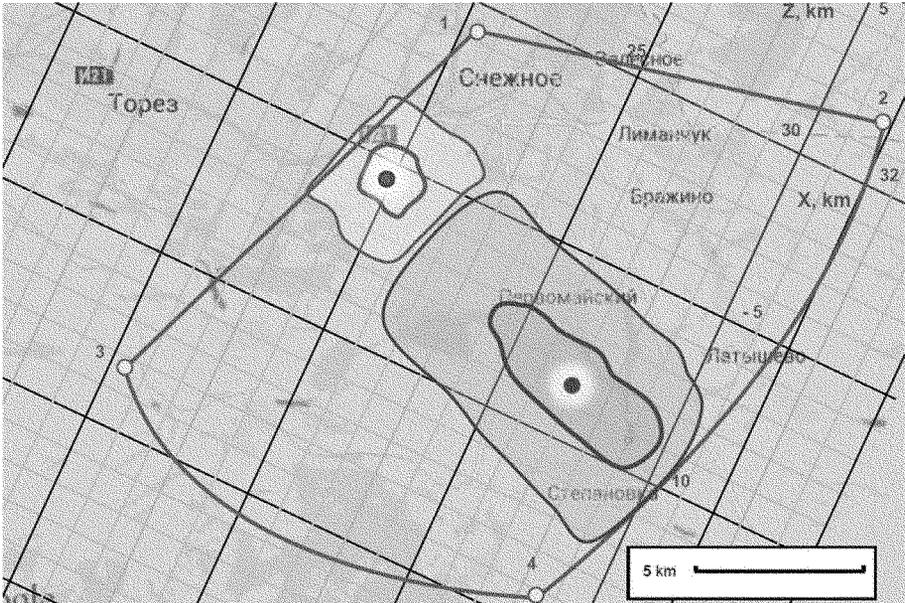


Figure 64: Visualisation of JSC Concern Almaz-Antey fly out simulation results. Note: The red line, numbered 1 to 4, marks the initial area identified by the NLR fly out simulation; an area since updated. (Source: JSC Concern Almaz-Antey)

The results of the three sets of simulations are shown in a combination sketch (see Figure 65) of the calculated areas from which a 9N314M warhead carried on a 9M38-series missile as installed on the Buk surface-to-air missile system could have reached the warhead's detonation location in the volume of space near to flight MH17 and could have created the damage observed.

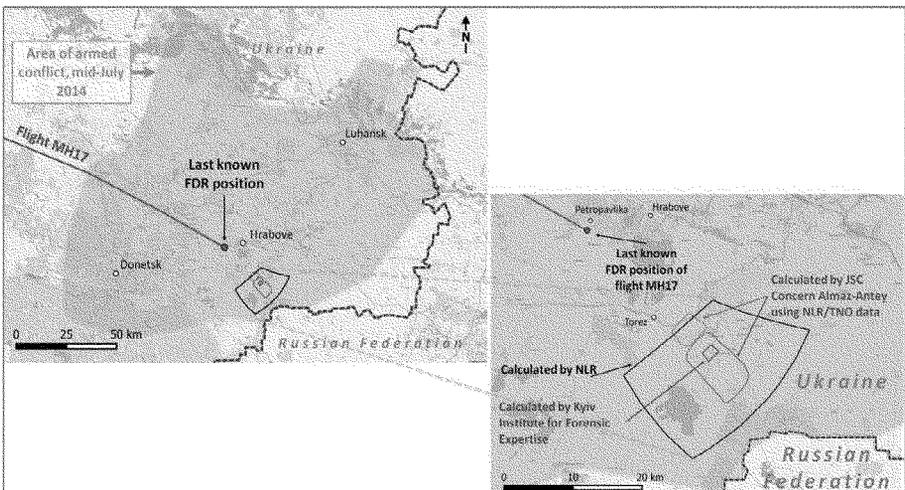


Figure 65: Combination sketch of the calculated areas. (Source: Dutch Safety Board)

Whilst the results of the three studies all point to a similar geographic area, further forensic research is required. Such work falls outside the mandate of the Dutch Safety Board, both in terms of Annex 13 and the Kingdom Act 'Dutch Safety Board'.

Findings

- The area from which the possible flight paths of a 9N314M warhead carried on a 9M38-series missile as installed on the Buk surface-to-air missile system could have commenced is about 320 square kilometres in the east of Ukraine.
- Further forensic research is required to determine the launch location. Such work falls outside the mandate of the Dutch Safety Board, both in terms of Annex 13 and the Kingdom Act 'Dutch Safety Board'.

3.9 Blast damage

By reviewing the observed damage on recovered parts of the aeroplane and by investigation of the blast pressure evolution for a number of discrete points on the aeroplane's contour, the effects of the blast of the warhead was analysed. This was achieved by means of a so-called computational fluid dynamics simulation performed to provide a high-fidelity quantitative description of the blast loading. The computational fluid dynamic simulation takes into account the altitude, properties of the 9N314M warhead, velocity of the aeroplane, velocity of the warhead, and shape of the aeroplane. The position and orientation of the detonating warhead relative to the aeroplane was taken from paragraph 3.8.3, model IIb.

Blast damage is highly dependent on the distance from the warhead, the orientation of the aircraft part (so that it receives an incident or reflected blast) and the speed of the aircraft. Blast has the following effect on aircraft structures, in increasing intensity:

- Compression of skin panels between frames and stiffeners where the skin does not tear, and frames and stiffeners do not distort. This is known as dishing;
- Deformation of frames and stiffeners and detachment of skin panels, and
- Tears of skin panels and stiffeners.

Blast damage can be masked by perforation damage, damage caused by the break-up of the aircraft and its impact with the ground. Of all the typical blast damage forms, dishing is, in this situation, the most easily visually detected. Depression of skin panels can also be caused by bending of aircraft parts during the break-up and impact with the ground. Several depressions were found on the wreckage that could not be linked, with sufficient certainty, to dishing.

The cockpit area had a considerable number of witness marks that provide an indication of blast damage. The panel below the left hand cockpit windows is damaged by pitting and showed traces of soot (see paragraph 2.12.2.7). The pitting damage is local and is considered to be the result of hot fragments of a warhead detonating close by; evidence

of blast. Another piece of evidence for the presence of blast was found in the discolouration of the two left cockpit window parts that were recovered. Their exposure to air and heat, changed the plastic from clear to opaque.

Blast extends initially spherically after the detonation of a warhead. However, blast can flow around obstacles and also cause damage behind an obstacle. This makes it possible for blast damage on the right hand side of the aeroplane to occur after detonation on the left hand side. As shown in Figure 51, blast damage was observed forward of STA230 on the right hand fuselage skin. The fuselage skin at STA230 marked the limit of the blast damage area. The lower part of this part of the fuselage was highly distorted, probably by the break-up of the aeroplane and impact with the ground.

The floor part to the left of and below the captain's seat was recovered with part of the flight control mechanism on that side. It is holed extensively, and also shows clear evidence of the effects of an explosion, indicating that this area was close to the detonation point.

Once the pressure hull of the aeroplane was compromised by the impact and perforation of the high-energy objects, the cabin depressurised due to the large number of holes in the aeroplane.

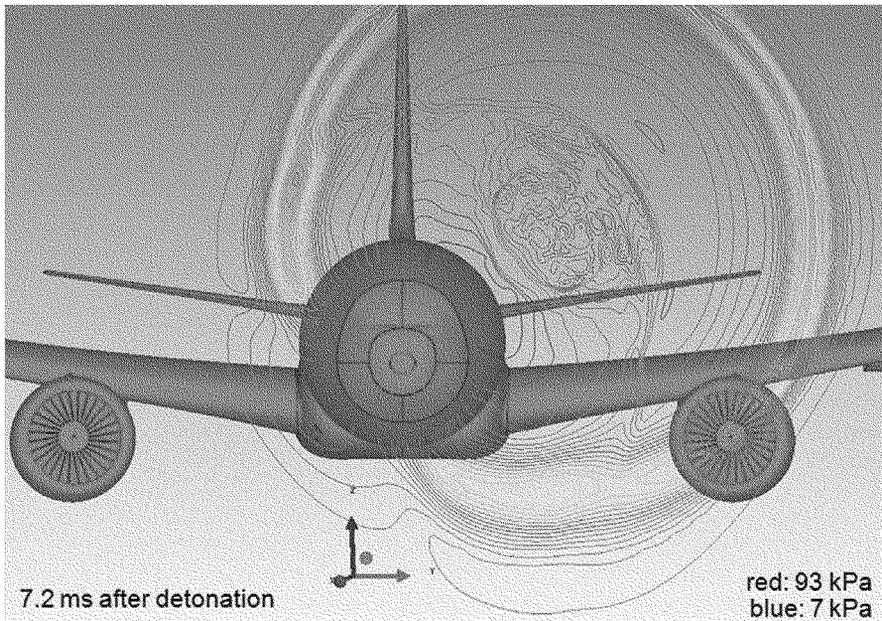


Figure 66: Sample image of blast simulation showing blast wave around fuselage, 7.2 milliseconds after detonation. (Source: TNO)

Calculations show how peak pressure decreases with increasing distance. The blast following the detonation of the warhead created an area of very high pressure near the cockpit with a maximum value of about 5,000 kilopascals. 75 kilopascals was taken to be

the threshold for the mildest form of blast damage on the aeroplane structure. At a distance from the aeroplane's nose of 12.5 metres the pressure drops below 75 kilopascals. Pressure kept decreasing until the effect of the blast became negligible at approximately 35 metres from the aeroplane's nose.

The damage to the wreckage recovered was consistent with the predictions made by the blast simulation.

Findings

- The simulation of the blast following the detonation of the 9N314M warhead created an area of very high pressure near the cockpit with a maximum value of about 5,000 kilopascals.
- Damage to the aeroplane's structure as the result of pressure is caused with values in excess of 75 kilopascals. Such damage could only be caused along the fuselage for 12.5 metres from the detonation point.
- The damage to the wreckage recovered was consistent with the predictions made by the simulation of the blast caused by the detonation of a warhead.

3.10 Summary of the results of the simulations into the causes of the crash

In Section 3.7 the Dutch Safety Board concluded that, on the basis of the combination of findings of the recorded sound, the damage pattern found on the wreckage caused by blast and the impact of fragments, the bow-tie shaped fragments found in the cockpit and in the body of one of the crew members in the cockpit, the injuries sustained by three crew members in the cockpit, the analysis of the in-flight break-up, the analysis of the explosive residues and paint and the size and distinct, bow-tie, shape of some of the fragments, the aeroplane was struck by a 9N314M warhead as carried on a 9M38-series missile and launched by a Buk surface-to-air missile system.

A number of simulations were run to corroborate these findings. In these simulations the specifications mentioned in Section 3.6 were used. These simulations led to the following findings:

Findings

- Simulations showed that the observed damage and the modelled fragment pattern resulted in an estimated detonation location of the warhead to the left and above of the cockpit.
- Simulations demonstrated that the detonation of a 70 kg warhead best matched the damage observed on the wreckage of the aeroplane.
- The simulations performed indicated that the detonation location of a 9N314M warhead was in a volume of space that is less than one cubic metre and about four metres above the tip of the aeroplane's nose on the left side of the cockpit.
- The damage to the wreckage recovered was consistent with the predictions made by the simulation of the blast caused by the detonation of a 70 kg warhead.

The above mentioned findings are consistent with the conclusion of the Dutch Safety Board that flight MH17 was struck by a 9N314M warhead as carried on a 9M38 series missile and launched by a Buk surface-to-air missile system.

3.11 The in-flight break-up and its aftermath

3.11.1 Introduction

As part of the failure analysis, the structural fractures of the wreckage pieces were examined. The purpose of this analysis was to determine whether there was pre-existing damage that had initiated or contributed to the in-flight break-up. For that purpose possible fatigue, mechanical damage, corrosion or repairs were looked after. A second objective was to determine where on the aeroplane the failure had initiated. Descriptions of types of failure found on the wreckage parts have been included in Appendix L.

Structural fractures at specific locations were examined, namely the boundaries between the four main parts of the aeroplane's structure that have been recovered:

- cockpit and front fuselage;
- centre fuselage;
- rear fuselage;
- tail.

The failure analysis was limited to the wreckage parts that had been recovered.

3.11.2 The separation of the cockpit and front fuselage from the centre fuselage

The cockpit and the front fuselage separated at approximately STA888 from the centre fuselage. Fractures in the cockpit and the forward fuselage were examined because these fractures indicate the start of the break-up.

Multiple perforations were present in the cockpit region (i.e. forward of STA236.5). The left hand side of the cockpit was fractured into small pieces. Therefore, the perforations had probably acted as crack initiation sites. Due to the presence of these perforations,

Following this separation, several longitudinal fractures developed in the fuselage part from STA655 until STA888/909, (fractures 8, 9, 17, 19 and 24) propagating to the rear, caused radial opening of it and locally peeling of the skin from stringers and frames. The other fractures between STA655 and STA888/STA909 were consistent with the radial opening of the fuselage due to aerodynamic loads. Finally this fuselage part separated from the centre fuselage behind it between STA888 and STA930, see Figure 68.

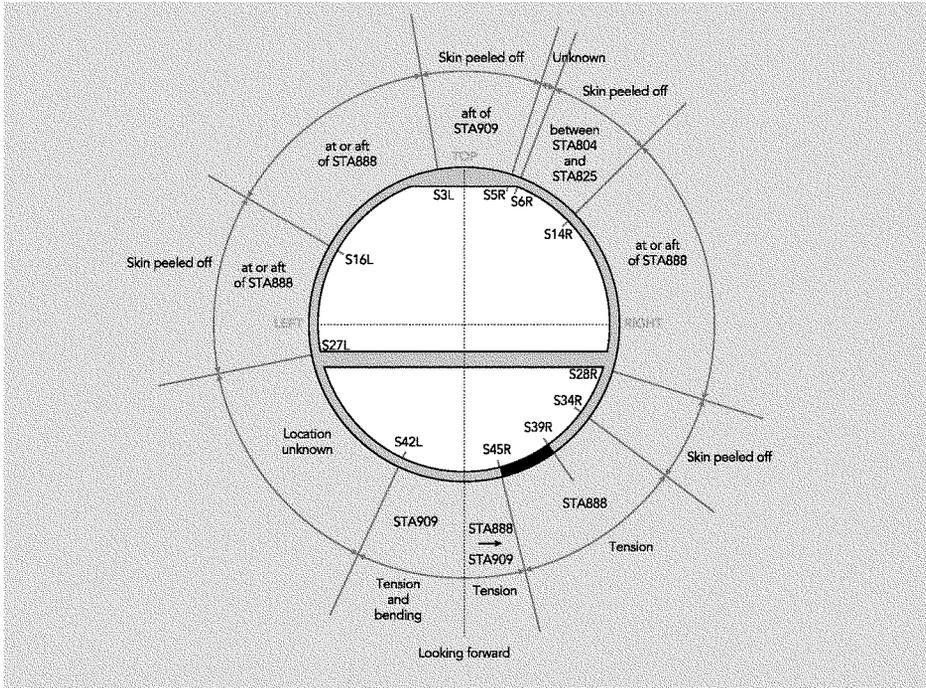


Figure 68: Observed position of fracture at STA 888/909 and type of loading of the fracture at STA888/909. Only between stringers 45R and 39R parts from the front and the centre fuselage fitted together. In the figure the thick line indicates this location. (Source: Dutch Safety Board)

3.11.3 Separation of the rear fuselage from the centre fuselage

The rear fuselage separated from the centre fuselage at approximately STA1546. This location coincides with the aft door frame of passenger doors 3L and 3R. The radial fractures between the centre part and the rear part of the fuselage were consistent with tensile and bending loading. A large skin panel on the left upper side of the fuselage, extending from half way the main landing gear wheel bay in front of doors 3L and 3R to about 1.5 meters aft of doors 3L and 3R, was found at the same location as the parts of the rear fuselage (in wreckage site number 4). This part probably separated just before the fuselage rear part broke away. As this part separated, the section at the doors was weakened.

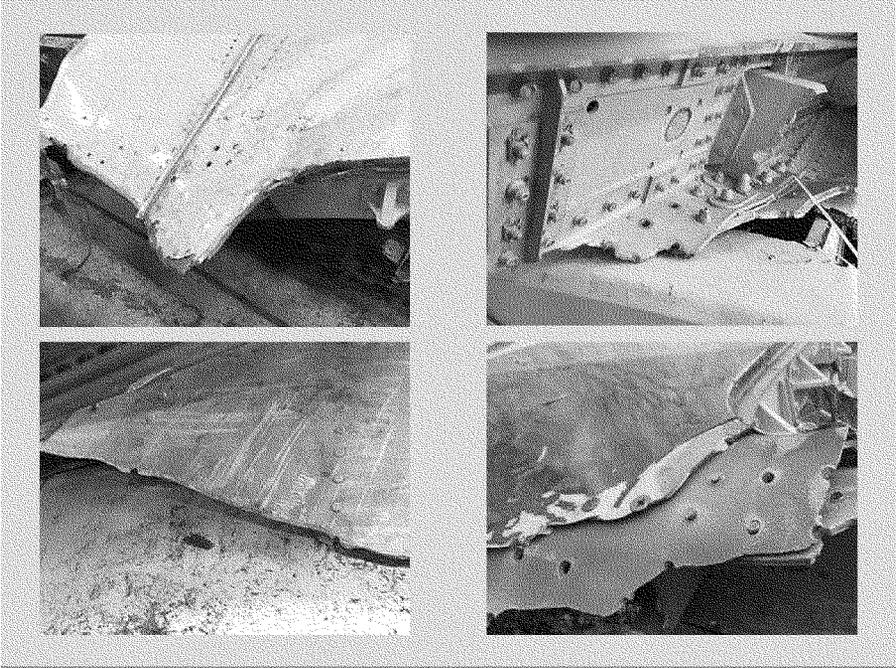


Figure 69: Examples of tensile overstress fracture at passenger doors 3L and 3R. (Source: Dutch Safety Board)

The weakened fuselage section then broke and the rear part separated.

3.11.4 Separation of the tail from the rear part of the fuselage

The tail separated from the rear part of the fuselage at approximately STA2174. All fractures investigated here showed signs of out-of-plane bending, mostly combined with tensile loadings.



Figure 70: Left hand side separation fracture between rear fuselage and the tail. Separation is at the irregular fracture indicated by the black line. The vertical cut through the left letter M was made for transportation purposes. (Source: Dutch Safety Board)

3.11.5 Fractures in specific parts

Also, fractures in a number of specific parts were examined.

Rear pressure bulkhead

The curved rear pressure bulk head was fractured and severely deformed. Figure 71 shows the fractures in the dome and the parts that were recovered, namely major sections with clear intersection with the dome centre part (parts numbered 1, 2, 6 and 8) and four smaller pieces intersecting with the fuselage structure (parts numbered 3, 4, 5 and 7).

The fractures in circumferential direction followed the intersection with either the fuselage, or with the tear straps. These fractures are predominantly consistent with a tensile overstress fracture in the net section. In addition, circumferential fractures were observed at the connection to the centre part of the dome. Also these fractures surfaces were consistent with overstress fractures as result of combinations of tension and out of plane bending. Fractures in a radial direction were observed also consistent with tensile overstress fractures. These fractures follow the fastener row underneath the radial stiffeners.

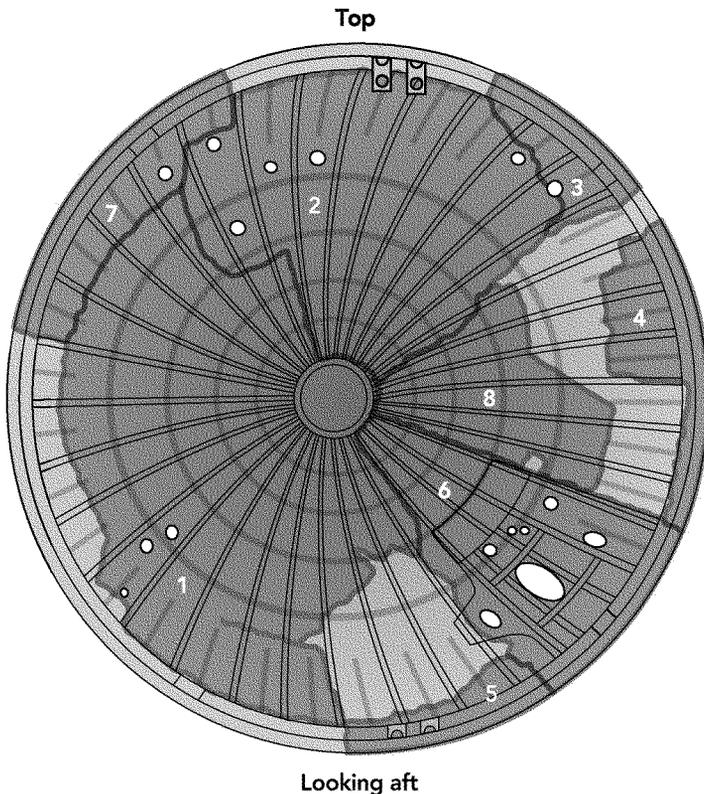


Figure 71: Fractures in rear pressure bulkhead. Looking aft. The parts that were available for investigation are numbered 1 to 8. (Source: Dutch Safety Board)

The fractures observed in the bulkhead were consistent with tensile overstress, caused either by a pressure difference or a disintegrating fuselage structure, where a relatively flexible, thin walled dome is pulled apart by the surrounding fuselage structure.

There are no indications of a sudden failure by overpressure of the rear pressure bulk head.

The observed fracture pattern indicated that most probably the pressure bulkhead was torn apart by the fuselage breaking up.

Cargo doors

The front cargo door was recovered at wreckage site 3 in closed position. The rear cargo door had separated from the aeroplane. It was recovered at wreckage site 4. This indicates it separated relative late in the sequence (of events) with the other parts of the rear fuselage. It can be ruled out that the opening of the cargo doors contributed to the crash.

Wing tips

Both wing tips separated from the remaining wing structure. Both ailerons were not recovered. Fracture patterns led to both a downward acting bending moment and the likelihood of a relative high torsion moment at the separation area.

Vertical stabilizer

The vertical stabilizer separated from the rear fuselage. Parts of the main frame were found connected to it. The fractures are consistent with lateral loads acting on the fin oriented to the aeroplane right hand side, causing a bending moment and a torsion moment at the connection to the fuselage, resulting in separation of the fin.

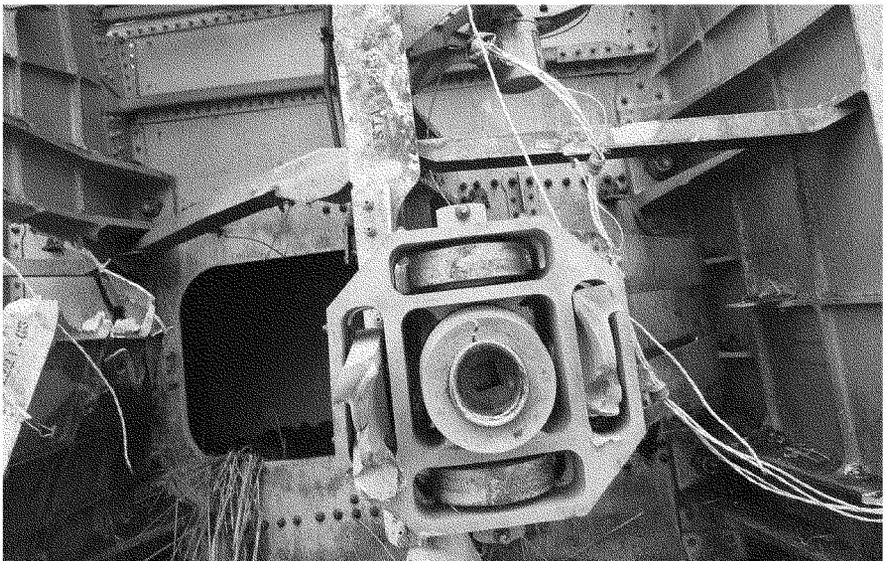


Figure 72: Overload failure of the vertical stabilizer. (Source: Dutch Safety Board)

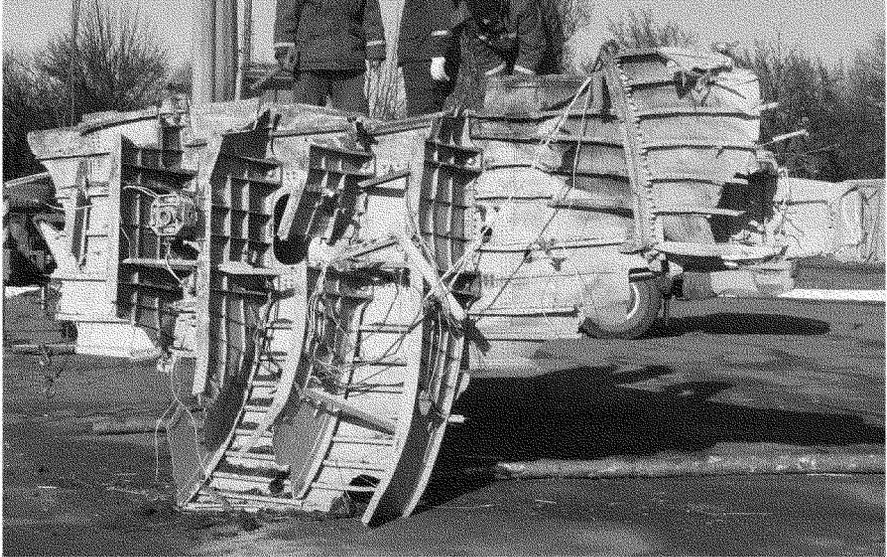


Figure 73: Fracture separating the vertical stabilizer from the fuselage. Attached skin and broken vertical stabilizer-to-fuselage frames bended out of their plane and fractured. (Source: Dutch Safety Board)

Horizontal stabilizers

The horizontal stabilizers had separated from the centre part just outside the fuselage. Only the centre horizontal stabilizer part and the left hand horizontal stabilizer were available for investigation. The fractures in the left horizontal stabilizer were consistent with a downward bending moment acting in the separation plane. This moment was caused by a downward acting loading on the horizontal stabilizer. Failure of the elevator attachment brackets and power control units were consistent with high aerodynamic loads acting on the elevator.

Main landing gear

The Flight Data Recorder data indicated that the main landing gear was in the retracted position at the last recorded position of the aeroplane. Pictures taken on the crash site a few days after the crash indicate that the right hand retract actuator of the main landing gear was close to its retracted (gear-up) length. Therefore it can be concluded that the landing gear was in the retracted position when the event occurred.

Finding

None of the investigated wreckage parts showed indications of the presence of pre-existing damage, such as fatigue, corrosion or inadequately performed repairs.

3.11.6 External damage exacerbated by airworthiness aspects

In paragraph 3.2.2, a number of airworthiness aspects were analysed and excluded as being the cause of the crash. For completeness, a final hypothesis was also considered;

that the aeroplane was not sufficiently damaged by surface-to-air missile to cause it to crash, but that the crash was the result of a combination of the pre-formed fragment damage and one or more pre-existing technical failures or deficiencies.

The comprehensive structural analysis of the failure modes of the fuselage described in paragraphs 3.11.2 to 3.11.5 showed no evidence of fatigue, pre-existing damage or repairs that could have played a contributing factor to the crash. None of the systems, as recorded by the Flight Data Recorder, showed a defect that could have exacerbated the effects of the damage caused by the high-energy objects. The maintenance records for the aeroplane following its last major overhaul, in November 2013, did not reveal any defect that had not been rectified adequately. None of the deferred defects at the time of the crash could have exacerbated the effects of the damage caused by the pre-formed fragments.

Finding

The effects of the damage caused by the pre-formed fragments were not exacerbated by any technical issue.

3.11.7 Ballistic trajectory analysis

3.11.7.1 Introduction

This Section describes the in-flight break-up of the aeroplane, its sequence and the trajectory after impact.

The distribution of wreckage parts over the crash area given in Section 2.12 shows there are six wreckage sites numbered 1 through 6. The figures in Section 2.12 show that the debris field can be divided roughly in two areas: one (sites 1, 2 and 3) relatively close to the last recorded FDR position, and one (sites 4, 5 and 6) relatively close together and further from that position and more or less in the direction of flight.

As the wreckage sites 1, 2 and 3 are much closer than the sites 4, 5 and 6 to the last FDR position, it may be concluded that the wreckage parts which landed there separated much earlier from the aeroplane than those in sites 4, 5 and 6. The sites 4, 5 and 6 being relatively close together suggests that the time intervals between the separation of these parts from the aeroplane must have been relatively short and that the altitudes of separation were relatively low.

The previous sections give the results of the investigation into the main fractures in the structure and the separations of different aeroplane parts.

Figure 67 shows left and right side views of the front fuselage with the main fractures in the aeroplane structure.

As mentioned elsewhere in this report, no radar fixes or eye-witness statements on the moment of the in-flight break-up were available. As a result, the information available to make a reliable reconstruction of the flight path and the break-up sequence is limited. Only information from distribution of debris over the six wreckage sites is available.

To obtain information about the moment of separation of some wreckage parts at a certain moment, a ballistic trajectory analysis was carried out.

A ballistic trajectory analysis can be used to determine the trajectory through the air of an object that has no aerodynamic lift. Its trajectory is determined by its ballistic coefficient (BC), which is the weight of an object divided by the product of its drag coefficient with its cross-sectional area. Thus a feather (which has a very low ballistic coefficient) would fall slowly when released from an initial point in space, moving almost exclusively with the wind to the ground. In contrast, a bowling ball (which has a high ballistic coefficient) would fall rapidly, with very little displacement resulting from the wind.

A ballistic trajectory analysis was performed for selected wreckage parts recovered on the ground, with known starting conditions; the last recorded FDR position and time, flight altitude and airspeed. Using the known wind speed and directions from the ground until the cruise altitude, it was possible to determine the trajectories and thus the landing locations. More information about the method of ballistic trajectory analysis is found in Appendix K.

3.11.7.2 Results of the ballistic trajectory analysis

A ballistic trajectory analysis was performed for parts, with the following starting conditions: last known FDR position, time of last FDR recording, speed and altitude, taking into account the reported wind from cruise level to the earth.

By running the ballistic trajectory analysis for multiple ballistic coefficients, a so-called locus line was obtained. The locus line represents the possible ground positions of wreckage parts after break-up, assuming that they all separated at the same initial position, altitude and speed and assuming a ballistic trajectory taking into account the wind, see Figure 74.

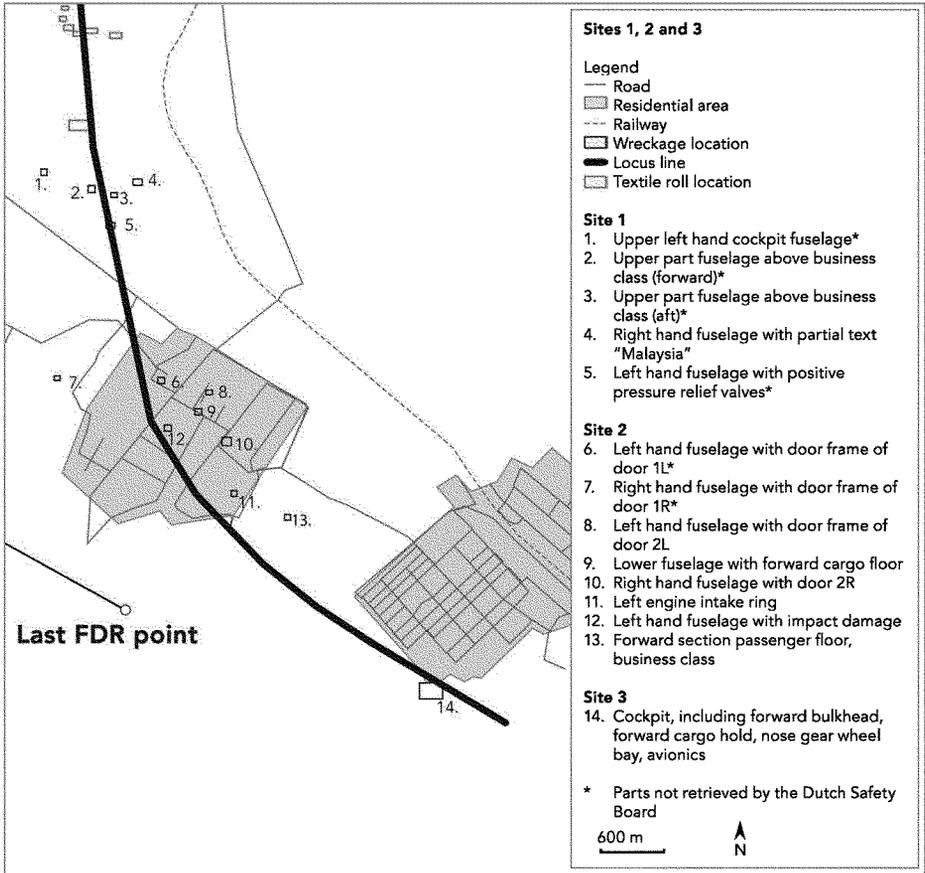


Figure 74: Calculated locus line (black) from ballistic trajectory analysis with identified wreckage and cargo parts in sites 1, 2 and 3. (Source: Dutch Safety Board)

From the cargo manifest it was established that ten textile rolls were transported on a pallet with position 21P (approximately STA700 - STA800); see Section 2.12. These textile rolls, once separated from its pallet, would have had a very low ballistic coefficient. From satellite imagery seven textile rolls, each containing 100 metres of textile, were identified in site 1 approximately 5 to 5.7 kilometres from site 3 (cockpit). It is of note that the textile rolls were identified on a satellite image dated 21 July 2014. Satellite imagery after this date did not show the textile rolls, but showed clear markings of agricultural work.

In Appendix K, the Ballistic Coefficients of the textile rolls were calculated and they were as expected very low. This would mean that they would likely be found near the top end of the locus line if they separated from the aircraft at the point of initial break-up. As site 1 is at the top end of the locus line where low Ballistic Coefficient pieces would be expected, this verifies the ballistic locus line calculation.

The combination of the cockpit with the lower fuselage part has a very high ballistic coefficient. This means it would likely be found near the lower end of the locus line if it separated from the aircraft at the point of initial break-up, and that is where it was found (site 3).

All parts from the fuselage part in front of STA888/909 that were recovered, were found in the sites 1, 2 and 3, at or very close to the locus line.

Thus, it can be concluded that all the pieces of wreckage from the fuselage part in front of STA888/909, recovered from the sites 1, 2 and 3, separated from the aeroplane in the first few seconds after the impact of the high-energy objects.

All aeroplane parts of the fuselage aft of STA888/909, wings and empennage were found in sites 4, 5 and 6. These sites are located relatively far beyond the locus line. From this it can be concluded that these parts separated from the aeroplane much later than those of the forward fuselage.

3.11.8 Break-up of the aeroplane

After the impact of the high-energy objects the aeroplane broke up in the air: There are two distinct phases in relation to the in flight break-up; the break-up of the front fuselage and the centre/rear fuselage. These are described in the paragraphs below.

3.11.8.1 Break-up of the front fuselage

The front fuselage broke into the following three main components:

- the damaged cockpit with a large part of the lower fuselage with the passenger floor in front of STA655;
- large parts of the fuselage above the passenger floor, in front of STA655;
- the cylindrical fuselage part between STA655 and STA888/909.

Within approximately one second the fuselage top parts in front of STA655, above the passenger floor, were bent upward, while the fuselage lower part in front of STA655, was bent downward. This was followed immediately by the fuselage part behind it, bending radially outward and separating behind the doors 2L and 2R at (STA 888/909).

All recovered parts from the fuselage in front of STA888/909, were found on or very close to the locus line. This indicates that the break-up sequence of the forward part of the aeroplane took place immediately after the last FDR recording, and lasted in the order of seconds.

3.11.8.2 Break-up of the centre and rear fuselage

The separation of the forward fuselage resulted in significant changes to the mass and balance and aerodynamic characteristics of the aeroplane, substantially modifying its flight characteristics.

The centre of gravity moved aft, probably behind its rear certified limit, probably causing longitudinal instability of the aeroplane. Further, the aerodynamic loads that would normally result from the air impacting and flowing over the smooth forward fuselage

were replaced by the loads created by air impacting and flowing over the blunt open, damaged fuselage, which resulted in increased drag and altered airflow over the inboard sections of the wings.

Despite having no radar data available for trajectory analysis, a general sequential outline of the break-up sequence can be established using wreckage location information in combination with the analysis of fractures between the structural parts. As mentioned before, as no post-crash radar fixes or eye-witness declarations were available, it is not possible to make an accurate reconstruction of the break-up sequence.

The fact that no wreckage pieces from behind STA909 were found in site 1 through 3 suggests that after the front part of the aeroplane broke up and separated, the remainder of the aeroplane continued flight for some time along an undetermined path.

In a relative short time interval, the two wing tips, the stabilizers, the fuselage behind STA 1546.5, inclusive of most parts of the rear pressure bulkhead, separated from the centre fuselage and hit the ground in site 4. The centre fuselage section with the remainder of the wings and engines continued their flight for some time as they were located in site 6. Later in time, the fuselage part aft of STA 1546.5 broke near the rear pressure bulkhead. The main parts behind it, the vertical fin, the centre stabilizer torsion box and the damaged tail cone landed very close together at site 5.

In site 4 several textile rolls were identified on satellite imagery and were, later on, recovered from the site. From the cargo manifest it was established that 10 textile rolls were transported in a container in the aft cargo compartment located at position 33L. The textile rolls were found in close proximity of (500 metres) or on top of other wreckage pieces. The textile rolls possessed a very low ballistic coefficient.

The parts found in sites 4 had big differences in Ballistic Coefficients and they were found in close proximity. This suggests the break-up in this site was at a much lower altitude and thus later in the break-up sequence than the first break-up.

This is furthermore substantiated by the wreckage area footprint and spread of the wreckage pieces in sites 4 through 6. For sites 4 through 6 the maximum range the wreckage pieces are spread is approximately 1.5 kilometres from the main impact point in site 6; this is substantially less than the wreckage spread of 7 kilometres for sites 1 through 3. In site 4 the left and right wing tip were located but the remainder of the left and right wings were found in site 6.

Also the left and right horizontal stabilizers were found in site 4. The left stabilizer was found on the right hand side of the expected flight track, the right stabilizer on its left side. This suggests that at this point the aeroplane may have been inverted. The stabilizer centre torsion box was found in site 5. This suggests that the stabilizers separated at the same moment as other parts found in site 4, while the aft tail section continued its flight for a short time.

In site 5 the vertical fin was located and in close proximity parts of the tail section. The crew bunk container, located in the aeroplane aft cargo compartment (hold 31 and 32), was located in site 5.

Other cargo items from load positions 41 to 44 (See Appendix E) were found spread over sites 4 and 5. These items were found in reverse, meaning that the items that originate from the left hand side of the aeroplane were found predominantly on the right hand side of the expected flight track and vice versa. This combined with other wreckage pieces suggest that at this point the aeroplane may have been inverted.

In site 6 a fuselage part just in front of passenger door 3R was found under the aeroplane keel beam structure together with a part of the lower fuselage, normally located just in front of the centre wing. This suggests that the centre fuselage with the remainder of the wings and engines was in an upside down position by a rotation around the lateral axis, and thus moving in a rearward direction, during impact with the ground. Both wings were found separated from the mid centre section, up-side down in site 6. The engines did not separate in the air as both engines were found in site 6 in close proximity of their respective wing positions. However, the left engine intake ring was found in site 2. This indicates an earlier separation in time of that part.

With the available information the conclusion can be drawn that after separation of the front fuselage, the centre and aft fuselage sections with the complete wings continued flying, and then after a short time interval the wing tips broke off and the aft fuselage section and tail separated. Thereafter the aft fuselage section may have rolled inverted when the stabilizers separated, and later the damaged tail section, with the vertical fin and the stabilizer centre torsion box, separated near STA2150. These parts landed closely together. From the wreckage pattern it can be seen that this would have been at a low altitude. The centre fuselage finally landed in an inverted position after a rotation around its lateral axis.

The time interval between the separation of the front fuselage and the moment that the remainder of the aeroplane impacted the ground is estimated to have been 1-1.5 minutes.

Findings

- From the ballistic trajectory analysis it can be concluded that all the pieces of wreckage from the fuselage parts in front of STA888/909 departed the aeroplane immediately after the last Flight Data Recorder recording.
- It also indicated that all debris recovered from the other three sites (4, 5 and 6), departed the aeroplane later, as their location in the debris field was relatively far beyond the locus line.
- After separation of the front fuselage, the remainder of the fuselage with the complete wings continued its flight.
- After a short time interval the wing tips broke off and the aft fuselage section with the tail separated.
- Thereafter the aft fuselage section may have rolled inverted when the horizontal stabilizers separated, and later the damaged tail section, with the vertical stabilizer and the stabilizer centre torsion box, separated near STA 2150.
- The centre fuselage finally landed in an inverted position after a rotation around its lateral axis.
- The time interval between the separation of the front fuselage and the moment that the remainder of the aeroplane impacted the ground is estimated to have been 1-1.5 minutes.

3.12 Passenger oxygen system

The cabin pressure altitude recorded on the Flight Data Recorder, described in Paragraph 2.18.2, was 4,800 feet during cruise up to the moment that the recording stopped at 13.20:03 (15.20:03 CET). The recording stopped due to electrical power interruption as analysed in Paragraph 3.4.3. Therefore, the passenger oxygen system was probably not activated prior to this moment.

The perforation of the aeroplane's structure caused the cabin of the aeroplane to depressurise and a cabin altitude of 13,500 feet was exceeded. Had electrical power been available, the passenger oxygen masks would have been automatically deployed. According to the aeroplane manufacturer, when depressurisation occurs the deployment of the masks may take a few seconds, in part as the electrical signal is delayed to avoid false deployment. Therefore, the loss of electrical power prevented the system-activated deployment of the passenger emergency oxygen masks.

On the oxygen generators recovered from sites 4 and 5, some solenoid switches were deformed and the latches had separated from all of the recovered containers. It is therefore considered likely that oxygen masks dropped out of the passenger service unit containers due to torsion or other forces upon these containers. This would then result in the unlocking or separation of the latches. This could have been the result of either the blast of the warhead explosion, the effects of the in-flight break-up or the impact with the ground.

It requires a force of only a few Newton²⁰ to remove the firing pin from the oxygen generator. Therefore, it is conceivable that the oxygen generators were fired as a result of the blast, the dynamic forces during the in-flight break-up or the impact with the ground. The oxygen generator which had not been fired, originated from the crew rest area. It is considered possible that the rest area, a closed container, may have been better protected against the dynamic forces during the in-flight break-up or from the impact with the ground.

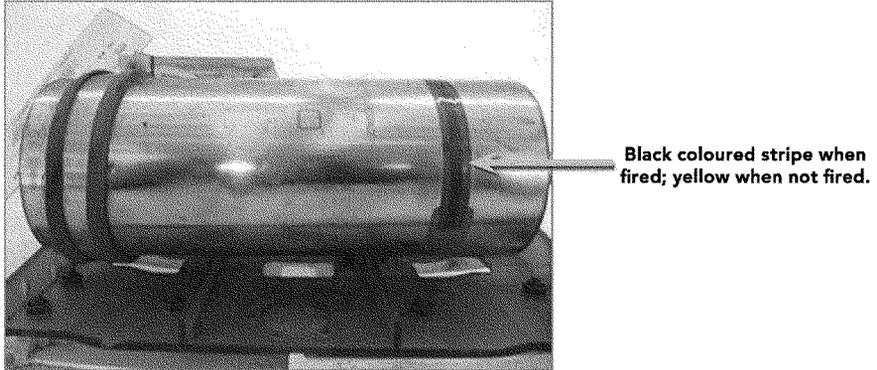


Figure 75: One of the recovered passenger oxygen generators. (Source: Dutch Safety Board)

The flight crew's emergency oxygen supply is a different system to that in the cabin. Information on the flight crew system could not contribute to the analysis of the cabin pressure or cabin oxygen supply system.

Findings

- It is considered unlikely that the passenger oxygen masks were deployed before the electrical power supply was interrupted. It is unlikely that the passenger oxygen system was activated in the normal way.
- It is likely that passenger oxygen masks dropped down because the passenger service unit container latches opened or separated. This occurred as a result of the forces exerted upon these latches due to blast, the dynamic forces during the in-flight break-up or the impact with the ground.

3.13 Recovery and identification of victims flight MH17

Given the circumstances, the recovery and transporting of the human remains were carried out with the greatest possible care. The recovery method adopted during the first few days after the crash allowed a substantial number of the victims to be identified reasonably quickly. At the time of the report's production, two of the 298 occupants had not been identified.

Finding

296 of the 298 occupants of flight MH17 were identified at the time of the publication of the Final Report.

3.14 Survival aspects

The investigation revealed that the occupants were confronted with the effects of the missile's impact in different ways. The effects were partly determined by the location in the aeroplane where they found themselves when the warhead detonated. The impact of missile fragments and the subsequent pressure wave caused the aircraft to break up. This impact was only instantly fatal to the occupants of the cockpit. The other occupants were almost immediately exposed to factors that had an extreme impact on the body and which were not the same for everyone. There was the deafening noise of the impact, abrupt deceleration and acceleration, decompression and the corresponding mist formation, reduced oxygen level, extreme cold, powerful airflow, the aeroplane's rapid descent and objects flying around.²¹ As a result, some occupants suffered serious injuries that probably caused their death. In others, the exposure led to reduced awareness or unconsciousness in a very short space of time. It was not possible to ascertain the time at which the occupants died; it was established that the impact on the ground was non-survivable.

It cannot be ruled out that some occupants remained conscious for some time during the one to one and a half minutes for which the crash lasted. The Dutch Safety Board deems it likely that the occupants were barely able to comprehend the situation in which they found themselves.^{22,23,24,25,26,27} The Dutch Safety Board does not deem it likely that the occupants performed conscious actions after the impact.^{28,29} No indications were found that point to any conscious actions. No photographs or (text) messages from occupants were found on personal data carriers such as mobile phones that were taken after the impact. Such messages and photographs were found after several other aircraft crashes. There may have been reflexive actions such as clutching the armrests of the seat. See Appendix N for more information.

²¹ See Appendix N: Background to Passengers Exposure.

²² Guyton, A.C., J.E. Hall, *Textbook of Medical Physiology*, Chapter 60. The Autonomic Nervous System and the Adrenal Medulla, 2006.

²³ Baddeley, A. D., G. Hitch, 'Working memory', in G.H. Bower (Ed.), *The Psychology of Learning and Motivation: Advances in Research and Theory*, Vol. 8, 1974, 47-89.

²⁴ Ehlers, A., D.M.Clark, 'A Cognitive Model of Post-traumatic Stress Disorder', *Behaviour Research and Therapy*, 38(4), 2000, 319-345.

²⁵ Roediger, H. L., 'Implicit memory: Retention without Remembering', *American Psychologist*, 45, 1990, 1043-1056.

²⁶ Dalgleish, T., 'Cognitive Approaches to Post-traumatic Stress Disorder: The Evolution of Multirepresentational Theorizing', *Psychological Bulletin*, 130(2), 2004, 228-60.

²⁷ Qin, S., E.I., Hermans, H.I.F Van Marle, I. Luo, G. Fernández, 'Acute Psychological Stress Reduces Working Memory-related Activity in the Dorsolateral Prefrontal Cortex', *Biological Psychiatry*, July 1;66(1), 2009, 25-32.

²⁸ A retrospective study by Leach (2004), based on official research reports and written testimonies from various maritime and aviation disasters, reveals that freezing is a common response among people in serious emergency situations.

²⁹ Leach, J., 'Why People 'Freeze' in an Emergency: Temporal and Cognitive Constraints on Survival Responses', *Aviation, Space, and Environmental Medicine*, 2004. 539-542.

During the process to identify the victims, one passenger was found with an oxygen mask around the neck. It is unclear how the mask got there. The traces the NFI found during the forensic examination were not suitable for constructing a DNA profile, thus it remains unclear whether the person concerned put on the mask in a reflex or that it was done by someone on the ground after the passenger's death.

Findings

- The numerous injuries resulting from perforation of the pre-formed fragments after detonation of the warhead immediately killed the three crew members in the cockpit.
- There were no pre-formed fragments found in the bodies of the other occupants. As a result of the impact, they were exposed to extreme and many different, interacting factors: abrupt deceleration and acceleration, decompression and associated mist formation, decrease in oxygen level, extreme cold, strong airflow, the aeroplane's very rapid descent and objects flying around.
- As a result, some occupants suffered serious injuries that were probably fatal. In others, the exposure led to reduced awareness or unconsciousness within a very short time. It was not possible to ascertain at which moment the occupants died. The impact on the ground was not survivable.
- The Dutch Safety Board did not find any indications of conscious actions performed by the occupants after the missile's detonation. It is likely that the occupants were barely able to comprehend the situation in which they found themselves.

3.15 Recording of radar data

During the investigation, the Russian Federation declared that the requirement to store surveillance radar data only relates to Russian Federation territory. As flight MH17 crashed outside this territory, according to the Russian Federation, there was no requirement to retain data of flight MH17. However, the ICAO requirements in paragraph 6.4.1 of Annex 11 make no distinction about the geographic limitation regarding the storage of data and they imply that all data shall be recorded. This means that there was a requirement to store all radar data, both raw and processed data, regardless of state boundaries.

The extract of the Russian Federation's national requirements supplied to the investigation does not mention a distinction about the geographic limitation regarding the storage of data. The automatic recording of radar data by the Russian Federation differs from the ICAO standard. When a State cannot, or will not, follow the provisions of an ICAO standard, ICAO requires that the difference between the national version of a specific standard and ICAO's text be reported to ICAO. The obligation to make such a notification arises from Article 38 of the Convention on International Civil Aviation.

Based on the information available, it cannot be concluded that a difference exists between the Russian Federation's requirements and the ICAO standard in this matter.

However, the Russian Federation did not provide the radar data to the investigation that it was required to provide according to the requirements of paragraph 6.4.1 of Annex 11.

Findings

- According to the Russian Federation, its requirements for automatic recording and retention of radar data only relate to Russian Federation territory. The extract of the requirements provided by the Russian Federation did not mention a distinction about geographic limitations regarding the storage of data.
- The ICAO standard in paragraph 6.4.1 of Annex 11 makes no distinction about the geographic limitation regarding the storage of data; all radar data shall be recorded.
- The Russian Federation did not comply in all respects with the ICAO standard contained in paragraph 6.4.1 of Annex 11.

MH17

PART B: Flying over conflict zones

This part of the report focuses on the investigation into the flight route of flight MH17 on 17 July 2014 and the decision-making related to flying over conflict zones.

PART B: FLYING OVER CONFLICT ZONES

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INTRODUCTION TO PART B

This Part of the report deals with the flight route of flight MH17 on 17 July 2014 and the decision-making process about flight routes above conflict areas.

The key questions are:

- How and why were decisions made to use MH17's flight route?
- How is the decision-making process related to flying over conflict zones generally organised?
- What lessons can be learned from the investigation to improve flight safety and security?

Part B consists of six Sections:

- A description of the system of responsibilities of parties involved;
- Indicators related to the situation in the eastern part of Ukraine in the months prior to the crash of flight MH17;
- The airspace management by Ukraine in the period up to and including 17 July 2014;
- The route and flight operations of flight MH17, the decisions made by the airline, Malaysia Airlines, and the decisions made by other airlines and other states with regard to flying over the conflict area in the eastern part of Ukraine;
- The role of the Netherlands, as the state of departure of flight MH17, with regard to flying over conflict areas;
- Risk assessment related to flying over conflict zones.

Part B relates to part A in the following manner:

- In Section 2.1 (part A), flight MH17 is introduced: the flight plan and the actual conduct of the flight. In Section 7.2 (Part B), this is further elaborated.
- In Section 2.9 (part A), Air Traffic Management is introduced. In Section 6 of part B, this is further elaborated.

After the crash of flight MH17, various actions were taken to make flying over conflict areas safer. Appendix P provides an overview. Where relevant, these are also mentioned in the report itself.

4 DECISION-MAKING RELATED TO FLIGHT ROUTES - THE SYSTEM

4.1 Introduction

This Section describes the tasks and responsibilities of the parties involved in the safety³⁰ of civil aviation airspace. A detailed overview of the regulations relevant to this part of the investigation and of the parties involved is included in Appendix Q. The second part of this Section is devoted to the frame of reference adopted by the Dutch Safety Board for this part of the investigation. The Dutch Safety Board analysed the investigation's findings on the basis of regulations as well as on its own frame of reference.

4.2 States' and operators' responsibilities³¹

Figure 76 illustrates schematically how the responsibilities related to the use of existing flight routes are organised. The parties concerned are:

1. The state that manages the airspace;
2. Airline operators;
3. States in which those operators are based.

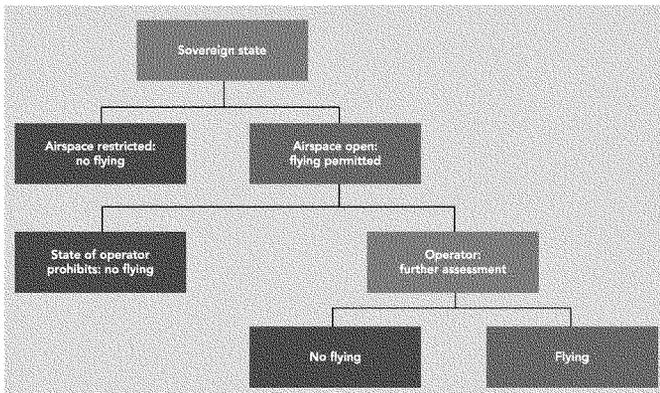


Figure 76: Responsibilities in the decision-making process related to airspace usage. (Source: Dutch Safety Board)

³⁰ Safety is meant here in the broad sense of the word and entails both safety and security. See also Abbreviations and Definitions.

³¹ Responsibilities arising from provisions in the Convention on International Civil Aviation.

4.2.1 States' responsibilities

4.2.1.1 *The state that manages the airspace*

Each state has sovereignty over the airspace over its territory. This means that the relevant state exercises complete and exclusive control over its own airspace.³² States enter into mutual agreements to open their airspace to operators from other states.³³ For reasons of safety, a state may impose limitations on the use of its airspace and determine along which routes and at which minimum altitude aircraft may fly within that airspace. The managing state can also partly or fully close its airspace if this is necessary for safety reasons.³⁴ Due to its sovereignty, however, a state cannot be compelled to do so.

In the State Safety Programme (SSP), the state describes how policy, regulations, permitting processes and monitoring are organised.³⁵ A state should ensure a safety level of the airspace that it has chosen. Although it is not explicitly established anywhere that the manager of the airspace must guarantee the safety of the relevant airspace, ICAO documents reveal that this is expected of states. The introduction to Doc 9554-AN/932³⁶ stipulates that *'The common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of international civil aviation'*. From this one can deduce that the state must make all reasonable attempts to ensure the safety of the airspace, specifically in case of common use by civil and military aviation. Circular 330 AN/189, which offers guidance on the joint use of airspace by civil and military aircraft, also states: *'Obligations of ICAO Member States under the Chicago Convention germane to civil/military issues include:*

- a. *Rule-making as regards aviation safety rules in compliance with ICAO SARPs contained in the Annexes to the Convention (Article 37);*
- b. *Carrying out tasks which pertain to, for instance, ATM and which are laid down in the Annexes to the Convention, such as the classification of airspace and coordination between civil and military air traffic.'*

Moreover, paragraph 10.3 of Doc 9554-AN/932 states that the state responsible for air traffic services should, on the basis of available information, determine the geographical conflict area and assess the dangers or possible dangers to civil aviation. Based on the assessment, the state should decide whether the operation of civil aircraft should be avoided in or through the conflict area or could be allowed to continue under certain conditions. In the latter case, the state should publish an international NOTAM with the necessary information, recommendation and safety measures to be taken and update this on the basis of any developments.³⁷

³² Convention on International Civil Aviation, ICAO Doc 7300/9, Paragraph 1.

³³ Airlines from other states need an overflight permit (Convention on International Civil Aviation, ICAO Doc 7300/9, Article 6). The permit specifies that the airline pays an overflight charge to the state managing the airspace. The costs are worked out in an agreement that arises from article 6.

³⁴ Convention on International Civil Aviation, ICAO Doc 7300/9, Article 9. This includes the activities a state shall undertake to ensure an acceptable safety level. Here it involves activities related to Annexes 1, 6, 8, 11, 13, 14 and 19.

³⁵ Convention on International Civil Aviation Annex 19, Paragraph 3.1.1.

³⁶ Doc 9554 has a recommending function and is not binding.

³⁷ ICAO is currently updating Doc 9554. It should be completed in 2015.

Although the Chicago Convention exclusively pertains to civil aviation, it does state the importance of military aviation and the necessary coordination.³⁸ Authorities relevant to the provision of air navigation services should work closely with military authorities, who are responsible for activities that could influence civil aviation. Civil and military air traffic service providers should make coordination agreements for the immediate exchange of information relevant to a safe flight operation. This coordination aims to reduce the threats resulting to civil aviation as a result of military activities as much as possible.³⁹

States use NOTAMs to publish information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.⁴⁰ States publish this information in addition to or as a supplement to the Aeronautical Information Publication (AIP⁴¹). The provision of this aeronautical information aims to make the necessary information available to everyone involved in flight operations and air navigation services.⁴² Many states, including Ukraine, have allocated this task to the air navigation service provider.

4.2.1.2 *State of operator*⁴³

The aviation authorities of some states have the legal power to prohibit operators, other aviation companies and pilots to whom they have issued a permit or certificate, from flying in the airspace of another country, or to impose a restriction on a foreign airspace.⁴⁴ States can also advise or inform its 'own' operators about potential risks. This role of states will be addressed further in Sections 7, 8 en 9.

4.2.1.3 *Other relevant state responsibilities*

The responsibilities cited above relate mainly to airspace management. In addition, Annex 17 of the Chicago Convention contains Standards and Recommended Practices for aviation security. The state shall have as its primary objective the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against unlawful interference in civil aviation.⁴⁵ ICAO sees the destruction of an aircraft in service as an example of unlawful interference.⁴⁶ Where necessary, states shall take action to maintain aviation security at the desired level.⁴⁷ If they possess threat-related information, authorities shall, insofar as is possible and relevant, share it with other states.⁴⁸

³⁸ Convention on International Civil Aviation, ICAO Doc 7300, Article 3 (d).

³⁹ Convention on International Civil Aviation Annex 11, Paragraph 2.18.

⁴⁰ Convention on International Civil Aviation Annex 15, Aeronautical Services, Chapter 2.

⁴¹ An AIP is a publication issued by a state's aviation authority. It contains aeronautical information of a lasting character that is essential for air navigation. It contains details related to legislation, procedures and other information that is relevant to aircraft flying in the state concerned. AIPs contain more permanent information, whereas NOTAMs pertain to short-term or temporary situations.

⁴² ICAO Annex 15, Paragraph 3.1.6. There is also the Aeronautical Information Circular (AIC). See Appendix Q, which explains all these forms of information provision.

⁴³ Airlines are based in states. Aircraft are included in an aviation register. The state in which the aircraft is registered is responsible for supervising its airworthiness.

⁴⁴ This applies, for example, to the US and the UK. These states have national regulations that makes this possible. The ICAO framework provides room for this, but does not impose any obligation on states to assume their responsibility for the safety of their own nationals respectively the operators established in these states.

⁴⁵ ICAO Annex 17, Paragraph 2.1.1.

⁴⁶ ICAO Annex 17, Chapter 1, definition of 'acts of unlawful interference'.

⁴⁷ ICAO Annex 17, Paragraph 3.1.3.

⁴⁸ ICAO Annex 17, Paragraph 2.4.3.

ICAO Member States shall use a national aviation security programme for aviation security. In accordance with Annex 17, such a programme exclusively applies to the security of the state's own aviation infrastructure.

Risks related to the use of foreign airspace are not specifically addressed in Annex 17. This does not, however, preclude states from conducting risk assessments of foreign airspace, as appropriate.

A state can request its operators to take additional security measures when operating specific flights in the airspace of other states.⁴⁹ The state shall also possess systems for monitoring requirements related to aviation security.⁵⁰

4.2.2 Operators' responsibilities

Operators determine which flight routes they use in the available airspace and perform their own assessments when opting for a particular flight route. These may be considerations of aviation safety, but also concern the aeroplane and costs. The responsibility for safe flight operations is also cited in Annex 6 of the Chicago Convention.⁵¹ In accordance with the aforementioned Annex 17 of the Chicago Convention, states shall require its commercial air transport operators to have in place a written operator security programme that satisfies the requirements of the National Civil Aviation Security Programme of the state concerned.⁵² Combined with the provisions in Annex 19, they are required to have and use a safety management system as well as a security programme.⁵³ Annex 17 includes provisions for operators mainly related to the security at aerodromes or in the aeroplane. The security of flight routes in foreign airspace is not part of the provisions in Annex 17.

If a particular foreign airspace is not closed or restricted, and the state in which an operator is based has not issued an overflight prohibition or restriction that applies to this particular airspace, it is the operator that decides whether to use that airspace or not. This means that operators have a responsibility to determine whether a flight route is safe enough to be used. Operators can use various information sources, such as public sources, sources from the government of the state in which they are based, external consultants, other operators and its own personnel. The latter also includes staff specifically charged with security aspects.

The aircraft captain is responsible for ensuring that flights are operated in accordance with aviation regulations as included in ICAO Annex 2.⁵⁴ This also covers flight preparation.⁵⁵ ICAO does not specifically mention the assessment of safety and security aspects related to airspace and flight route. ICAO anticipates a role for the operator as

⁴⁹ ICAO Annex 17, Paragraph 2.4.1.

⁵⁰ ICAO Annex 17, Paragraph 3.4 - Quality Control.

⁵¹ Convention on International Civil Aviation Annex 6, part I, Aeroplanes, Paragraph 4.1.

⁵² Annex 17 of the Chicago Convention affords states room for a broad interpretation in which risks to foreign flight paths are also part of the National Security Plan, but the elaboration in the 'Aviation Security Manual' illustrates that such a broad interpretation is uncommon.

⁵³ ICAO Annex 19, Safety Management, Paras 3.1.3 and 4.1 and ICAO Annex 17, Paragraph 3.3.1.

⁵⁴ Convention on International Civil Aviation Annex 2, Rules of the Air, Paragraph 2.3.1.

⁵⁵ Convention on International Civil Aviation Annex 2, Paragraph 2.3.2.

well as the captain if there is a sudden outbreak of armed violence.⁵⁶ On this matter ICAO states that, once the usual coordination processes between civil and military authorities are no longer followed due to a sudden outbreak of violence, the operators and the captain must assess the situation, using the information available to them, and take action so as not to jeopardise safety.⁵⁷

4.2.2.1 Code sharing⁵⁸

Many operators use code sharing as a marketing tool and generate additional revenues that way. It involves two or more operators offering seats under their own names on a single flight operated by one of these operators. This makes it possible, for example, for an operator to offer destinations to which it does not fly itself. The operator with which the tickets are booked is obliged to inform passengers about the operator that will actually be operating the flight concerned.

Flight MH17 used code sharing: KLM sold seats on flight MH17 under its own name. When code sharing, the operator that actually operates the flight bears responsibility for passenger safety during the flight.

There are no binding ICAO requirements related to code sharing. ICAO Annex 17 does however recommend that a state requires its operators to inform the appropriate authority about their code sharing arrangements to the aviation security in the state where it is based. ICAO stipulates that when authorising a code share agreement, the state shall consider public interests and shall assess whether operators satisfy relevant international safety standards.⁵⁹ ICAO does not specify which interests and standards are relevant.

4.3 Frame of reference

In its investigation the Dutch Safety Board uses a frame of reference. This consists, on the one hand, of the applicable laws and regulations and, on the other hand, on the Dutch Safety Board's view on management of safety risks that is as effective as practically possible.

Flying is an important mode of transport and a vital part of contemporary society. Passengers ought to be aware that flying involves risks. The chance of a crash in aviation is small, but the consequences of such a crash can be significant.

It is very difficult for passengers to independently gather sufficient information about the risks of flight routes. Therefore they cannot - or virtually cannot - assess independently whether a route is sufficiently safe, also because flight routes can change right up to the last moment and even during a flight.

⁵⁶ In ICAO Doc 9554, the Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations.

⁵⁷ ICAO Doc 9554, Paragraph 3.1.1. Also refer to Appendix Q.

⁵⁸ Code sharing is explained in more detail in Appendix Q.

⁵⁹ ICAO Doc 8335, Part V, Chapter 4, Paragraph 4.1.2.

With this in mind, all aviation parties bear a major responsibility with regard to safety. The Dutch Safety Board expects private and public parties in the system to manage safety (including new risks) as effectively as possible and using the latest technology, both individually as well as collectively. The nature of this responsibility of the parties concerned can be compared to that of a duty of care. This means that the parties are expected to make optimal efforts with regard to civil aviation safety and not exclusively stick to their strict task description.

The Dutch Safety Board expects states and operators to - at least - comply with legislation and regulations. With regard to Sections 6 and 7, dealing with the responsibilities of Ukraine and Malaysia Airlines, the legal frameworks as discussed in Appendix Q represent a major component of the frame of reference for the investigation conducted by the Dutch Safety Board. Since the investigation also examines the extent to which the legal frameworks and their implementation leave room for improvement, the Dutch Safety Board also adopts its own frame of reference in addition to the legal frameworks.

The general principles of the frame of reference adopted by the Dutch Safety Board arise from insights from safety science and involve risk inventory and risk assessment and coping with uncertainty.

4.3.1 Risk inventory and risk assessment

The Dutch Safety Board expects all parties involved - states, operators and international organisations such as ICAO and EASA - in the spirit of the Chicago Convention, and with regard to the principles behind ICAO to proactively identify risks and, if necessary, adapt their safety approach to limit these risks as much as can reasonably be expected. This means that all the organisations involved shall always take the measures available to reduce and/or manage the risk, unless these involve demonstrably disproportionately high costs or other negative consequences. This general principle arises from the so-called 'ALARP'⁶⁰ principle, which requires parties involved to consciously and transparently weigh risks against the effort, time and investments needed to reduce and/or manage that risk. This principle originated in the field of external safety and means that parties that cause risks shall take measures in the context of their social duty of care, unless they can demonstrate that these measures are disproportionate.

4.3.2 Coping with uncertainty

The Dutch Safety Board expects uncertainty to be the basic point of departure of the approach adopted by the parties. This means that the parties concerned shall remain constantly alert and receptive to signals that could indicate the inaccuracy or incompleteness of earlier assumptions. This requires them to be constantly vigilant with regard to risks and be prepared to question common assumptions.

⁶⁰ ALARP: As Low As Reasonably Practicable.

5 THE SITUATION IN THE EASTERN PART OF UKRAINE AND SIGNALS FOR CIVIL AVIATION

5.1 Introduction

This Section describes information that the Dutch Safety Board found in public and closed sources, pertaining to the situation in the eastern part of Ukraine during the period between 1 March and 17 July 2014. Were there events and developments prior to the crash of flight MH17 that states or operators could have interpreted as signals of a possible decrease in the safety of the airspace above the area and thus of an increasing risk to aircraft flying over it?⁶¹

The public sources examined are both primary sources (official information from the Ukrainian State, NOTAMs, ICAO State Letters and EASA safety information bulletins) and secondary sources, such as newspaper reports, audiovisual media and social media related for example to security incidents and the possible presence of weapons in the area.⁶² The focus is on primary information, because it is more difficult to verify the accuracy of information in news media.

The non-public sources originated from the Dutch intelligence services and the Kingdom of the Netherlands diplomatic mission in Ukraine. A large part of this information is indirect, which means it originates from closed briefings at which (mainly Western) diplomats, including defence attachés, shared information about political and military developments in and around the conflict area. It can therefore be assumed that most of the information that was available to the Dutch services was also available - or could be available - to the representatives of other Western states. The Dutch Safety Board did not have access to non-public sources from non-Western states and therefore cannot make any statements about what information those other states possessed.

5.2 Aeronautical information⁶³

The Dutch Safety Board examined the extent of the availability of aeronautical information that could have signalled increasing deterioration of the safety of the airspace above the eastern part of Ukraine.

In March 2014, the Russian Federation issued NOTAMs for the Simferopol FIR (Crimea), in which a Russian air traffic service was introduced for the Crimea. Ukraine responded to

⁶¹ The information included in this Section is partly based on a study performed by the The Hague Centre for Strategic Studies (HCSS) at the request of the Dutch Safety Board.

⁶² A more detailed description of HCSS's working method, also with regard to media (including social media), is included in the report *MH17 - About the investigation*.

⁶³ Whenever the Dutch Safety Board mentions NOTAMs, this refers to a selection of NOTAMs that were deemed relevant. All 'active' NOTAMs are included in Appendix D.

this by issuing a NOTAM in which the message from the Russian Federation was rejected and in which was indicated that Ukraine continued to be responsible for providing air traffic services in this airspace.

This was followed by more NOTAMs from Ukraine as well as from the Russian Federation.⁶⁴ The situation thus created led to the possibility that civil aviation over the area would receive conflicting instructions, as the various NOTAMs made it clear that there were two air navigation service providers that both claimed responsibility for air traffic management. This could present a risk to the safety of air traffic due to possible conflicting instructions. On 2 April 2014, ICAO published a State Letter in which Member States were informed of the potential risks to the safety of civil flights in the Simferopol FIR, as a result of the conflicting instructions: *'Due to the unsafe situation where more than one ATS provider may be controlling flights within the same airspace from 3 April 2014, 0600 UTC onwards, consideration should be given to measures to avoid the airspace and circumnavigate the Simferopol FIR with alternative routings.'*⁶⁵

Also on 2 April, and in response to the ICAO State Letter, the Network Manager at EUROCONTROL urgently recommended that operators avoid Crimean airspace (the Simferopol FIR) and select alternative routes.⁶⁶ On 3 April 2014, EASA issued a Safety Information Bulletin (SIB), in which EASA highlighted ICAO's warning.⁶⁷

In the State Letter of 2 April 2014 regarding Simferopol FIR, ICAO also announced that it would continue to remain active in coordinating all parties regarding any dangers for civil aviation: *'ICAO continues to actively coordinate with all involved authorities, international organisations, airspace users and other states in the region regarding developments as they unfold, specifically those which could impact flight safety.'* However, during the period of 2 April through 17 July 2014, the period during which the armed conflict in the eastern part of Ukraine broke out and intensified, ICAO did not mention the situation in Ukraine again.

The U.S. Federal Aviation Administration (FAA) published FDC NOTAM 4/3635 on 4 March 2014. In this NOTAM, the FAA warned U.S. operators and airmen that were flying to, from or over Ukraine to be careful in connection with potential instability. From this information it appeared that there were increasing military activities in Ukraine airspace and in the area of military aerodromes. Civil aviation could encounter military activities, particularly in the Crimea region: *'Potentially hazardous situation - Flight operations into, out of, within, or over the Ukraine U.S. Operators and airmen should exercise caution when operating in the Lvov (UKLV), Kyiv (UKBV), Dnepropetrovsk (UKDV), Odessa (UKOV) and Simferopol (UKFV) flight information regions (FIRs) due to the potential for instability. Information from the European Emergency Coordination Crisis Cell and open source media reports indicates there is an increased military presence in the airspace over Ukraine and in the vicinity of military aerodromes. Civil flight operations*

⁶⁴ These are the following NOTAMs: A0528/14, A0520/14, A0524/14 and A0569/14 from Ukraine and NOTAMs A0906/14, A0907/14A02, A0907/14B02, A0909/14, A0910/14, A0911/14A02, A0911/14B02, A0912/14 from the Russian Federation.

⁶⁵ ICAO State Letter (EUR/NAT 14-0243.TEC (FOL/CUP)), 2 April 2014.

⁶⁶ EUROCONTROL Headline News, 2 April 2014.

⁶⁷ EASA Safety Information Bulletin 2014-10, 3 April 2014.

in the Ukraine, particularly in the Crimean region, may be exposed to military activity. U.S. operators and airmen flying into, out of, within or over the Ukraine must review current information and NOTAMs, comply with all applicable FAA Regulations and directives and exercise extreme caution.' This NOTAM was valid up until 31 March 2014.

The U.S. FAA subsequently issued FDC NOTAM 4/2816 on 3 April 2014. This contained a flight prohibition imposed on U.S. operators and airmen pertaining to the use of the airspace above Crimea, the Black Sea and the Sea of Azov. This NOTAM also contained a warning related to all other Ukrainian FIRs: *'U.S. operators and airmen flying into, out of, or within Lvov (UKLV), Kyiv (UKBV), Dnepropetrovsk (UKDV), and Odessa (UKOV) FIRs, as well as airspace in the Simferopol (UKFV) FIR that is outside the lateral limits of the airspace over the Crimea, the Black Sea, and the Sea of Azov [...] must review current security/threat information and NOTAMs; comply with all applicable FAA regulations, operations specifications, management specifications, and letters of authorisation, including updating B450; and exercise extreme caution due to the continuing potential for instability.'* (Emphasis added by the Dutch Safety Board.)

On 23 April, this was followed by FDC NOTAM 4/7667 (A0012/14), which contained FAA SFAR 113 and repeated previous prohibitions and warnings, enacting them.^{68,69} The warning pertaining to the remainder of Ukraine was formulated in general terms and did not contain any specific information about the armed conflict and the potential risks it could present to civil aviation. Therefore, prior to the crash of MH17, no state or international organisation other than Ukraine issued a specific safety warning about the eastern part of Ukraine.

The list of all the relevant NOTAMs published by the Ukrainian authorities makes it clear that, from mid-March 2014, parts of eastern Ukrainian airspace were regularly closed or their use was restricted for brief periods of time. The duration of the restrictions varied from several hours to several days. Restrictions involved, for example, certain training and exercise areas being activated and thus being closed to civil aviation; use by civil aviation only being possible with permit, and certain parts of flight routes being closed up to a particular altitude. The reasons for these restrictions or temporary closures were not cited. Due to the fact that so-called 'State aircraft' were excluded and that exercise areas are intended for military aircraft, it can be deduced that airspace restrictions were related to Ukrainian air force activities. From June up to 18 July 2014, an increase can be observed in the number of published NOTAMs in which the use of parts of the airspace and air routes over the eastern part of Ukraine was restricted.

On 17 July 2014, the day of the crash of flight MH17, 28 NOTAMs were in force pertaining to the airspace in the eastern part of Ukraine. Eight of those NOTAMs referred to airspace restrictions. A number of NOTAMs that specified a restriction pertained to the airspace at low altitudes, below 5,000 feet. On 5 June 2014, the Ukrainian authorities published NOTAM A1255/14 (for the airways) and A1256/14 (for the area) with which they temporarily

⁶⁸ For an explanation of 'SFAR', see Section 12, Abbreviations and Definitions.

⁶⁹ By assigning the NOTAM SFAR status, this NOTAM immediately entered into effect with a legislative status. The FAA has this option to prevent potential danger to persons and/or aeroplanes.

restricted the airspace above the eastern part of Ukraine below FL260⁷⁰ for civil aviation. These NOTAMs were valid from 6 June until 30 June 2014. On 26 June, the Ukrainian authorities published NOTAM A1383/14 (for the area) and A1384/14 (for the airways) with which they prolonged the temporary restrictions. These NOTAMs were valid from 1 until 28 July 2014. On 14 July 2014, the Ukrainian authorities increased the airspace restriction to FL320. The relevant NOTAMs⁷¹ were valid from 14 July until 14 August 2014. The reason for the airspace restrictions was not specified in the NOTAMs (also refer to Section 6).

On 16 July 2014, the Russian Federation authorities published two NOTAMs for the Rostov FIR,⁷² an area that borders the Dnipropetrovsk area in the eastern part of Ukraine. These NOTAMs entered into force on 17 July at 00.00. Both NOTAMs refer to the armed conflict in the eastern part of Ukraine as the reason for their issue: *'Due to combat actions on the territory of the Ukraine near the state border with the Russian Federation and the facts of firing from the territory of the Ukraine towards the territory of the Russian Federation, to ensure intl flt safety.'*

The NOTAMs effectively imposed the same altitude restrictions as the Ukrainian NOTAMs (FL320) did. However, at the end of NOTAM UUUUV6158/14 it states that it applies to the airspace from ground level to FL530. In other words, this particular NOTAM mentions two different altitudes. The aforementioned FL530 that is specified at the end of the NOTAM is much higher than the Ukrainian airspace restriction.

The aeronautical information from states other than Ukraine in which warnings were issued to civil aviation with a reference to military activities in Ukraine is thus captured in the U.S. NOTAM of 4 March mentioned earlier and in the Russian NOTAMs for Rostov of 16 July. The U.S. NOTAM referred to military air activities but was valid up to 31 March and was related to the airspace of all of Ukraine. The Russian NOTAMs were directed at the Rostov FIR, i.e. Russian airspace, and not at flying over the eastern part of Ukraine and conflicted internally (two altitudes). They referred to military activities in the eastern part of Ukraine and the ensuing risks posed by such activities as the reason for the airspace restrictions. The Russian Federation authorities stated in answer to Dutch Safety Board enquiries that the restricting measures were taken to create agreement with the adjoining Ukrainian airspace. The Board did not receive any clarity on the meaning of the restriction to FL530.

Since flight MH17 also flew over the Rostov FIR, the Russian NOTAMs concerned were also part of the briefing package for flight MH17. Despite the internal contradictions they were accepted by the automated flight plan system. The cited information in the NOTAM on the conflict is not automatically obvious from the selection, but it becomes apparent if someone studies the NOTAMs package in detail (also refer to Section 7).

70 Flight level is an altitude expressed in 100s of feet in relation to the surface with a standard air pressure of 1013,25 hectopascals. FL260 is equal to 26,000 feet and is equivalent to approximately 7,900 metres. See the explanation in Section 12, Abbreviations and Definitions.

71 This was done by means of NOTAMs A1492/14 (for the area) and A1493/14 (for the airways).

72 NOTAM UUUUV2681/14 and UUUUV6158/14.

5.3 Shootings involving military aircraft

During the period between the conflict breaking out in the eastern part of Ukraine in April 2014 and the day of the crash of flight MH17 on 17 July, a number of Ukrainian military aircraft were shot at (mostly from the ground). The Ukrainian authorities officially confirmed some of these incidents although specific details, such as the weapons used or the altitude at which the incident occurred, were not always revealed.

This Section provides an overview of the incidents that were confirmed by the Ukrainian authorities. These are also shown in Figure 77. In those cases in which Ukrainian authorities mentioned the flight altitude of a downed aeroplane, this is indicated in the figure. It cannot be ruled out that, during the period mentioned, other incidents also occurred. Therefore, no verified overview of the total number of incidents can be provided.

On 22 April 2014, a Ukrainian military aeroplane (Antonov An-30B) was shot at during a reconnaissance flight above Slavyansk. On its website, Ukraine's Ministry of Defence declared that the aeroplane had been attacked using automatic weapons, but had been able to land safely.⁷³ The shooting of the Antonov An-30B was, as far as known, one of the first incidents in the eastern part of Ukraine in which an Ukrainian Air Force aeroplane had been hit from the ground and that had been confirmed by the authorities. During the weeks following the incident involving the Antonov An-30B, mainly helicopters of the Ukrainian Air Force were shot above the conflict area.⁷⁴ Some of these incidents were officially confirmed.

⁷³ Ukraine's Ministry of Defence website, <http://www.mil.gov.ua/news/2014/04/22/nad-slov%E2%80%99yanskom-buv-obstrilyanij-litak-povitryanij-sil-zs-ukrainij/>, consulted on 11 March 2015.

⁷⁴ See for example: Ukraine's Ministry of Internal Affairs, <http://mvs.gov.ua/mvs/control/main/uk/publish/article/1065660>, consulted on 14 January 2015.

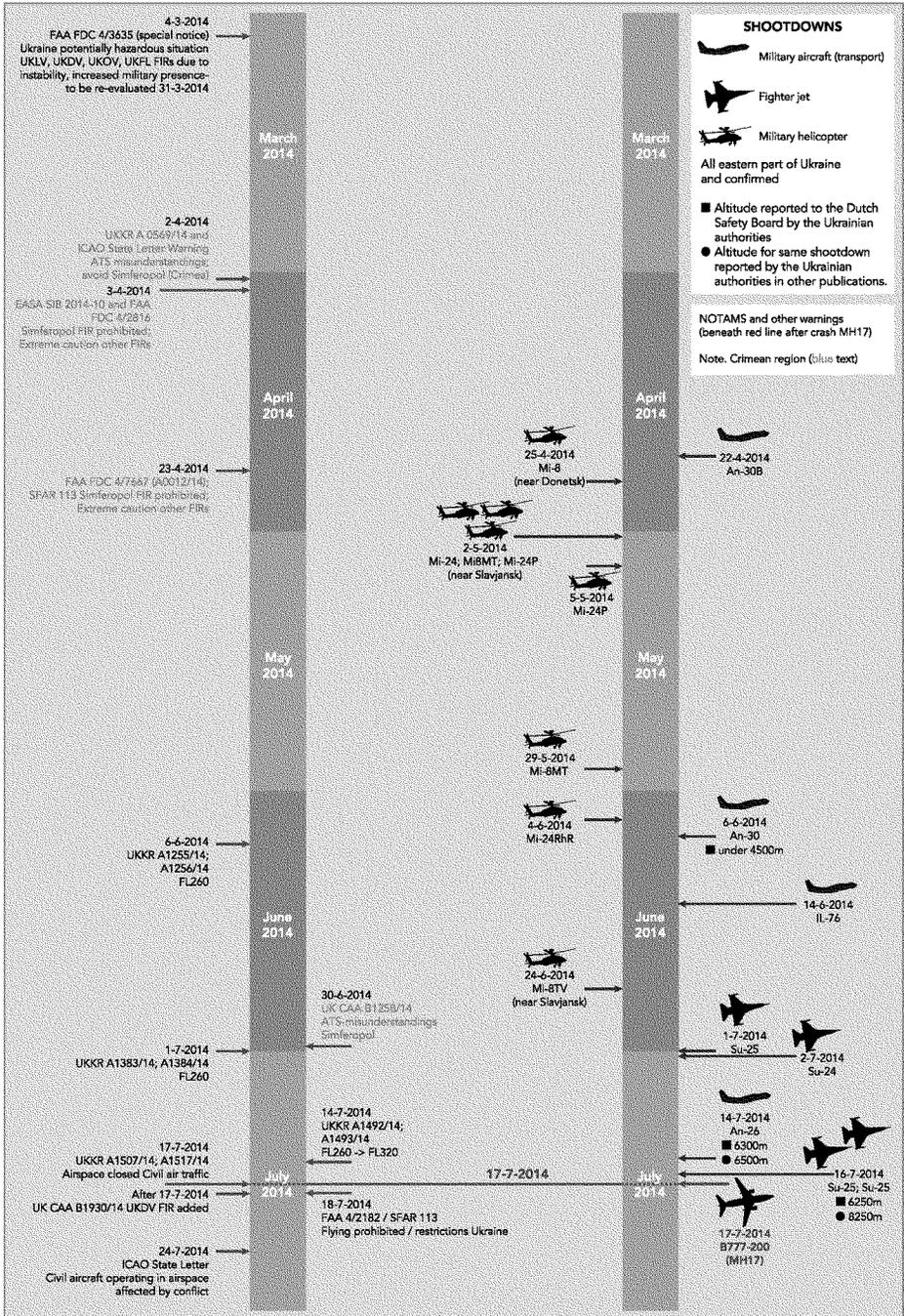


Figure 77: Timeline of downed aircraft above the eastern part of Ukraine, period 22 April 2014 - 17 July 2014 and NOTAMs from 1 March 2014 - 18 July 2014. These involve incidents that were confirmed by the Ukrainian authorities. (Source: Dutch Safety Board)

In June and July, transport and fighter aeroplanes were downed as well as helicopters. On 6 June 2014, a spokesman for the Ukrainian armed forces stated on social media that an Antonov An-30B had been downed using a MANPADS at an altitude of less than 4,500 metres near Slavyansk.⁷⁵ On 14 June 2014, the Ministry of Defence reported that a Ukrainian Air Force Ilyushin 76MD military transport aeroplane had been downed during landing at Luhansk aerodrome. This was carried out using a MANPADS, followed by machine gun fire. There were 49 fatalities.⁷⁶ Various media devoted attention to this event and the incident also led to international reactions.⁷⁷ During the weeks that followed, other incidents occurred in which a helicopter (Mil Mi-8TV, 24 June 2014) and fighter aeroplanes were shot down. On 1 July an attempt was made to down a Su-25 UB⁷⁸ and on 2 July 2014 a Su-24 was shot at.⁷⁹ Both were allegedly targeted by a MANPADS.

On 14 July, three days prior to the crash of flight MH17, a Ukrainian Air Force transport aeroplane, an Antonov An-26, was downed in the Luhansk region, killing two members of the crew. On the same day, Ukraine's National Security and Defence Council (RNBO) published a press release that stated that the aircraft was flying at an altitude of 6,500 metres when it was hit (see the box for a literal English translation of the text).⁸⁰ Given this altitude, according to the Ukrainian authorities the aircraft must have been hit by a 'more powerful weapon' than a MANPADS.

The Ukrainian government assumed two possibilities: a modern anti-aircraft system 'Pantsir'⁸¹ or an 'X-24 Air-to-air missile'.⁸² The authorities assumed that it was a weapon fired from the Russian Federation, because the armed groups would not have such weapons.^{83, 84} Later, the Ukrainian authorities stated that it was most likely an air-to-air-missile. Because the An-26 flew below the altitude of FL230-240, which was regarded as safe to military aviation, the authorities did not see the attack as a risk for civil aviation that flew above FL320.

75 The press secretary of the Ukrainian armed forces announced via social media that it involved an An-26: <https://www.facebook.com/vladislav.seleznev.94/posts/451342608335801>, consulted 11 March 2015. Aviation Safety Network reported that it could not be established with certainty whether an An-30B or An-26 had been involved: <http://aviation-safety.net/database/record.php?id=20140606-0>, consulted 13 January 2015.

76 <http://www.mil.gov.ua/news/2014/06/14/vijskovo-transportnij-litak-povitryanih-sil-zbrojnih-sil-ukraini-il-76/>, consulted on 13 January 2015.

77 See for example <http://www.telegraph.co.uk/news/worldnews/europe/ukraine/10899657/Ukraine-rebels-shoot-down-plane-carrying-49.html>, consulted on 12 March 2015; <http://www.bbc.com/news/world-europe-27850190>, consulted on 12 March 2015.

78 There is no known official, written confirmation of this incident, even though a spokesperson for the Ukrainian armed forces is cited as confirming the incident in various media: <http://ukr.segodnya.ua/regions/donetsk/terroristy-pytalis-iz-zenitok-sbit-samolet-su-25-spiker-ato-532935.html>, consulted on 13 January; <http://www.wz.lviv.ua/news/69458>, consulted on 13 January; <http://podrobnosti.ua/podrobnosti/2014/07/01/982855.html>.

79 <http://www.rnbo.gov.ua/news/1711.html?PrintVersion>.

80 The altitude of the Antonov An-26 is not substantiated with further details in the RNBO press release.

81 A Pantsir-S1 is a combined system of airborne guns and medium-range surface-to-air missiles with a range of up to 20 kilometres. (<http://www.janes.com/article/48685/russian-tos-1-and-pantsyr-s1-systems-reported-in-east-ukraine>, consulted 14 August 2015).

82 This type of air-to-air missile is not known. In response to additional questions by the Dutch Safety Board about this incident, the Ukrainian authorities have stated that, when drafting the report, a technical error was made in the reference to the type.

83 <http://mediarnbo.org/2014/07/14/zvedena-informatsiya-informatsiyno-analitichnogo-tsentru-rnbo-na-17-00-14-lipnya-2014-roku/> and <http://mediarnbo.org/2014/07/15/znaydeno-chetvero-chleniv-ekipazhu-an-26/>, consulted on 27 July 2015.

84 The shoot-down of the An-26 was also confirmed by Klimkin, the Minister of Foreign Affairs, in a closed briefing with diplomats at the Presidential Administration of Ukraine. But then a flight altitude of 6,200 metres was mentioned. Also see Sections 5 and 8.4 and Appendix T.

Statement from the RNBO⁸⁵ Information Analysis Centre of 14 July 2014 at 17.00^{86, 87}

Military operations in the conflict zone

"Today, all communication with the AN-26 aircraft of the Armed Forces of Ukraine was lost at approximately 12:30 hrs. The aircraft ensured air transport during the active phase of the anti-terrorist operation. Ukrainian soldiers immediately started a search and rescue operation. Crew members were finally reached. During the evening briefing, Andriy Lysenko, the spokesperson for the Information Analysis Center of the National Security and Defence Council, announced that today the Defence Minister reported to the President of Ukraine that fortunately, the crew had managed to eject from the damaged aircraft. It turned out that the plane had been flying at an altitude of 6,500 meters when it was hit. No portable anti-aircraft missile system, which is currently used by the terrorists, can strike an aircraft at such an altitude. The AN-24⁸⁸ was hit by a more powerful weapon that was probably fired from the Russian Federation. Based on information transmitted by the Ukrainian pilots, two versions are currently being considered: a shot was fired from either the Pantsir modern ground-based air defence system or the X-24 guided air-to-air missile from a Russian aircraft, which could have taken off from Milyerovo Airport. [...]"

According to a press release of 15 July 2014, a committee was to investigate the causes of the crash and report on the matter. The results of this investigation have not yet been published.⁸⁹

In answer to additional questions by the Dutch Safety Board, the Ukrainian authorities responded that a provisional investigation had revealed that the plane was shot down by an air-to-air missile, most likely fired from inside the Russian Federation. A flight altitude of 6,300 metres was indicated. When this provisional investigation was completed was not specified, but it was mentioned that it took a number of days before it was completed because the wreckage of the aeroplane were inaccessible. The results of the provisional investigation were not published prior to 17 July 2014. In December 2014, a press release appeared in which it was suggested that the aeroplane was hit by an air-to-air missile.⁹⁰ None of the public reports prior to 17 July 2014 made a connection to risks for civil aviation.

⁸⁵ The RNBO is Ukraine's National Security and Defence Council, an advisory body to the president.

⁸⁶ <http://mediarnbo.org/2014/07/14/zvedena-informatsiya-informatsiyno-analitichnogo-tsentru-rnbou-na-17-00-14-lipnya-2014-roku/>, consulted on 30 March 2015.

⁸⁷ All times mentioned in this report are in UTC.

⁸⁸ This is a literal translation; the mentioned aeroplane should be An-26.

⁸⁹ See: <http://mediarnbo.org/2014/07/15/znaydeno-chetvero-chleniv-ekipazhu-an-26/> The press release also stated that 'given the investigation into the crash of the AN-26 [...] in the Luhansk area on 14 July 2014, all Ukrainian air force flights will be suspended until further orders.' This message was also distributed by ATO (the Ukrainian armed forces that fight the Separatists) on social media, although it is unclear what this flight restriction and its scope involved exactly, see: <https://www.facebook.com/ato.news/posts/830779603599514>, consulted on 14 March 2015. After 14 July, two more Ukrainian army Sukhoi aircraft were shot down, although the location and altitude at which these incidents occurred cannot be accurately established.

⁹⁰ <http://www.president.gov.ua/news/31726.html>, consulted 31 March 2015.

On 17 July 2014, the Ukrainian Ministry of Defence stated that, on 16 July, a Sukhoi Su-25 fighter aeroplane was shot at in the Donetsk region, near the Ukrainian-Russian border (Amvrosiivka). According to Ukraine, it involved an air-to-air missile that had apparently been fired by a military aeroplane belonging to the Russian Federation's armed forces, which was conducting border control flights.⁹¹ On 17 July, the Ministry of Defence reported that the previous day, another Su-25 had been shot at by a MANPADS, in which the pilot of the fighter plane had successfully performed an emergency landing.⁹²

On 18 July, the shooting of the Su-25 at Amvrosiivka was also mentioned in a media report by the RNBO National Security and Defence Council. It stated that the Su-25 was shot down above the Russian Federation at 8,250 metres with a Russian MIG-29 by a medium-range air-to-air missile.⁹³ In response to additional questions by the Dutch Safety Board about this incident, the Ukrainian authorities stated that a provisional investigation had revealed that the plane was flying at an altitude of 6,250 metres. It also stated that the possibility of a shooting down with a Pantsir system (also from the Russian Federation) was viewed as an alternative (but less likely) cause. When exactly this preliminary investigation has been completed has not been stated.

From the aforementioned it is clear that between April and July, the armed conflict in the eastern part of Ukraine was continuing to extend into the air. Ukrainian armed forces aeroplanes and helicopters conducted assault flights and transported military personnel and equipment to and from the conflict area. The armed groups that were fighting against the Ukrainian government attempted to down these aeroplanes. In May 2014, mainly helicopters were downed, while in June and July also military aeroplanes were downed, including fighter aeroplanes.

The Ukrainian authorities did not specify the exact altitude at which the attacked aircraft were flying for the majority of these incidents. From the official confirmations it is clear, however, that in many cases the shootings were carried out with portable short-range surface-to-air missiles. In the case of the Antonov An-26 on 14 July and that of the Sukhoi Su-25 on 16 July, the Ukrainian authorities also stated the possibility of a medium-range surface-to-air missile or an air-to-air missile, possibly fired from inside the Russian Federation. In an official statement related to the shooting of the An-26, the Ukrainian authorities specified an altitude of 6,500 metres - an altitude that, in their opinion, could not be reached using MANPADS. The Dutch Military Intelligence and Security Service (MIVD) concluded on the basis of images of the damage and witness statements that the aeroplane must have been shot down with a MANPADS. The possibility of an air-to-air missile was not mentioned (see Section 8.4). The Russian Federation denied any involvement in the incidents.

⁹¹ <http://www.mil.gov.ua/news/2014/07/17/rosijskij-vijskovij-litak-zbiv-ukrainskij-su-25-v-nebi-donbasu/>, consulted 13 January 2015. This press release was published on 17 July at 12.18 CET on the website of Ukraine's Ministry of Defence.

⁹² <http://www.mil.gov.ua/news/2014/07/16/bojovi-litaki-povitryanij-sil-zs-ukraini-v-ramkah-vidnovlennya-bojovih-zavdan-nanesli-dekilka-tochkovih-aviaudariv-po-viznachenih-obektah-protivnika/>, consulted 13 January 2015.

⁹³ <http://mediarnbo.org/2014/07/18/nsc-news-analysis-center-briefing-at-12-00-july-18-2014/?lang=en>, consulted 13 July 2015.

5.4 Public interpretations of the conflict by politicians and diplomats

In the months prior to 17 July 2014, Western politicians and high-ranking military authorities and diplomats publicly expressed their concerns about the situation in the eastern part of Ukraine. In this context, they also discussed the Ukrainian military aeroplanes and helicopters that had been downed. In doing so, they also made a connection to a possible Russian involvement in the conflict.

On 24 June, the U.S. Permanent Representative to the United Nations, Power, in the UN Security Council spoke about the situation in the eastern part of Ukraine. She also mentioned the crash of the Ilyushin 76MD military transport aeroplane during its landing at Luhansk Airport (14 June). In her opinion the aircraft could have been downed with Russian weapons:

*'We don't need to look very far or very hard to find evidence of this campaign. We see it in the three T-64 Russian tanks which suddenly showed up in the hands of separatists in Eastern Ukraine. We see it in the burnt out BM-21 rocket launcher - one of many that suddenly appeared in Eastern Ukraine in the past weeks - which photographs shows recently belonged to Russia's 18th Motorized Rifle Brigade, based in Chechnya. We see it in surface-to-air missiles that were recently seized by Ukrainian forces after a clash with separatists. They were still accompanied by their official paperwork, revealing that - as recently as two months ago - these missiles were held on a Russian Air Defence Base in the Krasnodar region. These are just the type of surface-to-air missiles, I would note, that were used to bring down a Ukrainian military transport plane last week, killing all 49 people on board. And we see it in the alarming redeployment of thousands of Russian troops and military hardware along the border with Ukraine - at the closest proximity, since the invasion of Crimea in February.'*⁹⁴

Although the type of anti-air missile was not specified, the Dutch Safety Board assumes that portable systems were referred to, because it is known that the aeroplane concerned was flying at a low altitude when it was downed. After a Mil Mi-8TV was downed on 24 June near Slavyansk, at a press conference held in Brussels the U.S. Minister of Foreign Affairs, Kerry, also stated that it had been downed with a Russian weapon: *'with a MANPAD RPG capacity that took that helicopter out.'*⁹⁵

A few days later, on 30 June 2014, NATO General Breedlove spoke at a press conference about the build-up of Russian troops on the eastern side of the border with Ukraine (*'about seven-plus battalion task groups on the east side of that border, numerous small special operations forces'*⁹⁶). Upon being asked, Breedlove revealed during the press conference that the Russian Federation also supplied anti-aircraft weapons to the armed groups that are fighting the Ukrainian government:

⁹⁴ <http://usun.State.gov/briefing/Statements/228366.htm>, consulted on 15 January 2015.

⁹⁵ <http://mediarnbo.org/?p=277>; <http://www.rnbo.gov.ua/news/1711.html> and <http://www.State.gov/secretary/remarks/2014/06/228444.htm>, consulted on 14 March 2015.

⁹⁶ For the complete transcript of the press conference given by General Breedlove, see: <http://www.defence.gov/Transcripts/Transcript.aspx?TranscriptID=5456> (consulted on 14 March 2015).

'To your last specific question, yes, they do include that. What we see in training on the east side of the border is big equipment, tanks, APCs, anti-aircraft capability, and now we see those capabilities being used on the west side of the border.'

At a later point during the press conference he spoke of 'vehicle-borne capability' (weapon systems transported on vehicles), which were apparently being used for training on the eastern side of the Ukrainian border, even though there had not yet been any reports of their being spotted across the border:

'So there has been a release of NATO data on tanks. I believe YouTube has other vehicles, such as armoured personnel carriers. We have not seen any of the air defence vehicles across the border yet, but we've seen them training in the western part of Russia, et cetera. So I think that there are several types and capabilities of heavy weaponry that are moving across that border.'

The NATO general did not specify which weapons, nor whether medium or long-range surface-to-air missiles were involved. He did not explicitly state which parties were involved in the cited training: the Russian Federation and/or armed groups fighting against the Ukrainian government. Defence staff from other states doubted the accuracy of the information supplied by General Breedlove. They could not confirm it from their own observations.⁹⁷

Despite the Western political and military focus on the conflict, its escalation and its air component, none of the politicians or authorities quoted publicly made a connection between the military developments in the eastern part of Ukraine and risks to civil aviation.

5.5 Reports in the media related to possible available weapons capability

In the months prior to 17 July, reports also circulated in the media (including social media) on the presence of weapons, including surface-to-air missiles, in the hands of the armed groups that were fighting the Ukrainian government in the eastern part of Ukraine.⁹⁸ For example armed groups seized the Ukrainian military air defence base A-1402 on 29 June 2014. Reports in the media indicated that, as a result, the armed groups had also been

⁹⁷ Interview with Dutch defence attaché.

⁹⁸ On 26 May, for example, a spokesperson of the Ukrainian armed forces revealed in the media that a surface-to-air-missile-system that was being used by armed groups near Donetsk airport had been destroyed from a helicopter by the Ukrainian army. On 5 June 2014, the *International New York Times* reported that armed groups received instructions on how to use 'surface-to-air missiles, a 30-millimetre automatic grenade launcher, heavy machine guns and antitank weapons'. According to a leader of the armed groups these were weapons that the armed groups had seized from the Ukrainian army. A day later, the *International New York Times* reported that surface-to-air missiles had been seized from military bases. On 11 June, the newspaper *Argumenty nedeli* reported that armed groups had apparently downed between nine and eleven helicopters, two SU-25s and an An-30B in just one month. The same article also reported that a Buk-M1 system had been present in an area under the armed groups' control.

able to acquire a Buk system. The Ukrainian authorities, however, declared in the media that this system was not operational.^{99, 100}

Western media reported that politicians, diplomats and military leaders expressed their concerns about weapons possibly being supplied by the Russian Federation to the armed groups and the build-up of Russian troops and equipment on the border with Ukraine. The involvement of the Russian Federation was denied in Russian media.

The precise nature, scope and operational level of the military capacities of the various parties involved in the conflict around 17 July 2014 are not easy to establish by the Dutch Safety Board, even in retrospect. Although various media reported on the possible weapons capability in the area in the months prior to the crash, they do not constitute validated and verified information. In addition, based on open sources it is not possible to establish with certainty what equipment was involved and to what extent this equipment was operational.

5.6 Non-public sources

The Dutch Safety Board also used non-public sources pertaining to signals that could have indicated potential risks to civil aviation. These mainly are sources of the Kingdom of the Netherlands diplomatic mission in Ukraine. Much of this information originates from and/or was shared in closed briefings at which (mainly Western) diplomats, including defence attachés, discussed political and military developments in and around the conflict area. For this reason, the Dutch Safety Board assumes that the information that the Dutch diplomatic services possessed was also available - or could have been - to the representatives of other Western states. An investigation, commissioned by the Dutch Safety Board, was also conducted into the information possessed by the Dutch intelligence services; see Section 8 and Appendix T. The Dutch Safety Board did not have access to non-public sources from other states, such as Ukraine, the Russian Federation and Malaysia.

From the non-public sources consulted it is clear that diplomats were extremely concerned about the military developments in the conflict area itself and on the Russian side of the border. The defence attachés of the various states held regular consultations on the situation in the eastern part of Ukraine, both as part of NATO and in a broader context.¹⁰¹ They focused on military activities, especially those related to ground movements. In this respect diplomats took into account a possible invasion of Ukraine by Russian troops, which could result in major international tensions. They also discussed the armed groups fighting the Ukrainian government's interest in eliminating air superiority, and the fact that they were becoming increasingly effective in doing so:

⁹⁹ BBC Monitoring Former Soviet Union 'Militants seize air defence unit in Donetsk, capture six Ukrainian troops', 29 June 2014, *Russia and FSU General News*, 'Militia claims control over air-defense regiment in Donetsk' (Part 2) 29 June 2014, *Interfax: Russia and CIS Military Newswire*, 30 June 2014.

¹⁰⁰ *Itar-TAS*, 'Donetsk defence forces take control of army unit equipped with missile defence systems', <http://TAS.ru/en/world/738262>, consulted 27 July 2015.

¹⁰¹ This concerns states including Germany, Italy, France, Romania, Lithuania, Norway, Sweden, the US, the UK, Canada, Austria and Bulgaria.

'Every third sortie was downed.' The information that Ukrainian authorities provided during a briefing with diplomats about the shoot-down of an Antonov An-26, possibly from inside the Russian Federation,¹⁰² was also placed in this geopolitical and military-strategic perspective: what would the consequences be for Ukraine's domestic political stability and what risks would this and the possible Russian involvement entail for security in Europe? The same applied to the information that NATO possessed concerning military developments and the build-up of weapons in and around the conflict area, as described by General Breedlove (see Section 5.4).

During the aforementioned discussions, the diplomats present did not pose any questions about the safety of the airspace for civil aviation. Insofar as the Dutch Safety Board has been able to ascertain, the diplomats saw no reason, based on the content of the available information, to inform aviation authorities in their states about the situation in Ukraine. One of the sources stated: *'At no point whatsoever did we think about the fact that civil aircraft were flying over the area.'*

In response to such statements, made in interviews conducted by the Dutch Safety Board, diplomatic documents in which there were discussions about weapon systems on the ground and risks to civil aviation were expressly sought. The only relevant diplomatic document that the Dutch Safety Board was able to find is a memorandum about the situation in Crimea that Ukraine's permanent representative to the OSCE issued to all OSCE delegations and cooperation partners. This memorandum, dated 7 March 2014, mentions, among other things, that Russian military troops had tried to take control of an air defence regiment, including the Buk missiles located there, belonging to the Ukrainian armed forces in Crimea. In this context the memorandum states: *'The Ministry of Defense of Ukraine underlines that this kind of interference of the Russian servicemen in operation of the military unit of Ukraine causes real threat of illegal use of weapons against aircrafts in the airspace of Ukraine.'* However, this document does not explicitly mention risks to civil aviation either; it is also possible that the statement refers to risks to Ukrainian military aircraft. It must be emphasised that this memorandum refers to Crimea, not to the eastern part of Ukraine, and that it is dated the beginning of March, so before there was any armed conflict in the eastern part of Ukraine and over four months prior to the crash of flight MH17.

¹⁰² Therein a flight altitude of 6,200 metres was mentioned. Also see Section 8.4 and Appendix T.

5.7 Sub-conclusions

1. The aeronautical information of the U.S. aviation authority, FAA, (FDC NOTAM 4/3635), valid from 4 until 31 March 2014, warned U.S. operators and airmen about the unstable situation and the increasing military activities in the entire airspace of Ukraine.
2. Between the end of April and 17 July 2014, the armed conflict in the eastern part of Ukraine expanded into the airspace. According to reports by the Ukrainian authorities, at least 16 Ukrainian armed forces' helicopters and aeroplanes, including fighter aeroplanes, were shot down during this period.
3. During the period in which the conflict in the eastern part of Ukraine expanded into the airspace, neither Ukraine nor other states or international organisations issued any specific security warnings to civil aviation about the airspace above the eastern part of Ukraine.
4. The Russian NOTAM about the Rostov FIR, which became effective on 17 July and applied to Russian Federation airspace, made a precise reference to the conflict in the eastern part of Ukraine as a reason for restricting a few parts of the Russian airspace. This NOTAM was internally contradictory in terms of flying altitude.
5. On 14 July 2014, the Ukrainian authorities reported publicly and in a closed briefing with Western diplomats that an Antonov An-26 military transport aeroplane had been shot down from an altitude of between 6,200 and 6,500 metres. The weapon systems mentioned by the authorities in their statements are capable of reaching the cruising altitude of civil aeroplanes and would thus constitute a risk to civil aviation.
6. On 17 July 2014, the Ukrainian authorities reported that a Sukhoi Su-25 had been shot down over the eastern part of Ukraine on 16 July; in their opinion most probably by an air-to-air missile fired from the Russian Federation. The weapon systems mentioned by the authorities in their statements are capable of reaching the cruising altitude of civil aeroplanes. The Ukrainian authorities initially reported that the aeroplane had been flying at an altitude of 8,250 metres when it was hit. This altitude was later adjusted to 6,250 metres.

6 FLIGHT MH17 ON 17 JULY 2014 - UKRAINE'S MANAGEMENT OF THE AIRSPACE

This Section addresses the question why the airspace above the eastern part of Ukraine, a conflict area where the fighting had expanded into the airspace, was open above a certain restriction, allowing civil aviation to continue to fly over the conflict area. The central role of the Ukrainian State in this Section arises from the system of the distribution of responsibility in accordance with the Chicago Convention (see the diagram in Section 4.2). As a sovereign state, Ukraine exerts full control over its airspace and thus bears primary responsibility for its safety. Therefore, it can decide whether it is necessary to restrict or close the airspace to air traffic.¹⁰³ The signals related to the armed conflict and its expansion to the airspace, as described in Section 5, provide the context in which the State of Ukraine made decisions about the airspace above the eastern part of Ukraine.

The following topics are addressed in this Section:

- The organisation of Ukraine's airspace management;
- The airspace restrictions issued by Ukraine;
- Airspace management in other conflict areas.

In some cases the answers provided by the parties involved to the questions posed by the Dutch Safety Board were inconsistent. This is specified where applicable, and if necessary clarification is provided by the Dutch Safety Board.

6.1 The organisation of Ukraine's airspace management

Ukraine's airspace was originally divided into five flight information regions (FIRs), namely: L'viv FIR, Kyiv FIR, Odesa FIR, Simferopol FIR and Dnipropetrovsk FIR (see Figure 78). On 3 March 2014, Simferopol FIR was decommissioned and management of that part of the airspace was divided between the Odesa and Dnipropetrovsk air traffic management centres.

¹⁰³ Convention on International Civil Aviation, ICAO Doc 7300, Articles 1, 2 and 3a.

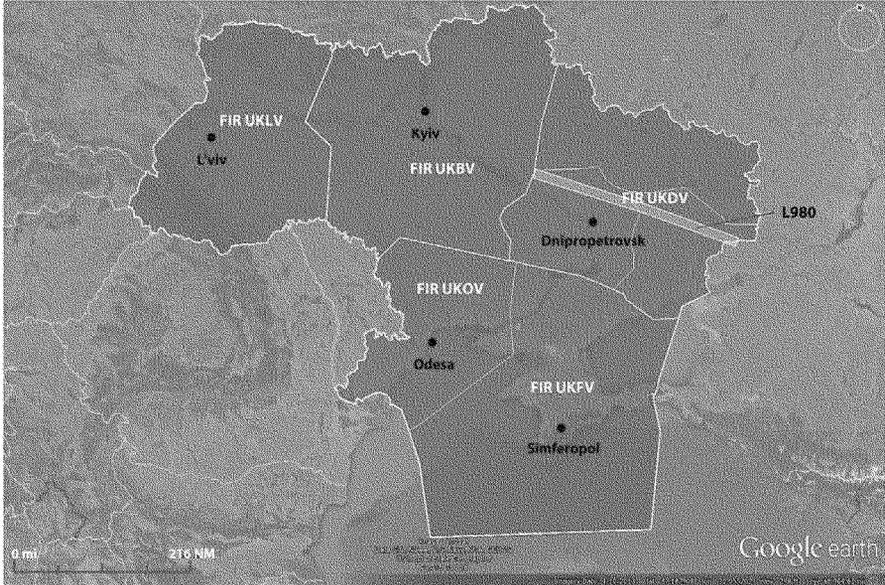


Figure 78: Division of Ukraine's airspace with airway L980. (Source: UkSATSE and Google, Landstat)

For a number of flights from Europe to India and Southeast Asia, and vice versa, the most efficient route was the one across the eastern part of Ukraine. As a result, this route was very busy. Given the location of the routes, the flights also navigate the airspace of Dnipropetrovsk FIR (UKDV).

The civil and military air traffic services in Ukraine were integrated in 1999 with the installation of the 'Integrated Civil-Military ATM System of Ukraine (ICMS)' as part of the UkSATSE air traffic control service. The civil and military air traffic control services each have their own command structure, but work closely together at the operational level. This cooperation is coordinated by the Ukraerocenter (the main operational unit in ICMS) in which the two services are represented as illustrated in Figure 79.

UkSATSE is responsible for civil aviation air traffic control. Air traffic control for military aviation is provided by military units under the responsibility of the Ministry of Defence. Management of the airspace that falls under Ukraine's responsibility is implemented with flexible use of the airspace. The Ministry of Infrastructure and the Ministry of Defence are responsible for managing the airspace, at the strategic level, on the basis of a General Agreement. Management of the airspace at the pre-tactical and tactical level is implemented by ICMS as part of the system of their responsibilities. The civil-military coordination of traffic control at the operational level is, under normal circumstances, implemented by Ukraerocenter, air traffic control centres and the appropriate Ukrainian Air Force Divisions. UkSATSE has the mandate to close or restrict parts of the airspace for brief periods of time at the tactical level. Airspace closures and restrictions at the strategic or pre-tactical levels are coordinated by Ukraerocenter and the State Aviation Administration of Ukraine (SASU) in close cooperation with the General Staff of the Armed Forces. SASU exercises decisive authority with regard to airspace closures.

Requests for airspace closures or restrictions are assessed on a regular basis if the requests are made for military training purposes. Requests for airspace restrictions are carried out without any further question if they are deemed necessary by the military authorities in relation to an armed conflict (the red dashed line in the diagram of Figure 79). These types of requests are considered to be decisions that have been taken at the highest level and are not discussed or influenced by UkSATSE or SASU.

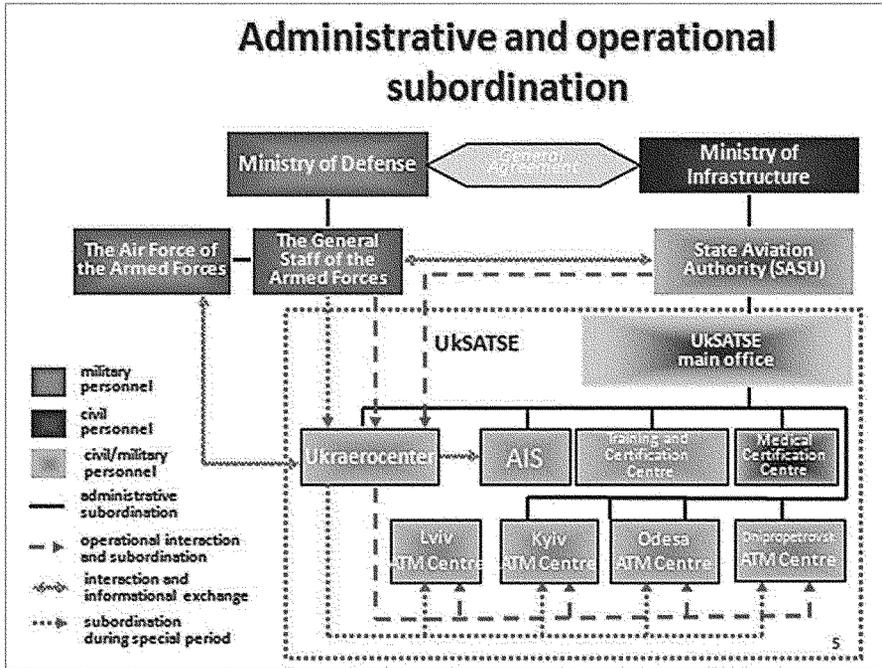


Figure 79: Organisational chart for the air navigation services in Ukraine. (Source: UkSATSE)

The Ukrainian aviation authority (SASU) took the formal decisions to close part of the airspace or restrict its use. Two of these decisions, namely restricting the use of the airspace below FL260 and expanding this restriction to the airspace below FL320, are discussed in more detail below, because they are relevant to the assessment of the crash of flight MH17.

6.2 Restricting the use of the airspace below FL260

The investigation revealed that Ukraine's military authorities had received information in June, prior to the crash of flight MH17, that *'illegal armed units within the area of the Anti-Terrorist Operation'*¹⁰⁴ possessed weapons and the portable surface-to-air missile systems 'Igla' and 'Strela'. The Ministry viewed the fact that Ukraine's military aircraft

¹⁰⁴ The quote is taken from the reply of Ukraine's Ministry of Defence. The Dutch Safety Board is not responsible for the terminology used.

were being shot at and shot down as an indication that these weapons were also being used. The investigation also revealed that the military authorities and UksATSE discussed the incidents involving the military aeroplanes being shot down. On 5 June 2014 the military authorities requested the Ukrainian aviation authority to restrict civil aviation's use of the airspace below FL260 to protect military aircraft from these attacks and to be able to give priority to air force operations. This request related to the area in which the Ukrainian Air Force was carrying out military operations, as well as the airspace used by the Air Force to fly to and from these areas. The requested airspace restriction to FL260 became effective on the 6th of June and was extended on the 1st of July until and including the 28th of July 2014.

The only air traffic permitted to fly in the restricted airspace was traffic that had received prior authorisation to do so and State aircraft.¹⁰⁵ According to the statement by the military authorities to the Dutch Safety Board, the assumptions for this were:

- As a result of the closure of the aerodromes at Luhansk (2 May 2014) and Donetsk (26 May 2014), there were no flights taking off or landing and thus no low-flying air traffic, only civil aeroplanes at cruising altitude.
- According to the military authorities, there were no indications that '*militants of illegal armed units*'¹⁰⁶ would attack a civil aircraft. '*The shooting of civil aircraft by terrorists was not considered as a realistic scenario.*' According to the information available from the Ukrainian intelligence services and military authorities at that time, the '*illegal armed groups*' possessed MANPADS with a maximum altitude range of 4,500 metres.

Ukraine's military authorities realised that their military aircraft were a potential target for armed groups. To protect these aircraft, the military authorities calculated the altitude to which the airspace should be restricted to ensure that their aircraft could fly safely to and from the conflict area. They assumed a maximum altitude range of 4,500 metres for the MANPADS and applied a safety margin of 2,000 metres. The military authorities concluded that Ukrainian military planes could safely operate their flights to and from the areas where they conducted their missions at an altitude between 6,700 and 7,300 metres (FL220 - FL240).¹⁰⁷ Consequently, the military authorities deemed that civil aviation were safe above this altitude. There was no military air traffic in an additional buffer which was applied up to FL260. The authorities provided the following reasoning: '*...the establishment of temporary prohibitions of airspace use in the specified regions to ensure flight safety for civil aviation considering the military aviation operations.*' The response to a different question also revealed that the authorities only considered the safety of civil aviation in relation to the activities by military aircraft: '*...this restriction of airspace use was introduced to provide flight safety of civil aircraft in the regions of military aviation operations...*'. A possible threat to civil aviation from the ground did not play an explicit role in establishing the airspace restriction to FL260. The restriction to FL260 arose from the need to improve safety and create more airspace for military aeroplanes and to separate military from civil

¹⁰⁵ The official ICAO name for aircraft used by military, customs and police services.

¹⁰⁶ The terms in the quotes are those used by the Ukrainian authorities. The Dutch Safety Board uses the term 'armed groups that fight the Ukrainian government'.

¹⁰⁷ As of 3,500 feet, altitudes are calculated in flight levels (FL).

aviation. The assumption was that civil aeroplanes that flew above the altitude of FL240, which was deemed safe for military aeroplanes, were also safe.

In an interview, those responsible at UkSATSE stated that they had no influence on the decision to restrict the use of airspace. They stated that they were merely informed of the decision. With regard to the background of the decision, they stated that they only knew that it was to protect civil aviation in relation to military activities.

The Dutch Safety Board deduces, from answers to written questions and documents that were supplied, that the Ukrainian Air Force submitted the request to UkSATSE for further processing of the temporary airspace restriction below FL260. UKSATSE processed this request and sent it to the military authorities for verification. Once the General Staff agreed to the details, it sent the request to the Ukrainian aviation authority, SASU. Therefore, the decision pertaining to the request involved the General Staff of the Armed Forces, the Ukrainian Air Force, the aviation authority SASU and air navigation service provider UkSATSE.

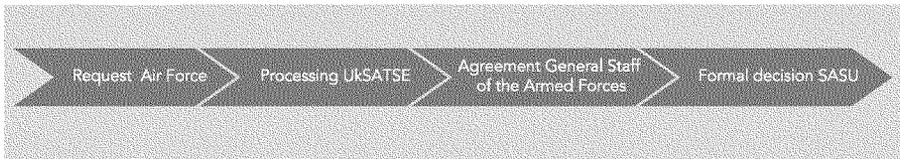


Figure 80: Diagram of Ukraine's decision-making process related to FL260. (Source: Dutch Safety Board)

It has not been clarified whether all parties involved were fully aware of all the available information. The sources are contradictory on this matter. However, it is clear that the initiative to restrict airspace use originated from the military authorities and that the other parties were indeed informed of the formal decision. Other parties' influence was limited despite existing consultation structures and the cited provision of information. UKSATSE said that it did not receive any detailed information related to the threat or about the exact reasons for the requested restrictions.

In later interviews of the Dutch Safety Board with, for example, the Ukrainian Ministry of Defence, interviewees stated that, due to a lack of technical resources, the armed forces would not have been able to observe whether aircraft (including military aircraft) made unauthorised use of the airspace. According to the authorities, it was also impossible to obtain an effective picture of the potential presence of powerful missile systems in the area under the control of the armed groups that are fighting the Ukrainian government. However, the military authorities had no indications that the armed groups possessed medium or long-range surface-to-air missiles.

6.3 Restricting the use of the airspace below FL320

Following the restriction of the use of the airspace below FL260, Ukraine issued a restriction for the airspace below FL320 on 14 July 2014. That was three days before flight MH17 crashed and the same day as an Antonov An-26 was downed, according to

the Ukrainian authorities, at an altitude of 6,500 metres¹⁰⁸ (see Section 5). This additional restriction was initiated by UksATSE.

Ukraine's aviation authorities stated that the further restriction to FL320 in the area, submitted by UksATSE, was not connected in any way to the Antonov An-26 being shot down earlier that day. They stated that the increase had been requested prior to 14 July and that it had been based on general information and was intended to increase the altitude buffer between military and civil aviation: *'...made a decision on the necessity to set additional buffer zone FL260-FL320 in order to ensure flight safety of civil aircraft related to operations of the state aircraft of Ukraine within the prohibited airspace...'* The crash of the Antonov An-26, according to UksATSE, had resulted in the decision being speeded up. According to the authorities, there were no indications that pointed to a risk to civil aviation above FL260: *'There were no grounds to expect threats to flight safety of civil aircraft above FL260 taking into account the buffer zone up to FL320...'*

In response to a written question, UksATSE stated that, based on Ukrainian legislation, there were no grounds for full closure of the airspace above the eastern part of Ukraine to civil aviation. At that time, the airspace could only be closed if there had been an official request from the competent authorities, or if there had been information related to a risk to the safety of civil aviation in a particular part of the airspace. Neither of these scenarios applied.

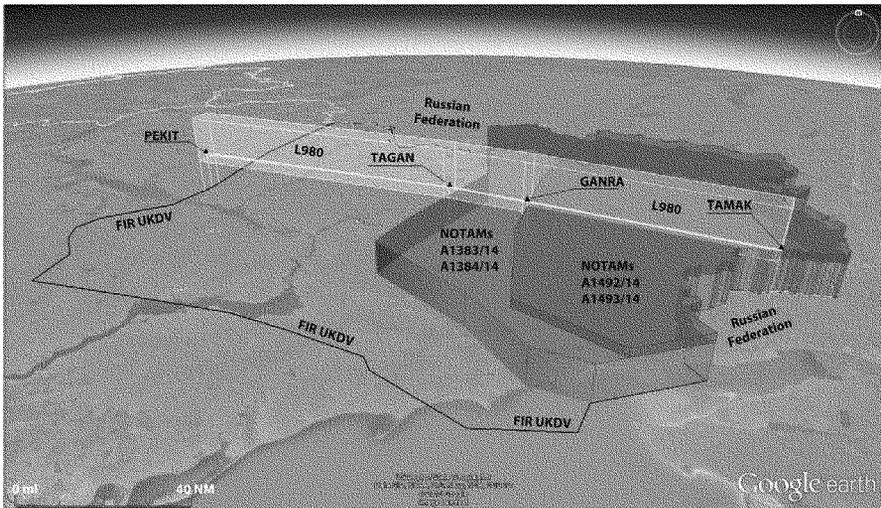


Figure 81: Position of restricted airspace according to Ukrainian NOTAMs in relation to airway L980. (Source: Google, Landstat)

On 17 July 2014, the day of the crash of flight MH17, the use of the airspace above the eastern part of Ukraine was restricted below FL320. The airspace above FL320 was open to civil aviation. After an emergency beacon was activated at around 13.20, indicating

¹⁰⁸ In written replies to questions posed by the Dutch Safety Board this was later adjusted to 6,300 metres.

that flight MH17 had crashed, UksATSE made the decision at 15.00, at the tactical level, to also restrict the airspace above FL320. From that moment, only military aircraft were permitted to fly in that area (NOTAM A1507/14). This meant that the entire airspace above the eastern part of Ukraine was closed to civil aviation.

6.4 Consequences of the airspace restrictions

6.4.1 Air traffic

EUROCONTROL data from 2014 and interviews conducted with Ukrainian air navigation service provider UksATSE revealed that the airspace restrictions from 6 June (FL260) and 14 July 2014 (FL320) barely resulted in any changes to the number of civil flights in and through Ukraine's airspace as a whole (see Figure 82). At the end of March/beginning of April 2014, a decrease in the total number of flight movements was observed (see Figure 82). Around this time, Ukraine issued a NOTAM and ICAO published a State Letter about the situation in Crimea (see Section 5) that possibly explains this decrease. Since this figure relates to Ukraine as a whole, it is not easy to see what happened in the eastern part of Ukraine. Possible seasonal effects may also have affected the figures.

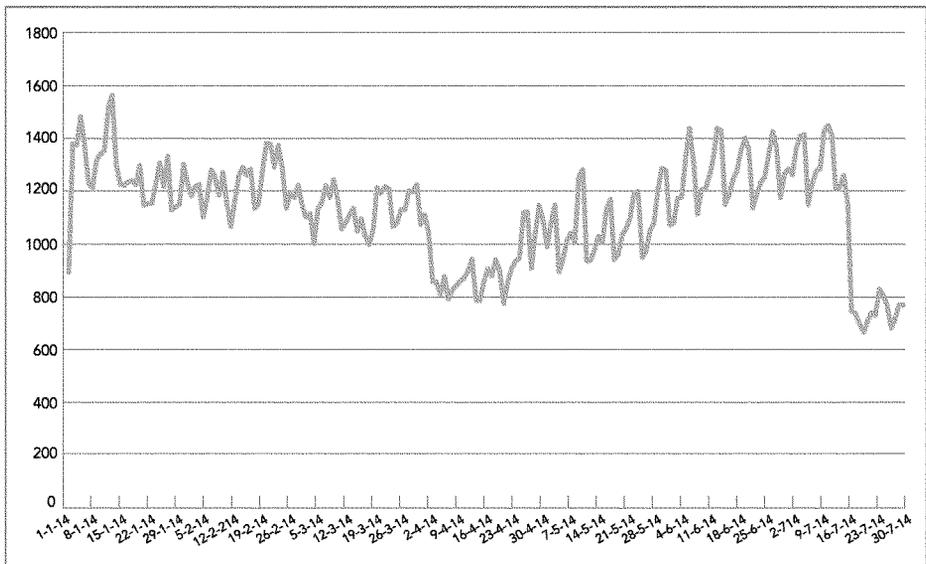


Figure 82: Daily flight movements in Ukraine's airspace as a whole. (Source: EUROCONTROL)

After the airspace had been completely closed on 17 July 2014, the average number of flight movements in Ukrainian airspace as a whole fell from approximately 1,300 per day to approximately 700 a day (see Figure 83).

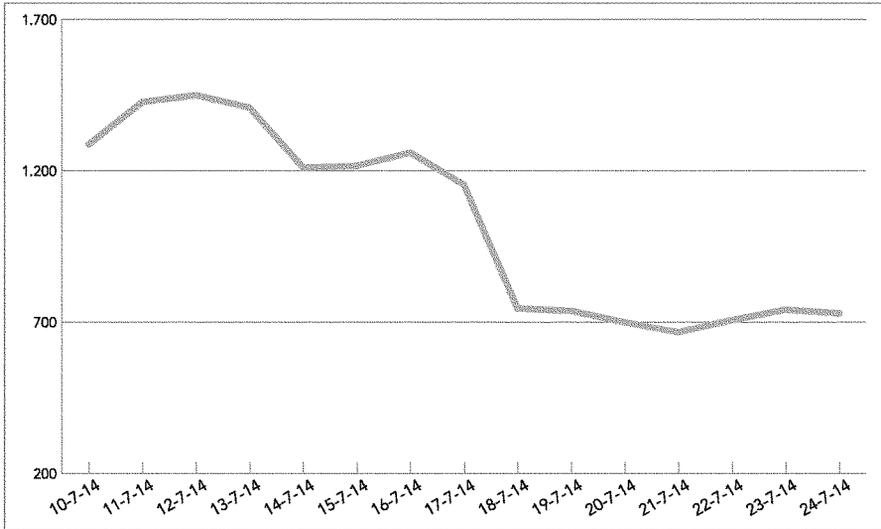


Figure 83: Flight movements in Ukraine's airspace as a whole around 17 July 2014. (Source: EUROCONTROL)

6.4.2 Financial consequences

Every sovereign state receives compensation for air traffic services from the operators using its airspace (route charges). Media reports speculated that Ukraine may have left its airspace open so as not to lose any revenue from route charges. The financial importance of keeping one's airspace open was also emphasised in various discussions that the Dutch Safety Board conducted with aviation experts. Therefore, the Dutch Safety Board investigated Ukraine's revenue from route charges.

In this procedure, Ukraine has adopted the so-called 'full cost recovery system'. This means that the state recuperates the costs related to air traffic services from the operators through this charge. The budget and estimated traffic volumes for the coming year determine the amount of the charge. The budget is based on the actual costs incurred in the previous year.

In Europe, EUROCONTROL,¹⁰⁹ on behalf of its Member States, calculates these charges for international flights and invoices the operators that use the airspace involved. After receiving the charges, EUROCONTROL transfers the money to the states concerned. Since Ukraine could not meet the conditions that EUROCONTROL imposes on states that want to participate in this system, EUROCONTROL and Ukraine concluded a bilateral agreement. Based on this agreement, EUROCONTROL calculated and collected the route charges and transferred them to Ukraine. This agreement ended at the end of 2013.¹¹⁰

¹⁰⁹ See Section 4 for an explanation of EUROCONTROL's tasks.

¹¹⁰ EUROCONTROL was able to supply financial data for 2013, but not for 2014.

EUROCONTROL's statement revealed that in 2013, Ukraine had received over EUR 199 million in route charges for all international flights that had flown through Ukraine's airspace. EUROCONTROL could not provide any figures for 2014 due to the agreement with Ukraine ending.

In order to give an indication of the financial consequences of the closure of the Dnipropetrovsk FIR after 17 July 2014, the Dutch Safety Board estimated the revenues per day using EUROCONTROL's statement of the number of international flights that had flown through the Dnipropetrovsk FIR between May and July 2014. To do so, the Dutch Safety Board counted the number of flights per aircraft type on two random days, 1 April and 15 June 2014, and then calculated the route charges. The estimated charges amounted to approximately € 176,000 on 1 April 2014 and approximately € 248,000 on 15 June 2014.¹¹¹

According to UkSATSE, the decrease in revenues resulted in financial problems that were solved by adjusting the budget and obtaining external funding. In an interview with the Dutch Safety Board in December 2014, UkSATSE estimated that the closure of the airspace above the eastern part of Ukraine in the second half of 2014 resulted in a 7-9% loss in revenues compared with the budgeted revenue for 2014. In 2015, from the figures provided by UkSATSE, it appeared that revenues from route charges in 2014 had decreased by 13% compared with 2013. This was the result of all the measures combined and operators' reactions to the developments in Ukraine in the second half of 2014. In an interview, UkSATSE stated that the decrease in revenues played no role in the decision to restrict use of the airspace.

6.5 Airspace management in other conflict zones

To put the decision-making process in Ukraine into perspective, the Dutch Safety Board also examined airspace management in other states where an armed conflict is taking place. There are multiple conflict areas throughout the world with potential risks for international civil aviation. Each conflict area has its own characteristics, but there are also common factors. The Dutch Safety Board compiled an inventory of possible air restrictions above a number of conflict areas based on the situation up to and including mid-July 2015. It also broadly examined available information related to the weapon systems present. Where medium or long-range surface-to-air missiles are mentioned, the Dutch Safety Board refers to missiles that can hit a civil aeroplane at cruising altitude. This Section also describes the measures taken by states with regard to the airspace in the conflict areas.¹¹²

¹¹¹ The route charges depend on the maximum weight of the aircraft, a state's unit rate and the distance travelled through the airspace of the state concerned. For the dates mentioned, the weight factor per aeroplane type was calculated for all flights and multiplied by the unit rate and the distance. The average distance was estimated at 1,000 kilometres. The unit rate for 2014 was estimated using route charge data from 2013.

¹¹² The Board was not in all cases able to ascertain when the first warnings or NOTAMs concerning the airspace were published by other states. The warnings or NOTAMs that were in force at the moment of investigation could have been preceded by others that are no longer visible in the databases concerned.

6.5.1 Northern Mali

In Mali there is a conflict between non-state armed groups and the government involving military air activities. Insofar as the Dutch Safety Board could ascertain, until April 2015, there were no indications that the non-state related groups possessed medium or long-range surface-to-air missiles (with a greater range than MANPADS).

The competent body for the airspace concerned (DRRR) issued a NOTAM about the prohibited (GND-FL320) and restricted (FL320-400) areas. The U.S. authority, the FAA, issued an FDC NOTAM 4/9775 advising U.S. operators and airmen of civil aviation threat concerns in Mali.¹¹³ The restrictions pertaining to the airspace above Northern Mali had already been in place since 2013, and are partly due to the presence of an intervention force led by France. The latter also conducts military air operations.

6.5.2 South Sudan

Different groups in the state of South Sudan are engaged in combat. The fighting broke out in December 2013, but helicopters had already been downed in 2012. It is assumed that the parties involved possess MANPADS. There are no large-scale military air activities and there are no indications that any of the parties possess medium or long-range surface-to-air missiles. Sudan probably possesses these kinds of weapons, but it does not appear to be interfering in the conflict in South Sudan.

Above the territory of South Sudan, air traffic control above FL270 is delegated to the air traffic control centre at Khartoum. The competent authorities have not issued any NOTAMs, but the authorities in the United States and the United Kingdom have done so.^{114,115} France issued an Aeronautical Information Circular (AIC).¹¹⁶ It did so after 17 July 2014. Insofar as is known, most operators fly over this area at an altitude higher than FL260, in accordance with the recommendations in the cited NOTAMs and AIC.

6.5.3 Libya

After the fall of President Gaddafi in 2011, an armed conflict erupted between different groups. Advanced weapons are present in the country, including medium or long-range surface-to-air missiles, but it is not known where they are and who controls them. The infrastructure of Libya's air traffic control has largely been destroyed and only sporadic military air activities are conducted.

The government has issued a NOTAM which requires that aircraft have prior permission to enter the airspace (overflight PPR).

113 FDC NOTAM 4/9775: U.S OPERATORS AND AIRMEN SHOULD AVOID FLYING INTO, OUT OF, WITHIN OR OVER MALI AT OR BELOW FL240.

114 FDC NOTAM 4/2189: THOSE PERSONS DESCRIBED IN PARAGRAPH A SHOULD AVOID FLYING INTO, OUT OF, WITHIN OR OVER THE TERRITORY AND AIRSPACE OF SOUTH SUDAN AT ALTITUDES BELOW FL260.

115 NOTAM V0013/15.

116 AIC FRANCE A 05/15.

The U.S. FAA and U.K. CAA,¹¹⁷ and also the German CAA,¹¹⁸ prohibited operators from flying in the Tripoli FIR. The French authorities have issued a similar request to French operators. Additionally, ICAO issued a warning in January 2015 about flying in the Tripoli FIR as did EASA in March 2015. The restrictions related to the airspace originate from before 17 July 2014.

6.5.4 Syria

In Syria there is a conflict between the government and various armed groups. It is unclear whether these groups possess medium or long-range surface-to-air missiles. There are military air activities, some of them on a large scale. In this conflict, it is important that intelligence services assume that the groups have the intention of hitting Western targets.

On 22 March 2013, ICAO issued a State Letter related to Syria. It warns states about potential serious safety risks in the Damascus FIR. Syria has not issued a NOTAM. On 31 July 2014, France issued a warning to French operators not to fly in the Damascus FIR. Since 18 August 2014, an FAA flight prohibition has been in place prohibiting U.S. operators from flying in the Damascus FIR.¹¹⁹ On 30 March 2015, the U.K. has published a warning not to fly over Syria.¹²⁰ The U.S. flight prohibition and French warning date from after the crash of flight MH17. EASA also issued another warning in August 2014.¹²¹

6.5.5 Iraq

The armed conflict in Syria has expanded to Iraq. The intensity of this conflict increased throughout 2014. The non-state related groups possess anti-aircraft missiles, including MANPADS, as well as light weapons. Since the armed groups operate in both Syria and Iraq, there is the chance that they get hold of medium or long-range surface-to-air missiles in Iraq. There are ongoing military air activities too, some of them on a large scale. Western intelligence services assume that the armed groups have the intention of hitting Western targets.

Iraq has not issued any NOTAMs pertaining to the armed conflict. On 1 July 2013, the U.S. FAA decided that U.S. operators and airmen were only permitted to fly over the area above FL200.¹²² Following the crash of flight MH17, most operators reviewed decisions to fly over this area. On 8 August 2014, the FAA announced a flight ban for the entire Baghdad FIR.¹²³ The United Kingdom and France issued a warning not to fly in Iraqi airspace. Mid-July 2015, Germany also issued a warning. In February 2015, ICAO issued an urgent recommendation to assess the safety risk related to using Iraqi airspace.¹²⁴ In April 2015, EASA issued a bulletin that highlights a number of these warnings.¹²⁵

117 US SFAR 112 and UK V0017/15.

118 <http://webcache.googleusercontent.com/search?q=cache:1NMIJfXoT0sJ:m.bmvi.de/SharedDocs/DE/Artikel/LR/verbot-luftraum-libyen.html%3Fnn%3D62482+andcd=1andhl=nlandct=clnkandgl=nl>, consulted on 21-08-2015. This prohibition was in force till 31 July 2015 and was no longer visible in the ICAO repository in August 2015.

119 US FDC NOTAM 4/4936 and US SFAR 114.

120 UK NOTAM v0016/15.

121 EASA SIB 2014-25.

122 US SFAR 77.

123 US FDC NOTAM 4/1621 followed by FDC NOTAM 4/2185.

124 ICAO Electronic Bulletin EB 2015/15.

125 EASA SIB 2014-24/R1.

6.5.6 Egypt (Sinai)

In the Sinai there is an ongoing conflict between the government and non-state groups. The latter probably possess MANPADS. In the Sinai there is no military air activity (i.e., air attacks, transport of troops and weapons). Insofar as the Dutch Safety Board has been able to ascertain, there are no indications that point to the presence of medium or long-range surface-to-air missiles.

On the basis of Egyptian NOTAMs, in November 2014, EASA issued a SIB¹²⁶ that warns of a significant risk to aircraft below FL260 in the area concerned. At the moment¹²⁷ there are no active Egyptian NOTAMs with regard to Sinai.

In November 2014 the FAA issued in a NOTAM informing U.S. operators and airmen of civil aviation threat concerns in the Sinai.¹²⁸ In 2015, the authorities in the United Kingdom¹²⁹ and Germany¹³⁰ issued NOTAMs, warning of a potential risk of anti-aircraft missiles to aviation.

6.5.7 Afghanistan

In Afghanistan, there is a conflict between the Government and non-state groups. Many weapons are present, including MANPADS, and there are military air activities (including unmanned aircraft). Insofar as the Dutch Safety Board has been able to ascertain, there are no indications that the non-state groups possess medium or long-range surface-to-air missiles.

Afghanistan has not issued any NOTAMs that refer to risks resulting from armed activities. The U.S. authorities have issued a warning to U.S. operators not to fly below FL260,¹³¹ and there is an EASA Safety Information Bulletin¹³² that refers to an expired U.S. NOTAM (FDC NOTAM 4/8757). The French authorities issued a circular that requests French operators not to fly over Afghanistan below FL240.¹³³ The United Kingdom had not published active NOTAMs related to Afghanistan, but was in process of doing so. Many international flight routes between Europe and Southeast Asia cross Afghanistan. Some operators are known to have developed internal guidelines for flying over Afghanistan, including a minimum overflight altitude (usually FL260).

6.5.8 Somalia

In Somalia, there are various internal groups that are engaged in conflict. The state's control is limited. Many weapons are present here too, including MANPADS, but as far as the Dutch Safety Board has been able to ascertain, there are no indications to point to the presence of medium or long-range surface-to-air missiles. The conflict had not extended into the airspace at the time the analysis was performed (July 2015).

¹²⁶ EASA SIB 2014-30/R1.

¹²⁷ Beginning of August 2015.

¹²⁸ FDC 4/8353, currently FDC 5/9155.

¹²⁹ UK NOTAM V001/15.

¹³⁰ Germany NOTAM 19-07-2015. <http://www.bmvi.de/SharedDocs/DE/Artikel/LR/verbot-luftraum-jemen.html>. Consulted on 19 August 2015.

¹³¹ US FDC NOTAM 4/2181.

¹³² EASA SIB 2014-26.

¹³³ AIC FRANCE A 05/15.

The Somali authorities have issued a warning to be extremely cautious when operating flights to Mogadishu Airport, due to the lack of information pertaining to armed activities and a lack of aeronautical information.¹³⁴ The U.S. authorities have imposed a long-term prohibition for U.S. operators and airmen flying over Somalia below FL200.¹³⁵ Non-U.S. operators also apply this lower limit to their flights over Somalia.

6.5.9 Yemen

In Yemen, non-state groups are involved in an armed conflict with the government and neighbouring states. There are many weapons in the area, including MANPADS. There are also extensive activities with unmanned aircraft. Large-scale military air operations have been underway since the end of March 2015. There are no indications that point to medium or long-range surface-to-air missiles being present in the area.

Yemen has NOTAMs pertaining to shifting routes over the sea in order to avoid the armed conflict. Saudi Arabia has airspace restrictions on the border with Yemen. The U.S. FAA issued an emergency regulation constituting a total flight prohibition on flying in Yemen's airspace.¹³⁶ The authorities in the United Kingdom and France issued a warning with the same scope as the U.S. flight prohibition.¹³⁷ Germany¹³⁸ and the United Arab Emirates also issued a flight prohibition.

6.5.10 Democratic Republic of the Congo

In the Democratic Republic of the Congo, there is an ongoing armed conflict in the eastern part of the country. The state's control over that area is limited. Various non-state groups are active. Insofar as the Dutch Safety Board has been able to ascertain, there are no indications that medium or long-range surface-to-air missiles are present in the area, or that military air operations of any scale are being carried out.

The Democratic Republic of the Congo has not issued any NOTAMs referring to the conflict. The U.S. FAA has issued a warning to U.S. operators, advising them to make sure that they are informed about the current situation before flying in that area.¹³⁹

Table 21 summarises this information.

¹³⁴ HCMM A0006/15, 27 February 2015.

¹³⁵ US SFAR 107 and FDC NOTAM 7/7201. In May 2015 this was raised to FL260.

¹³⁶ US FDC NOTAM 5/8051 (A0010/15).

¹³⁷ UK NOTAM V0012/15 and AIC FRANCE A 05/15.

¹³⁸ Germany NOTAM 19-07-2015. <http://www.bmvi.de/SharedDocs/DE/Artikel/LR/verbot-luftraum-jemen.html>. Consulted on 19 august 2015.

¹³⁹ US FDC NOTAM 8/7569.

Conflict zone	Sovereign State NOTAMs	Other States	International organisations
Eastern part of Ukraine ¹⁴⁰	FL320 (restriction), later closure	US, UK, France	ICAO, EASA
Northern Mali	Up to FL320 (closure)/ FL320-400 (restriction)	US	EASA
South Sudan	No	US, UK, France	EASA
Libya	Overflight PPR	US, UK, France, FRG	ICAO, EASA
Syria	No	US, UK, France	ICAO, EASA
Iraq	No	US, UK, France, FRG	ICAO, EASA
Egypt (Sinai)	No ¹⁴¹	US, UK, FRG	EASA
Afghanistan	No	US, France	EASA
Somalia	Warning pertaining to Mogadishu airport	US	
Yemen	No	US, UK, France, FRG, UAE	EASA
Dem. Rep. Congo	No	US	

Table 21: Overview of decisions related to airspace restrictions above conflict areas with non-state armed groups (July 2015).

Table 21 demonstrates that, in the ten conflict areas examined by the Dutch Safety Board, the relevant states did not close their airspace to civil aviation at cruising altitude, with the exception of Libya. This state issued a NOTAM that imposed a requirement to obtain authorisation to fly over the area - a so-called 'overflight PPR' - which functions as a de facto flight prohibition. It is also notable that, in most cases examined here, the states concerned did not issue any NOTAMs containing information about the conflict, which airspace users could have used in their own risk assessments.

Indications that there are potential risks to overflying civil aviation resulting from armed conflicts often originate from third parties, such as aviation authorities in other states or international organisations such as ICAO and EASA. The United States in particular, and to a lesser extent the United Kingdom, France and Germany, issued flight prohibitions or warnings to operators from their respective states with regard to operating flights above conflict areas. More often than not, these were recommendations not to fly over an area below a certain altitude.¹⁴² The number of states promulgating warnings or flight prohibitions seems to have increased since the crash of flight MH17 and the creation of the ICAO website enabling the exchange of such information.¹⁴³

140 On 17 July 2014, prior to the crash of flight MH17.

141 This was the situation in 2015; in 2014, it did.

142 Often around FL 250 to remain out of range of MANPADS.

143 ICAO Conflict Zone Information Repository, <http://www.icao.int/czir/Pages/default.aspx>.

Armed conflicts, specifically involving non-state groups, are characterised by a high degree of unpredictability. It is difficult to establish who possesses which type of weapons systems and whether or how they will be used in the conflict. Non-state parties in a conflict do not necessarily feel bound by international treaties and conventions, in which shooting at civil aeroplanes is emphatically condemned. Moreover, the spread of powerful weapon systems increases the risk of civil aeroplanes being shot down unintentionally. As a result of the above, such conflicts can carry risks to civil aviation.

The weapon systems that could hit civil aviation at cruising altitude are primarily powerful anti-aircraft missiles. MANPADS are present in most of these conflict areas, but their range is inferior to the altitude at which civil aircraft overfly. However, weapon systems may also be present in a state where an armed conflict is being fought, which can actually constitute a risk to civil aviation at cruising altitude. In conflicts in which states which possess these types of weapon systems are (directly or indirectly) involved, it is possible that these weapons will be used, by the state itself or by others. A number of conflict areas have seen fighting groups seizing such types of systems that pose a threat to civil aviation from the state's armed forces. It cannot be ruled out that these groups possess the knowledge and skill needed to actually use the seized systems, or that they are able to obtain the necessary knowledge and skill to do so. Current threat analyses assume the indication of the actual possession of weapons and not the possibility of non-state parties being able to acquire powerful weapon systems.

6.6 Analysis: Ukrainian airspace management

Management of the airspace above a country is an exclusive right of the sovereign state.¹⁴⁴ From this exclusive right, the Dutch Safety Board also derives a large responsibility borne by the state concerned. For the purpose of this management, the state has the exclusive power to close the airspace (or a part thereof) or restrict its use if there is a reason to consider such a measure. Safety and security risks to civil aviation constitute an important reason for restricting airspace use. Formal management at the strategic level of the airspace in Ukraine is the responsibility of the Ministry of Infrastructure¹⁴⁵ in accordance with the Ministry of Defence. The actual management is the responsibility of the executing civil and military organisations between which, under normal circumstances, management is coordinated.

6.6.1 Airspace management measures and assessing risks to civil aviation

During the armed conflict in the eastern part of Ukraine, the initiative for taking measures related to the airspace, based on safety analyses, originated from the military authorities. The findings of the Dutch Safety Board, as reported above, mean that it is plausible that decisions related to the airspace were primarily taken from the perspective of the military's interest, in which a potential risk to civil aviation was not the subject of any

¹⁴⁴ Chicago Convention, Articles 1 and 2. See also Section 4 and Appendix Q.

¹⁴⁵ See the figure in Section 6.1.

explicit consideration. The procedure established in Ukraine, for the introduction of a restriction or closure of the airspace, was indeed followed. This approach is also in accordance with the purpose of ICAO Circular 330 AN/189.¹⁴⁶

One of the measures that Ukraine took was to restrict civil aviation's use of the airspace above the eastern part of Ukraine below FL260. This involved the reasoning that military air traffic had to be able to fly unhindered to and from the areas where operations were being conducted and be safe from attacks from the ground. Furthermore, military and civil aviation had to be separated to ensure the safety of civil aviation. When establishing this restriction at FL260, the military authorities assumed that the armed groups that were fighting the Ukrainian Government only possessed MANPADS with a maximum altitude range of 4,500 metres.

The decision was thus based on the possibility that military aeroplanes could be hit by weapons from the ground. The Ukrainian authorities therefore assumed that the safety of civil aviation above FL260 was automatically safeguarded. Therefore, no explicit risk assessment was performed for civil aviation. The military authorities did not view the possibility that civil aeroplanes were at risk of being hit from the ground at cruising altitude as realistic, because they did not possess any information that indicated the armed groups had weapons that could reach cruising altitude, and that these groups did not have the intention to shoot at civil aircraft.

6.6.2 Antonov An-26 and Sukhoi Su-25

On 14 July 2014, the Ukrainian authorities announced in a press statement that an Antonov An-26 had been shot down while flying at an altitude of 6,500 metres. Later, altitudes of 6,200¹⁴⁷ and 6,300 metres were also cited. All these altitudes are out of the range of MANPADS. According to the authorities, the aircraft was shot down with a weapon that could reach the cruising altitude of civil aircraft.

On 14 July, the Ukrainian authorities closed the airspace below FL320 to civil aviation. The Dutch Safety Board was not able to establish whether this was a direct result of the shooting of the Antonov An-26. According to the Ukrainian authorities there was no connection and they stated the measure had been planned prior to, but was accelerated as a result of the incident. They stated that the aircraft had been shot down below FL230-240, which the military authorities had considered to be safe for military aeroplanes. As a result, the authorities believed that there was no threat to civil aircraft above FL320.

One can conclude, from statements made by the Ukrainian authorities, that it was possible that weapon systems were used that could reach the cruising altitude of civil aircraft. According to the Ukrainian authorities, this probably took place from inside the Russian Federation. They state that they could not have taken this into account in their risk assessment because they are not able to assess unexpected threats posed by unannounced military activities from another state.

¹⁴⁶ The circular states: 'During any crisis situation, there will be a requirement for increased coordination between civil and military ATM authorities in order to allow civil aviation to continue to operate to the maximum extent possible, while facilitating operational freedom for military air operations.'

¹⁴⁷ On 14 July in a briefing given by Minister for Foreign Affairs Klimkin to Western diplomats at the Ukrainian Presidential Administration

However, the safety of a state's airspace is the exclusive responsibility of the sovereign state concerned, in this case, Ukraine. As of 14 July, the threat posed by attacks from weapon systems with a greater range than MANPADS, whether or not originating from another state was, in any case, real to the Ukrainian authorities. This was confirmed on 16 July, when a Sukhoi Su-25 was shot down, while flying, according to the Ukrainian authorities, at an altitude of 6,250 metres (an altitude of 8,250 metres was originally stated in a press statement dated 18 July 2014). The Ukrainian authorities claimed that this was also attacked from the Russian Federation, probably using an air-to-air missile, but they did not exclude the possibility of a surface-to-air missile. This incident did not lead to any further restriction or closure of the airspace. Though the Ukrainian Air Force did suspend military sorties for tactical reasons on 16 July, after the shooting of the Su-25. Since the authorities assumed that the weapons were exclusively used against military aeroplanes and because no new flights were planned after 16 July 2014, they assumed that there were no additional threats to civil aviation. The Dutch Safety Board considers this risk assessment to be incomplete because it does take threats to military aircraft into account, but does not account for the consequences to civil aviation of potential errors or slips.

6.6.3 Other considerations related to airspace management

It is conceivable that considerations other than those related to safety could also have played a part in Ukraine's decision not to completely close the airspace to civil aviation, such as possible financial consequences. A complete closure may also have given the impression that the state had lost control over a part of its airspace. Such factors do not appear to have played a role in the decision to keep the airspace open at cruising altitude.

6.6.4 Airspace management pertaining to conflict areas

Risks to civil aviation may arise in conflict areas if military air activities are being carried out and if medium or long-range surface-to-air missiles or air-to-air missiles are being used in the armed conflict. The study of a number of conflict areas shows that sovereign states, which are responsible for managing the airspace, rarely close the airspace; they may, on occasion, and possibly temporarily, restrict the altitude at which civil aircraft are allowed to fly and they do not share any or virtually any information about the armed conflict with airspace users. The airspace management by the State of Ukraine above the conflict area in the eastern part of Ukraine fits this pattern.

Ukraine's NOTAMs related to the eastern part of Ukraine do not state the reason for the airspace restrictions, as recommended in ICAO Doc 9554-AN/932. As a result, airspace users were not informed to the greatest possible extent. States involved in other conflict areas also barely inform airspace users, which is inconsistent with ICAO recommendations. Section 7 discusses the decision-making process related to the use of the airspace in the eastern part of Ukraine.

In the (non-binding) document Doc 9554-AN/932, ICAO recommends that, in the case of conflicts, information should be provided in NOTAMs about the nature of a threat that forms the rationale for the NOTAM. Below is an example from Doc 9554 of how this type of information could be provided.

Example from Doc 9554

GG DCBAYNYX ACCOYNYX BADCYNYX..

171814 CBADYNYX

A747 NOTAMN

A) CBAD FIRB) WIEC) UFN APRX DUR

E) PARAMILITARY FORCES REPORTED OPERATING IN AREA (describe area with reference to latitude and longitude). CIVIL AIRCRAFT ARE REQUESTED TO MAINTAIN AT LEAST FL. WHILE TRANSITING THE AREA IN ORDER TO AVOID A POTENTIAL THREAT (describe threat).

Meanwhile, ICAO is working on expanding the NOTAM system to include information related to threats. Details in the NOTAMs and the threats could be posted on a website created especially for this purpose. ICAO prefers this to the inclusion of the information in the NOTAMs.¹⁴⁸ This means that this information will mainly have to be provided by states other than the one managing the airspace. This agrees with the Board's conclusion that instructions that the airspace over a conflict zone is becoming more hazardous are usually provided by other states or international organisations. At the same time, ICAO Doc 9554 stipulates that states should identify the geographical conflict area in their territory, analyse the dangers and potential dangers to civil aviation and should determine whether civil aviation must avoid the conflict area or can continue to operate there subject to certain conditions. However, the expansion of the NOTAM system does not change the fact that the states responsible for the air traffic services should issue an international NOTAM, which includes the necessary information, recommendations and safety measures to be taken and that they must then continue to update it to reflect any developments.¹⁴⁹

6.6.5 Distribution of responsibility

The sovereignty of states is one of the fundamental principles of the Chicago Convention, one of the stated objectives of which is the safe development of aviation.¹⁵⁰ This not only means that states have complete control over their airspace, but that they are also responsible for ensuring the safety of the airspace that is open to civil aviation. The Dutch Safety Board's investigation has demonstrated that, in practice, this fundamental principle can lead to vulnerability. The fact that the state manages the airspace does not mean that, in all cases, it has an adequate overview and control of weapon systems that could threaten the safety of that airspace from the ground or in the air. This turned out to be the case in the eastern part of Ukraine. This raises the question how states that are involved in an armed conflict can be motivated to fulfil their responsibility more than is currently the case. ICAO's applicable Standards, Recommended Practices, and guidance materials evidently provide insufficient guidance for taking a considered decision about airspace management. The Dutch Safety Board is of the opinion that airspace users should be able to count on unsafe airspace being closed to civil aviation and that, in any

¹⁴⁸ ICAO Working Paper HLSC/15-WP/9, 19-1-2015.

¹⁴⁹ ICAO Doc 9554-AN/932, paragraph 10.3.

¹⁵⁰ Convention on International Civil Aviation, ICAO Doc 7300, Preamble.

case, airspace users should be adequately informed about the nature of the conflict and the underlying reasons for measures such as a (temporary) altitude restriction. This does not alter the fact that airspace users also have their own responsibility with regard to safe flight operations. This responsibility is one of the main topics of Section 7.

6.7 Sub-conclusions

1. The decision-making processes related to the use of Ukraine's airspace was dominated by the interests of military aviation. The initiative to restrict the airspace over the eastern part of Ukraine below FL260 originated from the military authorities. The objective of the measure was to protect military aeroplanes from attacks from the ground and to separate military air traffic from civil aviation. The Ukrainian authorities assumed that by taking this measure, civil aeroplanes flying over the area above FL260 were automatically safe too.
2. The initiative to change the restriction to FL320 on 14 July 2014 came from civil air traffic control. The underlying reason for this change remains unclear.
3. The NOTAMs did not contain any substantive reason for the altitude restrictions. Therefore, Ukraine did not act in accordance with the guidelines in ICAO Doc 9554-AN/932.
4. When implementing the above measures, the Ukrainian authorities took insufficient notice of the possibility of a civil aeroplane at cruising altitude being fired upon. This was also the case, when, according to the Ukrainian authorities, the shooting-down of an Antonov An-26 on 14 July 2014 and that of a Sukhoi Su-25 on 16 July 2014 occurred while these aeroplanes were flying at altitudes beyond the effective range of MANPADS. The weapon systems mentioned by the Ukrainian authorities in relation to the shooting down of these aircraft can pose a risk to civil aeroplanes, because they are capable of reaching their cruising altitude. However, no measures were taken to protect civil aeroplanes against these weapon systems.
5. In the international system of responsibilities, the sovereign state bears sole responsibility for the safety of the airspace. The fundamental principle of sovereignty can give rise to vulnerability when states are faced with armed conflicts on their territory and in their airspace.

6. Such states rarely close their airspace or provide aeronautical information with specific information or warnings about the conflict. In some cases, other states issue restrictions or prohibit their operators and pilots from using the airspace above these conflict areas.
7. There is a lack of effective incentives to encourage sovereign states faced with armed conflicts to assume their responsibility for the safety of their airspace.

7 FLYING OVER UKRAINE: WHAT DID MALAYSIA AIRLINES AND OTHERS DO?

7.1 Introduction

Operators, as users of the airspace, bear responsibility for safe flight operations.^{151, 152} In the case of MH17, the operator was Malaysia Airlines. This Section provides a reconstruction of the flight preparations and flight operations of flight MH17 on 17 July 2014. This is followed by a description of Malaysia Airlines' decision-making process related to flying over conflict areas: how was it organised and how was the system applied in the case of flight MH17? What information did Malaysia Airlines possess about the security situation in the eastern part of Ukraine, how were potential risks assessed and what constituted the basis for the decision to fly over the eastern part of Ukraine on 17 July 2014? Finally, the decisions made by other states and operators related to flying over the eastern part of Ukraine will be described.

Malaysia Airlines

Malaysia Airlines is Malaysia's national operator. Since 2013, Malaysia Airlines has been an alliance partner in **oneworld**, along with operators such as American Airlines, British Airways, Qantas, Cathay Pacific and Japan Airlines. During the period prior to 17 July 2014, the operator flew 91 civil aeroplanes and six cargo aeroplanes to 60 destinations (code share flights not included). Kuala Lumpur International Airport, the home base of Malaysia Airlines, is a major hub for flights between Europe and Asia and on to Oceania.

7.2 Flight MH17

As described in Section 2.1 (part A), flight MH17 took off at 10.31¹⁵³ from Amsterdam Airport Schiphol for a scheduled flight to Kuala Lumpur International Airport in Malaysia. Malaysia Airlines (MAS) had submitted a flight plan for this flight at 07.07, which established, among other things, MH17's route: the air navigation waypoints, airways and altitudes at which MH17 would fly. In Appendix C an explanation of this flight plan of flight MH17 and flight plans in general is provided.

¹⁵¹ This is established, for example, in Annexes 17 (*Security*) and 19 (*Safety Management*) to the Chicago Convention (see ICAO HLSC/15-WP/3).

¹⁵² National authorities are responsible for certification and the continuous monitoring of airlines based in their States.

¹⁵³ All times mentioned in this report are in UTC unless specified otherwise. See the list of abbreviations for a further explanation.

MH17 flight plan with air navigation waypoints, airways, altitudes and speeds

-EHAM1000
 -N0490F310 ARNEM UL620 SUVOX UZ713 OSN UL980 MOBSA DCT POVEL DCT
 SUI L980 UTOLU/N0490F330 L980 LDZ M70 BEMBI L980 PEKIT/N0480F350 L980
 TAMAK/N0480F350 A87 TIROM/N0490F350 A87 MAMED B449 RANAH L750 ZB
 G201 BI DCT MURLI DCT TIGER/N0490F370 L333 KKJ L759 PUT R325 VIH
 A464 DAKUS DCT
 -WMKK1137 WMSA WMKP

All air traffic control centres involved accepted MH17's flight plan for the route in their regions. The planned route ran from the Netherlands to Germany, Poland, Ukraine, the Russian Federation, Kazakhstan, Turkmenistan, Uzbekistan, Afghanistan, Pakistan, India, Myanmar and Thailand to Kuala Lumpur. Malaysia Airlines' head office in Kuala Lumpur established this route a few hours before take-off on 17 July.

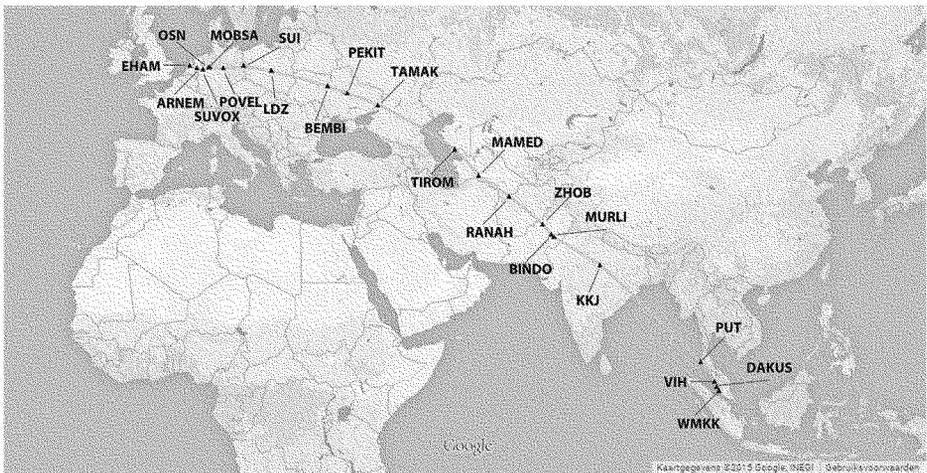


Figure 84: Diagram of the route planned. (Source: Google, INEGI)

According to the flight plan, flight MH17 would fly at flight level 330 (FL330, circa 10,058 metres) above Ukraine to the PEKIT navigation waypoint, which lies on the boundary of the flight information region (FIR) between the Kyiv FIR (UKBV) and the Dnipropetrovsk FIR (UKDV). From the PEKIT navigation waypoint, the flight plan specified FL350 (circa 10,668 metres high) for the remaining part of the flight above Ukraine.

As established in Section 2.1 (part A), the aeroplane entered the Dnipropetrovsk FIR at FL330 instead of the planned FL350.

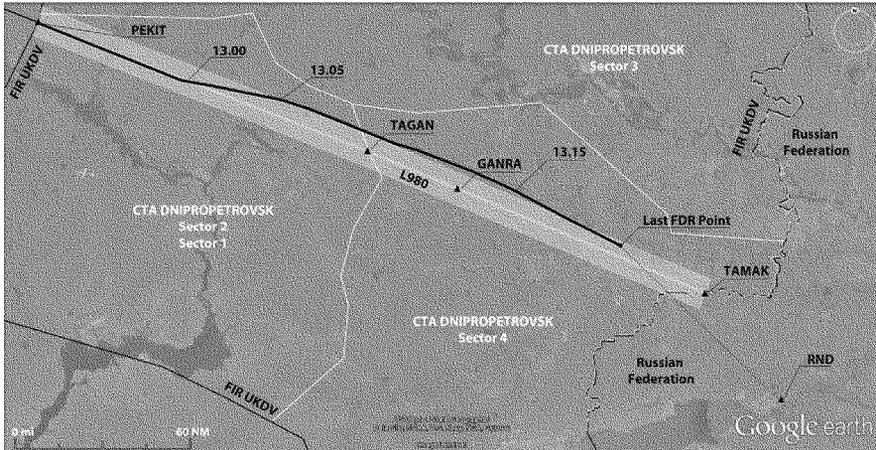


Figure 85: Image of the Dnipropetrovsk FIR (UKDV), CTA 1 and 4, and the flown (black line) and intended (dotted black line) route of flight MH17. The yellow line represents the centre of airway L980. (Source: UksATSE and Google, Landstat)

The data supplied by EUROCONTROL reveal that Malaysia Airlines was flying through Ukraine's airspace several times a day, also through the Dnipropetrovsk FIR (UKDV). On 17 July 2014, seven Malaysia Airlines flights flew through UKDV, two from Kuala Lumpur to London, one flight from Kuala Lumpur to Amsterdam, two flights from London to Kuala Lumpur, one flight from Paris to Kuala Lumpur and one flight from Amsterdam to Kuala Lumpur.

7.3 Code sharing with KLM

Flight MH17 was a daily flight, operated by Malaysia Airlines, from Amsterdam Airport Schiphol to Kuala Lumpur International Airport. It was a very popular flight. This was due to the transit options and the favourable time of departure from Schiphol: this slot was a good connection for incoming flights from the United States and would arrive in Kuala Lumpur early in the morning. KLM also runs a daily flight between Amsterdam and Kuala Lumpur. A code share agreement between Malaysia Airlines and KLM applies to both flights.

In the case of flight MH17 on 17 July 2014, eleven passengers had booked their ticket with KLM and 269 passengers with Malaysia Airlines. There were also two passengers with a Qantas ticket and one with a ticket from Garuda Indonesia.¹⁵⁴ The passengers with a KLM ticket travelled in accordance with the code share agreement with Malaysia Airlines. The passengers who booked via Qantas and Garuda Indonesia travelled on a combined flight, which was operated partly by these operators and partly by Malaysia Airlines (transfers).

¹⁵⁴ See Dutch Safety Board report *MH17 - Passenger information*.

The code share agreement between Malaysia Airlines and KLM entered into force on 1 July 1998. The partners renew this agreement every three years. Prior to each season (summer-winter), they adjust the timetable in the appendix to the agreement. The agreement does not specify any details related to the routes to be flown (with the exception of departure and destination locations). However, the agreement does establish that the partners exchange 'safety' and 'security' information and that they provide each other with technical and material support in the area of 'safety' and 'security'. There is no specific reference to the flight route. The Dutch government issued its required approval for this agreement.

The code share agreement between Malaysia Airlines and KLM requires that Malaysia Airlines treats code share passengers the same as its own passengers in terms of handling, on-board service and claims, and vice versa. The responsibility for safety and security is fully borne by the operator operating the flight, in this case Malaysia Airlines. In accordance with the agreement, KLM played no part in flight preparations or operations. For their code share agreement, KLM and Malaysia Airlines used the IOSA audit described in Appendix Q to assure themselves that they adhered to equivalent safety standards.

7.4 Flight preparation at Malaysia Airlines

For this investigation, the Dutch Safety Board conducted interviews with officials from Malaysia Airlines. The Dutch Safety Board requested and received various documents from Malaysia Airlines. Request by the Dutch Safety Board to interview officials of the Malaysian civil aviation authority (the Department of Civil Aviation, DCA) were not granted. Requests for relevant documentation were also not accepted by the DCA. Nevertheless, the Dutch Safety Board believes it has sufficient information to compile an overview of the flight preparations performed by Malaysia Airlines.

This Section describes the distribution of tasks related to the safety assessment of flight routes at Malaysia Airlines. This involves producing threat analyses, planning routes and the procedure for compiling a flight plan.

7.4.1 Security

In the Security Department, analysts focus on the security of flight operations. The primary task of the head of this department is to provide updates and advise Malaysia Airlines' CEO on what is required for the safety of the operations. This involves matters such as security at departure and arrival at aerodromes, passengers, baggage, cargo, staff (during the flight and on location) and the aeroplane itself. This department assesses the situation on the ground, and not in the airspace. Malaysia Airlines does not fly to destinations in Ukraine and therefore does not perform any risk analyses related to (destinations in) this state.

The Security Department is not responsible for studying aeronautical information such as NOTAMs and threats to foreign airspace. Malaysia Airlines bases its approach on Annex 17 to the Chicago Convention and on national provisions issued by the Malaysian Department of Civil Aviation (DCA) and by Malaysia Airlines itself.

Additional activities are only carried out if Malaysia Airlines is considering flying to a new destination. Well in advance of 17 July 2014, the operator received a request from its government to fly a charter flight to Yemen, to evacuate a group of Malaysian citizens. The head of the Security Department arranged for the situation to be assessed on location, and in a consultation with the CEO, the charter department and Flight Operations advised that the flight should not be conducted. This was because the situation was not considered safe *on the ground* at the destination location.

In order to determine the security situation in a state, Malaysia Airlines' Security Department occasionally receives intelligence from Malaysian embassies and High Commissioners (equivalent of Ambassadors in Commonwealth states). In addition, public sources are consulted, such as newspapers and television and local stations that report on worldwide events. Local police sources are also used. Malaysia Airlines receives daily security recommendations from a private service provider about to the various ground stations. Information is also shared among the Association of Asia Pacific Airlines (AAPA).

Malaysia Airlines¹⁵⁵ has stated in interviews that it did not receive any security information about foreign states from the Malaysian authorities. The explanation for this was that the Malaysian authorities only collect information related to its interior. The Dutch Safety Board has not been able to verify this information with the Malaysian authorities because they did not answer questions about this. As a result, it is not possible to establish the extent to which the Malaysian intelligence services possessed information about the situation in the eastern part of Ukraine.

7.4.2 Route planning

At Malaysia Airlines, the Flight Operations (Flight Ops) Department is responsible for flight operations as a whole, including safety, flight execution in accordance with the statutory rules and the efficiency of flight operations. To fulfil this responsibility, Flight Ops uses different information sources; Aeronautical Information Publications (AIPs), Aeronautical Information Circulars (AICs), NOTAMs (Notice to Airmen), EASA bulletins, information from the air traffic service centres of states whose airspace will be used and EUROCONTROL. An employee from the department assesses the details supplied in the NOTAMs as an additional verification step. The department also monitors media reports, but these can be seen as potentially too superficial and speculative. Therefore, Flight Ops depends upon the NOTAMs as official and primary sources of information to use in flight planning. Flight Ops relies on the flight plan system (Sabre), which searches for relevant NOTAMs via the OPUS system and automatically verifies whether these constitute any restrictions to the planned flight. Compiling an inventory of and interpreting threat information is not one of the duties of the Flight Operations department.

If Malaysia Airlines decides to use a new route, Flight Ops examines matters such as the applicable rules in the state concerned (communicated via AIPs), restrictions (such as minimum flight altitudes) and agreements (such as overflight permits), distances, operational requirements (such as deviation aerodromes) and general weather conditions (wind direction/speed), and determines the most efficient route on this basis.

¹⁵⁵ A representative from the Department of Civil Aviation (DCA) was present at these discussions as an observer.

An operator may have several routes for a single destination and selects one based on the aforementioned considerations. For the flight from Amsterdam to Kuala Lumpur, prior to 17 July 2014 Malaysia Airlines had a choice of four routes:¹⁵⁶

- Via Ukraine and the Rostov zone in the Russian Federation (the most efficient of the four routes, which was also the one actually used);
- Via Iraq;
- Via Iran;
- Via Saudi Arabia.

7.4.3 Flight plans

Once the routes have been established, a flight plan is compiled per flight. The flight plan is compiled by the Navigation and ATM Planning Team of the Flight Dispatch Department. The Operational Control Centre (OCC) is concerned with operational risk analyses (wind, fuel consumption etc.) and is purely an executive body. If there are no special reports, the OCC's work follows the usual routine. The department assesses routes daily, based on the current situation. Specific conditions (weather, temporary airspace closures, etc.) may necessitate a deviation from the optimal route.

The Flight Dispatch Department handles 385 flights per day. They do so in accordance with a fixed procedure:

- Malaysia Airlines uses an electronic system that compiles and verifies flight plans. The department assesses whether the proposed route conflicts with any procedures or temporary restrictions specified in the NOTAMs from states along the route.
- The route is verified using legal provisions issued by the relevant states.
- Six hours prior to the flight's take-off, Flight Dispatch at Malaysia Airlines verifies whether the flight plan can be executed, taking into account the current weather situation and the aircraft's technical condition and load.
- Three hours before the flight's departure, Flight Dispatch at Malaysia Airlines submits the flight plan electronically to EUROCONTROL (for flights through European air space) and to all states whose airspace will be used. This is done to obtain advance approval and permission from EUROCONTROL and each of the respective states whose airspace will be used beyond Europe.
- Shortly before the flight's departure, Malaysia Airlines' ground handler at the departure aerodrome provides the pilot-in-command with all the flight documentation, including the NOTAMs, flight plan and weather data received from Malaysia by e-mail.
- Lastly, the flight crew also assesses the NOTAMs.

¹⁵⁶ At the time of writing (April 2015) just one route was available: via Iran, south of Ukraine. The additional costs involved in using this route amount to approximately EUR 3.75 million (MYR 15 million) per month (price level of January 2015). Malaysia Airlines says that it no longer flies over Afghanistan or Iraq, due to military activities on the ground and a lack of clarification regarding the situation there.

When a Malaysia Airlines flight departs from a foreign aerodrome, the Flight Dispatch Department sends a briefing package to the station manager or ground handler in the state of departure. The latter's most important task is to ensure that the pilot-in-command receives the briefing package in consultation with the ground handling service.

To summarise: Malaysia Airlines assesses the safety of the flight in the flight phase based on aeronautical information. The Security Department only assesses the situation on the ground (departure and arrival location, aircraft, crew, baggage, passengers etc.).

7.5 The risk assessment performed by Malaysia Airlines prior to flight MH17

Following the crash on 17 July 2014, the question was raised why operators were flying over the eastern part of Ukraine while an armed conflict was taking place there. This Section describes what information Malaysia Airlines possessed about the security situation in the eastern part of Ukraine, how this operator assessed potential risks and what constituted the basis for the decision to fly over the eastern part of Ukraine on 17 July 2014.

7.5.1 Aeronautical information

In July 2014, four relevant NOTAMs¹⁵⁷ were in force in the airspace in the Dnipropetrovsk FIR (UKDV).¹⁵⁸ The airspace in the eastern part of Ukraine was open above FL260 and later above FL320. Malaysia Airlines automatically processed these NOTAMs via the flight plan system used for this purpose. All the cited NOTAMs were included in the briefing package for flight MH17. For Malaysia Airlines, these NOTAMs did not constitute any basis for not operating the flight through Ukraine's airspace.

Malaysia Airlines was aware of the ICAO State Letter published on 2 April 2014 about the Simferopol FIR,¹⁵⁹ which informed Member States about the potential risks to the safety of civil flights in the Simferopol FIR (Crimea) due to two air traffic control centres claiming the same region. The same applies to EASA's subsequent Safety Information Bulletin (SIB), which confirmed the warning issued by ICAO. But since Malaysia Airlines did not operate any flights over Crimea, this safety warning had no effect on Malaysia Airlines' operations. Therefore, the decision to shift the route to the north or south of Crimea did not apply.

Malaysia Airlines says it was not aware of SFAR 113, issued by the U.S. aviation authority (Federal Aviation Administration, FAA), dated 23 April 2014. In this safety warning, the FAA prohibited U.S. operators and airmen from flying over Crimea. Because Malaysia Airlines no longer flies over the United States, the operator has ceased monitoring the SFARs issued by the FAA. They also viewed them as a U.S. matter because, for example, U.S. operators have a risk profile that differs from that of Malaysia Airlines. The NOTAM

¹⁵⁷ This involves the following NOTAMs issued by Ukraine: A1383/14, A1384/14, A1492/14, A1493/14.

¹⁵⁸ See Section 5.3.

¹⁵⁹ EUR/NAT 14-0243.TEC (FOL/CUP).

that referred to the SFAR in question¹⁶⁰ was also not included in the briefing package that Malaysia Airlines had compiled for MH17's flight route, because this particular flight did not take-off from or land in the United States or pass through the latter's airspace.¹⁶¹

During the period between 23 April and 17 July 2014, foreign or international parties did not issue any NOTAMs or other formal information communication about the eastern part of Ukraine. Malaysia Airlines says that, in the months leading up to 17 July, it did not receive any warnings related to the situation in the eastern part of Ukraine from other parties either, including the Malaysian authorities and intelligence services.

The briefing package for flight MH17 also included two NOTAMs related to the Rostov FIR, which the Russian Federation published on 16 July 2014 and became effective from 17 July 2014. These NOTAMs, which stated that the use of a number of flight routes on the Russian side of the border with Ukraine were subject to altitude restrictions, included a reference to the armed conflict in the eastern part of Ukraine as the reason for the flight restriction. The information provided in these NOTAMs was, however, not clear-cut: in addition to the altitude restriction, which was effectively the same as the restriction in force in the neighbouring Ukrainian UKDV FIR, it included a second flight restriction: the airspace was restricted below FL530 (see Section 5.2). The automatic filter applied by the automated flight plan system used by Malaysia Airlines accepted the NOTAM despite this contradiction, and this did not lead to a route change. Whether the reference to the armed conflict was picked up by Malaysia Airlines is unknown, but in any case the route was not changed.

7.5.2 Media reports

During the period between the conflict breaking out in the eastern part of Ukraine in April 2014 and the day of the crash of flight MH17 on 17 July 2014, various reports appeared in the media regarding aircraft of the Ukrainian armed forces being shot down (see Section 5). The Ukrainian authorities have confirmed some of these incidents (see Section 5.3) The Dutch Safety Board asked Malaysia Airlines which of these signals reached the operator.

Malaysia Airlines was aware that the situation in the eastern part of Ukraine was unstable and that a conflict was taking place on the ground. The operator did not consider this as a reason for monitoring the area more closely, especially given the fact that it did not fly to any Ukrainian destinations. Since Ukraine's airspace restrictions had no impact on the flight's planning, Malaysia Airlines saw no reason to consciously reflect on the safety of this route. The operator stated that it did not pick up any signals in the media that indicated a threat.

Prior to 17 July 2014, Malaysia Airlines was not aware that, according to the Ukrainian authorities, on 14 July 2014 an Antonov An-26 flying above the eastern part of Ukraine was downed at an altitude of 6,500 metres with a weapons system that could reach cruising altitude (see Section 5). Prior to 17 July, the operator possessed no information that there could be medium or long-range surface-to-air missiles or air-to-air missiles in the area.

¹⁶⁰ NOTAM FDC 4/7667. Valid from 23 April 2014 through 27 April 2015.

¹⁶¹ Another reason for this is that Malaysia Airlines is not a U.S. operator. For U.S. operators, an SFAR is a 'regulation', regardless of whether or not the flight passes through U.S. airspace.

7.5.3 Other information

As described in Section 7.4, Malaysia Airlines explained that the operator did not receive any threat-related information from its national authorities about foreign states. In other words, prior to 17 July 2014, its authorities did not represent a source of information related to the safety of the airspace above the eastern part of Ukraine.

Malaysia Airlines is a member of the Association of Asia Pacific Airlines (AAPA), an interest organisation for international operators in the Asia-Pacific region. Within AAPA, Malaysia Airlines is also a member of the Security Group in which operators exchange security information about security on the ground, and the Flight Ops Consultation, which is concerned with various matters including flight routes. Malaysia Airlines did not receive any signals via this network about the deteriorating safety situation in the eastern part of Ukraine.

In April 2014, Malaysia Airlines received signals from other operators that the satellite communication (SatCom), and possibly also GPS, may be disrupted in Ukraine's airspace. Malaysia Airlines warned its pilots and asked them to be vigilant in this respect and directly report any irregularities encountered. However, the operator did not view this as a major risk to the navigation capability because the navigation beacons on the ground were still operational. After a while no such disruptions to equipment had been reported.

Prior to 17 July 2014, Malaysia Airlines did not contact other operators with regard to the situation in the eastern part of Ukraine, including the operators that had changed their flight route(s). In interviews with the Dutch Safety Board, Malaysia Airlines stated that operators continuously alter their routes, for various reasons. For example, because - unlike Malaysia Airlines - they do have authorisation to fly over a particular country, or because they have inserted a stopover in their route. Malaysia Airlines expects that other operators would have made contact if the airspace had not been safe. Malaysia Airlines stated that, if it altered a route for safety reasons, it would communicate the fact to its alliance partners. In the case of the eastern part of Ukraine, other operators, including its alliance partners, did not share any safety information with Malaysia Airlines. As many operators were flying there, there was no reason for Malaysia Airlines to doubt the safety of the airspace.

When planning a route, operators must also take unexpected scenarios into account. One example is a disruption to normal flight operations such as engine failure resulting in a drift down.¹⁶² When determining the flight plan, the operator must select the route in such a way that, in case of such an event, the aircraft can always meet the minimum altitude above ground, especially in mountainous terrain. Specifically in this case, the risk of an aircraft descending to below FL320 (and earlier FL260) due to a drift down was considered as very unlikely. Malaysia Airlines is confident that the pilots are trained in the procedure for this type of situation and that they will receive assistance from air traffic control enabling them to reach a safe area.

¹⁶² Drift down is the situation in which an aeroplane, with one malfunctioning engine, is forced to descend from cruising altitude to the altitude at which the aeroplane can continue to fly on the remaining engine with the maximum permitted engine capacity.

7.6 What did ICAO and other states do?

Following the crash involving Malaysia Airlines flight MH17, the question was raised what other states did and did not do with regard to the use of the airspace above the eastern part of Ukraine, in relation to the intelligence they had.

Therefore, it was investigated how ICAO and other states acted and what options were available to them. To obtain information on this subject, the Dutch Safety Board predominantly used surveys and interviews, with or without the assistance of its foreign sister organisations. The examples cited in this Section are not exhaustive, but serve purely to put Malaysia Airlines' decision into perspective. The key question is: did ICAO and other authorities perceive any risks related to flying over the eastern part of Ukraine during the period leading up to 17 July 2014?

7.6.1 ICAO

After the first State Letter on 2 April, ICAO did not distribute another State Letter about the potential threats in the Simferopol FIR. In answer to the Dutch Safety Board's questions, ICAO stated that it did not receive any additional information that justified issuing a new State Letter. ICAO did not issue any State Letters about the eastern part of Ukraine during this period. The statement made by the Ukrainian authorities with regard to the Antonov An-26 being shot down on 14 July, which referred to weapon systems that can reach cruising altitude, did not constitute a reason for ICAO to issue a State Letter either.

ICAO stated that it did not receive any request for advice from Ukraine pertaining to the possibility of taking safety measures. With regard to the possibility of assisting a state in the event of an armed conflict, ICAO Doc 9554-AN/932, paragraph 10.10 says: *'ICAO may assist in the development, co-ordination and implementation of necessary safety measures in the event that the State(s) responsible for the provision of air traffic services in an area of armed conflict cannot, for some reason, adequately discharge the responsibility referred to in 10.2 above. The specific nature and scope of such action will depend upon the particular circumstances involved. In such circumstances, ICAO will work in close co-ordination with the responsible State, with other provider and user States concerned, and with IATA and IFALPA.'*

In response to the questions submitted by the Dutch Safety Board, ICAO stated that the organisation has no mandate to actively intervene in the decision-making by states with regard to closing their airspace. ICAO can only notify the state in question if the former has received information about potential threats. ICAO stated that it has neither a mandate nor the facilities to investigate all risks present in states.

7.6.2 States' interpretation of their role

The investigation into airspace management above conflict areas revealed that indications that could point to risks to civil aviation arising from armed conflicts, often originate from third parties. Despite the international character of civil aviation, there are major differences in the role of national authorities with respect to flying over conflict areas (see also Appendix U). Before addressing the question of what other states did with regard to the eastern part of Ukraine, it is necessary to examine these differences.

The international framework provides room for states to assume less or more responsibility with regard to decisions regarding flight routes. The more limited the state's role is, the more operators must do themselves to get an impression of conflict areas and the risks they present to civil aviation. However, gathering intelligence about what precisely is going on in conflict areas is difficult. Operators have fewer possibilities to do so than states, which can rely on their diplomatic and intelligence services in this matter. If the authorities are totally uninvolved, there is the chance that the information position of the operators based in the relevant state will be too limited to enable them to perform an adequate risk assessment of conflict areas.

On the basis of information provided by Malaysia Airlines, the Dutch Safety Board concludes that the Malaysian authorities did not consider that they had any role to play in identifying and managing risks in foreign airspace. In their intelligence activities, the national authorities focus on national security. This does include the security of aerodromes located in the state, but not the safety of civil aviation in foreign airspace. When it came to further assessing foreign airspace, Malaysia Airlines had to rely on other sources than the Malaysian authorities.

In certain states, the authorities can prohibit operators and airmen based in that state from flying to specific destinations or from using a particular state's airspace (or part thereof). In this case, the aviation authorities produce their own threat and risk analyses if they feel this is necessary.

In the United States, the Federal Aviation Administration (FAA) can issue a flight prohibition or warning.¹⁶³ The Department for Transport (DfT) in the United Kingdom can also issue a flight prohibition, pursuant to on the Aviation Security Act of 1982 (see Appendix U for details). In practice, the DfT mainly focuses on performing risk analyses and advising and possibly warning operators. This requires an extensive intelligence position in all states that could present a risk to civil aviation. In April and July 2015 Germany announced flight prohibitions for the airspace of Libya and Yemen.^{164, 165} For many states, this is not standard practice and simply not feasible.

Between these two extremes, there are states that go no further than (informally) providing operators with information and states that issue recommendations to operators based in their territory.¹⁶⁶ States can share relevant safety information with those operators about foreign airspace and armed conflicts, so that the operators can use the information in their risk assessment. Moreover, states can share relevant information with the international aviation sector, for example through NOTAMs.

Lastly, there are states that go beyond sharing information. The authorities in these states also produce aviation-specific risk analyses and provide their operators with these or issue advice based on the analyses. France is an example of one such states. The

¹⁶³ For an explanation of 'SFAR', see Section 12, Abbreviations and Definitions.

¹⁶⁴ <http://www.bmvi.de/SharedDocs/DE/Artikel/LR/verbot-luftraum-jemen.html>. consulted on 19 August 2015.

¹⁶⁵ <http://webcache.googleusercontent.com/search?q=cache:1NMIJfXoT0sJ:m.bmvi.de/SharedDocs/DE/Artikel/LR/verbot-luftraum-libyen.html%3Fnn%3D62482+andcd=1andhl=nlandct=clnkandgl=n>

¹⁶⁶ This often involves information that has been obtained as supplementary to other activities.

authorities advise, issue formal recommendations and warnings, which can be urgent or not. The formal requests are applicable to the French operators. Therein the authorities actively participate in the decision-making about flying over conflict areas, while the final responsibility remains with the operators.

7.6.3 What did other states do?

As described in Section 5, on 4 March 2014, the U.S. aviation authority (FAA) issued a NOTAM that contained a general warning to U.S. operators and airmen flying in Ukraine's airspace pertaining to potential instability and an increasing military presence in the airspace. On 3 April 2014, the FAA issued a prohibition on U.S. operators and airmen flying in Crimea's airspace (Simferopol FIR). In NOTAM 4/2816, the operators were also warned to exercise extreme caution with regard to flying in other parts of Ukraine, due to the persistent risk of instability. On 23 April, this warning, which also referred to, but was not limited to, the eastern part of Ukraine, was repeated in a NOTAM. Both NOTAMs made no reference to military activities. After these NOTAMs, and before 17 July 2014, the FAA did not issue any other warnings or prohibitions related to flying in the area above the eastern part of Ukraine.

On 30 June, the authorities in the United Kingdom issued a recommendation to avoid the airspace above Crimea,¹⁶⁷ but did not issue any further warnings related to flying over the eastern part of Ukraine.

The 'scope' of the general warnings about Ukraine was limited (see the explanation in the text box below). This was also demonstrated by the risk assessment performed by Malaysia Airlines which, while basing its threat analysis on aeronautical information, did not actively monitor U.S. NOTAMs and SFARs because the operator no longer flew over or to the United States.

The visibility of NOTAMs

If a state issues a NOTAM about an other state, the NOTAM only appears in the selection of NOTAMs that are relevant to a flight, if the flight is passing through the state that issued it. This means that a NOTAM issued by the United Kingdom about an other state (such as Ukraine) is only visible to operators that take off from, land in or fly through the airspace of the United Kingdom. NOTAMs issued by a state about its own territory always appear in the selection of NOTAMs if a flight passes through the FIR concerned, in this case the UKDV FIR (Dnipropetrovsk FIR).

In summary: insofar as the Dutch Safety Board was able to ascertain, between the beginning of March and 17 July 2014, one warning was published about the safety of the airspace in Ukraine in relation to military activities. The United States warned of potential instability, an increasing military presence and possible confrontation with military

¹⁶⁷ NOTAM EGTB B1258/14, dated 30 June 2014. This NOTAM does not contain any new information compared with earlier publications by ICAO and the FAA in April.

activities in the airspace. The NOTAM that included this warning was only valid and visible in March 2014. Between the end of April and 17 July 2014, no formal warnings were issued about the safety of the airspace in Ukraine, including the eastern part of Ukraine. It was precisely during this period that the armed conflict expanded into the airspace.

7.7 What did other operators do?¹⁶⁸

This Section describes how other operators reacted to the changing situation in Ukraine. Here, only international flights that passed through Ukraine's airspace are included, as flight MH17 did, and not domestic flights or flights that operators operated from or to Ukraine.

Data that the Dutch Safety Board received from EUROCONTROL reveal that, during the period between April and 17 July 2014, no noticeable reaction was observed from operators with regard to the situation in Ukraine; a large number of operators continued to use routes over the eastern part of Ukraine. EUROCONTROL data were used to compile several lists (see also Appendix R). The first is a list of all the flights that flew over the entire region of the eastern part of Ukraine during the months of April, May, June and July 2014 (through 17 July 2014). Section 6 already explained that, between April through 17 July, an average of 1,300 flights per day were operated throughout all of Ukraine.

The list from EUROCONTROL reveals that the average number of international flights that flew through the UKDV region (Dnipropetrovsk FIR) per day did not change after the unrest intensified in the eastern part of Ukraine and the armed conflict increasingly expanded into the airspace. Even following the Ukrainian NOTAMs¹⁶⁹ on 6 June, 1 July and 14 July 2014, there was no significant change in the number of flights through UKDV; on average there were approximately 220 flights per day (see Figure 86).

¹⁶⁸ The information about the way in which airlines reacted to the situation in Ukraine was mainly obtained through surveys and using data supplied by EUROCONTROL.

¹⁶⁹ NOTAMs A1255/14, A1256/14, A1383/14, A1384/14 - the restriction below FL260 from 6 June 2014 and NOTAMs A1492/14 and A1493/14 - the restriction below FL320 on 14 July 2014.

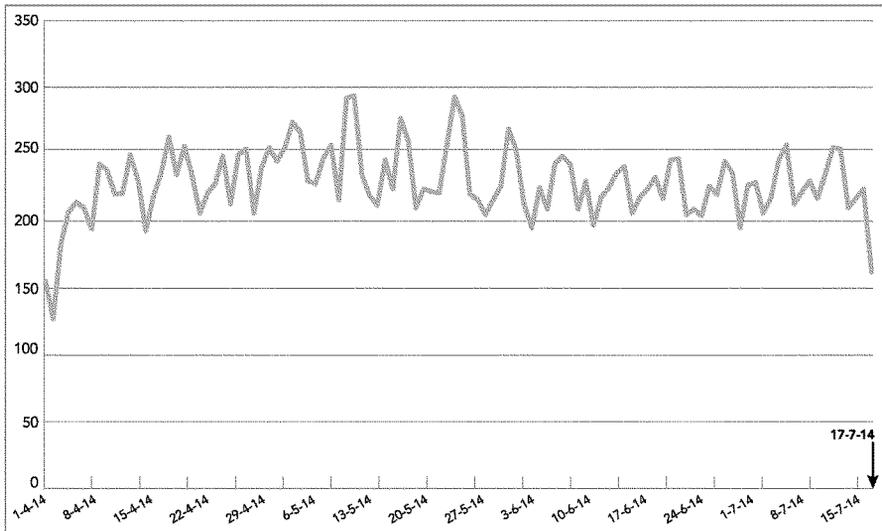


Figure 86: Daily number of flights through UKDV shown for the period between 1 April - 17 July 2014. (Source: EUROCONTROL)

A minor shift can be observed in the distribution of the number of daily flights in the airspace above the area within UKDV mentioned in the NOTAMs and the flights operated just south of this area (see Figure 87). In April 2014, an average of 152 flights were operated per day in the airspace above the part of UKDV to which the NOTAM refers; in June, the average was 147 and in July it was 145 per day. In the same period, there was a slight increase in the number of flights south of the NOTAM area, where the altitude restrictions did not apply; these amounted to 68, 76 and 79 respectively per day.

The Dutch Safety Board used the flight data supplied by EUROCONTROL to produce a list of all operators that flew over the NOTAM area between 14 and 17 July (i.e., the period between the publication of the NOTAM that restricted the airspace up to FL320 and the crash of flight MH17). The Dutch Safety Board also produced a list of all flights that passed UKDV on 17 July (the day flight MH17 crashed) until the airspace was closed at 15.00. There were 160 flights. Both lists are included in Appendix R.

All the lists reveal that there is no noticeable change in behaviour; in the period between 14 and 17 July 2014, 61 operators from 32 states flew over the area. These also included operators from Ukraine itself and the Russian Federation.

The following points must be taken into account when assessing the data supplied by EUROCONTROL:

- The data were automatically generated by EUROCONTROL. No verification of the data's accuracy was performed.
- These are the operators whose flight numbers are used to identify the flights and to which the overflight fees are charged. This is not necessarily the operator that actually operated the flight.

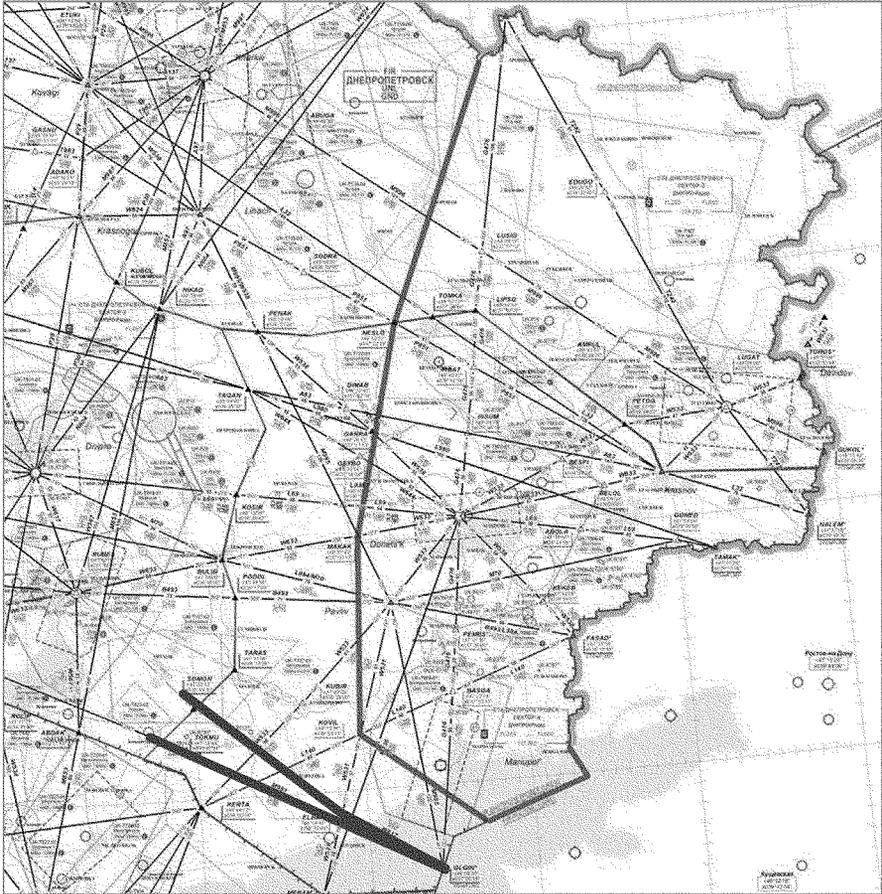


Figure 87: Flight routes through the eastern part of Ukraine with cited the area referred to in the NOTAMs in Section 6 indicated by a red line. The routes outside the NOTAM area (i.e. south of it) but inside UKDV are shown in purple. (Source: Dutch Safety Board)

The Dutch Safety Board also conducted a survey to try to obtain a better understanding of operators' motives for deciding whether or not to fly over the eastern part of Ukraine. Nineteen operators from eight states participated in the survey. Four operators stated that they had never flown over the eastern part of Ukraine and one operator already stopped flying over Ukraine in 2011. Six of the surveyed operators flew over the eastern part of Ukraine until MH17 crashed on 17 July 2014. In April, one of these six operators decided to no longer fly over Crimea but did continue to fly over the eastern part of Ukraine. Eight other operators already stopped flying over the eastern part of Ukraine in March and April 2014, stating that it was due to the uncertainty of the situation in the Simferopol FIR (Crimea), with regard to which they were also warned by various aviation authorities.

The Dutch Safety Board also obtained information about the reason behind the decision whether or not to fly there, from interviews with and observations of operators. In one of these interviews, one of the operators stated that the security department constantly

monitored the situation in Ukraine in the months leading up to the crash of flight MH17, but that the focus was on the situation in and around Kyiv, because it was a landing location. The operator deemed the situation in the eastern part of Ukraine to be non-threatening, because it assumed that the fighting parties did not consider civil aircraft to be targets.

Another operator stated that it stopped flying over Ukraine as a whole in March, because it did not consider the situation throughout Ukraine to be adequately safe as a result of the developments in Crimea. This operator did continue to monitor the developments and after the Antonov An-26 was shot down on 14 July 2014, concluded that it had made the right decision, since the aircraft had to have been shot down with a more powerful weapon than a MANPADS.

The investigation also revealed that two U.S. operators were no longer flying over the eastern part of Ukraine as of 14 and 15 July, for practical reasons. When questioned, it turned out that one of the two operators had not planned any flights over the eastern part of Ukraine during the period between 14 and 17 July 2014. The other operators reported that the decision was the result of the NOTAM with the FL320 altitude restriction that was issued after the Antonov An-26 had been shot down. This operator indicated that it was quicker for it to select a different route than to implement the new altitude restriction in its flight plan program. The new NOTAM was therefore the immediate reason for this operator to alter the route and not potential information related to the armed conflict and possible dangers it posed to overflying civil aeroplanes. For that matter, other U.S. operators did not alter their route and continued to fly over the eastern part of Ukraine.

7.8 Analysis: what did Malaysia Airlines do and what did others do?

7.8.1 Malaysia Airlines and other operators

Malaysia Airlines operates according to the requirements for Security and Flight Operations as established in ICAO's international standards and recommended practices. Malaysia Airlines knew that there was an armed conflict on the ground in the eastern part of Ukraine, but assumed that the airspace would be safe based on the official airspace status information, as provided by the national aviation authorities and EUROCONTROL. Malaysia Airlines stated they did not actively seek information and did not actively monitor media reports about the situation in the eastern part of Ukraine. At the same time, Malaysia Airlines did not receive any threat-related information from its own authorities or from other states, international organisations or other operators.

Malaysia Airlines was not approached by any other operators, nor did it receive information via its alliance network. There was also no exchange of information related to the situation in the airspace above the eastern part of Ukraine with KLM, which was the code share partner on flight MH17. Since, based on its own risk analyses, KLM saw no reason to stop flying over the eastern part of Ukraine, there was no reason for KLM to approach Malaysia Airlines regarding any potential risks involved in the route.¹⁷⁰

¹⁷⁰ See also Section 8.

In other words, Malaysia Airlines based its decision virtually exclusively on aeronautical information (selection of NOTAMs) and did not perform its own additional risk assessment.

Insofar as the Dutch Safety Board has been able to ascertain, Malaysia Airlines complies with all standards relevant to 'air operators': the operator has an AOC, through which the Malaysian State indicates that the operator complies with ICAO standards and national regulations. Malaysia has a security programme, with which the operator fulfils the requirements set out in Annex 17 of ICAO. Malaysia Airlines filtered, processed and used aeronautical information for preparing and executing the flight. The way in which Malaysia Airlines prepared the flight therefore complies with the requirements for Security and Flight Operations as defined in ICAO's international regulations.

The Dutch Safety Board observes that, insofar as could be determined, Malaysia Airlines complied with its legal requirements but did not make any additional efforts to obtain an overview of the safety of the airspace above the eastern part of Ukraine. Malaysia Airline's information position related to potential threats in the airspace was limited, in part as a result of decisions it made independently and because the operator was not able to obtain any intelligence related to foreign airspace from its national authorities. At the same time, the question is whether a more effective information position would have led to a different decision with regard to the flight route. Malaysia Airlines was not in a unique situation: there were many operators that were still flying over the conflict area, including operators that did generally seek additional information about conflict areas or operated in a context in which their national authorities played a more informative or steering role.

7.8.2 ICAO

In the State Letter related to Simferopol FIR (Crimea) on 2 April 2014, ICAO stated they would continue to actively coordinate with the parties active in the region with respect to the developments in the realm of flight safety. This may have created expectations that ICAO would continue to monitor the situation in all of Ukraine.

However, after issuing the State Letter up and to the crash of flight MH17, the civil aviation organisation did not take any additional action with regard to Ukraine. ICAO relies on other states for information and stated that it did not receive any information during this period that justified publishing a new State Letter. The statement made by the Ukrainian authorities related to the Antonov An-26 being shot down on 14 July did not constitute a reason for ICAO to take any further action, despite the fact that the statement included the possibility of the involvement of a much more powerful type of missile or the intervention by a fighter aeroplane. In addition, ICAO did not receive a request for assistance from Ukraine (as recommended in ICAO Doc 9554-AN/932), on the basis of which ICAO could have played a role. ICAO stated that it actively seeks verification in the case of unverified reports about a lack of safety in an airspace, first and foremost from the state that manages the relevant airspace. Based on this interpretation of its role, ICAO could have offered Ukraine its assistance and, if necessary, could have issued a State Letter as a precaution. Doc 9554-AN/932 also does not preclude such an active role for ICAO. The Dutch Safety Board does understand ICAO's point of view that it cannot issue a warning or State Letter based on unverified reports or media reports, but it is of the opinion that this does not apply to official statements made by the relevant

authorities. In the Dutch Safety Board's opinion, it would have been appropriate in this regard for ICAO to have requested clarification from Ukraine and/or offered its services, in relation to the statements made by the Ukrainian authorities about the Antonov An-26 being shot down on 14 July.

7.8.3 Other states

Various states collected information about the conflict in the eastern part of Ukraine. Although the FAA issued a warning about Ukraine's airspace at the beginning of March 2014, this was only valid till the end of March and concerned the whole of Ukraine. After the end of April 2014, when the conflict in the eastern part of Ukraine expanded into the airspace, the risk posed to civil aviation by flying over the area was not recognised by any states. States did not issue any specific recommendations related to flying over the conflict area. The explanation for this is that states gathered and assessed the information from a military-strategic and geopolitical perspective. Western states' fear of an invasion of Ukraine by the Russian Federation and the consequences for stability in Europe and the world were paramount. These states did not realise that the conflict could present a risk to civil aeroplanes flying over, even when the fighting increasingly expanded into the airspace and the Ukrainian authorities reported on weapon systems that can reach cruising altitude.

7.8.4 Other operators

From the relatively unchanged number of flights across the area above the eastern part of Ukraine, the Dutch Safety Board deduces that also operators other than Malaysia Airlines did not realise that the armed conflict could pose a risk to civil aviation either. The Dutch Safety Board was able to establish that just one operator decided to no longer fly over Ukraine for safety reasons. However, this decision was already made in March 2014 as a result of developments in Crimea. The armed conflict had not yet erupted in the eastern part of the country at that time. Evidently, most operators considered that there was no reason to assume that civil aviation was in any danger while flying over Ukraine at high altitude.

The investigation highlights the fact that the developments in Crimea were the rationale behind eight of the nineteen surveyed operators altering their flight routes and no longer operate over the eastern part of Ukraine. This took place a few months before 17 July 2014, when there was no or virtually no talk of an armed conflict in the eastern part of Ukraine. Some caution has to be applied when drawing conclusions related to the extent to which operators altered their flight routes.

As mentioned above, just one operator stated that the general safety situation in the Ukraine was the rationale for the decision. Decisions related to altering routes may also arise from other considerations, such as changes in meteorological circumstances, changes in destinations or other operational circumstances. This also applies to the small increase in the number of operators that flew south of the area described in the NOTAMS over the eastern part of the Ukraine.

7.9 Sub-conclusions

1. As operating carrier, Malaysia Airlines was responsible for the safe operation of flight MH17 and therefore for the choice of the flight route on 17 July 2014. The way in which Malaysia Airlines prepared and operated the flight complied with the applicable regulations. Malaysia Airlines relied on aeronautical information and did not perform any additional risk assessment. Malaysia Airlines did not receive signals from other operators or via any other channels indicating that the airspace above the eastern part of Ukraine was unsafe.
2. Malaysia Airlines was also responsible for the safety of the passengers who had booked via its code share partner KLM. Since KLM, just like other operators, saw no safety reason to avoid the airspace above the eastern part of Ukraine, Malaysia Airlines and KLM did not exchange any information about the armed conflict.
3. A single operator decided to stop flying over Ukraine because of growing unrest in the country. This decision was made in March 2014, i.e. before the armed conflict broke out in the eastern part of Ukraine.
4. Insofar as the Dutch Safety Board was able to ascertain, no other operators changed their flight routes for safety reasons related to the conflict in the eastern part of Ukraine after this. This did not change after the Antonov An-26 had been shot down on 14 July 2014, which, according to the Ukrainian authorities, had been done using a more powerful weapon system than MANPADS.
5. Data provided by EUROCONTROL reveal that during the period between 14 up to and including 17 July, 61 operators from 32 states used the airspace above the eastern part of Ukraine. On 17 July 2014, 160 flights were performed in UKDV until the airspace was closed at 15.00 (17.00 CET).
6. Operators - including Malaysia Airlines - assumed that the unrestricted airspace above FL320 over the eastern part of Ukraine was safe. This was despite the fact that the conflict was expanding into the air and that, according to the Ukrainian authorities, weapon systems were being used that could reach civil aeroplanes at cruising altitude.

7. When, between the end of April and July, the armed conflict in the eastern part of Ukraine expanded into the airspace, not a single state, for as far as the Dutch Safety Board was able to ascertain, explicitly warned its operators and pilots that the airspace above the conflict zone was unsafe, nor did they issue a flight prohibition. States that did gather information about the conflict in the eastern part of Ukraine were focusing on military and geopolitical developments. Possible risks to civil aviation went unidentified.
8. During the period in which the conflict in the eastern part of Ukraine expanded into the airspace, ICAO did not ask the Ukrainian authorities about airspace management and did not offer any assistance. This did not change after the statement made by the Ukrainian authorities on 14 July 2014 on the Antonov An-26 that had been shot down.

8 THE STATE OF DEPARTURE OF FLIGHT MH17 - THE ROLE OF THE NETHERLANDS

8.1 Introduction

The crash involving flight MH17 on 17 July 2014 raised the question why operators were flying over the eastern part of Ukraine when there was an armed conflict in the area. In the Netherlands, this was followed by the question whether there was anything the Dutch State could have done to prevent the crash.¹⁷¹ This was because there were 193 Dutch citizens on board, because the aeroplane departed from the Netherlands and because eleven passengers booked their flight with a Dutch operator (KLM).

The Dutch Safety Board has investigated the extent to which the state in which an international flight takes off must - or can - play a role in the decision-making related to flight routes. Firstly, this role concerns flights by operators based in the state in question, because the ICAO framework provides states with room to inform, warn or prohibit operators based in their territories from crossing certain airspaces. However, citizens from these states can also travel with operators that are based in another state. It is therefore conceivable that states, out of concern for their citizens, share information related to threats with all operators that operate flights from these states. In this Section, the situation in the Netherlands was chosen as a starting point because the Netherlands was the state of departure for flight MH17. The Dutch Safety Board is of the opinion, however, that other states can also draw lessons from the findings.

Specific research questions for this Section are:

- What role did the Dutch State play in the decision-making process with regard to the flight route of flight MH17, which took off from the Netherlands?
- What options did the Dutch State have to influence the decision-making related to foreign flight routes?
- What indicators did the Dutch State (including the intelligence and security services, the AIVD and the MIVD¹⁷²) have with regard to the safety of the flight route used by flight MH17 in the airspace above the eastern part of Ukraine?

The investigation by the CTIVD

At the request of the Dutch Safety Board, the Dutch Minister of the Interior and Kingdom Relations and the Dutch Minister of Defence asked the Dutch Review Committee for the Intelligence and Security Services (CTIVD) to conduct an investigation into the question whether the AIVD and the MIVD have a legal duty with regard to the decision-making pertaining to flight routes and how they implement it. The CTIVD is the body in the

¹⁷¹ See for example Dutch Parliamentary documents II, 2014/2015, 33997, No. 36.

¹⁷² AIVD: General Intelligence and Security Service of the Netherlands. MIVD: Military Intelligence and Security Service of the Netherlands.

Netherlands that monitors the legality of the implementation of the Intelligence and Security Services Act and the Security Clearances Act, and is authorised to view classified information.

The CTIVD's report¹⁷³ answers the following questions:

- Do the Services have a legal duty with regard to the security of flight routes through foreign airspace?
- How is the formal consultation structure organised between the AIVD and the MIVD and the civil aviation parties with regard to security issues, and what information exchange takes place in this respect?
- What information did the Services possess prior to the crash regarding the security of civil flights above the eastern part of Ukraine, and did they share this knowledge with external parties?

8.2 Formal responsibilities for flight MH17

As explained in Section 4, states are responsible for managing the airspace within their borders (See Figure 76). States shall make all reasonable attempts to ensure the safety of civil aviation in the airspace. They can decide to open, close or restrict the airspace for civil aviation. It is their sovereign right to do so. In the case of flight MH17, the State of Ukraine was responsible for the airspace management in the area where the crash occurred.

Based on the decisions made by the Ukrainian authorities, on 17 July 2014 civil aeroplanes were permitted to use the airspace above the conflict area (Dnipropetrovsk FIR) above FL320. This also applied to Malaysia Airlines flight MH17 (also see Section 6 and 7).

Flight MH17 was a flight operated by a Malaysian operator. It is regulated by the Malaysian authorities. Only the State of the Operator, i.e. Malaysia, could (in theory) have prohibited the operator from using the open flight route above the conflict area or have issued the operator with recommendations or instructions related to flying over the area. Regardless of whether Malaysian legislation offers this possibility, it can be established that the Malaysian authorities did not issue any flight prohibition or restriction. The responsibility for the decision to fly over the area is therefore fully borne by Malaysia Airlines.

The above means that Ukraine, Malaysia and Malaysia Airlines bore certain responsibilities with regard to the operation of flight MH17 based on national and international law. The Dutch State did not bear such responsibilities. A state does not bear any responsibility with regard to flights operated by a foreign operator in foreign airspace, even if the operator departs from the state's territory.

¹⁷³ See Appendix T. The CTIVD is responsible for the content of the appendix, including the terminology used. This may deviate from the terminology used by the Dutch Safety Board.

The fact that a code share agreement with KLM applied to flight MH17 had no impact on the Dutch State's responsibilities. According to this agreement, the operator that actually operates the flight is responsible for the flight's safety (see also Section 4).¹⁷⁴ Based on this agreement, KLM also had no obligation to warn Malaysia Airlines about any potential danger.¹⁷⁵

8.3 The options open to the Dutch State in relation to flight routes

Although the Netherlands played no formal part in selecting the route taken by flight MH17, it is conceivable that the state could have informally exerted some influence, such as by warning operators about threats posed by the conflict area. The Chicago Convention and its Annexes, provide room for States to prohibit operators based in their territory from using foreign airspace, or issue recommendations on the matter (see also Section 7). Every state, so also the state of departure, can provide information about foreign airspace. Although this type of information is usually intended for its 'own' operators, it can also be made available to operators that take off or land in the state issuing the information or fly through its airspace.

This Section describes how the Dutch State interprets its role with regard to these types of situations.

8.3.1 Civil aviation safety in the Netherlands

In the Netherlands, the responsibility for the safety and security of the airspace is shared between different departments.¹⁷⁶ The NCTV¹⁷⁷ is responsible for civil aviation security in the Netherlands. This concerns the measures at aerodromes that are meant to prevent unlawful acts that form a danger to civil aviation.

The Ministry of Infrastructure and the Environment is responsible for civil aviation safety and is also responsible for in-flight security. An aircraft is deemed 'in flight' as from the moment that the exterior doors are closed after boarding and the engine power is used to take off. This part of aviation security is specifically related to security measures on board an aircraft. These measures are often subject to the certification requirements of the aircraft (think of the reinforced cockpit doors). An exception to this is the deployment of air marshals.¹⁷⁸ The deployment of air marshals takes place under the responsibility of the Ministry of Security and Justice because it involves a policing task. As soon as the door of the aeroplane is closed, in the context of this report and Section (security), it becomes a matter of 'in-flight security', not 'in-flight safety'.

¹⁷⁴ In accordance with the code share agreement between KLM and Malaysia Airlines. This is a common provision in such agreements.

¹⁷⁵ KLM states that it would have passed on any actual threat-related information to code share and alliance partners if any had existed. However, KLM, partly based on informal contacts with the Dutch intelligence services and other airlines, did not perceive any threat and also flew over the eastern part of Ukraine.

¹⁷⁶ Ministry of Security and Justice/NCTV: National Civil Aviation Security Programme (NCASP), April 2014.

¹⁷⁷ The National Coordinator for Security and Counter-terrorism (NCTV), part of the Ministry of Security and Justice.

¹⁷⁸ An air marshal or sky marshal is an armed, plain-clothed security officer who travels on a commercial aircraft to combat any potential acts of terrorism.

Dutch airspace security is the joint responsibility of the Ministry of Infrastructure and the Environment and the Ministry of Defence. Air traffic services security (including air traffic control) also falls under the primary responsibility of the Ministry of Infrastructure and the Environment. Whenever the Ministry of Security and Justice bears primary responsibility, the Ministry of Infrastructure and the Environment is involved, and vice versa.

In the Netherlands, aerodrome security falls under the responsibility of the NCTV. With regard to the aerodromes, the NCTV is the competent authority for the Royal Netherlands Marechaussee. The Royal Netherlands Marechaussee is charged with the execution of the policing task at Schiphol Airport and at the other aerodromes indicated by the Minister of Security and Justice and the Minister of Defence, as well as with civil aviation security. For aerodrome security, the NCTV, in the context of the Counterterrorism Alert System, asks the AIVD, the MIVD and the Central Intelligence Service of the National Police (DLIO) to produce semi-annual updates of the threat analysis for civil aerodromes. The NCTV acts on the basis of the information provided by the services and the police.

In its threat analysis, the AIVD not only includes threats to national aerodromes, but also associated threats to inbound aeroplanes in the Netherlands (e.g. those arriving from risk areas), threats to Dutch operators abroad (e.g. the safety of a Dutch crew during their stay abroad), the security at foreign destination aerodromes, threats from terrorist groups to civil aeroplanes that are going to land in or possibly overfly the Netherlands and threats to aircraft departing from the Netherlands (e.g. a threat in the Netherlands).¹⁷⁹

Once a year, the NCTV produces a threat analysis for the aviation sector, which primarily concerns national aspects and the threat of terrorism in the Netherlands. This also includes attacks inside the aeroplane or external attacks directed at the aeroplane in Dutch airspace.

Dutch operators can also ask the Dutch intelligence services for information about potential threats abroad. In the event of an actual threat against Dutch operators, the authorities consider it their duty to actively share information. The intelligence and security services play a major role in this respect (see paragraph 8.3.2). In other words, the Netherlands provides information to operators both on request and on an unsolicited basis, but does not issue any recommendations pertaining to flying over conflict areas. In interviews with the Dutch Safety Board, respondents from the NCTV and the Ministries of Infrastructure and Environment and Foreign Affairs provided the following reasons for this:

- The state that manages the airspace may view any interference with this management as a violation of its sovereignty, which could damage diplomatic relations with the state concerned;
- Operators are responsible for safe flight operations. By directing in this area, the state assumes this responsibility and this is not a desirable situation;
- The Netherlands can never have sufficient information at its disposal to guarantee the safety of civil aviation (and civilians in general) in other states;

¹⁷⁹ See Appendix T.

- The state has no legal power to impose an over-flight prohibition pertaining to other states on national operators, and furthermore has no right to impose such a prohibition on foreign operators departing from the Netherlands;
- Adopting a directing role with regard to flying over other states could result in an increase in liability claims.

Despite the above, the Ministry of Foreign Affairs has recently begun including advice concerning the flight route - if relevant - in travel advice about areas with a possible threat.¹⁸⁰

8.3.2 The tasks of the AIVD and the MIVD

In short, the legal security duties of the AIVD and the MIVD involve the Services conducting investigations into threats to national security.¹⁸¹ In doing so, the AIVD focuses on civil aspects and the MIVD on military aspects. The AIVD and the MIVD are also charged with the task of conducting investigations regarding other states.¹⁸² This is called the foreign intelligence task. The AIVD and the MIVD also have a task to promote measures to protect the interests served by the Services.¹⁸³ This is called the security promotion task.

The legal security and intelligence tasks of the AIVD and the MIVD do not include conducting independent investigations into the safety of foreign airspace, and thus into the safety of flight routes that use it.¹⁸⁴ This is because the Services' task allocation is linked to the central government's responsibilities. The Dutch authorities have no control over and thus no responsibility for any foreign airspace. The safety of foreign flight routes, however, is part of the AIVD's security promotion task.¹⁸⁵ This is not an independent investigative duty, but a task that is mainly fulfilled using information collected by investigations performed as part of the security and intelligence task.

As part of its security promotion task, the AIVD makes a contribution to the provision of information to Dutch operators, by sharing information about actual threats, on its own initiative, with the NCTV and Dutch operators and also by acting as a source of information for Dutch operators. For this purpose, the AIVD has an account manager for the civil aviation sector who maintains contact with (among others) the security managers of Dutch operators. The CTIVD concludes that, as part of the AIVD's security promotion task, the Service cannot be expected to independently assess which information operators need. Therefore, operators are expected to take the initiative; they have to approach the AIVD.¹⁸⁶

¹⁸⁰ One example is the travel advice for Egypt, Jordan and Israel. It warns of threats in the airspace above the Sinai desert: 'The air traffic that makes use of the airspace above the Sinai may encounter a terrorist threat. Prior to your trip, ask your airline or travel organisation whether they take this threat into account with the flight route.' <http://www.rijksoverheid.nl/onderwerpen/reisadviezen>, consulted on 22 July 2015.

¹⁸¹ This is the so-called 'a' task of the AIVD (Article 6 paragraph 2 subsection a Wiv 2002) and the 'a' and 'c' tasks of the MIVD (Article 7 paragraph 2 subsections a and c).

¹⁸² This is the so-called 'd' task of the AIVD (Article 6 paragraph 2 subsection d Wiv 2002) and the 'e' task of the MIVD (Article 7 paragraph 2 subsection e).

¹⁸³ This is the so-called 'c' task of the AIVD (Article 6 paragraph 2 subsection c Wiv 2002) and the 'd' task of the MIVD (Article 7 paragraph 2 subsection d). This task of the MIVD is completely concerned with the defence sector, including the defence industry. Civil aviation is not part of its scope.

¹⁸⁴ See Appendix T.

¹⁸⁵ This task focuses on promoting the protection of important and vulnerable parts of society in the Netherlands (see Appendix T).

¹⁸⁶ See Appendix T.

The MIVD shares actual threat information with the NCTV. The MIVD maintains only informal contacts with the operator KLM.

The AIVD has shared actual threat information in the past. This was done, for example, in October 2013, when there were indications that armed groups in the Sinai desert (Egypt) possessed portable surface-to-air missiles and that they had the intention of shooting down civil aeroplanes. At the time, the AIVD issued a report to the NCTV, the Ministry of Foreign Affairs and Dutch operators.¹⁸⁷

In accordance with the AIVD's policy, the Service considers there to be an actual threat if three threat factors are present: capacity (availability of resources), potential (capabilities of resources and actors) and intention (motives). The AIVD uses these factors to estimate the severity and probability of a threat. The MIVD uses slightly different terminology, but adopts a similar approach for determining a threat. The MIVD derives intention from the objective (or strategic objective) of the enemy or group, its ideology and its military doctrine. The MIVD includes the possibilities of the resources and of the actors (potential) in the capacity factor and also uses the activity factor (the series of acts involved in executing the threat).

The CTIVD concluded that the threat factors used by the AIVD and the MIVD constitute an effective basis for assessing whether an actual threat exists. The Committee does however recommend that the Services examine the extent to which they can align the terminologies they use.¹⁸⁸

8.3.3 The tasks of the NCTV

Setting rules or issuing recommendations about flying through foreign airspace is not one of the NCTV's tasks. However, if, for example, information from the intelligence services (that is not directly related to the NCTV's legal duty) is received by one of the NCTV directorates, the NCTV, the Ministry of Foreign Affairs and the Services do share it with parties whom it could benefit. This also applies to information related to risks to civil aviation in foreign airspace.

The investigation of the Dutch Safety Board demonstrates that the NCTV bases the severity and probability of a threat on threat factors: capacity (availability of resources), potential and intention. Potential refers to the possibilities of the resources and actors to actually cause damage (in this case to aviation). Intention presupposes acting with a preconceived motivation. The NCTV only considers there to be an actual threat if there is potential and intention. In that case, the NCTV will actively issue a warning to operators. When there is potential, but there are no indications of intention, the NCTV does not consider it has any role to play. The NCTV assumes that, in such a case, other parties (i.e. the State that manages the airspace as well as the operators) will take responsibility.

¹⁸⁷ See Appendix T.

¹⁸⁸ See Appendix T.

8.4 What information did the Dutch State possess and what did it do with it?

This Section describes how the Dutch State acted with regard to flying over the conflict area in the eastern part of Ukraine prior to the crash involving flight MH17. In doing so, it addresses the main sources of information, the information related to the armed conflict and possible threats to civil aviation (especially Dutch operators) that was available, and what was done with this information.

8.4.1 Information position

During the months leading up to the crash of flight MH17, the Netherlands gathered information about the situation in Ukraine both via the intelligence and security services and from the embassy in Kyiv. With regard to military developments, the Netherlands had virtually no information position in Ukraine from the autumn of 2013 onwards. A Dutch team that was once put together to conduct observations in Ukraine was dismantled in August 2013.

The AIVD did not have a separate investigative mission focusing on Ukraine. The AIVD did conduct an investigation into the Russian Federation, which originated from the 2011-2016 Foreign Intelligence Designation Order. This concerns the AIVD's foreign intelligence task. As part of this task, the AIVD gathers intelligence that can support the government in determining foreign policy and conducting international negotiations. This is also called 'political intelligence'.

When the unrest in Ukraine escalated from February 2014, the Ministry of Foreign Affairs requested the AIVD to also report on developments in political circles in Ukraine in March 2014. During the period prior to the crash, the AIVD team's focus was on the political power play in Ukraine and the Russian influence on the latter. The AIVD team examined the information it received from this perspective. The AIVD team did not collect information related to the military capacities of the parties involved in the armed conflict in the eastern part of Ukraine. The team did receive information that offered a broader perspective of the conflict in the eastern part of Ukraine and of the military capacities and activities of the parties involved. The team used this information as background information to support its investigative mission.

The MIVD did not have an investigative assignment focused on Ukraine.¹⁸⁹ However, there was an MIVD team that focused on the Russian Federation's foreign, security and defence policies. This involved the team examining the proliferation of Russian weapons, military knowledge and technology. In March 2014, the MIVD was assigned the mission of providing weekly reports on the crisis between Ukraine and the Russian Federation. This led to a slight shift in the focus of the investigation into Russian military capacities and capacities in the vicinity of Ukraine. Attention was also devoted to the possible threat of a Russian invasion of Ukraine. This working method provided a more complete picture of the Russian capacities than those of the Ukrainian armed forces and the armed groups that were fighting the Ukrainian government.¹⁹⁰

¹⁸⁹ See Appendix T.

¹⁹⁰ See Appendix T.

Some of the information about the situation in the eastern part of Ukraine that the Dutch State possessed originated from the Dutch embassy and from the defence attaché who worked there. The defence attaché falls under the responsibility of the Chief of Defence and reports in the first instance to the Ministry of Defence, although he can also gather information to benefit the MIVD's implementation of its tasks. He serves as a (military) adviser to the ambassador (Chef de Poste). In 2013 the Netherlands had a defence attaché for Ukraine, but the post in Kyiv was a 'travelling defence attaché post' based at the station in The Hague. The post in Kyiv was combined with the ones in Warsaw and Prague. The defence attaché visited the post in Kyiv three or four times a year.

From the end of February 2014, when internal tensions and concern about the role of the Russian Federation therein increased, the role of travelling defence attaché was scaled up to ultimately become a permanent station in Kyiv ('resident defence attaché). Henceforth, the defence attaché was assigned the mission of making an inventory of the parties in the conflict, noting significant developments and indicating their possible consequences for the Netherlands and Europe.

The defence attaché's tasks did not include identifying potential risks to civil aviation. He had no contact or virtually no contact with Dutch operators.

8.4.2 The information that was available

8.4.2.1 The MIVD and the AIVD

The MIVD had information that, in the months prior to the investigation into the crash of flight MH17, the groups fighting the Ukrainian government were increasing their military capability. They were also trying to get hold of anti-aircraft systems, because they were being attacked from the air by Ukrainian armed forces. The MIVD knew that the armed groups possessed MANPADS and possibly short-range 'vehicle-borne' air defence systems. Both types of systems are considered surface-to-air missiles (SAMs), but do not pose a threat to civil aviation at cruising altitude due to their limited range.¹⁹¹ Statements made by NATO General Breedlove at a press briefing on 30 June 2014 about build-up of weapons and training across the border in the Russian Federation (see Section 5) contained little new information for the MIVD. The terms 'vehicle-borne capability' and 'air-defence vehicles' are generic and are also used to refer to short-range air defence systems.

The AIVD was also aware that the groups fighting the Ukrainian government were obtaining more and increasingly powerful weapons during the months leading up to 17 July, including MANPADS and possibly short-range, vehicle-borne air defence systems.

On 16 July, the AIVD received a report from a reliable source stating that there was no information to indicate that the armed groups fighting the Ukrainian government possessed anti-aircraft systems which could have downed the Antonov An-26 from 6,500 metres on 14 July (see Section 5).¹⁹²

¹⁹¹ See Appendix T (Section 5.2.2. of the CTIVD report).

¹⁹² See Appendix T.

The MIVD launched an investigation into the downing of the Antonov An-26 on 14 July. The reason for this were the statements in the media by the Ukrainian authorities that the aeroplane was flying at 6,500 metres¹⁹³ and was shot down with a powerful anti-aircraft system (a medium-range surface-to-air missile or an air-to-air missile) by, or even from inside, the Russian Federation. If this was the case, then Russian participation in the conflict would have become a fact; this was sufficient reason for the MIVD to launch an investigation. On 17 July 2014, the MIVD shared the results of this investigation with several parties, including the NCTV and the AIVD. According to the MIVD's assessment, it was unlikely that the Antonov had been shot down with a powerful air defence system (aside from the question of whether this occurred inside Russian territory). Images of the wreckage and eye witness statements showed that the aeroplane was struck in the right engine and that subsequently 5 to 6 parachutes appeared. After these events the Antonov crashed. On the basis of this information the MIVD concluded that the damage to the aeroplane was not consistent with the damage that would be caused by a powerful anti-aircraft system. In that case the aeroplane would have been destroyed in the air. According to the MIVD the wreckage and the eyewitnesses support the fact that the aeroplane was downed with a MANPADS originating from inside Ukrainian territory. This is only possible if the Antonov was flying considerably lower than 6,200m or 6,500m. Another possibility is that a short-range vehicle-borne air defence system was used. The information received from the MIVD does not point to the use of a powerful air defence system. The possibility that the aeroplane was shot down with an air-to-air missile was not mentioned.

The CTIVD established that neither Service possessed any information prior to 17 July 2014 that indicated that the groups fighting the government had operational and powerful air defence systems such as a Buk (SA-11). Although the MIVD had various unconfirmed reports that the armed groups had at least one Buk M1 (SA-11), most probably from the Ukrainian air defences, based on various reliable intelligence sources, the MIVD concluded that the system was not operational. Both the MIVD and the AIVD possessed information that the armed groups fighting the government were motivated to shoot down military aircraft. However, the services had no indication that the armed groups had the intention of shooting down a civil aeroplane.

The CTIVD's investigation revealed that the MIVD and the AIVD possessed information that the Ukrainian and Russian forces did have powerful air-defence systems. The Russian armed forces on the territory of the Russian Federation near the border with the eastern part of Ukraine; the Ukrainian armed forces in the west of Ukraine and a number in the eastern part of the country. The Services did not possess any information indicating that one of these actors had the intention to shoot down a civil aeroplane.

The CTIVD concluded that the Services had no indications of an actual threat against civil aviation prior to the crash of flight MH17. The material available to the Services does not indicate that any of the actors involved in the armed conflict in the eastern part of Ukraine displayed a combination of military resources, abilities and the intention to shoot down a

¹⁹³ In a briefing for diplomats, an altitude of 6,200 metres was mentioned; in response to additional questions by the Dutch Safety Board, in July 2015 an altitude of 6,300 metres was mentioned.

civil aeroplane at cruising altitude prior to the crash. The CTIVD concluded that, based on the available information, the MIVD and the AIVD could not have been expected to identify any actual threat to civil aircraft above the eastern part of Ukraine or share it with external parties. During the investigative period (January 2014 through 17 July 2014), neither Service received an explicit or implicit warning from its foreign partner services concerning a risk to civil aviation above the eastern part of Ukraine.

The CTIVD has also established that none of the Dutch operators contacted the MIVD or the AIVD to enquire about the security situation in the eastern part of Ukraine prior to 17 July 2014.

8.4.2.2 *Embassy of the Netherlands in Kyiv*

The Dutch Safety Board investigated what information the Embassy of the Kingdom of the Netherlands to Ukraine, including the defence attaché stationed there, possessed. From the time when the internal tensions began to intensify in Ukraine (beginning of 2014) until the crash on 17 July, many hundreds of messages were sent from the embassy to the Ministries of Foreign Affairs and Defence. From March 2014, the messages reveal that, on weekdays, one or more updates related to the situation in Ukraine were sent virtually daily. Initially, the emphasis was on the situation in the Crimea, but later, attention shifted to the eastern part of Ukraine, where the conflict between armed groups and the Ukrainian government escalated.

The reports mainly pertained to instability, developments in the fighting between Ukrainian armed forces and the armed groups, and the possible role of the Russian Federation therein. This was all viewed from a military-strategic and geopolitical perspective: what were the consequences for Ukraine's political (in)stability, and what dangers did the Russian Federation's troop movements and build-up of weapons pose to the security of Ukraine and Europe?

None of the messages make any connection to risks posed by the conflict in the eastern part of Ukraine to overflying civil aeroplanes.¹⁹⁴ Even the defence attaché who, as already mentioned, was responsible for making an inventory of military developments, admitted that he did not make any connection between the developments on the ground and overflying civil aviation. The defence attaché participated in a weekly consultation with defence attachés from other - mainly Western - states, also in the context of NATO, about matters that included the military developments in the eastern part of Ukraine. They noted that the fighting was expanding into the air, and that the armed groups were trying to neutralise the air superiority of the Ukrainian armed forces from the ground. According to the Dutch defence attaché, there was no mention of potential risks posed by this escalation to civil aviation at any of these meetings. According to him, there was no awareness that civil aviation routes existed above the conflict area. The defence attachés from the different states jointly evaluated the crash of flight MH17. Their conclusion was that nobody had considered the possibility of a civil aeroplane being shot down.

¹⁹⁴ Section 5 explains that such a link does appear to have been made in an OSCE memorandum from March 2014 regarding Crimea, which also reached the Dutch embassy.

The reports from the embassy reveal that, prior to 17 July 2014, there were several reports of a military aircraft being shot out of the air. The downing of the Antonov An-26 on 14 July 2014 was also mentioned. As mentioned in Section 5, the Presidential Administration held a closed briefing for heads of the diplomatic missions in Ukraine on the same day. A representative from the Dutch embassy attended this meeting.¹⁹⁵ In the briefing's report, the representative mentioned this fact, but did not make any connection with the possible risks to civil aviation. The report explains that the Ukrainian authorities viewed the incident as proof of increasing involvement of the Russian Federation in the armed conflict and that they expected a reaction as well as solidarity from their international allies. The report reveals that the embassy staff member concluded that Ukraine, supported by the U.S. ambassador, was trying to put pressure on the upcoming European Council to expand sanctions against the Russian Federation.

8.4.2.3 The NCTV

The NCTV claimed not to have played any significant role in analysing the situation in the eastern part of Ukraine. According to the NCTV, the information from the eastern part of Ukraine was only of importance to the Dutch State because of the conduct of the Russian Federation and its potential geopolitical consequences. According to the NCTV, none of the Dutch parties involved, nor other states, made any connection between the conflict and risks to civil aviation. Based on previously attacked targets and the nature of the conflict, the NCTV saw no reason to assume that Dutch targets would be attacked *deliberately*. For the NCTV, the presence of intention constitutes part of the basis for establishing a threat. In this case, according to the NCTV, the Dutch State could be of little use to the Dutch operators because the NCTV did not possess any information that pointed to an actual threat.

In the aftermath of the crash, the NCTV mainly focused on crisis management.¹⁹⁶ On 31 August 2014, the NCTV compiled an account of facts on behalf of the Ministerial Crisis Management Committee (MCCb) regarding the Dutch information position and information provision during the period leading up to the shoot-down of flight MH17 on 17 July 2014.¹⁹⁷ This reveals that there was no information that pointed to any danger to civil aviation above an altitude of 9,900 metres. The NCTV received information about surface-to-air missiles in the eastern part of Ukraine on two occasions. On 27 June 2014, the NCTV learned from the MIVD that groups that were fighting the Ukrainian government possessed (among other things) portable surface-to-air missiles (MANPADS). On 17 July, the MIVD sent a report to the NCTV's Threat and Risk Analysis Department, containing the results of the investigation into the downing of the Antonov An-26 on 14 July 2014. The account of facts also reveals that, on 17 July the MIVD reported to the NCTV it possessed intelligence indicating that Russian SA-11 and SA-20 surface-to-air missiles¹⁹⁸ were present on Russian territory near the border with the eastern part of Ukraine, but that their actual use could not be established by radar data. Moreover, the account of facts reveals that, according to the MIVD, there were also various unconfirmed reports

¹⁹⁵ According to the report by the embassy staff member, representatives were present from the embassies of the EU Member States, the US, Canada, Brazil and Japan.

¹⁹⁶ See The Dutch Safety Boards' Report *MH17 - Passenger information*.

¹⁹⁷ This concerns an internal memorandum that was not adopted officially.

¹⁹⁸ An SA-11 is the U.S. term for a type of Buk, a medium-range anti-aircraft missile. The SA-20 is a long-range anti-aircraft missile.

that the groups fighting the Ukrainian government possessed at least one Buk-M1, which probably originated from the Ukrainian air defence. As mentioned above, the CTIVD established that the MIVD knew from several reliable intelligence sources that the system was not operational.¹⁹⁹

In summary it can be stated that the Dutch authorities did not perceive any threat to civil aviation above the conflict area in the eastern part of Ukraine. For this reason, they also did not consider that there was any rationale for actively informing or warning operators. During the period prior to the crash of flight MH17, operators did not request any information from the AIVD or the MIVD about the security situation in the eastern part of Ukraine either.

8.5 Analysis

In the system of responsibilities there are explicit responsibilities related to states' management of the airspace, to operators operating a flight, and to the supervision of the operators based in the state concerned. The state of departure as such does not feature in this explicit distribution of responsibilities (see also Figure 76 in Section 4).

The Chicago Convention and its Annexes do not hinder ICAO Member States in the provision of advice to foreign operators about flying through the airspace of an other state. This also applies to the state of departure and foreign operators departing from that state. The ICAO framework offers states the possibility of promulgating legislation that makes flight prohibitions for foreign airspace possible for operators and airmen from that state. Section 7 describes how a number of states, for example the U.S., the U.K. and Germany, make use of the possibility to promulgate a flight prohibition.

The Dutch Services did not possess any information that indicated an actual threat to civil aviation above the conflict area in the eastern part of Ukraine. There were no indications that the groups involved in the armed conflict had the intention of targeting civil aviation and there were no indications that the groups that fought against the Ukrainian government possessed the capability to hit aeroplanes at cruising altitude. For that reason, no warning was issued to the operators. Nor did other states issue warnings to operators about flying over the conflict area in the eastern part of Ukraine.

The Dutch information position in the spring of 2014 regarding the eastern part of Ukraine was still being built up and the focus was predominantly on developments related to the Russian Federation. This was not relevant to flight MH17: states with a more effective information position did not establish any actual threat either (see Section 7).

The Dutch State considers it its responsibility to actively inform operators based in its state in case of an actual threat. Foreign operators that depart from the Netherlands do not receive such information from the Dutch State. Moreover, Dutch operators have the possibility of requesting security information about other states (demand-driven). The AIVD and the MIVD both play a role in this respect. The Dutch authorities do not consider it their task to advise operators or to prohibit them from flying over a conflict area.

In foreign travel advice to Dutch travellers concerning risk regions the Ministry of Foreign Affairs will also in some cases issue a warning about the flight route to a destination. Such advice is an example of an initiative that is being taken by the Dutch government despite the lack of formal responsibility for the safety of flight routes.

After the crash of flight MH17, the Ministries of Infrastructure and the Environment, Security and Justice, and Foreign Affairs consulted with Dutch operators (KLM, Corendon, ArkeFly) and the Dutch Airline Pilots Association to establish a system of information exchange and risk analyses.²⁰⁰ Such a consultation is most valuable if it is given a fixed structure. This increases the likelihood that parties assess conflicts from a mutual perspective and that an integrated risk assessment occurs.

The Dutch Safety Board will return to the cited basic principle of an actual threat, as adopted by the Dutch State as well as by many other states and operators, in Section 9 of this report.

8.6 Sub-conclusions

1. As state of departure of flight MH17, the Netherlands bore no responsibility for issuing Malaysia Airlines, an operator based abroad, with recommendations or indications about flying over the eastern part of Ukraine, or for prohibiting it from using the airspace.
2. The Netherlands did not have authority based on Dutch legislation to impose a flight prohibition on operators under their control from flying in foreign airspace.
3. Prior to the crash of flight MH17 on 17 July, the Dutch intelligence and security services did not have any information about an actual threat to civil aviation using the airspace above the eastern part of Ukraine.

²⁰⁰ Ministry of Security and Justice, State of Affairs letter MH17, 30 June 2015.

9 ASSESSING THE RISKS PERTAINING TO CONFLICT ZONES

9.1 Introduction

In order to be able to learn from the crash of flight MH17, it is important to investigate whether general factors, that go beyond this particular case, play a role. In this Section, the Dutch Safety Board identifies factors that play a role in the risk assessment process related to flying over conflict areas and that are not unique to the crash of flight MH17. This Section begins with a summary of the findings pertaining to the crash, followed by an analysis of risk assessment processes in relation to flying over conflict areas. This is intended as a preamble to this report's final conclusions and recommendations.

In addition to information from previous Sections, the Dutch Safety Board for this Section used supplementary information about the practices that states and operators generally employ in their risk assessments (see Appendix U).

9.2 MH17: no integrated risk assessment

This investigation reveals that, prior to the crash of flight MH17, none of the parties involved adequately identified potential threats that the conflict in the eastern part of Ukraine posed to civil aviation flying over the area.

- The decision-making process related to Ukrainian airspace was dominated by the military authorities and the interests of military aviation. The Ukrainian authorities did not adequately assess the risk for civil aviation.
- Most operators assumed that an airspace which is not closed must be safe. Operators adapted their flight plans to accommodate the airspace restrictions, but did not make a connection with the armed conflict taking place below. Insofar as the Dutch Safety Board has been able to ascertain, there was one operator that discontinued its flights over that area out of caution due to the increasing unrest in Ukraine. But that was already before the armed conflict had arisen in the eastern part of the country.
- Nor, insofar as the Dutch Safety Board has been able to ascertain, between the end of April and 17 July 2014, was there any state that prohibited operators based in that state from flying over the area, or explicitly warned of possible threats in the airspace of the eastern part of Ukraine as a result of the conflict. There were states - although certainly not all states - that collected information about the conflict; they did so from a geopolitical and military perspective and did not make any connection to the risks to civil aviation flying overhead.

The parties involved (Ukraine, operators, other states and international organisations) viewed the armed conflict from their own respective domains, with their own specific focus. In their risk assessments, operators primarily focus on threats on the ground

(origins and destinations, for example in relation to the aerodrome), flight crew, passengers, luggage and the aeroplane. When it comes to flying over conflict areas at high altitudes, almost all operators assume that any open airspace is safe. This was also the case with regard to the eastern part of Ukraine: the operators did not focus at all on the developments in the conflict on the ground in relation to the overflight thereof.

The focus on risks on the ground (place of departure and destination) partly arises from Annex 17 to the Chicago Convention. This does not explicitly include the assessment of potential threats in foreign airspace at cruising altitude, although it does not preclude States from assessing such risks as necessary. The operators therefore focus on the safety of their take-off and landing locations. The crash involving flight MH17 reveals a lack of regulations related to risk management with regard to threats to the upper airspace.

On the basis of this risk assessment method, the risks of flying over the eastern part of Ukraine were not identified. An integrated risk assessment, whereby parties also look at domains other than their own, and in which knowledge about the interpretation of the conflict was combined, was lacking. In retrospect, an integrated assessment should have led to the safety of civil air traffic being given more weight in the airspace's management, that operators would also have scrutinised developments in the armed conflict on the ground, and that states who collected information about the armed conflict would have been more aware that there was a major corridor of civil aviation above.

In the system of responsibilities, the emergence of a weak link (the airspace management) did not lead to other parties taking action to help ensure the safety of civil aviation above the conflict area. This raises the question how risk assessments can be improved in such situations.

9.3 Aviation in relation to conflict zones: patterns of risk assessment

On the basis of the investigation, the Dutch Safety Board identified a number of patterns in risk assessments (for a detailed explanation, see Appendix U). These patterns apply to states as well as operators. States can play a major role in the decision-making on overflying of conflict areas, because they usually have other options for gathering intelligence than operators. Operators take the decision to actually use flight routes in airspaces.

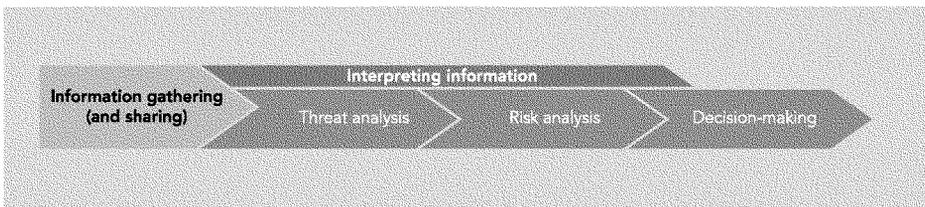


Figure 88: Steps involved in the risk assessment process. (Source: Dutch Safety Board)

The risk assessment process can be divided into several steps. The first step involves gathering (and sharing) information, i.e. gathering information from various sources related to a potential threat and sharing information with other parties²⁰¹ ('what could happen, is there intention and capability?'). After the information has been gathered, the following steps take place:

- Threat analysis: determining the probability of a threat occurring;
- Risk analysis: the assessment of the risks for the operator, based on vulnerability and consequences;
- Decision-making: deciding whether or not to fly. If so, are additional measures necessary?

As described in Section 6, armed conflicts are characterised by a high degree of unpredictability. The state responsible for the management of the airspace does not, in the event of a conflict, always have control of the territory under the airspace. It is often unclear who possesses which types of weapon systems and whether or how they will be used in the conflict. If non-state related parties are involved, they may not always regard themselves as bound by international treaties and conventions. As a result, such conflicts could constitute a risk to civil aviation.

There are areas in the world other than the eastern part of Ukraine where armed conflicts are occurring. The lessons that can be learned from the crash of flight MH17 can contribute to a more effective risk assessment, also for these areas.

9.3.1 Information gathering

Although operators can gather information about what is going on in a conflict area with the help of public information, this information also has its limitations. For information from intelligence sources, the operators are dependent on intelligence services of states. Although operators also have security departments, these do not benefit from the resources and powers of the intelligence services.

There turn out to be major differences in the extent to which states gather intelligence that may concern the safety of the operators under their control (see Section 7). There are states that only do this within their borders (such as Malaysia); there are states that gather intelligence beyond their borders on a limited scale, but which in principle do not consider themselves as having an active responsibility in relation to civil aviation (such as the Netherlands), and there are states that regard protecting civil aviation as a responsibility, passing on information and/or issuing flight prohibitions if necessary (such as the United States). These differences are related to states' abilities to secure an intelligence position (capacity, diplomatic relationships with states, geopolitical position), but are also the result of choices the states make with respect to responsibility for the safety of operators. The willingness to become involved in the decision by sovereign states to keep their airspace open also varies. In the crash involving flight MH17, it appeared that the various roles adopted by states did not make any difference. However, since operators rely on information gathered by states, the crash could still be reason to reconsider the choices involved.

²⁰¹ As far as the parties involved are concerned, they predominantly share information if this action is reciprocated.

Not all states have the capacity to gather information about potential threats in other states. These states can still obtain information if other states are willing to share it with them. As a result of the crash involving flight MH17, the ICAO Task Force on Risks to civil aviation arising from Conflict Zones (TF RCZ) advocated a central information system, including a web application for NOTAMs, supplemented with relevant safety and security information pertaining to risks that conflict areas pose to civil aviation.²⁰²

In the meantime, several states, including the United States, the United Kingdom, France, Saudi Arabia, Germany, and the United Arab Emirates, have placed information on the website.²⁰³ The initial evaluation of this online information system is planned for the end of 2015. There appears to be an increased willingness to promulgate advice and if needs be flight prohibitions for national operators with respect to operations in foreign airspace. After the crash of flight MH17, the United Kingdom has also started making threat information available (via NOTAMs) to all operators that could be under threat. This way of sharing relevant information from States of departure can be a complement to the international information-sharing that is presently given shape via the ICAO website.

Furthermore, NOTAMs issued in relation to an armed conflict could include more specific information about the conflict, as proposed in ICAO Doc 9554-AN/932. In this context it is necessary that in the future automated flight plan systems will recognise this information, so that it is incorporated in the risk assessment process in a timely manner.

9.3.2 Threat analysis: emphasis on an actual threat, intention and capability

The parties involved focus too much on the potential risks involved in flying over conflict areas from the perspective of an actual threat. Establishing intention, i.e. the preconceived intention to shoot down civil aeroplanes or specific civil aeroplanes (for example from a particular state or belonging to a certain operator) carries considerable weight in this respect. Capability is also an important criterion, which must be demonstrated or at least be plausible. This approach leaves too little room for uncertainties. Uncertainties about these factors are conventionally equated with their absence. A more qualitative approach can strengthen the analysis. Developments in the armed conflict can provide indications for an increased risk. The fact that the fighting in the eastern part of Ukraine expanded into the airspace could, for example, have been an indication that the safety of civil aviation flying over the area was deteriorating.

If there is a lack of specific indications of intention, but also if capability cannot be satisfactorily demonstrated, the parties involved terminate their threat analysis. Less obvious indications for a threat disappear from the risk assessment process early on, without reaching the domain in which operational risk assessments are performed. This means that the unintended consequences of human actions, for example, are not considered. With the increase of military activities in the air, for example, there is a greater chance that civil aeroplanes are hit by a surface-to-air missile or air-to-air missile. The presence of medium or long range surface-to-air missiles in the immediate area of a conflict, or the deployment of air-to-air missiles in the conflict, increases that risk.

²⁰² ICAO Conflict Zone Information Repository, launched in April 2015.

²⁰³ ICAO Conflict Zone Information Repository, state of affairs July 2015.

9.3.3 Risk analysis: factors that increase risk

To facilitate a more effective assessment of the risks posed by conflict areas based on the threat analysis, ICAO,²⁰⁴ in 2015, identified a number of factors that may increase these risks for civil aviation. The application of these factors that increase risk could result in the risk assessment producing a different outcome. ICAO has restricted itself to situations in which possible medium or long-range surface-to-air missiles are present, because these form the largest risk for civil aviation at cruising level.

The factors that ICAO believes contribute to risks, and should therefore weigh more heavily in determining the threat and the risk of civil aircraft being shot down, are:

- Civil aviation is the target of one of the fighting parties;
- Those operating the anti-aircraft missiles are poorly trained or inexperienced (possibly in combination with the absence of a properly functioning command structure);
- Flights involving military aeroplanes in a combat role are taking place;
- Military transport flights are taking place;
- Flight routes run through or close to locations of strategic importance, which can be attacked from the air;
- The absence of effective air traffic management above the area, for example because the state in which the armed conflict is occurring does not have complete control over its territory.

The Dutch Safety Board believes that these criteria can be used to obtain a more effective analysis of the risks posed by conflict areas to civil aviation flying over them. The Board also points out that not all the factors need to be present at the same time in order to speak of an increased risk. Each separate factor deserves attention. According to the Board, such an analysis should adequately focus on the trends that are observed in a certain period: are, for example, the air operations or shootings of military aircraft, particularly by non-state actors,²⁰⁵ increasing? Is the altitude at which military aircraft are operating increasing? Although this still only entails a low probability that civil aeroplanes will be hit, these are not inconceivable events. Given the severity of the consequences and the possibilities for managing the risk, these small probabilities deserve attention - and not or not solely in a strictly quantitative, but in a qualitative manner. This subject will return in the next paragraph.

9.3.4 Risk analysis: the role of probability

In the field of risk analysis, statistical data constitute the basis for determining the probability of a particular incident occurring: has the incident already occurred in the past, and if so, how often? Moreover, the potential impact is important, i.e. the expected severity and scope of the damage. With the help of a risk matrix, both factors (likelihood and severity) are combined, resulting in risk categories that can be linked to mitigating measures. This is

²⁰⁴ ICAO Working Group on Threat and Risk (WGTR), HLSC/15- WP/10, 7 January 2015.

²⁰⁵ In its summary of the risk-increasing factors, ICAO indicates that the chance of misidentification of military aeroplanes in the use of long-range surface-to-air missiles is the greatest with non-state groups.

a professional working method that is an established practice in civil aviation. ICAO also describes these methods in its documents and uses a risk index matrix (Figure 89).²⁰⁶

Likelihood	Severity				
	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
A Certain/ frequent	Moderate (1A)	Moderate (2A)	High (3A)	Extreme (4A)	Extreme (5A)
B Likely/ Occasional	Low (1B)	Moderate (2B)	Moderate (3B)	High (4B)	Extreme (5B)
C Possible/ remote	Low (1C)	Low (2C)	Moderate (3C)	Moderate (4C)	High (5C)
D Unlikely/ improbable	Negligible (1D)	Low (2D)	Low (3D)	Moderate (4D)	Moderate (5D)
E Exceptional	Negligible (1E)	Negligible (2E)	Low (3E)	Low (4E)	Moderate (5E)

Figure 89: Example of a risk index matrix. (Source: ICAO Safety Management Manual Doc 9859)

The idea behind such a matrix is that activities that involve an extreme risk (4A, 5A and 5B) must be terminated immediately or may not be undertaken. The activities may only be continued if the risk has been reduced to an acceptable level. In the event of a lower risk level, measures are required that limit the risks. One such measure could be the decision to avoid an area. Other measures related to flying over a conflict area could be, for example, the obligation to have certain equipment on board, increasing the recognisability of civil aircraft, providing pilots with additional instructions prior to a flight and/or providing additional instructions for performing an emergency landing in a conflict area if necessary.

The scenario involving civil aeroplanes at cruising altitude being hit, either intentionally or unintentionally, by surface-air-to missiles or air-to-air missiles is improbable, also from the perspective of risk analysis. Statistically, the probability of such an event taking place is low. Similar events only occurred a few times in the past (see Appendix S). In relation to the total number of civil flights, the number is so small that statistically the probability is extremely low.

The crash of flight MH17 teaches us that, in order to obtain and hold onto this scenario, another risk approach is needed, one that is more qualitative, and that is applied specifically, per conflict area. Its input does not consist of historical series of similar incidents or the established actual threat, but the scenario's conceivability ('is it possible?'). Such an approach is justified because the consequences in this scenario are extremely severe ('catastrophic' in the terms used in the risk matrix) and because measures are available that reduce the risk. For arriving at an informed judgement about

²⁰⁶ Especially for threats in the security domain, ICAO uses a different but comparable matrix, assuming many more intentional actions.

a scenario's conceivability, ICAO's risk factors for assessing armed conflicts (see previous paragraph) are useful. Per conflict area, an assessment can then be performed which, as mentioned in the previous paragraph, should also focus on an analysis of the manner in which a conflict develops as advised by the Dutch Safety Board.²⁰⁷

The application of this working method in the case of the eastern part of Ukraine could have led to a shift in the assessment of the likelihood. As a result, the risk category would shift too, meaning that the urgency of measures becomes greater.

To summarise: this method of approaching risks implies that the parties involved in flying over conflict areas should not limit themselves strictly to examining the statistical probability of scenarios. They would have to arrive at an informed judgement related to the possibility of a scenario based on risk-increasing factors and a trend analysis.

9.3.5 Decision-making: the pressure to carry on flying

The international system for civil aviation is based on the assumption that, in principle, civil aviation is always possible: By default, flights take place. As stated in Section 4, states that manage their airspace shall impose as few restrictions on civil aviation as possible. This system can provide an incentive to keep the airspace open if potential dangers to air traffic are not yet entirely clear.

Flying is also the default for operators. When it comes to new flight routes, they assess whether they want to fly somewhere, whereas continuing to fly along existing routes over conflict areas is a 'non-decision' in most cases. The investigation revealed that operators only reassess existing routes for safety reasons if there are specific indications of danger. This has an impact on the risk assessment process, however. It determines how operators collect and interpret threat-related information. They use available information to justify continuing to fly and to carry on doing what they were doing already. This was the perspective with regard to flying over the eastern part of Ukraine: the operators viewed the NOTAMs issued by Ukraine prior to 17 July 2014 as a sign that Ukraine was controlling the airspace, not as an indicator of a deteriorating security situation in the air.

9.3.6 Consequences for the risk analysis

The above shows that current armed conflicts can pose risks to civil aviation due to their unpredictability, and that the system of responsibilities and the risk assessment process are still inadequately equipped in this respect. In states that have to cope with an armed conflict, the safety of the airspace above the conflict cannot be guaranteed in advance, not even at cruising altitude. The Dutch Safety Board is of the opinion that states should also assume their responsibilities for the safety of the airspace in a conflict situation, but that additional action may also be required from other parties.

Firstly, it requires an integrated risk assessment to be performed. Parties that view the conflict from a military or geopolitical angle should be more aware of potential secondary effects on civil aviation. Knowledge of the main flight routes could increase this

²⁰⁷ ICAO Doc 9859, Chapter 2, Paragraph 14.6 supports this: 'Organisations may include both qualitative and quantitative criteria...'

awareness. Operators that want to fly over a conflict area should take into account the potential risks posed by that conflict. A structured consultation between the various parties about flight routes could promote such an integrated risk assessment.

Since intention and capability carry considerable weight in threat analyses, potential risks posed by an armed conflict can be dismissed in the analyses too quickly. This can also happen due to the emphasis on statistical probability in risk analyses. By focusing more on risk-increasing factors related to armed conflicts, and by devoting more attention to the development of such a conflict, the risk analysis can become more effective.

9.4 Sub-conclusions

1. Given the vulnerability of states facing an armed conflict, operators and other aviation parties may not assume in advance that the airspace above the conflict zone is safe. They should perform their own assessment of the risks involved in overflying conflict areas.
2. Whenever states (can) have access to information that is relevant to that risk assessment, they should share this information with operators in a structured manner. States that collect information about conflict areas could take account of airspace usage patterns for civil aviation.
3. Existing threat analyses only consider a threat to be actual if both capability and intention have been established with sufficient certainty. Even if there is no certainty with regard to these factors, an armed conflict may still pose risks to civil aviation. In the current practice of risk assessment, these risks are too soon considered unlikely.
4. The identification and the use of risk-increasing factors are important for obtaining a better understanding of the likelihood of scenarios in an armed conflict.

MH17

Conclusions and Recommendations

10 CONCLUSIONS

The findings of the investigation into the crash of flight MH17 on 17 July 2014 lead to the following conclusions.

10.1 Main conclusions

1. Causes of the crash

- a. On 17 July 2014, Malaysia Airlines operated flight MH17, an airworthy Boeing 777-200 with the registration 9M-MRD, in cruise flight near the Ukrainian/Russian border at 33,000 feet, under the control of Ukrainian Air Traffic Control and was operated by a competent and qualified crew.
- b. At 13.20:03 hours (15.20:03 CET) a warhead detonated outside and above the left hand side of the cockpit of flight MH17. It was a 9N314M warhead carried on the 9M38-series of missiles as installed on the Buk surface-to-air missile system.
- c. Other scenarios that could have led to the disintegration of the aeroplane were considered, analysed and excluded based on the evidence available.
- d. The impact killed the three persons in the cockpit and caused structural damage to the forward part of the aeroplane leading to an in-flight break-up. The break-up resulted in a wreckage area of 50 square kilometres between the village of Petropavlivka and the town of Hrabove, Ukraine. All 298 occupants lost their lives.

2. Conclusions regarding the flight route of MH17

- a. The aviation parties involved did not adequately recognise the risks of the armed conflict in the eastern part of Ukraine to overflying civil aviation.
 - During the period prior to the crash of flight MH17, the armed conflict in the eastern part of Ukraine expanded into the airspace. Consequently, the risks to overflying civil aviation increased.
 - The statements made by the Ukrainian authorities in which they reported that military aeroplanes had been shot down on 14 and 16 July, and in which they mentioned weapon systems that were able to reach cruising altitude of civil aeroplanes, provided sufficient reason for closing the airspace above the eastern part of Ukraine as a precaution.
 - The other parties involved - operators, the states in which they are based and third parties such as ICAO - did not identify potential risks posed by the armed conflict in the eastern part of Ukraine to civil aviation. Operators, including Malaysia Airlines, assumed that the open parts of Ukrainian airspace were safe. States did not issue any specific warnings about risks to civil aviation during the period in which the conflict expanded into the airspace. ICAO did not see any reason for questioning Ukraine or offer assistance.

3. Conclusions regarding flying over conflict zones

- a. The current system of responsibilities for safeguarding civil aviation does not provide sufficient means to adequately assess the risks associated with flying over conflict areas.
- b. Risk assessment for civil aviation using the airspace over conflict areas should not only consider actual threats but should also include risks of which the intention or capability is uncertain.

10.2 Supporting conclusions (causes of the crash)

The cause that the Dutch Safety Board has identified is supported by the following findings.

1. Moment of the in-flight break-up

The establishment of the moment of the in-flight break-up of the aeroplane is supported by the following findings:

- a. The Cockpit Voice Recorder and Flight Data Recorder stopped abruptly at 13.20:03 (15.20:03 CET) because the power supply was interrupted.
- b. The fixed Emergency Locator Transmitter activated automatically within two seconds of the Cockpit Voice Recorder and Flight Data Recorder ceasing to record.
- c. The raw secondary surveillance radar data from the Ukrainian air navigation service provider and the radar screen video replay of the combined primary and secondary radar data from the Russian Federation's air navigation service provider showed that flight MH17 was in straight and level flight at FL330 until 13.20:03 (15.20:03 CET).
- d. The raw secondary surveillance data from the Ukrainian air navigation service provider showed that flight MH17 was not transmitting any secondary surveillance data from 13.20:03 (15.20:03 CET) onwards.
- e. The Russian Federation's air navigation service provider radar screen video replay of the combined primary and secondary radar data showed target tracks from the aeroplane from 13.20:03 (15.20:03 CET) onward which were the result of coasting and of falling debris.

2. Sound peak

The Cockpit Voice Recorder recorded a 2.3 millisecond sound peak. Signal triangulation showed that the noise originated from outside the aeroplane, starting from a position above the left hand side of the cockpit, propagating from front to aft.

3. No other aeroplanes

There was no evidence of other aircraft, civil or military, in the direct vicinity of flight MH17. According to radar data three other aeroplanes were in Sector 4 of Dnipropetrovsk Area Control Centre at the time of the crash, all commercial air transport category aeroplanes. Two were flying eastbound, one was flying westbound. All were under control of Dnipro Radar. At 13.20 (15.20 CET) the distance between the closest of these aeroplanes and flight MH17 was 33 km.

4. Cockpit damage and crew injuries

The damage observed on the forward fuselage and cockpit area of the aeroplane and the injuries of the flight crew and the cabin crew member in the cockpit indicated that there were multiple impacts from a large number of fragments from a point outside and above the left hand side of the cockpit. The pattern of damage observed to the forward fuselage and cockpit area of the aeroplane was not consistent with the damage that would be expected from any known failure mode of the aeroplane, its engines or systems.

5. Fragments from one location

The aeroplane was struck by a large number of small fragments with different shapes and sizes (cubic and in the form of a bow-tie) moving at high velocity. The direction of both the perforating and the non-perforating fragments originated from a single location outside left and above the cockpit. The fragments caused damage to the left hand side of the cockpit, the left engine intake ring and the left wing tip.

6. Fragmentation spray of pre-formed fragments

The objects that hit the aeroplane from the outside with high energy, as found in the aeroplane wreckage and the bodies of the crew in the cockpit, were made of unalloyed steel. Some of these showed evidence of having passed through the aeroplane's exterior surface and/or cockpit windows. The objects found were consistent with pre-formed fragments. The location, shape and boundaries of the damage to the wreckage of flight MH17, the number and density of hits on the wreckage and the objects found with different shapes and sizes were consistent with a fragmentation spray pattern damage of pre-formed fragments in the 9N314M warhead carried on the 9M38-series of missiles as installed on the Buk surface-to-air missile system.

7. Missile parts

A number of larger objects found on the ground and a few fragments found in the aeroplane's wreckage were suspected to belong to a missile. Paint samples taken from these suspected missile parts found in the wreckage area match those found on foreign objects extracted from the aeroplane. The missile parts also had traces of a type of explosive (i.e. RDX) on them that is similar to the traces found on the wreckage.

8. Blast

Simulation of the blast after detonation of the 9N314M warhead revealed a shock wave near the cockpit. The simulation showed that the blast would cause structural damage to the aeroplane up to 12.5 metres from the point of detonation. This was consistent with the damage found on the aeroplane wreckage.

9. Failure sequence

After the initial impact, the aeroplane broke up as follows:

- a. There was an almost instantaneous separation of the cockpit from the forward part of the fuselage when the pre-formed fragments penetrated the cockpit. The cockpit came to rest 2.3 kilometres from the last position recorded on the Flight Data Recorder.
- b. The aeroplane without its forward section continued flying along an undetermined flight path for about 8.5 kilometres to the east before breaking up further. The centre section travelled further than the rear part of the fuselage. This centre section came to rest upside down. Parts of the wreckage caught fire.
- c. The time between the start of the break-up and the impact with the ground could not be accurately determined, but the centre and rear parts of the aeroplane were estimated to have taken about 1-1.5 minutes to reach the ground. Other, lighter parts, will have taken longer.

10. Weapon used

The aeroplane was struck by a 9N314M warhead as carried on a 9M38-series missile and launched by a Buk surface-to-air missile system. This conclusion is based on the combination of the following; the recorded sound peak, the damage pattern found on the wreckage caused by the blast and the impact of fragments, the bow-tie and cubic shaped fragments found in the cockpit and in the bodies of the crew members in the cockpit, the injuries sustained by three crew members in the cockpit, the analysis of the in-flight break-up, the analysis of the explosive residues and paint found and the size and distinct, bow-tie, shape of some of the fragments.

11. Missile flight paths

The area from which the possible flight paths of a 9N314M warhead carried on a 9M38-series missile as installed on the Buk surface-to-air missile system could have commenced measures about 320 square kilometres in the east of Ukraine. Further forensic research is required to determine the launch location. Such work falls outside the mandate of the Dutch Safety Board, both in terms of Annex 13 and the Kingdom Act 'Dutch Safety Board'.

10.3 Excluding other causes of the crash

The Dutch Safety Board has investigated and analysed a number of different possible causes of the crash. The Safety Board excluded the following issues as being factors in the crash of flight MH17.

1. Flight crew

The flight crew members were properly licensed and qualified to conduct the flight. There is no evidence that the crew handled the aeroplane inappropriately or their flying skills being affected by alcohol, drugs or medicine.

2. Air traffic controller

Licenses and qualifications of the air traffic controllers were not relevant to the investigation into the crash. The handling of the flight and the actions after radio contact with flight MH17 was lost, were considered adequate.

3. Airworthiness and flight plan

The aeroplane was in an airworthy condition on departure from Amsterdam Airport Schiphol. There were no known technical malfunctions that could affect the safety of the flight. An air traffic control flight plan had been filed and the flight crew had been provided with an operational flight plan, NOTAMs, loading and weather information.

4. Loading and cargo

The mass and centre of gravity of the aeroplane were within authorised limits. There was no cargo classified as dangerous goods on board the aeroplane, nor was any evidence found of explosion of dangerous goods inside the aeroplane.

5. Airspace

On 17 July 2014, airspace restrictions were in place for the eastern part of Ukraine and parts of the bordering airspace in the Russian Federation from ground level up to FL320. There were no restrictions for flight MH17 to fly in Dnipropetrovsk Flight Information Region planned at flight levels FL330 and FL350.

6. Climb

The flight crew's decision not to accept the air traffic controller's request to climb from FL330 to FL350 was determined to be a normal operational consideration. Flying at either of these two flight levels had no influence on the ability of the surface-to-air missile to engage the aeroplane.

7. Weather

The weather on the planned flight route showed the presence of thunderstorms moving north from the Black Sea. On request by the flight crew, the air traffic controller authorised flight MH17 to circumnavigate this weather. Flight MH17 did not deviate from the centreline of airway L980 by more than approximately 6.5 NM. In the last recorded position at 13:20:03 (15:20:03 CET), flight MH17 was within 5 NM of the centreline of airway L980. The weather had no influence on the crash to MH17.

8. Pre-existing damage

There was no indication of a presence of pre-existing airframe damage, including fatigue or corrosion or inadequately performed repairs. There was no indication of engine failure.

9. No warnings

Analysis of the Cockpit Voice Recorder and Flight Data Recorder confirmed the normal functioning of the aeroplane's engines and systems prior to the crash. No warnings, failures or discrepancies were found in the data for the accident flight. No aural alerts or warnings of aeroplane system malfunctions were heard on the Cockpit Voice Recorder. The communication between the flight crew members gave no indication of any malfunction or emergency prior to the occurrence.

10. Other weapons

a. *Air-to-air gunfire*

The high-energy object damage was not caused by an air-to-air gun or cannon because the number of the perforations was not consistent with gunfire, and because air-to-air gun/cannon fire does not produce fragments with the distinctive forms that were found in the wreckage and in the bodies of three of the crew members in the cockpit.

b. *Air-to-air missile*

None of the air-to-air missiles in use in the region have the distinctly formed bow-tie shaped fragments in their warhead.

c. The aeroplane was not struck by more than one weapon considering the wreckage distribution, the damage patterns and the fact that only once source of damage was found.

11. Other scenarios

Other possible scenarios that could have led to the disintegration of the aeroplane were considered and analysed. These scenarios were an on-board fire or a fuel tank explosion, the detonation of an explosive device inside the aeroplane, lightning strike, and impact by a meteor or space debris re-entering the atmosphere. All of them were excluded based on the available evidence.

10.4 Other findings related to the crash

1. Oxygen

The emergency oxygen masks in the passenger cabin fell out of their overhead storage containers and the chemical oxygen generators were activated as the result of the in-flight break-up or ground impact. It is unlikely that the oxygen masks were deployed before the power supply was interrupted.

2. Survival aspects (cockpit occupants)

Hundreds of metal fragments were found in the bodies of the two pilots and the purser present in the cockpit at the time of the crash. These originated in part from the missile. The location in the bodies where the missile particles were found and the force with which they had penetrated them caused the three people in the cockpit to die instantly after the impact of the missile particles.

3. Survival aspects (other occupants)

- a. There were no pre-formed fragments found in the bodies of the other occupants. As a result of the impact, they were exposed to extreme and many different, interacting factors: abrupt deceleration and acceleration, decompression and associated mist formation, decrease in oxygen level, extreme cold, strong airflow, the aeroplane's very rapid descent and objects flying around.
- b. As a result, some occupants suffered serious injuries that were probably fatal. In others, the exposure led to reduced awareness or unconsciousness within a very

short time. It was not possible to ascertain at which moment the occupants died. The impact on the ground was not survivable.

- c. The Dutch Safety Board did not find any indications of conscious actions performed by the occupants after the missile's detonation. It is likely that the occupants were barely able to comprehend the situation in which they found themselves.

4. Recovery and transport of human remains

In light of the circumstances, the recovery and transport of the human remains was carried out with the utmost care.

5. Retention of ATC data

The Russian Federation did not comply in all respects with the ICAO standard contained in paragraph 6.4.1 of Annex 11.

10.5 Supporting conclusions (MH17 flight route)

1. Signals to civil aviation

- a. The aeronautical information from the U.S. aviation authority, FAA, (FDC NOTAM 4/3635) valid from 4 until 31 March 2014, warned U.S. operators and airmen about the unstable situation and the increasing military activity in the entire airspace of Ukraine.
- b. Between the end of April and 17 July 2014, the armed conflict in the eastern part of Ukraine expanded into the airspace. According to reports by the Ukrainian authorities, at least 16 Ukrainian armed forces' helicopters and aeroplanes, including fighter aeroplanes, were shot down during this period.
- c. During the period in which the conflict in the eastern part of Ukraine expanded into the airspace, neither Ukraine nor other states or international organisations issued any specific security warnings to civil aviation about the airspace above the eastern part of Ukraine.
- d. The Russian NOTAM about the Rostov FIR, which became effective on 17 July and applied to Russian Federation airspace, made a precise reference to the conflict in the eastern part of Ukraine as a reason for restricting a few parts of the Russian airspace. This NOTAM was internally contradictory in terms of flying altitude.
- e. On 14 July 2014, the Ukrainian authorities reported publicly and in a closed briefing with Western diplomats that an Antonov An-26 military transport aeroplane had been shot down from an altitude of between 6,200 and 6,500 metres. The weapon systems mentioned by the authorities in their statements are capable of reaching the cruising altitude of civil aeroplanes and would thus constitute a risk to civil aviation.
- f. On 17 July 2014, the Ukrainian authorities reported that a Sukhoi Su-25 had been shot down over the eastern part of Ukraine on 16 July; in their opinion most probably by an air-to-air missile fired from the Russian Federation. The weapon systems mentioned by the authorities in their statements are capable of reaching the cruising altitude of civil aeroplanes. The Ukrainian authorities initially reported that the aeroplane had been flying at an altitude of 8,250 metres when it was hit. This altitude was later adjusted to 6,250 metres.

2. Ukraine's airspace management

- a. The decision-making processes related to the use of Ukraine's airspace was dominated by the interests of military aviation. The initiative to restrict the airspace over the eastern part of Ukraine below FL260 originated from the military authorities. The objective of the measure was to protect military aeroplanes from attacks from the ground and to separate military air traffic from civil aviation. The Ukrainian authorities assumed that by taking this measure, civil aeroplanes flying over the area above FL260 were automatically safe too.
- b. The initiative to change the restriction to FL320 on 14 July 2014 came from civil air traffic control. The underlying reason for this change remains unclear.
- c. The NOTAMs did not contain any substantive reason for the altitude restrictions. Therefore, Ukraine did not act in accordance with the guidelines in ICAO Doc 9554-AN/932.
- d. When implementing the above measures, the Ukrainian authorities took insufficient notice of the possibility of a civil aeroplane at cruising altitude being fired upon. This was also the case, when, according to the Ukrainian authorities, the shooting-down of an Antonov An-26 on 14 July 2014 and that of a Sukhoi Su-25 on 16 July 2014 occurred while these aeroplanes were flying at altitudes beyond the effective range of MANPADS. The weapon systems mentioned by the Ukrainian authorities in relation to the shooting down of these aircraft can pose a risk to civil aeroplanes, because they are capable of reaching their cruising altitude. However, no measures were taken to protect civil aeroplanes against these weapon systems.

3. Operators

a. *Malaysia Airlines*

As operating carrier, Malaysia Airlines was responsible for the safe operation of flight MH17 and therefore for the choice of the flight route on 17 July 2014. The way in which Malaysia Airlines prepared and operated the flight complied with the applicable regulations. Malaysia Airlines relied on aeronautical information and did not perform any additional risk assessment. Malaysia Airlines did not receive signals from other operators or via any other channels indicating that the airspace above the eastern part of Ukraine was unsafe.

b. *Codeshare partnership*

Malaysia Airlines was also responsible for the safety of the passengers that had booked via its code share partner KLM. Since KLM, just like other operators, saw no safety reason to avoid the airspace above the eastern part of Ukraine, Malaysia Airlines and KLM did not exchange any information about the armed conflict.

c. *Other operators*

- A single operator decided to stop flying over Ukraine because of growing unrest in the country. This decision was made in March 2014, i.e. before the armed conflict broke out in the eastern part of Ukraine.
- Insofar as the Dutch Safety Board was able to ascertain, no other operators changed their flight routes for safety reasons related to the conflict in the eastern part of Ukraine after this. This did not change after the Antonov An-26 had been shot down on 14 July 2014, which, according to the Ukrainian

authorities had been done using a more powerful weapon system than MANPADS.

- Data provided by EUROCONTROL reveal that during the period between 14 up to and including 17 July, 61 operators from 32 states used the airspace above the eastern part of Ukraine. On 17 July 2014, 160 flights were guided through UKDV until the airspace was closed at 15.00 (17.00 CET).
- Operators - including Malaysia Airlines - assumed that the unrestricted airspace above FL320 over the eastern part of Ukraine was safe. This was despite the fact that the conflict was expanding into the air and that, according to the Ukrainian authorities, weapon systems were being used that could reach civil aeroplanes at cruising altitude.

4. Other states

When, between the end of April and July, the armed conflict in the eastern part of Ukraine expanded into the airspace, not a single state, for as far as the Dutch Safety Board was able to ascertain, explicitly warned its operators and pilots that the airspace above the conflict zone was increasingly unsafe, nor did they issue a flight prohibition. States that did gather information about the conflict in the eastern part of Ukraine were focussing on military-strategic and geopolitical developments. Possible risks to civil aviation went unidentified.

5. ICAO

During the period in which the conflict in the eastern part of Ukraine expanded into the airspace, ICAO did not ask the Ukrainian authorities about airspace management and did not offer any assistance. This did not change after the statement made by the Ukrainian authorities on 14 July 2014 on the Antonov An-26 that had been shot down.

6. The Netherlands, the state of departure

As state of departure of flight MH17, the Netherlands bore no responsibility for issuing Malaysia Airlines, an operator based abroad, with recommendations or indications about flying over the eastern part of Ukraine, or for prohibiting it from using the airspace.

7. The Netherlands

The Netherlands did not have authority based on Dutch legislation to impose a flight prohibition on operators under their control from flying in foreign airspace.

8. Information available to the Dutch services

Prior to the crash of flight MH17 on 17 July, the Dutch intelligence and security services did not have any information about an actual threat to civil aviation using the airspace above the eastern part of Ukraine.

10.6 Supporting conclusions (flying over conflict zones)

1. Airspace management

- a. In the international system of responsibilities, the sovereign state bears sole responsibility for the safety of the airspace. The fundamental principle of sovereignty can give rise to vulnerability when states are faced with armed conflicts on their territory and in their airspace.
- b. Such states rarely close their airspace or provide aeronautical information with specific information or warnings about the conflict. In some cases, other states issue restrictions or prohibit their operators and pilots from using the airspace above these conflict areas.
- c. There is a lack of effective incentives to encourage sovereign states faced with armed conflicts to assume their responsibility for the safety of the airspace.
- d. Given the vulnerability of states facing an armed conflict, operators and other aviation parties cannot take it for granted that the airspace above the conflict zone is safe. They should perform their own risk assessment of the risks involved in overflying conflict areas.
- e. Whenever states (can) have access to information that is relevant to that risk assessment, they should share this information with operators in a structured manner. States that collect information about conflict areas could take account of airspace usage patterns for civil aviation.

2. Risk assessment

Existing threat analyses only consider a threat to be actual if both capability and intention have been established with sufficient certainty. Even if there is no certainty with regard to these factors, an armed conflict may still pose risks to civil aviation. In the current practice of risk assessment, these risks are too soon considered unlikely.

3. Risk-increasing factors

The identification and the use of risk-increasing factors are important for obtaining a better understanding of the likelihood of scenarios in an armed conflict.

11 RECOMMENDATIONS

Passengers travelling by air should be able to rely on the operator of their choice to have done all that is possible to operate the flight safely and that states have ensured that the airspace used for their flight is safe. When selecting flight routes operators should in turn be able to rely on states restricting or closing their airspace if it is unsafe for civil aviation. Airlines should also be able to assume that states that have or have access to information about risks and threats in foreign airspace ensure that this information, if required, results in advice or warnings on the use of that airspace.

However, in practice this system does not yet work as it should. This investigation reveals that the current structure and functioning of the system of civil aviation responsibilities does not always lead to an adequate assessment of the risks associated with flying over conflict zones. Given the system weaknesses found, the Dutch Safety Board finds the system to be in urgent need of improvement. This applies to regulations, the way in which responsibilities are allocated and fulfilled, and the collaboration between parties.

In the opinion of the Dutch Safety Board it is therefore necessary to implement improvements on three related levels. The first level concerns the management of the airspace in states dealing with an armed conflict in their territory. The second level concerns the manner in which states and operators assess the risks of flying over conflict zones. The third level concerns the accountability of operators regarding their choice of whether or not to fly over conflict zones.

More attention to the first two levels would lead to an improvement in safety and, in the opinion of the Dutch Safety Board, reduces the likelihood of a crash like that of flight MH17 occurring again. Attention to the third level should lead to transparency in the processes airlines use when choosing flight routes, which could lead to a better risk assessment.

In order to realise improvements on these three levels, initiatives will need to be taken in both a national and an international context. The Dutch Safety Board calls on states and the international organisations involved to make as great an effort as possible to contribute to these improvements.

Level 1: Airspace management in conflict zones

The principle of sovereignty forms the basis of the Chicago Convention. This principle implies that each state is responsible for its own airspace and determines independently how and by whom that airspace is used. The safety of the airspace is included in this responsibility of states. However, when a state contends with an armed conflict in its territory, this state may experience difficulty in guaranteeing the safety of its airspace. The Dutch Safety Board therefore deems it important that sovereign states in such

situations should be given more incentives and support in fulfilling this responsibility. On the one hand, the Dutch Safety Board is thinking of a stricter redefinition of the responsibility of states for their airspace and, on the other hand, a stronger, more proactive role for the International Civil Aviation Organization, ICAO. The second consideration also requires States to take a more active role towards ICAO.

In this respect, the following topics require attention:

- The timely closure or restriction of the use of the airspace;
- Providing information to third parties as quickly as possible in the event of an armed conflict with possible risks for civil aviation;
- Such coordination between civil and military air navigation service providers during an armed conflict that the state can fulfil its responsibility for the safety of civil aviation in the airspace.

This requires amendments to the Chicago Convention and in Standards and Recommended Practices. To this end, the Dutch Safety Board makes the following recommendations.

To ICAO:

1. Incorporate in Standards that states dealing with an armed conflict in their territory shall at an early stage publish information that is as specific as possible regarding the nature and extent of threats of that conflict and its consequences for civil aviation. Provide clear definitions of relevant terms, such as conflict zone and armed conflict.
2. Ask states dealing with an armed conflict for additional information if published aeronautical or other publications give cause to do so; offer assistance and consider issuing a State Letter if, in the opinion of ICAO, states do not sufficiently fulfil their responsibility for the safety of the airspace for civil aviation.
3. Update Standards and Recommended Practices related to the consequences of armed conflicts for civil aviation, and convert the relevant Recommended Practices into Standards as much as possible so that States will be able to take unambiguous measures if the safety of civil aviation may be at issue.

To ICAO Member States:

4. Ensure that States' responsibilities related to the safety of their airspace are stricter defined in the Chicago Convention and the underlying Standards and Recommended Practices, so that it is clear in which cases the airspace should be closed.

The states most closely involved in the investigation into the crash of flight MH17 could initiate this.

Level 2: Risk assessment

The investigation revealed that operators cannot take it for granted that an open airspace above a conflict zone is safe. This means that operators, in the light of their responsibility for a safe flight operation, should carry out their own risk assessment, not only for the countries of their destinations but also for the countries which they overfly. States are expected to contribute to this risk assessment by sharing relevant information about the conflict.

Provision of information

Improving the airlines' access to information is first of all a matter for the operators themselves. They should have to gather information about conflict zones more actively and share relevant threat information with one another as much as possible. If states have relevant threat information regarding the airspace it should be shared with operators and other interested parties through a timely and structured process. The safety of passengers, crews and aeroplanes can be improved if states make this information available to all operators and not only to the operators under their control.

On the subject of availability of threat information, the Dutch Safety Board makes the following recommendation:

To ICAO and IATA:

5. Encourage states and operators who have relevant information about threats within a foreign airspace to make this available in a timely manner to others who have an interest in it in connection with aviation safety. Ensure that the relevant paragraphs in the ICAO Annexes concerned are extended and made more strict.

Risk assessment

The assessment of risks can be improved if a role is also assigned to the unpredictability of an armed conflict and to risk-increasing factors for civil aviation. With regard to the assessment of threat information, the Dutch Safety Board makes the following recommendations.

To ICAO:

6. Amend relevant Standards so that risk assessments shall also cover threats to civil aviation in the airspace at cruising level, especially when overflying conflict zones. Risk increasing and uncertain factors need to be included in these risk assessments in accordance with the proposals made by the ICAO Working Group on Threat and Risk.

To IATA:

7. Ensure that the Standards regarding risk assessment are also reflected in the IATA Operational Safety Audits (IOSA).

To states (State of Operator):

8. Ensure that operators are required through national regulations to make risk assessments of overflying conflict zones. Risk increasing and uncertain factors need to be included in these assessments in accordance with the proposals made by the ICAO Working Group on Threat and Risk.

To ICAO and IATA:

9. In addition to actions already taken, such as the website (ICAO Conflict Zone Information Repository) with notifications about conflict zones, a platform for exchanging experiences and good practices regarding assessing the risks related to the overflying of conflict zones is to be initiated.

Level 3: Operator accountability

It is not clear which flights pass over which conflict zones. Ideally, operators should have to actively provide information about routes to be flown and routes recently flown, so that everyone can form a judgement, thereby increasing public attention for this issue. A first step towards this would be to require operators to provide public accountability on a regular basis for routes over conflict zones selected by them. On the basis of this, the Dutch Safety Board makes the following recommendations:

To IATA:

10. Ensure that IATA member airlines agree on how to publish clear information to potential passengers about flight routes over conflict zones and on making operators accountable for that information.

To operators:

11. Provide public accountability for flight routes chosen, at least once a year.

12 ABBREVIATIONS AND DEFINITIONS

Abbreviations

AAIB	Air Accidents Investigation Branch (Investigation organisation, United Kingdom)
AAPA	Association of Asia Pacific Airlines
ACARS	Aircraft Communications Addressing and Reporting System
ACI	Airports Council International
AIC	Aeronautical Information Circular
AIP	Aeronautical Information Publication
AIVD	General Intelligence and Security Service, Netherlands (<i>Algemene Inlichtingen- en Veiligheidsdienst</i>)
AMSL	above mean sea level (feet)
ANSP	Air Navigation Service Provider (also known as Air Traffic Service Provider)
AOC	Air Operator's Certificate
APU	auxiliary power unit
ASCPC	air supply cabin pressure controllers
ATC	Air Traffic Control
ATL	Aeroplane Technical Log
ATM	Air Traffic Management
ATSB	Australian Transport Safety Bureau (Investigation organisation, Australia)
AWACS	Airborne Warning and Control System
BC	Ballistic Coefficient
CoA	Certificate of Airworthiness
°C	degrees Celsius
CAM	cockpit area microphone
CANSO	Civil Air Navigation Services Organisation
CAVOK	Ceiling and Visibility OK
CET	Central European (Summer) Time (local (summertime) in the Netherlands)
cm	centimetre(s)
CML	Centre for Man and Aviation in the Netherlands (<i>Centrum voor Mens en Luchtvaart</i>)
CRCO	Central Route Charges Office - EUROCONTROL body responsible for invoicing, collecting and distributing the fees for using flight routes
CTIVD	Intelligence and Security Services Inspectorate, Netherlands (<i>Commissie van Toezicht betreffende de Inlichtingen- en Veiligheidsdiensten</i>)

CVR	Cockpit Voice Recorder
DCA	Department of Civil Aviation Malaysia
Defat	Defence attaché
DfT	Department for Transport, United Kingdom
DOF	direction of flight
DSB	Dutch Safety Board (<i>Onderzoeksraad voor Veiligheid</i> , Investigation organisation, the Netherlands)
EASA	European Aviation Safety Agency
ECAC	European Civil Aviation Conference
EDX	energy dispersive X-ray analysis
EHAM	ICAO code for Amsterdam Airport Schiphol, the Netherlands
ELT	Emergency Locator Transmitter
EUROCONTROL	European organisation for the safety of air navigation
FAA	Federal Aviation Administration, United States of America
FATA	Federal Air Transport Agency, Russian Federation (<i>Rosaviatsia</i>)
FDC	Flight Data Center
FDR	Flight Data Recorder
FIB	Focused Ion Beam
FIR	Flight Information Region
FL	flight level
FRG	Federal Republic of Germany
ft	foot or feet
g	force due to acceleration
GKOVD	State Air Traffic Management Corporation, Russian Federation
GND	ground level
GPS	Global Positioning System
HCSS	The Hague Centre for Strategic Studies
HP	high pressure
hPa	hectopascal(s)
IAC	Interstate Aviation Committee
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICCb	Interdepartmental Crisis Management Committee, Netherlands (<i>Interdepartementale Commissie Crisisbeheersing</i>)
IFALPA	International Federation of Air Line Pilot's Associations
IFATCA	International Federation of Air Traffic Controllers Associations
IOSA	IATA Operational Safety Audit
JTAC	Joint Terrorism Analysis Centre
kg	kilogramme(s)
km	kilometre(s)

km/h	kilometres per hour
KNMI	Royal Netherlands Meteorological Institute (<i>Koninklijk Nederlands Meteorologisch Instituut</i>)
kPa	kilopascal(s)
LTFO	National Forensic Investigations Team, the Netherlands (<i>Landelijk Team Forensische Opsporing</i>)
m	metre(s)
MANPADS	Man-portable air-defence system
MAS	Malaysia Airlines System Berhad
MCCb	Ministerial Crisis Management Committee, Netherlands (<i>Ministeriële Commissie Crisisbeheersing</i>)
METAR	Meteorological Aerodrome Report
MH	IATA code for Malaysia Airlines
MIVD	Military Intelligence and Security Service, Netherlands (<i>Militaire Inlichtingen- en Veiligheidsdienst</i>)
ms	millisecond (one thousandth of a second = 0.001 second)
m/s	metre(s) per second
NATO	North Atlantic Treaty Organisation
NBAAI	National Bureau of Air Accidents Investigation of Ukraine (Investigation organisation, Ukraine)
NCTV	National Coordinator for Security and Counterterrorism, Netherlands (<i>Nationaal Coördinator Terrorismebestrijding en Veiligheid</i>)
NFI	Netherlands Forensic Institute (Nederlands Forensisch Instituut)
NLR	National Aerospace Laboratory, the Netherlands (<i>Nationaal Lucht- en Ruimtevaartlaboratorium</i>)
NM	Nautical Mile
NOTAM	Notice to Airmen
NOTOC	Notice to Captain
NTSB	National Transportation Safety Board (Investigation organisation, United States of America)
O ₂	oxygen
OCC	Operations Control Centre
OSCE	Organisation for Security and Cooperation in Europe
psi	pounds per square inch
PSU	passenger service unit
QAR	Quick Access Recorder
RNBO	National Security and Defence Council, Ukraine
RNLAF	Royal Netherlands Air Force (<i>Koninklijke Luchtmacht</i>)
SAM	Surface-to-Air Missile
SARPs	Standards and Recommended Practices (ICAO)

SASU	State Aviation Service of Ukraine
SATCOM	Satellite Communication
SIB	Safety Information Bulletin
SES	State Emergency Service, Ukraine
SFAR	Special Federal Aviation Regulation (issued by the FAA)
SFC	surface
SIGMET	significant meteorological information
SSFDR	Solid State Flight Data Recorder
SSP	State Safety Program
STA	Station
TF RCZ	ICAO Task Force on Risks to Civil Aviation arising from Conflict Zones
TNO	Netherlands Organisation for Applied Scientific Research (<i>Nederlandse Organisatie voor toegepast natuurwetenschappelijk onderzoek</i>)
TNT	trinitrotoluene
TUC	Time of useful consciousness
UKBB	ICAO code for Kyiv Borispil airport, Ukraine
UKDD	ICAO code for Dnipropetrovsk airport, Ukraine
UKDR	ICAO code for Kryvyi Righ airport, Ukraine
UKDV	ICAO code for Dnipropetrovsk Flight Information Region, Ukraine
UKHH	ICAO code for Kharkiv airport, Ukraine
UKSATSE	Ukrainian State Air Traffic Service Enterprise
UNL	unlimited
UTC	Coordinated Universal Time
VHF	Very High Frequency
WGTR	ICAO Aviation Security Panel Working Group on Threat and Risk
WMKP	ICAO code for Penang Airport, Malaysia
WMMK	ICAO code for Kuala Lumpur International Airport, Malaysia
WMSA	ICAO code for Sultan Abdul Aziz Shah/Subang Airport, Malaysia

Definitions

Aeronautical Information Circular

A notice containing information that does not qualify for the origination of a NOTAM or for inclusion in the AIP, but which relates to flight safety, air navigation, technical, administrative or legislative matters.

Aeronautical Information Publication

A publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation.

Aircraft Communications Addressing and Reporting System (ACARS)

This is a communication system used to transmit and receive messages between ground facilities (operator, maintenance department, aircraft or system manufacturer, etc.) and

aircraft. For the purpose of the investigation it is not only the content of the messages that is of interest but the messages themselves may be considered as a confirmation of the functioning of the communication system. ACARS messages may be transmitted on either very high frequency radio or satellite communication (SATCOM) frequencies.

Airway

An area or portion thereof established in the form of a corridor equipped with radio navigation aids. Some airways have specific vertical and lateral dimensions whilst others are defined by an airway centreline and a minimum navigational accuracy of that an aircraft should adhere to for 95% of the time. In the case of the airway in the east of Ukraine that flight MH17 was on, the minimum navigational accuracy was 5 NM left or right of the centreline.

Air traffic control flight plan

Specific information, provided to units of air traffic services, regarding an intended flight or part of a flight such as the airport of departure and arrival, the intended route, the desired altitude(s) or flight level(s) on this route, type and registration of aircraft etc.

Annex

In this report, the word 'Annex' is used to refer to one of the 19 ICAO Annexes. An Annex includes international standards and recommended practices (Standards and Recommended Practices) such as those related to aviation safety and aviation security. Member States adhere to the standards and incorporate them in their national legislation unless they file a difference with regard to a standard to ICAO.

Boeing 777

In this report, the subject aeroplane was a series-200 model of the Boeing 777 aeroplane type. The terms Boeing 777 and 777 are synonymous.

Broken (meteorological term)

Cloud cover that obscures between five-eighths and seven-eighths of the sky.

Coasting

A 'coasting' mode is one for which the radar returns have been temporarily interrupted and position and altitude are being predicted and displayed based on the previously received radar data and flight plan information. The phenomenon is comparable to the manner in which a car's navigation system continues to display vehicle movement when in a tunnel, without being able to receive a signal.

Cockpit Voice Recorder

A recorder used to record the audio environment of the cockpit of an aeroplane; including, general sounds, communications between crew members and with controllers on the ground. In the case of flight MH17, the Cockpit Voice Recorder installed is a solid state digital recorder.

Conflict zone

Area in which different parties are engaged in an armed conflict.

Coordinated Universal Time

An international system that allows the comparison of local time to a reference time at the prime meridian 0 degrees longitude. At the time of the crash, the Netherlands was at UTC +2 (Central European (Summer) Time or CET) and Ukraine was at UTC +3. Unless otherwise indicated, all times in this report are in a 24-hour format and are reported in UTC followed by Central European (Summer) Time in brackets.

Cruising altitude or level

An altitude of flight level that is maintained for a considerable duration of the flight; in this report, it refers to the cruising altitude of jet engine propelled passenger aeroplanes.

CT scan

CT stands for computed tomography. By means of CT, three-dimensional X-ray images of the body can be made.

Cycles

The number of cycles can be counted in one of two ways:

- the number of flights (take-off to landing) made by an aeroplane;
- the number of times a system operates; i.e. is started and then stopped.

Decompression

Loss of (artificially maintained) air pressure and thus the oxygen supply in the cabin of an aeroplane.

Defence attaché

Military official linked to one or more embassies responsible for mapping out developments (including military developments) abroad.

Dutch roll

A type of aircraft motion that consists of an out-of-phase combination of yaw and roll.

Emergency Locator Transmitter

A radio beacon that interfaces with services offered by the International COSPAS-SARSAT Programme for search and rescue tracking.

Flight Data Recorder

A recorder used to record the input and output parameters of an aeroplane during flight. In the case of flight MH17, the Flight Data Recorder installed is a solid state digital recorder.

Flight Information Region

Airspace of defined dimensions within which flight information service and alerting service are provided.

Flight level or FL

A surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.25 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals. FL330 is approximately equal to 33,000 feet or 10,058 metres above mean sea level.

foot

Unit of altitude above the ground 1 foot = 0.3048 m.

Hazard

Any source of potential damage, harm or adverse health effects on something or someone.

hectopascal

The international standard of measurement of atmospheric pressure.

High-energy objects

In this report, the term 'high-energy object' is used frequently in the singular and the plural. In the context of the investigation, the term is used to mean those small objects that were found not to belong to the aeroplane, its equipment or anything loaded on-board. These objects were found to have originated from outside the aeroplane and they struck the aeroplane's structure at high speed. Some of the parts travelled with a speed that was high enough for them to be coated with traces of molten cockpit glass and/or aluminium. Details on the exact number, shape, size and origin of the objects are addressed in the report.

ICAO

The International Civil Aviation Organization (ICAO) is a specialised agency of the United Nations. This intergovernmental organisation was founded in 1947 on the basis of the Convention on International Civil Aviation (Chicago Convention). The aims and objectives of ICAO are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to, among other things, ensure the safe and orderly growth of international civil aviation throughout the world. The Chicago Convention is primarily applicable to civil aircraft. ICAO currently has 191 Member States, including Ukraine, Malaysia and the Netherlands.

Interstate Aviation Committee (IAC)

The Interstate Aviation Committee (MAK in Cyrillic text) was formed on the basis of an intergovernmental agreement signed in 1991. The following states are members of the IAC: Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

knot

Unit of speed used in aviation whereby one knot equals one nautical mile per hour or 1,852 metres per hour.

Load sheet

A document prepared before flight providing information on the aircraft's mass, fuel load, passenger and cargo masses and the position of the aircraft's centre of gravity.

MANPADS

Portable, shoulder-launched surface-to-air missile known as man-portable air-defence system.

Mode S

The term used for secondary surveillance radar and the data it transmits/receives.

NOTAM

A notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

NOTOC

A document issued to the flight crew and used by ground handling organisations to communicate the details of any dangerous goods or special loads that have been loaded.

Passenger doors

The Boeing 777-200 aeroplane has eight passenger doors, four on each side. These are referenced in the text by a number (1 to 4) moving from the forward door rearwards and a letter, 'L' or 'R' for left or right. For example, the forward left-side passenger door is referenced as 'door 1L' in the report.

Passenger service unit

The part in the cabin above the passenger seats which contains among others things reading lamps, ventilation holes of the air conditioning and the oxygen masks.

Pressure wave

Wave of hot air caused by an explosion, also known as 'blast'.

Pressurised cabin

Section of the aeroplane fuselage where the air pressure and the temperature are regulated so that passengers are not exposed to the ambient conditions at high altitude. In addition to the passenger section, the cockpit and cargo area are also found in the pressurised cabin.

Risk

The chance of an undesirable occurrence.

Safety

The state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level.

Section

When referencing the location of structural parts, Boeing has sub-divided the fuselage into seven sections, see Figure 90. These are numbered from the forward to the rear sections as sections 41 and 43, to 48 inclusive.

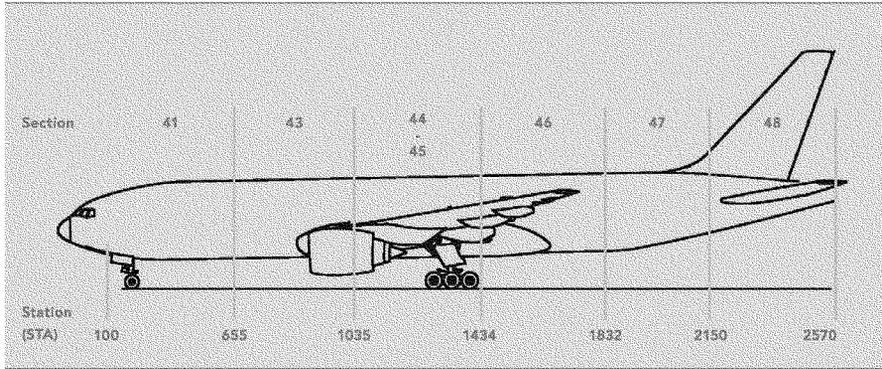


Figure 90: Schematic diagram of Boeing 777 Sections and Stations. (Source: Dutch Safety Board)

Security

Safeguarding civil aviation against acts of unlawful interference. This objective is achieved by a combination of measures and human and material resources.

Solenoid

A solenoid is a type of electromagnet that is used to generate a controlled magnetic field. The locks holding the passenger oxygen masks in passenger service units above the passenger seats are controlled by such an electromagnet.

State

In the context of this report, 'state' refers to a nation and its administrative responsibilities. When written with a capital 's', the text refers to responsibilities of a state following the Chicago Convention, such as State of Operator, State of Occurrence, etc.

State aircraft

The official ICAO name for aircraft used by military, customs and police services.

Station

A means of referencing the location of a part or object by means of its distance, in inches, from a datum ahead of the aeroplane's nose, see Figure 90. This is abbreviated in the report to 'STA' followed by a number, e.g. Frame station 655 is referred to as STA655.

Stringer

A structural element of the aeroplane that provides rigidity to the aeroplane. In the case of the fuselage, these act along the longitudinal axis of the aeroplane.

Target

In this report, the word 'target' is used both to describe the plots on a radar display that are derived from signals from a radar station or in the military sense of the word.

Threat

The intent and/or potential of persons or organisations to inflict harm.

Underwater Locator Beacon

Transmitting device that is attached to the aeroplane's Cockpit Voice Recorder and/or Flight Data Recorder, and that is activated by water submersion.

Conventions

A number of writing conventions are used in this report:

- *Aeroplane vs. Aircraft*: in this report, the word 'aeroplane' is used to refer to fixed-wing aircraft such as the Boeing 777 or similar. 'Aircraft' means 'flying vehicles' in general and includes both aeroplanes, helicopters and other vehicles.
- *Latitude and Longitude*: locations are given in the WGS84-system, unless other specified. The usual notation, in degrees, minutes and seconds is dd° mm' ss'N/ddd° mm' ss'E. Seconds may be given to two or three decimal places, if required, for very detailed placement of positions. In some cases, the original data from the Flight Data Recorder, in decimal form is also used.
- *Numbers*: the following convention is used; n,nnn,nnn.nn
- *Place Names*: for Ukrainian place names, Anglicised Ukrainian (e.g. Kharkiv, Kyiv, etc.) is used. Anglicised Russian is used for place names in the Russian Federation.

13 LIST OF APPENDICES

The following documents are appendices to the two parts:

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- B. Reference information
- C. Air Traffic Control flight plan
- D. NOTAM information
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- G. ATC Transcript
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- O. Participants in the investigation
- P. Developments relevant to the investigation
- Q. Laws and regulations
- R. Operators that flew over the eastern part of Ukraine
- S. Precedents: Incidents involving Civil Aviation over conflict zones
- T. Report of the Dutch Review Committee for the Intelligence and Security Services (CTIVD)
- U. Flying over conflict areas - risk assessment

APPENDICES AVAILABLE VIA THE WEBSITE WWW.SAFETYBOARD.NL

- V. Consultation Part A: Causes of the crash
- W. Consultation Part B: Flying over conflict zones
- X. NLR report: Investigation of the impact damage due to high-energy objects on the wreckage of flight MH17
- Y. TNO report: Damage reconstruction caused by impact of high-energetic particles on Malaysia Airlines flight MH17

- Z. TNO report: Numerical simulation of blast loading on Malaysia Airlines flight MH17 due to a warhead detonation

Appendices X, Y and Z are reports produced at the request of the Dutch Safety Board by third parties. It should be noted that the Dutch Safety Board is not responsible for the content of the documents. In the event of differences between the content of the reports produced by third parties and the report of the Dutch Safety Board, the Board's opinion is the one contained in its report.

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6862

**Office of the United Nations High Commissioner
for Human Rights**

**Report on the human rights situation in Ukraine
16 August to 15 November 2017**



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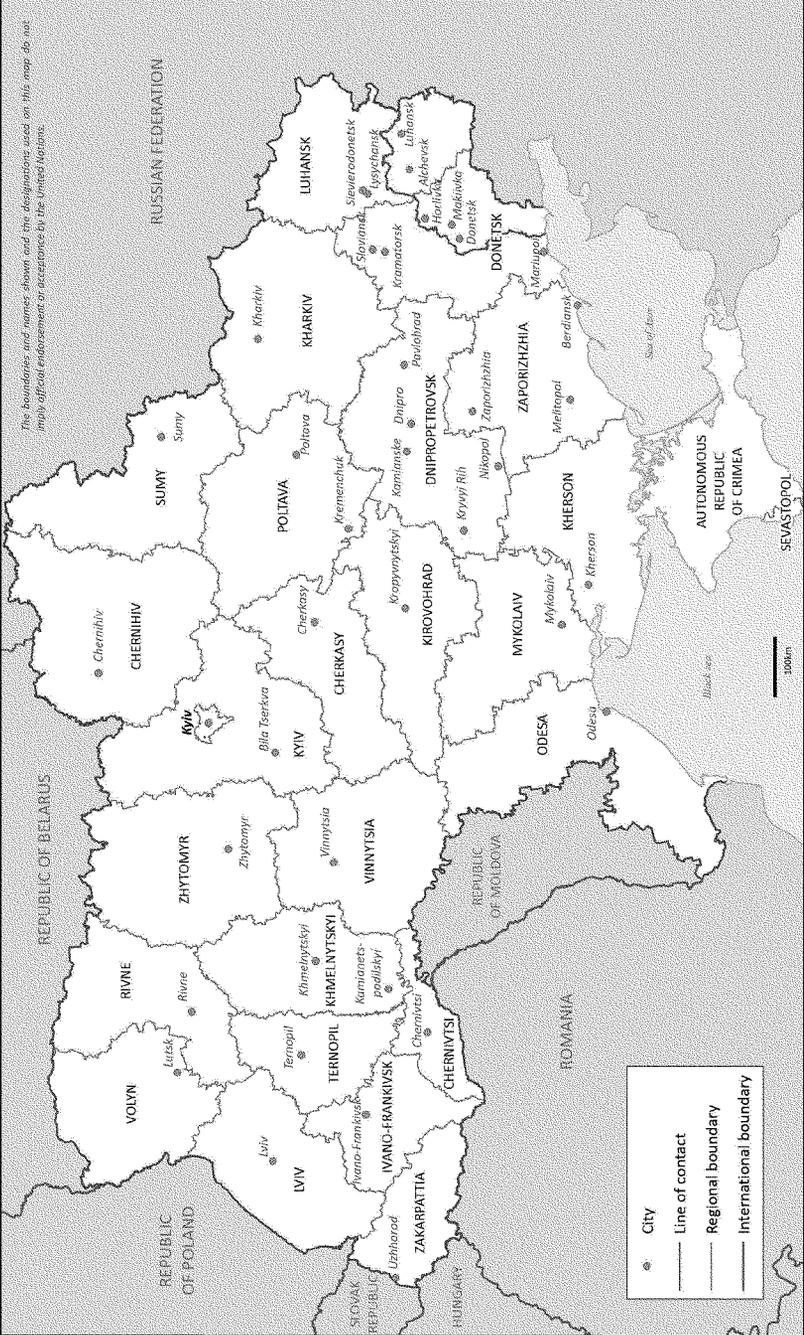
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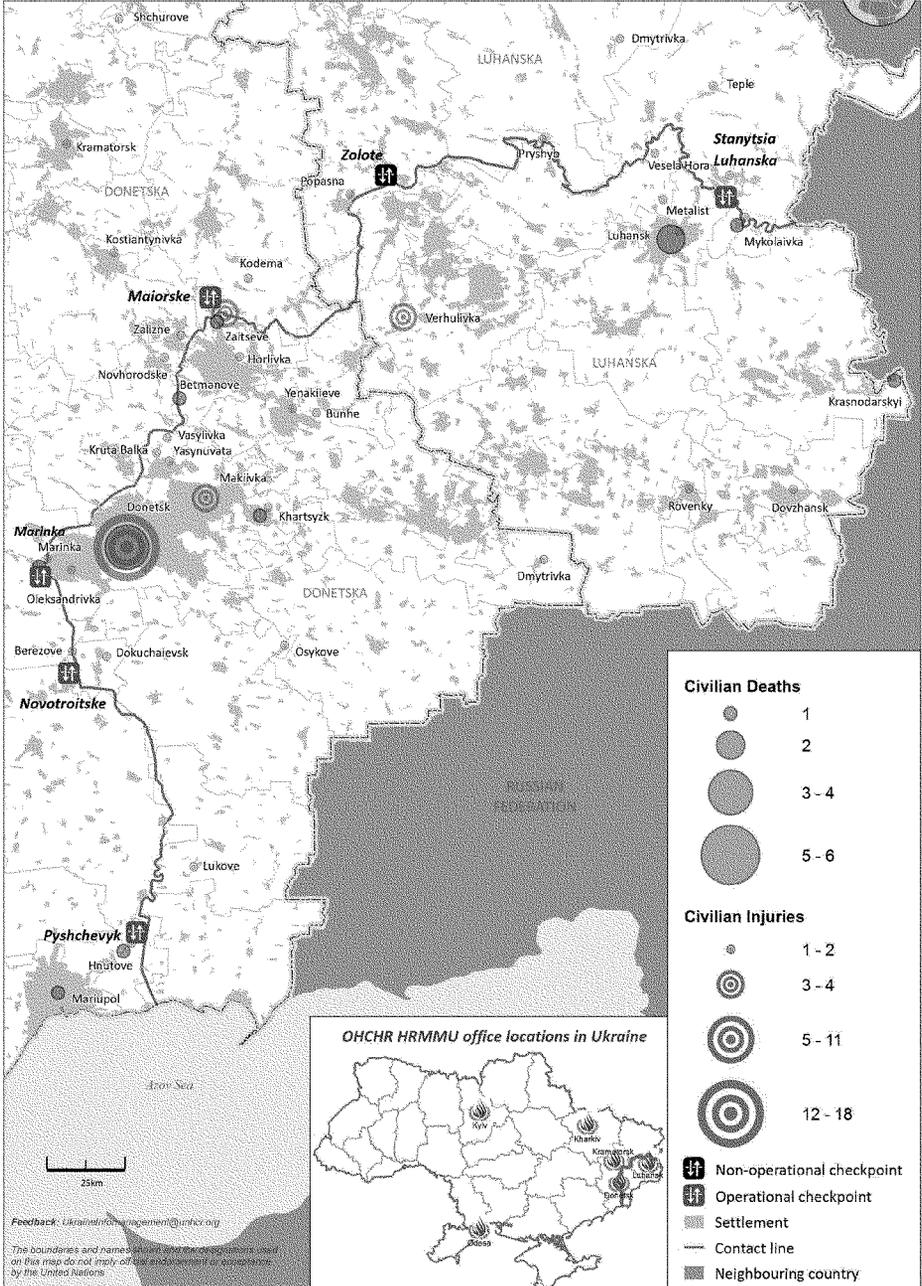
Map of Ukraine

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

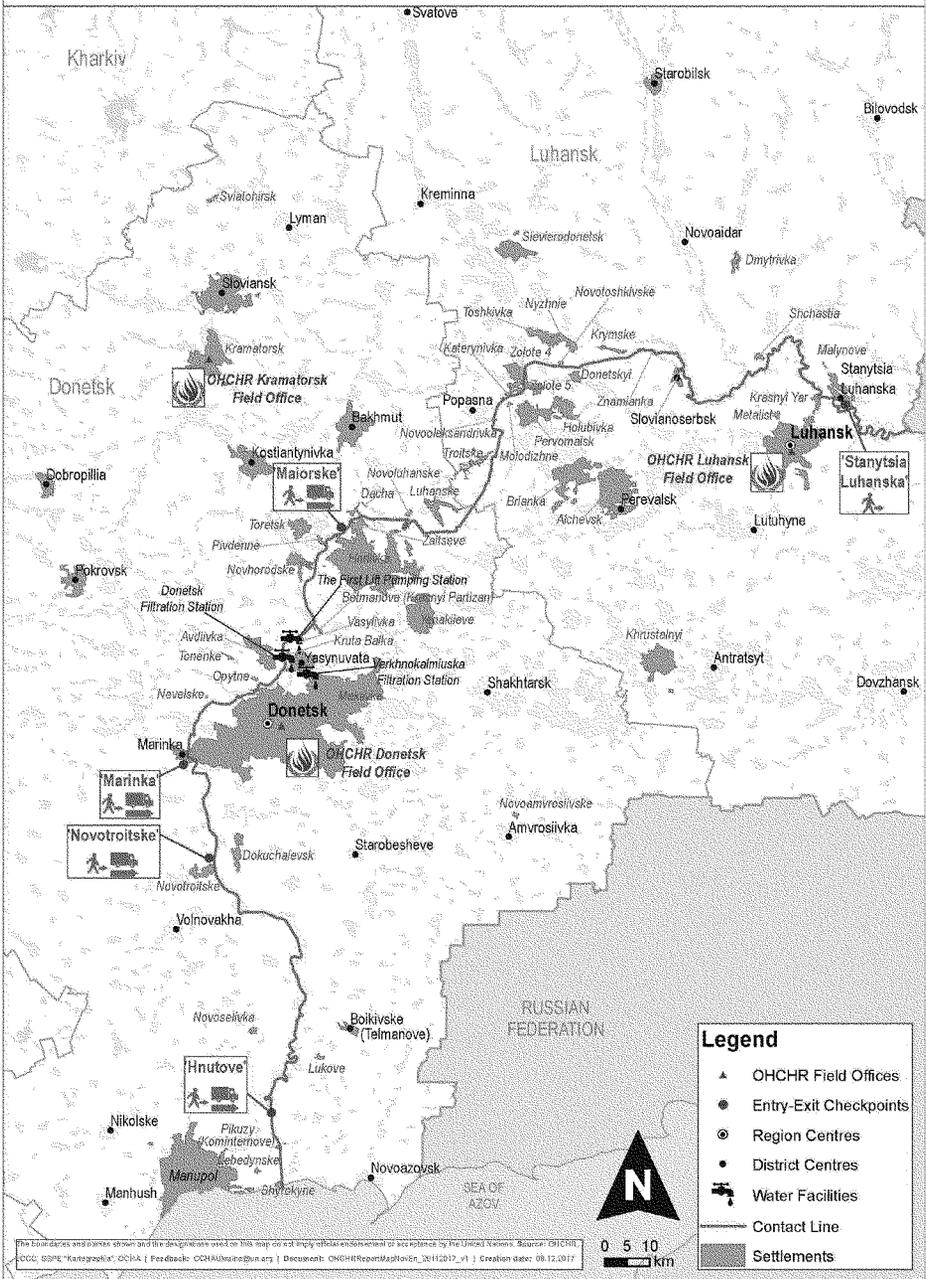




Ukraine: Civilian casualties along the contact line, 16 August - 15 November 2017



Locations in eastern Ukraine mentioned in this report



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Source: OHCHR, UNCC, SSPPE "Kartografi", OCRA | Feedback: OCHA Ukraine@un.org | Document: OHCHR/ReportMap/Ukr_20112017_v1 | Creation date: 08.12.2017

I. Executive summary

"It is now worse than in 2014 because we cannot continue to bear it any longer."

- Resident of a village near the contact line.

1. This twentieth report on the situation of human rights in Ukraine by the Office of the United Nations High Commissioner for Human Rights (OHCHR) is based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU)¹, and covers the period from 16 August to 15 November 2017.

2. The findings presented in this report are grounded on data collected by HRMMU through 290 in-depth interviews with witnesses and victims of human rights violations and abuses, as well as site visits in both government-controlled and armed group-controlled territory. HRMMU also carried out 423 specific follow-up activities to facilitate the protection of human rights connected with the cases documented, including trial monitoring, detention visits, referrals to State institutions, humanitarian organizations and non-governmental organizations (NGOs), and cooperation with United Nations human rights mechanisms.²

3. While May through September saw a steady decline in hostilities, which levelled off in October, November commenced with a sudden surge in keeping with the unpredictable dynamics of the armed conflict in eastern Ukraine. Much of the character of the conflict, however, remained the same as previously reported – with daily ceasefire violations and frequent use of heavy weapons, some with indiscriminate effects, threatening the lives and well-being of the civilian population while damaging property and critical infrastructure. As the fourth winter of the conflict approaches, fluctuations in the armed hostilities maintained a tense environment of general insecurity. The situation has been exacerbated since the beginning of the conflict by the presence of foreign fighters and the supply of ammunition and heavy weaponry reportedly from the Russian Federation.³

4. OHCHR recorded 87 conflict-related civilian casualties in eastern Ukraine (15 deaths and 72 injuries) between 16 August and 15 November 2017, a 48 per cent decrease compared to the previous reporting period of 16 May to 15 August. The leading causes of casualties were mines, explosive remnants of war (ERW), booby traps and improvised explosive devices (IEDs) which accounted for 59.8 per cent of all civilian casualties recorded, while shelling was responsible for 23 per cent, and fire from small arms and light weapons for 17.2 per cent. Recalling, however, that the conflict is still in an active phase, after three months of lower civilian fatalities and injuries, as of 15 November, hostilities appear to be on the rise, which could lead to a corresponding increase in civilian casualties.

5. Shelling of critical civilian water infrastructure continued to endanger not only the staff but all persons in the vicinity of such facilities, in addition to disrupting public supply of water and posing serious risk to the environment. Repeated shelling of the Donetsk Filtration Station⁴

¹ HRMMU was deployed on 14 March 2014 to monitor and report on the human rights situation throughout Ukraine and to propose recommendations to the Government and other actors to address human rights concerns. For more details, see paras. 7–8 of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine of 19 September 2014 (A/HRC/27/75).

² United Nations Human Rights Council Special Procedures mandate holders and Human Rights Treaty Bodies.

³ OHCHR Report on the human rights situation in Ukraine, 16 February to 15 May 2015, paras. 2 and 6; OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2015, paras. 2, 58–59; OHCHR Report on the human rights situation in Ukraine, 16 August to 15 November 2015, paras. 2 and 22 (see also fn. 128); OHCHR Report on the human rights situation in Ukraine, 16 February to 15 May 2016, para. 2.

⁴ The Donetsk Filtration Station, located in "no man's land" approximately 15 km north of Donetsk city, between government-controlled Avdiivka and armed-group-controlled Yasynuvata, processes water for approximately 345,000 people on both sides of the contact line.

between 3 and 4 November damaged a backup chlorine pipeline, which could have led to an environmental disaster if toxic chlorine gas had leaked. A direct hit to the main pipeline or any of the 900-kg bottles storing chlorine at the facility could have resulted in the deaths of any person within a 200-metre radius.⁵ The following day, the Verkhnokalmiуска Filtration Station,⁶ which stores 100 tons of chlorine gas, was shelled and sustained multiple hits.

6. OHCHR repeats its call for all parties to the conflict to immediately adhere to the ceasefire and to implement all other obligations committed to in the Minsk agreements, including the withdrawal of heavy weapons and disengagement of forces and hardware.⁷ OHCHR recalls that during the last reporting period, a renewed ceasefire commitment (the “harvest ceasefire”) resulted in a decrease in ceasefire violations, and a notable decrease in civilian casualties.⁸

7. OHCHR continued to document cases of summary executions, enforced disappearances, arbitrary detention, torture and ill-treatment, and conflict-related sexual violence. While many cases recorded date back to prior years of the conflict, new incidents also occurred within the reporting period.

8. In government-controlled territory, OHCHR – in general – continue to enjoy unimpeded access to conflict-related detainees, with the exception of several individuals in Kharkiv, Kyiv and Dnipro who are under investigation of the Security Service of Ukraine. In territory controlled by armed groups, OHCHR was denied access places where people are deprived of their liberty and to hold confidential interviews. As enforced disappearances, torture and conflict-related sexual violence often take place in the context of detention, this denial of access raises serious concerns that human rights abuses may be occurring.

9. Accountability for grave human rights violations in conflict-related cases remained elusive. Legal proceedings were plagued by ineffective investigations, politicization of cases with the involvement of high level officials and infringements on the independence of the judiciary. OHCHR documented substantial pressure exerted on judges in numerous cases.

10. No significant progress was achieved in criminal proceedings related to the killing of protestors in Maidan in 2014. Due to the length of proceedings, defendants have remained in detention for several years.⁹ With regard to the 2 May 2014 violence in Odesa, the trial of 19 persons accused of organizing and participating in the mass disturbances which led to six deaths concluded in an acquittal. To date, no one has been held responsible for the violence that day, or for any of the resulting 48 deaths.

⁵ Press release, Ukraine: UN experts warn of chemical disaster and water safety risk as conflict escalates in East, United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, 10 November 2017.

⁶ The Verkhnokalmiуска Filtration Station, located in armed-group-controlled territory approximately 17 km northeast of Donetsk, supplies water to 800,000 people.

⁷ The Package of Measures for the Implementation of the Minsk Agreements calls for: an immediate and comprehensive ceasefire; withdrawal of all heavy weapons from the contact line by both sides; commencement of a dialogue on modalities of local elections; legislation establishing pardon and amnesty in connection with events in certain areas of Donetsk and Luhansk regions; release and exchange of all hostages and unlawfully detained persons; safe access, delivery, storage, and distribution of humanitarian assistance on the basis of an international mechanism; defining of modalities for full resumption of socioeconomic ties; reinstatement of full control of the state border by the Government of Ukraine throughout the conflict area; withdrawal of all foreign armed groups, military equipment, and mercenaries from Ukraine; constitutional reforms providing for decentralization as a key element; and local elections in certain areas of Donetsk and Luhansk regions. United Nations Security Council Resolution 2202 (2015), available at <http://www.un.org/press/en/2015/sc11785.doc.htm>. See also Protocol on the Results of the Consultations of the Trilateral Contact Group regarding Joint Measures Aimed at the Implementation of the Peace Plan of the President of Ukraine P. Poroshenko and Initiatives of the President of the Russian Federation V Putin, available at <http://www.osce.org/home/123257>; Memorandum on the Implementation of the Protocol on the Results of the Consultations of the Trilateral Contact Group regarding Joint Measures Aimed at the Implementation of the Peace Plan of the President of Ukraine P. Poroshenko and Initiatives of the President of the Russian Federation V. Putin, available at <http://www.osce.org/home/123806>.

⁸ The “harvest ceasefire” ran from 24 June to the end of August, and while it never fully took hold, it contributed to an overall reduction in the number of daily ceasefire violations, and consequently, the number of civilian casualties. See OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2017, paras. 22-23, 32-33.

⁹ Two defendants have remained in detention for over three years while three have been detained for over two years.

11. Within structures in territory controlled by armed groups, arbitrary detentions and 'prosecutions' were compounded by the lack of recourse to effective remedy. This is of particular concern given the 'pronouncement' of a second 'death penalty' by the 'supreme court' of the 'Donetsk people's republic' in November. The practice of *incommunicado* detentions, which often amounted to enforced disappearance, also persisted.
12. As in previous reporting periods, infringements on freedom of movement continued to isolate residents in villages located close to the contact line, cut off access to basic goods, services and humanitarian aid, and intensified general hardship for the population. The shortening of entry-exit checkpoint operational hours after summer, together with high numbers of persons traveling resulted in longer queues to cross the contact line. A total of 1.2 million crossings were recorded at the five crossing routes in the month of August, and 1.1 million each in September and October.
13. Freedom of opinion and expression continued to face mounting challenges. OHCHR noted with concern the broad interpretation and application of terrorism-related provisions of the Criminal Code in cases where SBU initiated criminal investigations against Ukrainian media professionals, journalists and bloggers. In territory controlled by armed groups, freedom of expression remained severely curtailed, with no room for critical publications or elements of dissent.
14. Many of the human rights violations and abuses and infringements on fundamental freedoms described above persisted at similar or slightly heightened degrees as reported by OHCHR in previous quarters. However, members of the conflict-affected population expressed to HRMMU that the cumulative effect of the resulting harms and hardship they have endured as the conflict continues in its fourth year is reaching an unbearable level. This was exacerbated by the worsening socio-economic situation, policies which deprive citizens of their pensions, and the lack of access to restitution of or compensation for property damaged or destroyed by the conflict. These conditions deepen the divide, jeopardize social cohesion and complicate prospects and efforts for future reconciliation.
15. Along with an increasing sentiment of despair of people directly affected by the armed conflict in the east, OHCHR noted increasing manifestations of intolerance, including threats of violence, by extreme right-wing groups, which served to stifle public expressions and events by individuals holding alternative, minority social or political opinions. Violent acts which occurred remained largely unsanctioned.
16. Having no access to Crimea, HRMMU continued to analyse the human rights situation on the peninsula from mainland Ukraine on the basis of United Nations General Assembly resolution 68/262 on the territorial integrity of Ukraine and resolution 71/205 referring to Crimea as under occupation by the Russian Federation. The Russian Federation continued to apply its laws, in violation of international humanitarian law applicable to an Occupying Power. Practices by the authorities which resulted in serious human rights violations, and which disproportionately affected Crimean Tatars, persisted this reporting period. Further, the exercise of freedoms of opinion and expression, religion or belief and peaceful assembly also continued to be curtailed through verdicts criminalizing criticism and dissent.
17. Two developments during the Parliament's session within the reporting period are of particular importance. Parliament began consideration and adoption of a new legal framework concerning territory not under the control of the Government, with the aim of restoring state sovereignty over certain areas of Donetsk and Luhansk regions. It is viewed to be implemented in the context of an armed aggression and temporary occupation by the Russian Federation. OHCHR cautions that, at this stage, the draft law lacks clarity as to the framework for the protection of rights and freedoms, thus failing to satisfy the legal certainty requirement.
18. Parliament also adopted a new Law on Education which instates the Ukrainian language as the main language of instruction in secondary and higher education. OHCHR cautions that strengthening of the Ukrainian language should not come at the expense of minority languages,

and calls on the Government to ensure that the rights of minorities are respected without discrimination among different minority groups.

19. OHCHR continued to engage in technical cooperation and capacity-building activities with the Government of Ukraine and civil society in order to strengthen the protection and promotion of human rights. OHCHR provided targeted trainings and advocacy to support implementation of the Istanbul Protocol,¹⁰ and continued to raise awareness of conflict-related sexual violence. OHCHR also supported the preparations for Ukraine's third Universal Periodic Review (UPR) which took place on 15 November 2017. Furthermore, the United Nations Partnership Framework with Ukraine defining the support of the United Nations to national development priorities has been signed. OHCHR will contribute to specifically support those relating to democratic governance, rule of law, civic participation, human security and social cohesion.

II. Rights to life, liberty, security, and physical integrity

A. International humanitarian law in the conduct of hostilities

"If the shelling does not start at 22:00, I cannot fall asleep."

- Resident of a village near the contact line.

20. During the reporting period, daily exchanges of fire across the contact line by all parties to the conflict continued. Some improvement in the security situation was observed since the beginning of the reporting period in mid-August until the end of October, which may be partially attributable to renewed ceasefire commitments. Following the end of the "harvest ceasefire" (agreed to allow local communities to bring in their crops safely), another renewed ceasefire commitment commenced on 25 August to allow children to start the new school year safely. However, such commitments to ceasefire by the sides to the conflict can only be a temporarily solution. The escalation that took place by the end of the reporting period, in the first two weeks of November, indicates that achieving a sustainable peace requires full compliance with the Minsk agreements. Meanwhile, sporadic and unpredictable spikes in the armed hostilities further exacerbated the situation of general insecurity for civilians living in conflict-affected areas, and in particular, those close to the contact line.

21. OHCHR remains concerned about the continued presence of heavy weapons near the contact line,¹¹ in disregard of pledges made under the Minsk agreements to withdraw such weapons. The Special Monitoring Mission (SMM) of the Organization for Security and Co-operation in Europe (OSCE) documented the repeated use of weapons with a wide impact area (such as artillery and mortars) or the capacity to deliver multiple munitions over a wide area (such as multiple launch rocket systems).¹² The use of such weapons in densely populated areas can be considered incompatible with the principle of distinction and may amount to a violation of

¹⁰ United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, available at <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>.

¹¹ For example, the OSCE SMM observed four multiple launch rocket systems being transported between Shchastia and Voitove (government-controlled territory) on 15 September, four multiple launch rocket systems near Novoamvrosiivske and ten tanks near Novoselivka (armed-group-controlled territory) on 12 October. See OSCE SMM daily reports, available at <http://www.osce.org/ukraine-smm/reports>.

¹² For example, on 22 August, the OSCE SMM camera in (government-controlled) Shyrokyne recorded *inter alia* 8 rocket-assisted projectiles in flight and 20 explosions assessed as impacts. OSCE SMM daily report available at <http://www.osce.org/special-monitoring-mission-to-ukraine/336636>. On 10 October, the OSCE SMM heard 35-40 explosions assessed as impacts of multiple launch rocket system near (government-controlled) Lebedynske. OSCE SMM daily report, available at <http://www.osce.org/special-monitoring-mission-to-ukraine/349206>.

international humanitarian law due to the likelihood of indiscriminate effects. During the reporting period, HRMMU documented civilian casualties and damage to civilian property caused by heavy weapons.¹³

22. The risk to civilian lives has been further heightened by the contamination of highly-frequented areas with mines and IEDs, as well as the presence of ERW.¹⁴ The parties to the conflict continued the practice of placement of IEDs and anti-personnel mines in populated areas and near objects of civilian infrastructure.¹⁵ OHCHR notes that placement of such victim-activated explosive devices, which, by their nature, cannot differentiate between civilians and combatants, in densely populated areas and areas frequently attended by civilians may amount to an indiscriminate attack in violation of the principle of distinction enshrined in international humanitarian law.¹⁶ Further, OHCHR recalls that parties to a conflict must take all precautionary measures to avoid or minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.¹⁷

23. OHCHR continued to observe military presence in densely populated areas and military use of civilian property on both sides of the contact line, increasing the risk to civilian lives, property and critical infrastructure.¹⁸ Locating military positions and equipment within or near residential areas and objects indispensable for the survival of the civilian population falls short of taking all feasible steps to separate military objectives from the civilian population, in contravention to international humanitarian law.¹⁹ OHCHR notes that where such presence is justified due to military necessity, the parties must protect the resident civilian population, including by providing alternative accommodation.²⁰ Some residents of (government-controlled) Opytne and in the “no man’s land” part of Pivdenne informed HRMMU they wished to relocate

¹³ See “Civilian casualties” *below*. In addition, HRMMU documented damage to civilian houses in (armed-group-controlled) Pervomaïsk caused by shelling on 23-24 August, and damages to civilian houses and infrastructure in (armed-group-controlled) Kyivskiy district of Donetsk city during an escalation in hostilities on 5-6 November 2017. See also OSCE SMM documentation of civilian property damaged by shelling in (government-controlled) Marinka on 27 September and (armed-group-controlled) Yasynuvata on 29 September, available at <http://www.osce.org/ukraine-smm/reports/>.

¹⁴ “Ukraine has the largest number of anti-vehicle mine-related incidents globally, and ranks fifth worldwide for civilian casualties as a result of landmines and unexploded ordnance (UXO).” 2018 Humanitarian Needs Overview, Ukraine, November 2017, available at <https://reliefweb.int/report/ukraine/ukraine-humanitarian-needs-overview-2018-enuk>. On 6 September, a man in Dmytrivka was injured by ERW. On 4 October, an employee of the local power company was killed after tripping an anti-personnel mine near a powerline on the outskirts of Betmanove (formerly Krasnyi Partizan). On 5 November, one child was killed and two injured by ERW near a school in (armed-group-controlled) Petrovskiy district of Donetsk city. OHCHR civilian casualties records.

¹⁵ HRMMU documented a case of a man in Zolote 4 (located in “no man’s land”) who went deaf in one ear as result of an explosion of a sound grenade placed near his house. HRMMU interview, 29 September 2017. On 8 October, a tractor driver was injured by the explosion of a mine near Metalist in an area which had been previously de-mined. <http://www.osce.org/special-monitoring-mission-to-ukraine/349421>. On 31 October, HRMMU documented the case of a woman who was injured in April 2017 by a trip-wired explosive device planted in her neighbour’s house.

¹⁶ ICRC, Customary International Humanitarian Law Database, Rules 1, 11 and 12.

¹⁷ ICRC, Customary International Humanitarian Law Database, Rule 7.

¹⁸ Presence of military or armed groups and their use or occupation of civilian property was documented by HRMMU in government-controlled territory in Dacha (1 November), Krymske (29 August), Luhanske (4 October), Malynove (5 October), Novhorodske (5 September), Novoluhanske (4 October), Novotoshkivske (6 October), Opytne (10 October), Shhastia (5 October), Tonenke (10 October), Troitske (31 October), and Zolote 4 (30 August), in armed-group-controlled territory in Adminploshadka (26 September), Donetskyyi (16 August and 3 November), Donetsk city Kyivskiy district (9 November), Lukove (8 September), Molodizhne (25 August), Pikuzy (formerly Kominternove) (26 October), and Zolote 5 (4 October), and in “no man’s land” in the Chihari area of Pivdenne (9 November), as well as in both the government-controlled and armed-group-controlled parts of Zaitsevc (1 November).

¹⁹ See ICRC, Customary International Humanitarian Law Database, Rules 22 and 23.

²⁰ Customary international humanitarian law sets out the following elements of protection of civilians in such situation: (1) prohibition on use of human shields (Rule 97), (2) requirement to warn the civilian population of upcoming attacks (Rule 20), and (3) requirement to remove the civilian population and objects under control of the belligerent party from the vicinity of military objectives (Rule 24; Guiding Principles on Internal Displacement, Principle 7(3)(b), Principle 15(a)). In the case that the security of the civilian population or military imperative demand evacuation, humane conditions must be ensured and affected civilians must be provided with adequate alternative accommodation (Rule 131; Guiding Principles on Internal Displacement, Principle 7(2)). In addition, civilian properties should be protected and compensation paid for any use or damage of property (Rule 52, Rule 133).

to a safer place, however adequate alternative accommodation was never offered by the authorities.²¹

24. During the reporting period, 10 incidents affecting water facilities were documented in conflict-affected areas.²² The First Lift Pumping Station²³ of the South Donbas water pipeline was shelled on three occasions, causing damage to the facility and vehicles, and came under small-arms fire on three occasions. The Donetsk Filtration Station²⁴ was shelled repeatedly between 3 and 5 November 2017, causing damage to a backup chlorine pipeline. If the main pipeline in use or any of the 900-kg bottles storing chlorine in these facilities were to sustain a direct hit, it would endanger the lives of not only staff, but any person within a 200-metre radius, disrupt the water supply to approximately 350,000 people on both sides of the contact line, and have devastating consequences for the environment.²⁵ On 5 November, the Verkhokalmiushka Filtration Station, which supplies clean water to 800,000 people and stores 100 tons of chlorine gas, was hit by multiple shells. If toxic chlorine gas were to be released, it could have “devastating consequences” for the population in Donetsk city, Makiivka and Avdiivka.²⁶ This is not the first time that shelling of such infrastructure has threatened lives and the environment.²⁷ OHCHR notes that critical civilian infrastructure such as water facilities require special protection and calls on all parties involved in the hostilities to adhere to the agreement reached in Minsk on 19 July 2017 in which they expressed commitment to create “safety zones” around the Donetsk Filtration Station and the First Lift Pumping Station.

25. Armed hostilities also continued to threaten industrial facilities containing hazardous materials which, if released, may have severe consequences for the environment and civilians living in close proximity. For example, the sludge collector of the phenol plant in (government-controlled) Novhorodske requires regular bi-weekly maintenance. For the last year, however, no such maintenance or repair work could be done due to the lack of security guarantees for a “window of silence”.²⁸ It should be noted that if the dam around the collector is damaged, it risks releasing liquid toxic waste into the Kryvyi Torets and Siverskyi Donets rivers which serve as the main water sources for the Donbas region.²⁹ On 9 November an agreement to provide security guarantees for a “window of silence” was reached by the Joint Centre for Control and Coordination and repair works started. OHCHR recalls that particular care must be taken to avoid attacks and damages of installations containing dangerous forces and substances and also to protect the natural environment against widespread, long-term and severe damage. OHCHR calls on the parties involved in hostilities to negotiate adequate security arrangements which would allow regular maintenance as well as repairs to be conducted on the phenol plant.

B. Civilian casualties

26. Between 16 August and 15 November 2017, OHCHR recorded 87 conflict-related civilian casualties in 44 locations of Ukraine: 15 deaths (14 men and 1 boy) and 72 injuries (42 men, 19

²¹ HRMMU interviews.

²² See WASH Cluster Incident Reports nos. 81-93, available at <https://www.humanitarianresponse.info/en/operations/ukraine/documents/bundles/46705>.

²³ The First Lift Pumping Station is located between the armed group-controlled villages of Vasylivka and Kruta Balka, in immediate proximity to the contact line.

²⁴ The Donetsk Filtration Station is located in “no man’s land”, approximately 15 kilometres north of Donetsk city, between government-controlled Avdiivka and armed group-controlled Yasnuvata.

²⁵ See “Ukraine: UN experts warn of chemical disaster and water safety risk as conflict escalates in East”, United Nations Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, 10 November 2017.

²⁶ See “Ukraine: UN experts warn of chemical disaster and water safety risk as conflict escalates in East”, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22382&LangID=E>.

²⁷ See, e.g., OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2017, paras. 29-30; OHCHR Report on the human rights situation in Ukraine, 16 February to 15 May 2017, para. 18.

²⁸ A “window of silence” is a localized agreement to adhere to the ceasefire for a designated time period.

²⁹ HRMMU interview.

women, 10 boys and 1 girl).³⁰ This is a 48 per cent decrease compared with the previous reporting period of 16 May to 15 August 2017, during which 168 civilian casualties (26 deaths and 142 injuries) were recorded.

27. This reduction is mainly in the number of civilian casualties caused by shelling and SALW³¹ fire, which has been steadily decreasing since May 2017. Between August and October, it decreased four-fold as compared to May through July (11 and 42 on average per month, accordingly). OHCHR also observed an increasing disparity in regard to civilian casualties caused by shelling and SALW fire occurring on territory controlled by armed groups and those occurring on territory controlled by the Government. From May through July 2017, the ratio was 2 to 1, while from August through October, the ratio was 10 to 1 (29 in territory controlled by armed groups versus 3 in government-controlled territory).³² With regard to the 52 civilian casualties caused by mines, ERW, booby traps and IEDs, 20 occurred in mine-related incidents (38.5 per cent), while 32 (61.5 per cent) resulted from imprudent handling or dismantling of ERW or the detonation of hand grenades in interpersonal conflicts.

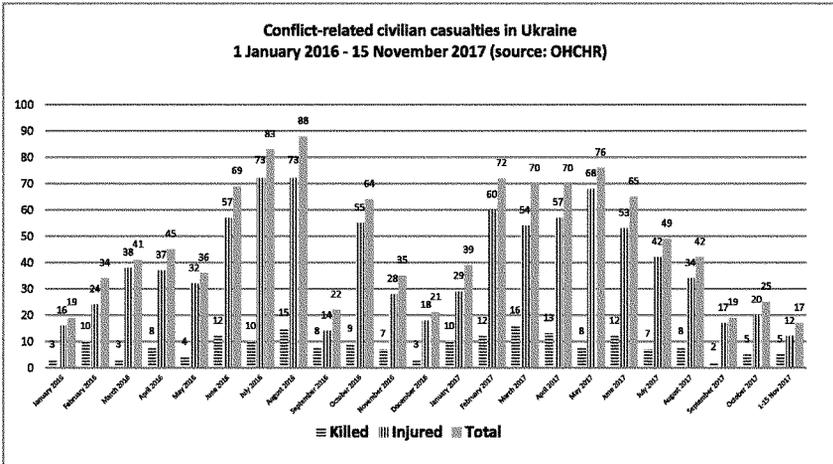
Civilian casualties from 16 August to 15 November 2017									
	Shelling (mortars, guns, howitzers, tanks, MLRS)			Small arms and light weapons			Mines, ERW, booby traps and IEDs		
	Killed	Injured	Total	Killed	Injured	Total	Killed	Injured	Total
Donetsk region (total)	1	17	18	2	11	13	6	22	28
Government-controlled		2	2		4	4	2	10	12
Controlled by armed groups	1	15	16	2	7	9	3	12	15
"No man's land"							1		1
Luhansk region (total)		2	2	2		2	3	13	16
Government-controlled				1		1		4	4
Controlled by armed groups		2	2	1		1	2	9	11
"No man's land"							1		1
Cherkasy region							1	2	3
Dnipropetrovsk region								5	5
Grand total	1	19	20	4	11	15	10	42	52
Per cent			23.0			17.2			59.8

28. Overall levels of civilian casualties in 2017 were comparable to 2016 levels. From 1 January to 15 November 2017, OHCHR recorded 544 conflict-related civilian casualties: 98 killed and 446 injured. This is a 3.6 per cent increase compared to the same period in 2016, when 525 civilian casualties (87 killed and 438 injured) were recorded.

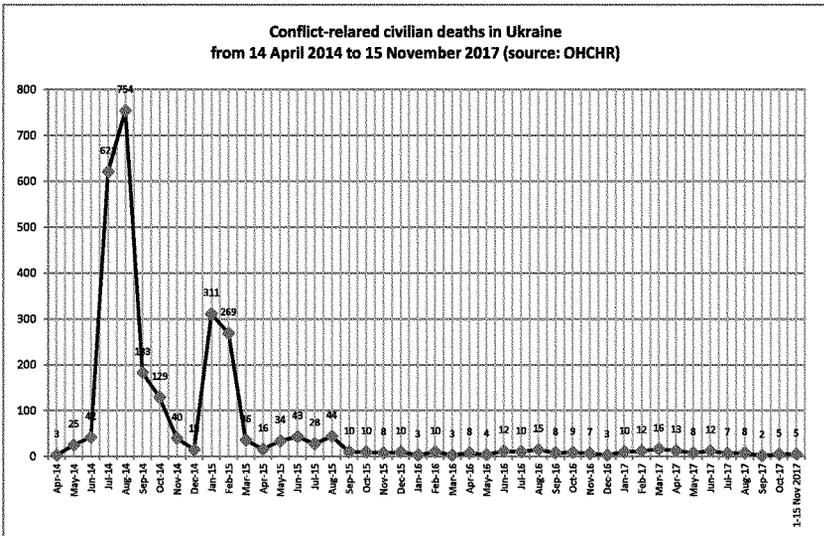
³⁰ OHCHR investigated reports of civilian casualties by consulting a broad range of sources and types of information which were evaluated for credibility and reliability. In undertaking documentation and analysis of each incident, OHCHR exercises due diligence to corroborate information on casualties from as wide a range of sources as possible, including OSCE public reports, accounts of witnesses, victims and other directly-affected persons, military actors, community leaders, medical professionals, and other interlocutors. In some instances, investigations may take weeks or months before conclusions can be drawn, meaning that conclusions on civilian casualties may be revised as more information becomes available. OHCHR does not claim that the statistics presented in this report are complete. Civilian casualties may be underreported given limitations inherent in the operating environment, including gaps in coverage of certain geographic areas and time periods.

³¹ Small arms and light weapons.

³² OHCHR is not in a position to establish with certainty which party to the conflict is responsible for specific civilian casualties caused by shelling and SALW fire; it is only able to make their attribution per territory of control.



29. During the entire conflict period, from 14 April 2014 to 15 November 2017, at least 2,523 civilians were killed: 1,399 men, 837 women, 91 boys, 47 girls and 149 adults whose sex is unknown. An additional 298 children, including 80 children, were killed as a result of the MH17 plane crash on 17 July 2014. The number of conflict-related civilian injuries is estimated between 7,000 and 9,000.



30. In total, from 14 April 2014 to 15 November 2017, OHCHR recorded 35,081 conflict-related casualties in Ukraine among Ukrainian armed forces, civilians and members of the armed groups. This includes 10,303 people killed and 24,778 injured.³³

C. Missing persons and recovery of human remains

31. With the outbreak of the armed conflict in April 2014, documentation of missing persons was considerably disrupted in eastern Ukraine. Although efforts have subsequently resumed in both territory controlled by the Government and territory controlled by armed groups, there has been no effective exchange of forensic information (such as DNA samples and anthropometrical data) across the contact line for over three years. As of 15 November 2017, draft legislation “On the legal status of missing persons” foreseeing the establishment of a commission for missing persons, which is crucial for fulfilment of Ukraine’s obligations under international humanitarian law,³⁴ was still pending before Parliament.³⁵

32. There is therefore no effective possibility to match figures on the missing reported by the Government (865³⁶ to 1,476³⁷) and those reported by armed groups (509 as of 10 November 2017 according to the ‘ombudsperson’s office’ of the ‘Donetsk people’s republic’).³⁸ As of 22 August 2017, the ICRC estimated the number of conflict-related missing persons to be from 1,000 to 1,500.³⁹

33. OHCHR believes that many of those reported as missing persons may be dead, with their bodies either not yet found or identified. Further, OHCHR cannot exclude that some individuals reported missing may currently be held *incommunicado* either by the Government or by armed groups. Full and unimpeded access of independent international monitors to all places of detention, especially those in territory controlled by armed groups, is crucial for establishing the whereabouts of some of the missing.

D. Summary executions, killings, deprivation of liberty, enforced disappearances, torture and ill-treatment, and conflict-related sexual violence

1. Summary executions and killings

34. OHCHR continued to receive and verify allegations of summary executions and wilful killings of civilians, Ukrainian servicemen, and individuals associated with armed groups. These allegations mostly concern 2014, but also 2015 through 2017, indicating the prevailing impunity for grave violations and abuses of international human rights law and violations of international humanitarian law in the conflict zone. Victims’ relatives and witnesses interviewed by HRMMU often do not give consent for public reporting on such cases out of fear of retaliation or persecution.

³³ This is a conservative estimate based on available data. These totals include: casualties among Ukrainian forces as reported by Ukrainian authorities; 298 people from flight MH-17; civilian casualties on the territory controlled by the Government as reported by local authorities and regional departments of internal affairs; and casualties among civilians and members of armed groups on territory controlled by ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’, as reported by armed groups, the so-called ‘local authorities’ and local medical establishments. This data is incomplete due to gaps in coverage of certain geographic areas and time periods, and due to overall underreporting, especially of military casualties. Injuries have been particularly underreported. The increase in the number of casualties between the different reporting dates does not necessarily mean that these casualties happened between these dates: they could have happened earlier, but were recorded by a certain reporting date.

³⁴ ICRC, Customary International Humanitarian Law Database, Rule 117.

³⁵ There have been no developments on the two draft laws since 7 June 2017, when the Parliamentary Committee on human rights issued its conclusion regarding the texts.

³⁶ As of 15 November, according to the Main Department of the National Police in Donetsk region.

³⁷ As of 15 November, according to the National Police of Ukraine.

³⁸ No figures have been reported by the ‘Luhansk people’s republic’.

³⁹ <https://www.ukrinform.ru/rubric-society/2290807-krasnij-krest-razyskivaet-640-propavshih-bez-vesti-na-donbasse.html>.

35. For example, a civilian who participated in the May 2014 “referendum on the status of the Donetsk peoples’ republic” went missing after Ukrainian military, including the Aidar volunteer battalion, retook control of the area. His body was found in November 2014 with traces of gunshot wounds to the head. His family is not aware of any investigation conducted into his death.⁴⁰ In another case, in July 2016, a man was found shot dead near his house in a village of Luhansk region controlled by armed groups. Neighbours had heard three shots in the preceding evening. There was an armed groups’ checkpoint nearby, manned by the ‘Brianka-USSR’ battalion. The victim’s family was notified that a suspect was ‘arrested’ by ‘police’ at the beginning of November.⁴¹

2. Unlawful/arbitrary deprivation of liberty, enforced disappearances and abductions

“When you do not understand anything and just sit there in the basement, every night you expect that someone may come, take you out, kill you and bury you in some forest, and then no one will ever find out where you are. That’s the only thing you can think about.”

- Victim describing *incommunicado* detention.

36. OHCHR continued documenting cases of unregistered detention, when a person is held *incommunicado* prior to being delivered to an official place of detention, a practice which increases the likelihood of torture and ill-treatment with a view to extracting a confession. Although these cases occurred earlier, they were documented during the reporting period.

37. For example, on 16 April 2015, a former member of an armed group was detained in his home by armed men in balaclavas. Without introducing themselves or presenting a search warrant, they beat him, threatened him, and searched his house. They took the victim to a basement, which he believes was on the outskirts of Pokrovsk (formerly Krasnoarmiisk), where he was detained *incommunicado*, handcuffed to a metal safe which forced his body into a difficult position. He was interrogated and tortured by having water poured over his face, electrocutions, and beatings on his back and kidneys. The perpetrators made him sign documents and filmed a video confession. He was taken to the Kramatorsk SBU on 21 April 2015, where he was given more documents to sign. In November 2015, he was convicted of terrorism.⁴²

38. On 10 January 2015, a resident of Pokrovsk was stopped in his car and detained by four armed men. They brought him to the Right Sector training camp near Velykomykhailivka (Dnipropetrovsk region), where he was detained in a basement and beaten with a truncheon for two days. The victim was held *incommunicado* until 14 May 2015, during which time he was ill-treated and witnessed the death of another detainee. The perpetrators are currently on trial.⁴³

39. OHCHR is concerned about the lack of progress in investigations of enforced disappearances which occurred in 2014. For example, there has been no progress in the investigation into the disappearance of a truck driver who went missing on 25 July 2014 near Katerynivka (formerly Yuvileine) in Luhansk region. HRMMU recently learned that his passport was found in March 2017 in possession of a UAF serviceman.⁴⁴ On 30 August 2017, National Police of Ukraine in Bilokurakynsk district of Luhansk region launched a criminal investigation under article 115 (murder).

⁴⁰ HRMMU interview.

⁴¹ HRMMU interview.

⁴² HRMMU interview. His appeal is currently being heard.

⁴³ HRMMU interview.

⁴⁴ HRMMU interview.

Territory controlled by armed groups

40. OHCHR documented the continued practice of ‘administrative arrest’, during which persons are held *incommunicado* and prohibited from contact with relatives or a defence counsel. The initial detention period of 30 days was often automatically prolonged beyond the initial period.⁴⁵ OHCHR is concerned about arbitrary application of ‘administrative arrest’ and *incommunicado* detention, and the lack of any procedural guarantees or recourse for persons who find themselves subjected to it. Further, OHCHR notes that such a practice – of detaining persons, denying them access to lawyers or relatives, and refusing to provide information to families on their whereabouts – may amount to enforced disappearance.

41. For example, on 29 April 2017, two men traveling to Dokuchaievsk were detained by ‘border guards’ at an armed-group-controlled checkpoint and taken to the ‘department of combating organized crime’ (UBOP) in Donetsk. Both men worked as State Fiscal Service inspectors in government-controlled territory. They were detained for a few days in ‘UBOP’ and then brought to a temporary detention facility administered by ‘police’ and held *incommunicado* under ‘administrative arrest’. Their families were not notified of their ‘arrests’, and learned of their whereabouts from other sources. The lawyer hired by relatives was denied access to the detainee. Since April, the men were released every 30 days, given a moment to talk to relatives, and then immediately ‘re-arrested’ by ‘UBOP’ on different ‘charges’ and placed under another 30-day ‘administrative arrest’.⁴⁶

42. On 27 February 2017, a couple was detained at a checkpoint controlled by armed groups. They were questioned for approximately six hours, then separated and brought to the ‘MGB’ building in Donetsk city. The woman was questioned again and told that they had discovered explosives in one of their bags and would charge her husband with ‘espionage’. When she was released, she saw her husband in another office; his pupils were unusually enlarged. Ten days later, she received a call from an ‘MGB officer’ who stated her husband was under ‘administrative arrest’. As of 15 November 2017, the victim was allegedly in Donetsk SIZO, however his wife has never been able to see him during his detention.⁴⁷

43. OHCHR continued documenting cases of individuals subjected to enforced disappearance. On 31 August 2017, a young man who made his living carrying luggage for people walking along the Stanytsia Luhanska crossing route went missing. He had crossed the government-controlled entry-exit checkpoint while carrying luggage, but was stopped by personnel at the checkpoint controlled by the armed groups of the ‘Luhansk people’s republic’ and his passport was taken away. Despite relatives’ inquiries, the whereabouts and fate of the victim remain unknown.⁴⁸ On 2 September 2017, the National Police of Ukraine in Stanytsia Luhansk district of Luhansk region launched a criminal investigation under article 146 (Illegal confinement or abduction of a person).

44. On 25 August 2017, a man was taken from his home to a ‘police station’ in Makiivka by the ‘ministry of state security’ (‘MGB’) officers, where he was held for at least two days. The family’s last contact with him occurred by phone on 27 August. They were informed by ‘police’ that the man was under ‘administrative arrest’ and denied permission to speak or meet with him. It is believed that his ‘arrest’ is retaliation for his political opinion, as he openly expressed ‘pro-unity’ views and criticism of the ‘Donetsk people’s republic’ and the Russian Federation.⁴⁹

45. OHCHR is concerned that there has been no progress on cases that occurred in earlier stages of the conflict. For example, on 1 July 2015 an unconscious man with visible injuries on his head and torso was seen being dragged from his apartment by three armed men in camouflage

⁴⁵ See OHCHR Report on the human rights situation in Ukraine, 16 February to 15 May 2017, paras. 43-45.

⁴⁶ HRMMU interview.

⁴⁷ HRMMU interview.

⁴⁸ HRMMU interviews; HRMMU meeting, 15 September.

⁴⁹ Approximately seven months ago, the victim was fired from his job at a local hospital in Makiivka due to his ‘pro-unity’ views.

with 'Vostok' insignia. The victim was put in a car. As of 15 November 2017, his whereabouts remained unknown.

46. OHCHR notes that enforced disappearance not only constitutes a grave violation of the rights to life and to liberty and security of the person, but is “inseparably linked” to treatment that amounts to torture or to cruel, inhuman or degrading treatment or punishment.

3. Torture and ill-treatment

“If you behave well, if you say what we want – you won’t be hurt. If you resist, we will send Right Sector to your house. Your boy will be crippled; your wife will be met on the way from work. We will inject you with drugs, so you will become a plant.”

- Perpetrator to a victim of torture.

47. During the reporting period, OHCHR continued to receive allegations which match the previously documented pattern of use of torture – extract confessions from persons suspected of being members of or otherwise affiliated with armed groups.⁵⁰ Also, in a few cases, Ukrainian servicemen detained on suspicion of committing criminal offences were subjected to torture until they provided self-incriminating testimonies. It is deeply concerning that investigations into allegations of torture are rarely opened and when so, have been ineffective. Defence lawyers also rarely raise allegations of torture, either due to intimidation or as a strategy to reduce the sentence.

48. For example, in August 2015, in two separate episodes, SBU arrested two residents of Kharkiv region accused of being supporters of the ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ and planning to carry out subversive activities. Both victims were transported to the regional SBU department, where they were tortured (beaten, hands twisted behind the back, subjected to mock execution, and threats of violence against their families) until they signed self-incriminating statements. Although they were taken to hospital, SBU officers instructed doctors not to record any injuries. One of the victims begged a lawyer not to raise allegations of torture in court, fearing reprisals. The victim told the doctors in the pre-trial detention facility (SIZO) that he was injured falling from a tree. Both victims remain in detention, with trials ongoing.⁵¹

49. In another case, on 16 June 2016, a victim was physically attacked next to his apartment building by two men wearing balaclavas. The victim ran out into the street, where two other individuals hit him on the head, strangled him, and kicked his head when he fell on the ground. He was handcuffed, dragged into a van, and driven 30-40 minutes away. When the van stopped, an SBU official of the Kharkiv regional department questioned him about his acquaintances who joined the armed groups of the ‘Donetsk people’s republic’. Unsatisfied with the victim’s reply, SBU officers strangled, kicked and punched him while threatening his family. When the victim agreed to cooperate, the SBU officers explained that he would be taken to the Ukrainian-Russian border and detained for “smuggling weapons”. At the border, one officer stabbed the victim’s heel so he would not be able to escape. Afterwards, the victim was taken to the Kharkiv SBU building and forced to memorise a written statement. His “confession” was video recorded. The victim is currently on trial for “terrorism” and “trespass against territorial integrity of Ukraine”. While the Military Prosecutor for Kharkiv Garrison is investigating the allegations of torture, no notifications of suspicions or indictments have been issued.⁵²

⁵⁰ Not all incidents documented by OHCHR which occurred during the reporting period are reflected in this report in order to maintain the highest protection of victims through strict adherence to the principles of confidentiality and informed consent.

⁵¹ HRMMU interviews.

⁵² HRMMU interviews; HRMMU trial monitoring, 15 September and 30 October 2017; HRMMU meeting, 5 September 2017.

50. In another case, a man was detained in his home in Nyzhnioteple in November 2016 by members of the UAF. They searched him at gun point, beat him causing lasting pain, and subjected him to suffocation and electroshocks. They forced him to make a video confession that he provided information on Ukrainian military positions to armed groups. Then he was taken to the Sievierodonetsk SBU building where he was interrogated without a lawyer and forced to sign papers in order to receive medical care. Afterwards, he was taken to the hospital but threatened by SBU officers not to complain of any ill-treatment. He is accused of being a spotter for armed groups and is currently on trial.⁵³

51. OHCHR also followed cases of Ukrainian servicemen who reported being subjected to torture while detained on criminal charges.⁵⁴ On 30 October 2014, a serviceman of the Kirovohrad volunteer battalion together with five fellow soldiers was detained by a group of 20 armed men. The victim was held *incommunicado* in solitary confinement for three days in the basement of the SBU regional department building in Kramatorsk. He was tortured several times a night in order to extract information about his commanders. The victim was beaten, including with truncheons, and hung from bars while being hit and subjected to electroshocks. On the third night, the perpetrators cuffed the victim's hands behind his back, put duct tape tightly over his eyes and mouth causing pain, pushed him to the floor and kicked him. The victim lost consciousness and choked on his own blood. The beating continued until the victim confirmed that he was ready to "confess". He was told what to say in court and forced to sign documents. The SBU officers who took him to the court threatened that if he asked for a lawyer or complained, his "therapy" in the basement would continue. In the presence of two masked, armed SBU officers, the judge ordered his pre-trial detention for 60 days, without announcing any charges.⁵⁵ The victim's injuries were later documented at hospital and in the SIZO. Despite his written complaints about the *incommunicado* detention and torture, as well as two court orders for the Office of the General Prosecutor to conduct a forensic expertise of his injuries and investigate the circumstances of his arrest, there has been no progress in investigation. As of 15 November 2017, he remains in detention and complains about not receiving necessary medical aid.⁵⁶

Territory controlled by armed groups

52. Victims of torture residing in territory controlled by armed groups hesitate to report torture and rarely give consent for public reporting for fear of retaliation and direct threats to their safety.⁵⁷ When cases are reported, it is often much later after the incident occurred.

53. OHCHR documented the case of a Russian blogger,⁵⁸ who was detained with his wife at their home in Donetsk city on 27 September 2017 by armed men dressed in camouflage. The blogger was physically assaulted by the perpetrators, resulting in a fractured leg. One of the perpetrators also attempted to suffocate him. The victims were then taken to the 'UBOP' office, and interrogated separately for a few hours. During this time, no medical aid was provided. The woman was released that evening, while the man was forced to sign a 'notice' that he was detained under 'administrative arrest' upon charges of participating in a terrorist organisation. He was released on 2 November 2017.⁵⁹

54. During the reporting period, OHCHR received and followed up on accounts of seven individuals (three women and four men) who had been detained *incommunicado* in an armed-group-controlled place of detention called "Izoliatsiia".⁶⁰ Since at least 2016, the facility has been used by the 'MGB' and the 'UBOP' of the 'Donetsk people's republic' to detain men and women

⁵³ HRMMU interviews.

⁵⁴ HRMMU interviews.

⁵⁵ The victim was later charged and on 28 April 2017, the Kostiantynivka City Court convicted him under articles 187(2), 189(3), 263(1) and 410(1) of the Criminal Code and sentenced him to 10 years. He has appealed the verdict.

⁵⁶ HRMMU interview.

⁵⁷ HRMMU interviews.

⁵⁸ See also para. 105 below.

⁵⁹ HRMMU interviews.

⁶⁰ Izoliatsiia was an industrial facility that was turned into cultural facility in Donetsk city prior to the conflict. In May 2014, it was seized by armed groups and used as an illegal detention facility where individuals were tortured. OHCHR has previously reported on the human rights violations that occurred there.

suspected of “treason”, “subversive activities” or cooperation with SBU. Some members of the armed groups of the ‘Donetsk people’s republic’ were also reportedly held in this facility. Detention periods varied from a few hours to over a year. The facility has cells used for punishment (e.g. one only for sitting, another only for standing) and a ‘monitoring room’ from which the cells could be watched 24 hours via video cameras. Guards wore camouflage without insignia and were armed with AK-47 assault rifles. To keep detainees in a state of exhaustion, the guards forced them to constantly perform physical work.⁶¹

4. Conflict-related sexual violence

“We will bring your daughter here and we will have sexual intercourse with her in all possible ways.”

- Staff to detainee during interrogation.

55. OHCHR continued documenting cases of conflict-related sexual violence, most of which occurred at the early stages of the conflict, in 2014-2015, but were only reported recently when the victims felt safe and were able to access some services. These cases fit into the previously-identified pattern of sexual violence used as a form of torture or to force victims to perform actions demanded by the perpetrators.⁶² Some emblematic cases are described below.

56. On 28 September 2017, a civilian man was taken off a bus at an internal checkpoint by armed men in camouflaged uniform and accused of affiliation with armed groups based on his social media pictures. He was transferred to a police station in Kreminna, where he was forced to strip to his underwear and stand in a cold room for two hours, with people walking in and out. He was beaten, threatened with rape and of being handed over to Azov battalion. Without access to a lawyer, he was forced to sign a statement, typed by an investigator, that he was a member of armed groups. The next day he was released.⁶³

57. In December 2014, seven masked men armed with assault rifles, including several members of a volunteer battalion, broke into a private house in a town near the contact line. One perpetrator put a knife to the victim’s neck, who was eight months pregnant, and threatened to cut her throat if she screamed. He tied her hands and legs with rope and gagged her with a cloth wet with engine oil, causing her to suffocate. He also pointed a gun to her stomach threatening to shoot her baby. While one perpetrator demanded to know where the money and valuables were, another one sexually assaulted her by touching her breasts and genitals under her clothing, and a third man threatened her with gang rape. During this ordeal, the victim could hear her parents screaming in another room, causing additional suffering and reinforcing the threats. After seizing all the valuables and money, the men threatened to shoot the family if they reported the crime. The perpetrators are currently on trial.⁶⁴

Territory controlled by armed groups

58. On 31 May 2014, near Luhansk, two civilian men were abducted and detained by five members of an armed group masked with balaclavas and armed with assault rifles. They were taken to a tent camp and separated. One victim, who was known for his pro-Ukrainian views, was brought inside a tent, where other members of armed groups beat him and subjected him to a mock execution before interrogating him. At one point, the interrogator kicked the victim in his testicles, which was extremely painful and resulted in residual injury. The victim was also beaten with a metal rod wrapped in a rag by different individuals, including a woman. The perpetrators forced the victim to open his social network accounts, which was followed by more beatings on different parts of his body, including his kidneys and the back of his head. The perpetrators

⁶¹ HRMMU interviews.

⁶² See OHCHR report on conflict-related sexual violence in Ukraine, 14 March 2014 to 31 January 2017.

⁶³ HRMMU interview.

⁶⁴ HRMMU interview.

threatened the second victim that his younger sister “may not come back home tonight”; they knew where she studied and what time she returned home. The victims also heard a man armed with a pistol ask the guards whether his friends could rape the ‘detainees’.⁶⁵

5. Access to places of detention

59. In government-controlled territory, OHCHR – in general – continued to enjoy unimpeded access to official places of detention. OHCHR conducted confidential interviews, in line with international standards, of detainees in SIZOs in Bakhmut, Kharkiv, Kherson, Mariupol, Mykolaiv, Odesa, Starobilsk, Vinnytsia and Zhytomyr, and in penal colonies in Kharkiv, Mykolaiv and Odesa regions. At the same time, OHCHR faced unreasonable delays with access to a number of detainees held in Dnipro and Kyiv. In Kharkiv, OHCHR was denied permission for three months to hold a confidential interview with a detainee under SBU investigation, and also faced delays accessing other such detainees.

60. In both ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’, OHCHR continued to be denied access to detainees and places of deprivation of liberty. Coupled with first-hand information received by HRMMU, this denial of access continued to raise serious concerns regarding detention conditions, as well as possible further human rights abuses such as torture and ill-treatment.

6. Conditions of detention

61. In government-controlled territory, HRMMU noted during its visits that the general conditions in some places of detention did not satisfy applicable international standards such as the Mandela Rules.⁶⁶ The issue of access to medical care remains acute, particularly for conflict-related detainees in SIZOs. Frequently raised concerns included: refusal to provide medical care⁶⁷; failure or inability to provide opportunities for specialised medical care (e.g. consultations with a neurologist, endocrinologist, surgeon or gynaecologist) or for a specific medical examination despite repeated requests⁶⁸; failure to provide medical check-ups or needed X-rays⁶⁹; and failure to provide medical assistance due to the absence of basic medication in SIZOs⁷⁰ or inability to ensure access to antiretroviral treatment for detainees with HIV⁷¹. While these findings are based on HRMMU interviews with conflict-related detainees, the United Nations Subcommittee on Prevention of Torture (SPT) also captured these violations as a result of systemic challenges.⁷²

62. During interviews and court hearings, alleged victims and their lawyers continue to raise concerns that bodily injuries of detainees as a result of torture are not systematically documented when detainees are admitted to a SIZO or temporary detention facility (ITT), despite existing regulations.⁷³ For example, a detainee was first rejected by the ITT in Kramatorsk due to visible signs of ill-treatment, but later admitted after the military police forced him to sign a statement that the injuries were sustained prior to his apprehension. The ITT administration did not attempt

⁶⁵ HRMMU interview.

⁶⁶ United Nations General Assembly Resolution 70/175, “United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)”, 17 December 2015.

⁶⁷ HRMMU interviews.

⁶⁸ HRMMU interviews.

⁶⁹ HRMMU interview.

⁷⁰ HRMMU interview.

⁷¹ HRMMU trial monitoring, 17 October 2017.

⁷² CAT/OP/UKR/3, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Visit to Ukraine undertaken from 19 to 25 May and from 5 to 9 September 2016: observations and recommendations addressed to the State party, paras. 53-56.

⁷³ For example, the existing Order of the Ministry of Internal Affairs No. 638 dated 2 December 2008, registered in the Ministry of Justice on 12 February 2009, requires that all detainees pass a medical examination in the medical institution under the Ministry of Health, and if a detainee has any health complaints, ITT staff should call an ambulance. If there are any visible signs of injuries, the Prosecutor’s Office should be immediately notified. Unfortunately, based on HRMMU monitoring, these safeguards do not always work, which leads to poor documentation of torture at all stages. HRMMU therefore welcomes efforts of the National Police and other relevant law-enforcement agencies to improve the situation through training of their staff, including on Istanbul Protocol, as well as a pilot project in ITT nr. 1 in Dnipropetrovsk region.

to verify the veracity of the written statement.⁷⁴ Often, detainees are only asked if they have any medical complaints and are not duly examined by a health practitioner. In some cases, although injuries were documented, SIZO staff failed to provide a copy of the medical certificate to the detainee⁷⁵ despite the legal requirement to do so.⁷⁶ As was highlighted by the SPT, delayed or superficial medical examination may thwart investigative efforts into allegations of torture.⁷⁷

Situation of pre-conflict prisoners in territory controlled by armed groups

63. OHCHR welcomes the transfer on 14 September 2017 of 19 pre-conflict prisoners from four penal colonies⁷⁸ controlled by the ‘Donetsk people’s republic’ to facilities in government-controlled territory. The transferred prisoners did not report being subjected to torture or ill-treatment, however, in certain penal colonies, the conditions were poor, including substandard quality of food, insufficient healthcare due to lack of medical staff and supplies, and lack of adequate heating.⁷⁹

64. Prisoners reported that one of the primary reasons for requesting transfer was to be able to maintain contact with families, which had become difficult once the armed conflict erupted. While prisoners are sometimes able to make phone calls, there is no postal service between government-controlled territory and armed-groups-controlled territory, and relatives cannot easily cross the contact line. OHCHR is not informed about criteria used for selecting detainees for transfer. It is of concern that the ‘Donetsk people’s republic’ denies transfer requests of pre-conflict prisoners with official registration in government-controlled territory of Donetsk region.

65. Even those prisoners who have served their complete sentence or were acquitted by a court in government-controlled territory after the start of the conflict have not been released. The armed groups do not acknowledge court decisions taken in government-controlled territory and do not recognize or apply the Savchenko Law,⁸⁰ resulting in the arbitrary detention of the concerned individuals.⁸¹

66. To date, no pre-conflict prisoners have been transferred from penal colonies controlled by the ‘Luhansk people’s republic’ despite numerous appeals by prisoners and advocacy by HRMMU. This raises concern when paired with allegations received by HRMMU of ill-treatment, particularly in penal colonies in Slovianskerbsk and Khrustalnyi (formerly Krasnyi Luch). In addition to poor conditions of detention,⁸² prisoners alleged that they have been regularly beaten by masked men believed to be ‘special forces’ (“spetsnaz”). The perpetrators wore camouflage with a chevron displaying a skull wearing a beret with a knife in its teeth.⁸³

⁷⁴ HRMMU interview.

⁷⁵ HRMMU interviews.

⁷⁶ Joint Decree of the Ministry of Justice Ukraine and the Ministry of Health of Ukraine no. 239/5/104 of 10 February 2012, explicitly requires SIZO medical staff to issue a copy of a medical certificate attesting to documented bodily injuries to the detainee, regardless of the nature and circumstances of such injuries

⁷⁷ CAT/OP/UKR/3, Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Visit to Ukraine undertaken from 19 to 25 May and from 5 to 9 September 2016: observations and recommendations addressed to the State party, paras. 34-38.

⁷⁸ Penal colonies no. 32 and 97 in Makiivka, no. 28 in Torez, and no. 52 in Yenakiieve.

⁷⁹ HRMMU interviews.

⁸⁰ Law of Ukraine ‘On amendments to the Criminal Code of Ukraine concerning the improvement of rules of incorporation by the court of the period of pre-trial detention into the period of sentence’ No.838-VIII of 26 November 2015.

⁸¹ Under the Savchenko Law, when calculating time served, one day in a pre-trial detention facility was counted as two days of detention in a prison colony, which could substantially reduce the overall length of a prison sentence.

⁸² Prisoners reported insufficient quantity of food, insufficient of medical aid, limited electricity and running water (available only two hours per day), no heating in the barracks, and insufficient opportunities for personal hygiene (prisoners are allowed to wash only once a month).

⁸³ HRMMU interviews.

III. Accountability and administration of justice

A. Accountability for human rights violations and abuses in the east

"We will kill you now, and we will avoid any punishment for that."

- Perpetrators to victim of human rights violations.

67. The Government of Ukraine has a duty to ensure that victims of human rights violations and abuses have access to an effective remedy, including reparations, and that such remedies are enforced when granted.⁸⁴ Yet accountability for most conflict-related cases has not been achieved. These include both human rights violations perpetrated by Government forces and human rights abuses perpetrated by armed groups.

68. As of 1 November 2017, military prosecutor's offices reported carrying out 118 investigations into crimes allegedly perpetrated by Ukrainian military forces and other military formations (including killings of civilians) as well as by the SBU (including abuse of power and physical abuse of detainees to force confessions).⁸⁵ They further reported that, under their procedural guidance, the national police are carrying out 119 investigations.⁸⁶ At the same time, certain human rights violations allegedly perpetrated by Ukrainian military (in particular by members of special units formed on a voluntary basis) and SBU remain uninvestigated.⁸⁷

69. Similarly, police were hesitant to investigate the enforced disappearance of a Luhansk resident on 14 July 2014 allegedly perpetrated by members of the Ukrainian military due to "absence of elements of the crime". Only in May 2017, after the victim's mother had repeatedly filed a complaint with the police, was an investigation formally launched.⁸⁸ In another case, a Ukrainian soldier, accused of arbitrarily detaining a person, complained that the military prosecutor's office failed to investigate his own complaint of arbitrary detention and beatings over the course of three days at the Kramatorsk SBU. Despite repeated complaints since 2015, the investigation was closed and reopened twice, with no results to date.⁸⁹

70. The effectiveness of investigations is also an issue. For example, the criminal investigation into unlawful detention of individuals at the Kharkiv SBU has been ongoing for a year without yielding any results, raising concern regarding the genuine intention to bring the perpetrators to accountability.⁹⁰ Similarly, a conflict-related detainee's allegations of torture and ill-treatment by SBU officers in Sievierodonetsk were not properly addressed by the military prosecution.⁹¹ Furthermore, the investigation into the enforced disappearance of a resident of Dobropillia (Donetsk region) on 1 October 2014 has not yielded any results. The victim's brother collected witness accounts suggesting that the crime had been committed by members of the

⁸⁴ ICCPR, art. 2(3); CERD art. 6; CAT, art. 14.

⁸⁵ According to the Military Prosecutor, in addition, 13 investigations have been suspended, 124 have been closed and 83 have been submitted to courts with indictments (52 of which resulted in judgments of conviction).

⁸⁶ According to the Military Prosecutor, in addition, 6 investigations have been suspended, 142 have been closed and 243 have been submitted to courts with indictments (150 of which resulted in judgments of conviction).

⁸⁷ For instance, killings of Roman Postolenko and Dmytro Shabratskyi, OHCHR thematic report on accountability for killings in Ukraine, Annex I, paras. 11-14 and 117-118 respectively.

⁸⁸ HRMMU interview.

⁸⁹ HRMMU interview.

⁹⁰ OHCHR Report on the human rights situation in Ukraine, 16 November 2016 to 15 February 2017, para. 41 and footnote 37.

⁹¹ HRMMU interview. The victim complained to the Prosecutor's office of Luhansk region, which forwarded the complaint to the military prosecutor of Luhansk garrison, which in turn forwarded the detainee's complaint to the SBU internal oversight mechanism. The latter replied to the victim that no illegal actions had been established as a result of conducted investigation.

Donbas battalion with the acquiescence of the SBU and local police. The same police department is in charge of the investigation.⁹²

71. OHCHR is deeply concerned with the release on 6 November 2017 of a State Border Guard who had been convicted in the first instance court of killing a civilian in 2014 and sentenced to 13 years in prison.⁹³ The release followed a public information campaign by political figures in support of the accused which distorted the facts of the case, requests by members of Parliament for the SBU to investigate the judges of the trial court for links to armed groups and to examine their previous judgments,⁹⁴ and a meeting between members of Parliament and the Prosecutor General.⁹⁵ Further, President Poroshenko made a public statement in support of the accused.⁹⁶ Such pressure is emblematic of interference with the judiciary, and is likely to have a chilling effect on future investigations into serious violations of international human rights law or international humanitarian law committed by members of the security forces.

72. The Office of the Military Prosecutor continued to investigate human rights abuses perpetrated in territory controlled by armed groups, including killings, arbitrary deprivation of liberty, and torture and ill-treatment of both Ukrainian military and civilians. It reported having established numerous violations of Part 2 of Article 75 of Protocol I.⁹⁷ Testimonies of over 1,050 individuals arbitrarily detained by armed groups have reportedly been collected.

73. Individuals affiliated or linked with armed groups continued to face charges based only on their alleged participation in or support to armed groups rather than on violations of international humanitarian law or the human rights abuses they may have committed.⁹⁸ According to the Military Prosecutor, only 11 persons have been charged with violating the rules and customs of war under article 438 of the Criminal Code.⁹⁹

74. OHCHR notes the *in absentia* murder conviction and life sentences issued on 10 November 2017 against three members of armed groups of the ‘Donetsk people’s republic’ for the 2014 killing of 16-year-old Stepan Chubenko.¹⁰⁰ While OHCHR welcomes adjudication of

⁹² HRMMU interview.

⁹³ Judgement of conviction, Prymorskyi district court of Mariupol, 15 November 2016, upheld by court of appeal of Donetsk region on 7 February 2017, available at: <http://reyestr.court.gov.ua/Review/64775792>. The accused was released based on the decision of the High Specialized Court for Civil and Criminal Cases on 6 November 2017 to return the case for retrial, available at: <http://reyestr.court.gov.ua/Review/70144868>.

⁹⁴ See appeal of judges of Prymorskyi district court of Mariupol to the High Council of Justice regarding interference with the judiciary, 6 November 2017, available at http://www.vru.gov.ua/content/file/2951-0-6-17_.pdf. On 1 November, a member of Parliament filed a request with SBU to examine whether the judges of Prymorskyi district court are linked to the armed groups. In addition, approximately 150 men, including senior officials and servicemen of the State Border Guard Service, members of the Donbas battalion, at least four members of the Parliament, and young men in sportswear with a red duct tape on their shoulders, attended the hearing on 2 November, and up to 200 men in military uniform attended the hearing on 6 November before the High Specialized Court for Civil and Criminal Cases. HRMMU trial monitoring, 2 and 6 November 2017.

⁹⁵ On 2 November, members of Parliament who support the perpetrator met with the Prosecutor General to discuss the case. http://www.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=218440&fp=20.

⁹⁶ President Poroshenko made a statement supporting the Court decision saying that “sometimes the Motherland has to defend its defenders” (available at: <https://www.facebook.com/petroporoshenko/posts/1136056533195404>)

⁹⁷ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977.

⁹⁸ See OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2017, para. 88; OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2017, para. 72.

⁹⁹ See defendants listed in OHCHR report on the human rights situation in Ukraine, 16 February to 15 May 2017, footnote 118. Additional defendants include a ‘commander’ of the ‘Hooligan battalion’ of the ‘Luhansk people’s republic’ (suspected of armed assault, abduction and illegal detention), the ‘military commandant’ of the ‘ministry of defence’ of the ‘Luhansk people’s republic’ (suspected of creating an armed group in July 2014, assault, and misappropriating of property to be used in operation of the ‘Luhansk people’s republic’), commander of the ‘Vostok battalion’ for failure to provide medical aid to a Ukrainian soldier, leading to his death (see OHCHR thematic report on Accountability for killings in Ukraine from January 2014 to May 2016, Annex I, paras. 26-28), and a member of the armed groups of ‘Donetsk people’s republic’ for physical violence against captured military servicemen and civilians in Snizhne, Donetsk region. According to the Office of the Military Prosecutor, 3,000 persons (including 1,450 civilians) have been unlawfully detained and subjected to torture, inhuman and degrading treatment.

¹⁰⁰ Judgment of conviction of Dzerzhynskiy town court of Donetsk region (available at: <http://reyestr.court.gov.ua/Review/70145786>). See also OHCHR thematic report on accountability for killings from January 2014 to May 2016, Annex I, paras. 44-47.

the human rights violation rather than focusing on membership in an armed group, concerns remain regarding possible deficiencies of the national legal framework regulating trials *in absentia* which may fall short of international human rights standards.¹⁰¹

B. Fair trial rights

"The European Court of Human Rights is very far. SBU, on the other hand, is right here."

- Criminal judge.

75. Individuals arrested and detained for conflict-related charges often found themselves victims of human rights violations such as arbitrary detention, torture and ill-treatment. The pattern suggested that the majority of these violations occurred shortly after arrest with the aim of obtaining incriminating testimonies and information. Victims' complaints of torture or ill-treatment were often disregarded, even when submitted in court.¹⁰² Furthermore, OHCHR documented cases suggesting that immediate access to a lawyer remains a problem for conflict-related detainees. This problem existed mainly in combination with the practice of unlawful detention prior to registering the arrest of a person.¹⁰³

76. Article 258-3 of the Criminal Code on the "setting up of a terrorist group or organization" criminalizes a broad range of actions, including "participating in" as well as "materially, institutionally, or otherwise facilitating the setting up or operation of" a terrorist group or organization. Such wording allows for broad interpretation of the law, in contradiction to the basic principle of legal certainty. On 28 September 2017, the Andrushivskiy district court of Zhytomyr region sentenced one media professional and one IT specialist to nine years for the "informational facilitation" of "activity of a terrorist organization" for helping to organize the operation of Novorossia TV channel.¹⁰⁴

77. OHCHR continued to observe attempts to pressure or otherwise interfere with the judiciary in conflict-related cases. A judge of Zarichnyi district court of Sumy¹⁰⁵ reported being harassed by 'civic activists' in response to the acquittal of a former security officer accused of joining an armed group.¹⁰⁶ In an unrelated case, after acquitting the former chief of the Kratomorsk town police who was accused of supporting armed groups, another judge found himself under investigation for the same charges.¹⁰⁷ A judge of the court of appeal of Luhansk region considering an appeal in the second acquittal of a district council official charged under article 114-1 of the Criminal Code¹⁰⁸ openly stated during a hearing that it was difficult for him to handle the "poorly substantiated appeal" given the attention to the case of "people from above".¹⁰⁹ Judges of Selydivskiy town court of Donetsk region who complained to the High

¹⁰¹ While an accused person has the right to be present at his or her trial (art.14, ICCPR), trials *in absentia* may be acceptable in special circumstances so long as the rights of an effective defence is preserved (General Comment no. 13, art. 14, ICCPR). The Criminal Code of Ukraine allows for *in absentia* trials, however does not provide for retrials, nor an opportunity to appeal against the verdict after the expiry of the general 30-day statutory limitation.

¹⁰² HRMMU interviews (with regard to complaints made in six different cases).

¹⁰³ HRMMU interviews.

¹⁰⁴ Judgment available at <http://reyestr.court.gov.ua/Review/69213571>.

¹⁰⁵ HRMMU interview.

¹⁰⁶ The acquittal was based on lack of recognition of the 'Donetsk people's republic' as a terrorist organization and non-admissibility of evidence, obtained by coercion.

¹⁰⁷ HRMMU interview.

¹⁰⁸ Article 114-1, introduced into the Criminal Code at the wake of the armed conflict in April 2014, criminalizes any "obstruction of lawful activities of the armed forces of Ukraine or other military formations". The current legislation does not define such 'lawful actions' with sufficient clarity, nor does it set a threshold to qualify as 'obstructing' them. This raises concerns that an unjustifiably wide discretion is left to prosecutors and judges, and the article may be used to persecute legitimate complaints against the military.

¹⁰⁹ HRMMU trial monitoring, 30 October 2017. According to publicly available information, the Deputy Minister for Temporary Occupied Territories and IDPs made prejudicial statements against the accused and another senior official of

Council of Justice about interference with their functions by the prosecutor's office of Donetsk region in conflict-related criminal cases, afterwards found themselves under investigation led by the latter.¹¹⁰

78. OHCHR recalls that the presumption of innocence is among fundamental guarantees of fair trial, and senior public officials should refrain from making public statements regarding criminal proceedings which would prejudice the public to believe the suspect is guilty or prejudice the assessment by judicial authorities.¹¹¹ OHCHR is concerned with public statements made by the deputy speaker of the Parliament claiming that former Sloviansk mayor Nelia Shtepa¹¹² (currently on trial for trespass against territorial integrity of Ukraine and creation of terrorist organization) called the "Russian world" into Donbas.¹¹³ (*See also* the release of a convicted State Border Guard, para. 71 *above*.)

C. Territory controlled by armed groups

"The circus continues..."

- Person on 'trial'.

79. The 'Donetsk people's republic' and 'Luhansk people's republic' continued developing structures through which they performed government-like functions, including in the area of 'justice'. OHCHR recalls that it is increasingly accepted that non-state actors exercising government-like functions and effective control over a territory must respect human rights standards when their conduct affects the human rights of individuals under their control.¹¹⁴

the district council, blaming them for construction of barricades obstructing the movement of UAF troops. Notably, he publicly admitted to interfering with the judiciary and pledged to "not step away until purging the land of this scum". *See* <https://apostrophe.ua/ua/article/society/2015-10-02/georgiy-tuka-o-vozvrashchenii-separatistov-vo-vlast-i-blujdayuschih-snyaperah/2353> and <https://amnesty.org.ru/ru/2015-09-18-ukraina2/>.

¹¹⁰ *See* complaints regarding interference with the judiciary, dated 23 June 2017 and 11 July 2017 (available at http://www.vru.gov.ua/content/file/1288-0-6-17_.pdf and http://www.vru.gov.ua/content/file/1288-1-6-17_.pdf). The judges complained about the failure of the prosecutor's office of Donetsk region to comply with legislation when prosecuting individuals on conflict-related charges, leaving judges no option but to return indictments back to the prosecution or acquit defendants. They alleged that in order to shift attention from their failures, the prosecutors blame the judges of intentional protraction of proceedings and unwillingness to adjudicate in conflict-related cases. On 7 July 2017, a group of "National Corps" activists allegedly organized by the prosecutor's office of Donetsk region protested against the acquittal of the 'head' of the 'supreme court' of 'Donetsk people's republic' and performed a mock 'hanging of the corrupt judge' (*see* <http://azov.press/ru/selidiv-kim-suddyam--lyustraciyu>). On 4 August 2017, based on a submission of a member of the Parliament, the prosecutor's office of Donetsk region launched an investigation into the acquittal of the 'head' of the 'supreme court' of 'Donetsk people's republic' by the judges of Selydivskiy district court of Donetsk region on charges of delivering a knowingly unjust verdict (*see* OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2017, footnote 74).

¹¹¹ It is a duty of all public authorities to refrain from prejudging the outcome of a trial, e.g. by abstaining from making public statements affirming the guilt of the accused. In *Gridin v. Russia* (2000), the Human Rights Committee found a violation of the presumption of innocence where public statements by officials which received wide media coverage presented the accused as guilty. *See also Saidova v. Tajikistan* (2004); *Ismoilov and others v. Russia*, ECHR, no. 2947/06, 24 April 2008.

¹¹² *See* OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2017, footnote 122. On 20 September 2017, Leninskyi district court of Kharkiv released Ms Shtepa from custody, replacing detention with house arrest upon the motion of the defence. Decision available at <http://reyestr.court.gov.ua/Review/69076525>. After more than three years of extending the detention (since Shtepa's arrest in July 2014), the court concluded that there was not a risk of flight. Of note, on 6 November 2017, the court informed the parties that the presiding judge on the trial has gone on paternity leave and recused himself. It is unclear whether the case will now need to be tried *de novo*.

¹¹³ <https://www.facebook.com/iryna.geraschenko/posts/1512039325550542>.

¹¹⁴ The United Nations Committee on the Elimination of Discrimination against Women considers that "under certain circumstances, in particular where an armed group with an identifiable political structure exercises significant control over territory and population, non-State actors are obliged to respect international human rights" (General Recommendation No 30, 2013). The United Nations Security Council strongly condemned "the continued violations of international humanitarian law and the widespread human rights violations and abuses, perpetrated by armed groups" in the Central African Republic (resolution 2127 (2013), para. 17). In relation to the situation in the Democratic Republic of the Congo, it reminded all parties "in Uvira and in the area that they must abide by international humanitarian standards

80. The armed groups contend that conflict-related detainees are under ‘investigation’ and/or in ‘custody’ awaiting ‘trial’. As a general rule, conflict-related ‘criminal cases’ (‘espionage’, ‘high treason’, etc.) are held in closed ‘sessions’ without outside observers or independent international monitors. OHCHR is concerned that, behind closed doors, conflict-related detainees are ‘convicted’ and face harsh ‘sentences’ without recourse to effective remedy. For example, on 31 October, a ‘military court’ of the ‘Luhansk people’s republic’ ‘sentenced’ a man to 12 years for ‘high treason’ after a two-week ‘trial’ held in closed sessions. OHCHR notes that the defence counsel, who was ‘appointed’ by ‘MGB’, never visited his client in detention. OHCHR further notes that while the details of the ‘prosecution’ and ‘conviction’ are unknown, the man was initially arrested after singing a Ukrainian song in a local bar.¹¹⁵

81. In addition to these concerns, the inherent lack of independence and impartiality of these ‘tribunals’ raises serious concerns that residents in territory controlled by armed groups do not have adequate protection of their rights and no access to justice. The situation is even more concerning in light of reports that a second ‘death penalty’ was ‘pronounced’ on 7 November 2017 by the ‘supreme court’ of the ‘Donetsk people’s republic’.¹¹⁶ International law sets stringent conditions for application of the death penalty, including meticulous compliance with international fair trial standards. The structures put in place by the “Donetsk people’s republic” clearly fail to meet those standards and should therefore in no circumstances impose capital punishment.

82. In territory controlled by armed groups of both ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’, the process of ‘registered’ detention is often preceded by a period of *incommunicado* detention perpetrated by the ‘law enforcement structures’, by ‘MGB’¹¹⁷ or ‘UBOP’¹¹⁸, which is not subject to any ‘review’. Such *incommunicado* detention may last for weeks or months.

83. Persons residing in territory under the control of armed groups, including those in detention, who wished to obtain a lawyer faced new challenges. On 30 June 2017, the ‘head’ of ‘Donetsk people’s republic’ issued a ‘decree’ stating that only lawyers who were ‘certified’ by the ‘Donetsk people’s republic’ may represent a ‘defendant’ in ‘criminal cases’, which is in conflict with the ‘law on the bar and practice of law’.¹¹⁹ Many lawyers fear obtaining such ‘certification’, as it may put them at risk of arrest and prosecution when they travel to government-controlled territory because the certification procedure requires taking an oath to the ‘Donetsk people’s republic’.

and ensure respect for human rights in the sectors they control” (statement by the President of the Council, S/PRST/2002/27(2002)), and indicated that “the RCD-GOMA must... ensure an end to all violations of human rights and to impunity in all areas under its control” (statement by the President of the Council, S/PRST/2002/22(2002)). See also, in relation to the situation in Gaza: A/HRC/16/71, para. 4, and in relation to the situation in Libya: A/HRC/17/45(2011), para. 20. See also Report of the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, A/HRC/17/44, para. 72; and Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka, 31 March 2011, para. 188.

¹¹⁵ HRMMU interviews. In addition, on 9 October 2017, the ‘prosecutor-general’s office’ of the ‘Donetsk people’s republic’ reported the ‘sentencing’ of two people to 14 years each for ‘espionage’, and on 13 November, OHCHR attended the pronouncement of a ‘judgement’ by the ‘military tribunal’ of the ‘Donetsk people’s republic’ where a woman was ‘convicted’ of ‘espionage’ and ‘sentenced’ to 10 years. She reportedly received the minimum ‘penalty’ in exchange for cooperating with the prosecution.

¹¹⁶ The ‘defendant’ was ‘convicted’ of the rape, sexual assault and killing of a nine-year-old girl. Judgment available at <https://suprcourt-dnr.su/content/verhovnyy-sud-prigovoril-nasilnika-i-ubiycu-k-isklyuchitelnoy-mere-nakazaniya>. The first ‘death penalty’ was ‘pronounced’ in December 2015 in a ‘case’ involving ‘charges’ of brigandism and killings, however as of 27 June 2017, the ‘death penalty’ had not been executed?

¹¹⁷ HRMMU interview; OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2017, paras. 47-50.

¹¹⁸ HRMMU interview.

¹¹⁹ The ‘law’ allows lawyers certified in Ukraine or the U.S.S.R. who have continuously practiced law in the ‘Donetsk people’s republic’ since 11 May 2014 and are registered with the ‘ministry of justice’ to represent criminal defendants. HRMMU interview.

D. High-profile cases of violence related to riots and public disturbances

84. OHCHR continued to follow the cases of killings and violent deaths in the context of mass assemblies, including those which occurred at Maidan in Kyiv,¹²⁰ during the 2 May 2014 violence in Odesa¹²¹, during the Unity March in Kharkiv on 22 February 2015¹²² and from the explosion near Parliament on 31 August 2015.¹²³ Investigations into some episodes have been ongoing, while others have reached the courts, however no essential progress has been observed in convicting perpetrators.

1. Accountability for the killings of protesters at Maidan

85. According to the Prosecutor-General's Office, 53 persons (including former senior officials) have been notified of suspicion of committing crimes against participants of Maidan protests. Forty of them have reportedly absconded; special pre-trial investigations *in absentia* were launched against 27 of them.

86. Ten persons have been indicted, including five former "Berkut" special police regiment servicemen who are on trial on charges of killing 48 people and inflicting 128 gunshot injuries to 80 protesters on 20 February 2014, together with other absconded servicemen. They remain in custody pending trial at Sviatoshyynskiy district court of Kyiv, which is still reviewing witnesses' and victims' testimonies and examines case files.

87. On 14 November 2017, Pecherskyi district court of Kyiv extended the pre-trial detention of one of alleged accomplices¹²⁴ of the abduction of two Maidan protesters on 21 January 2014. Both were reportedly severely beaten and released in a forest outside Kyiv. As a result, one victim froze to death.

88. The Prosecutor-General's Office continues its investigation against the former deputy head of the Kyiv SBU for launching an "anti-terrorist operation" in the Kyiv city centre which resulted in the deaths of protesters.¹²⁵ In total, 380 persons are under investigation for committing crimes against Maidan protesters.¹²⁶

2. Accountability for the 2 May 2014 violence in Odesa

89. On 18 September 2017, the Illichivskiyi town court of Odesa region acquitted 19 persons¹²⁷ of mass disturbances in the city centre which led to the killing of six men.¹²⁸ The court held that the prosecution failed to prove that the accused took active part in the disorder. The court also noted that the pre-trial investigation was not impartial as it was carried out by police and according to available information, police officers could have been engaged in organizing and participating in the mass disturbances along with those on trial. The court also shared OHCHR's concerns regarding the one-sided investigation, noting in particular that the prosecution was biased against the 'pro-federalism' activists.

90. The court ordered the immediate release of the five defendants who had remained in custody since May 2014. SBU immediately re-arrested two of them in the courtroom after the

¹²⁰ At least 108 protesters and other individuals, as well as 13 police officers, were killed during the Maidan protests. See OHCHR report on Accountability for killings in Ukraine, paras. 20-24 and Annex I, tables 1 and 2.

¹²¹ During the mass disorder in Odesa city centre, 6 persons were shot dead and 42 died while trapped in the burning House of Trade Unions. See OHCHR report on Accountability for killings in Ukraine, paras. 25-27 and Annex I, table 3.

¹²² Four people were killed by a blast. See OHCHR report on Accountability for killings in Ukraine, Annex I, para. 4.

¹²³ Four police officers were killed by a combat grenade explosion. See OHCHR report on Accountability for killings in Ukraine, Annex I, para. 5.

¹²⁴ Another 11 suspects have been put on a wanted list.

¹²⁵ For more details, see OHCHR thematic report on Accountability for killings in Ukraine from January 2014 to May 2016, Annex I, Table 1.

¹²⁶ Of them: 48 senior officials, 203 law enforcement officers, including 25 investigators, 16 prosecutors and 15 judges, and 42 civilians (the so-called "titushky") have been charged with crimes against Maidan protesters from November 2013 to February 2014. One hundred fifty five indictments against 239 persons have been submitted to courts, and 42 people have been convicted.

¹²⁷ The 20th accused absconded from Ukraine on 11 August 2017 and his case was separated.

¹²⁸ Judgment of acquittal, available at: <http://reyestr.court.gov.ua/Review/68926870>. OHCHR notes that the legal proceedings were beset with delays, having been transferred between four different courts, as well as re-started on three different occasions. Notably, once the case reached the panel of the Illichivskiyi town court of Odesa region, the trial saw rapid progress and was completed within four months (from 31 May to 18 September 2014).

judgement was pronounced, on charges of “trespass against the territorial integrity of Ukraine” in connection with a peaceful motorcade rally of ‘pro-federalism’ supporters in March 2014.¹²⁹

91. The court decision left unanswered the question of who is responsible for organizing the mass disturbances which resulted in 48 deaths. As of the date of this report, the investigations had identified only two persons who allegedly shot dead two men. One of the suspects is a member of ‘pro-unity’ groups and remains at liberty pending his trial, in stark contrast to the members of ‘pro-federalism’ groups who were detained for several years prior to their acquittal.¹³⁰

IV. Fundamental freedoms

A. Freedom of movement

“If we did not have to travel to the territory controlled by the Government to confirm our right to receive pensions, we would still go there... But to meet with relatives, to purchase food, not to be humiliated.”

- Resident living in territory not controlled by the Government.

92. Restrictions on freedom of movement and the transfer of goods and currency across the contact line continued to adversely affect hundreds of thousands of persons. Such restrictions, which required civilians to expose themselves to security risks, long queues and physical challenges, only served to further divide a once-integrated community.

93. Numerous factors contributed to longer queues at entry-exit checkpoints (EECPs) on both ends of the crossing routes. A total of 1.2 million individual crossings were recorded at the five crossing routes in August, and 1.1 million in September and October each.¹³¹ The daily working hours of the checkpoints at the crossing routes were reduced by 4.5 hours over the course of the reporting period.¹³² As of 15 November 2017, they were open from 8:00 to 17:00 hrs. Newly introduced measures¹³³ at the Cargill checkpoint (controlled by ‘Donetsk people’s republic’), also significantly slowed down the movement of people across the contact line. HRMMU observed that due to the longer waiting periods at this checkpoint, people attempted to cross the contact line through other crossing corridors, contributing to longer queues there as well. Civilians complained to HRMMU that long queues at government-controlled checkpoints were caused by an overly complicated checking procedure. OHCHR notes that corrupt practices were also claimed to be a significant factor negatively impacting the flow of civilians across the contact line.¹³⁴

94. During the reporting period, there have been at least nine security incidents at or in the vicinity of the crossing routes.¹³⁵ Mines continued to pose a serious threat to civilians crossing

¹²⁹ <http://reyestr.court.gov.ua/Review/69748399>, <http://reyestr.court.gov.ua/Review/69748019>

¹³⁰ The second suspect is a ‘pro-federalism’ activist who allegedly fled Ukraine after the 2 May violence.

¹³¹ Number of individual crossings of the contact line per month (information provided by the State Border Guard Service of Ukraine): August – 1.194.000; September – 1.093.000; October – 1.108.000; 1-15 November – 485.000.

¹³² On 1 September 2017, the working hours were reduced by 2.5 hours, and on 29 October, they were reduced by a further 2 hours. At the close of the reporting period, the EECPs were open from 8:00 to 17:00 hrs.

¹³³ Individual passport registration and checks already in place at other checkpoints were introduced at Cargill checkpoint on 7 September 2017.

¹³⁴ HRMMU site visits of all five crossing routes throughout the reporting period and information received from interlocutors.

¹³⁵ See Ukraine: Checkpoints – Humanitarian Snapshot (as of 16 November 2017), available at <https://reliefweb.int/report/ukraine/ukraine-checkpoints-humanitarian-snapshot-16-november-2017>; Ukraine: Checkpoints – Humanitarian Snapshot (as of 15 September 2017), available at <https://reliefweb.int/report/ukraine/ukraine-checkpoints-humanitarian-snapshot-15-september-2017>. Further, on 13 October 2017, one Ukrainian Border Guard was wounded as a

the contact line and those living in close vicinity to EECs. On 22 August, two women (aged 60 and 56) suffered injuries requiring hospitalization from an explosive device while walking off the main road near the Novotroitske EEC.¹³⁶ On 1 September, a 54-year old woman was wounded by a mine explosion in a forest in Stanytsia Luhanska.¹³⁷

95. OHCHR continued to express concern over conditions at Stanytsia Luhanska, the sole crossing route in Luhansk region, which requires people to climb across unsafe wooden ramps connecting parts of a destroyed bridge.¹³⁸ This is especially challenging for elderly people (who make up the vast majority of those crossing), persons with disabilities, and families travelling with children. With the onset of winter, traversing the ramps will become increasingly more difficult due to snow and ice. For this reason, persons with disabilities living in territory controlled by armed groups often decide it is too dangerous to travel across in order to receive their disability support and pensions.¹³⁹ OHCHR fears that these conditions may also encourage use of alternative, unofficial crossing paths, which are often mined. For example, on 10 November 2017, a resident of Donetsk stepped on a landmine while attempting to cross the contact line from Donetsk to Marinka outside of official crossing routes.¹⁴⁰ He died instantly from his injuries, however, his body remained in “no man’s land” for two days before it could be recovered.

96. On 20 October 2017, in a unilateral action, the Government once again opened its EEC located at the hitherto closed crossing route near Zolote in Luhansk region¹⁴¹ and allowed people to cross into “no man’s land” towards positions of armed groups of the ‘Luhansk people’s republic’. The people were prohibited from crossing checkpoints manned by the armed groups and had to return. While OHCHR strongly urges the opening of additional crossing routes across the contact line, including at Zolote, this must be done in a coordinated manner and must avoid placing civilians at increased security risks.

97. OHCHR continued to document cases of discriminatory restriction of freedom of movement through so-called ‘internal check points’ operated by the National Police. Civilians, including representatives of local and international NGOs who are registered in territory controlled by armed groups are often stopped and required to present an IDP certificate and their cell phones for a check of IMEI codes.¹⁴² All personal data is reportedly stored for future use. Such practice not only restricts freedom of movement and has a negative impact on operation of NGOs but also has a discriminatory nature targeting people who are registered in territory controlled by armed groups.

98. Residents were also adversely affected by unnecessary and disproportionate restrictions imposed by Order no. 39 of the Ministry of Temporarily Occupied Territory, which specifies the list of goods and quantities which may be transported across the contact line. On 28 July 2017, a woman crossing the contact line was stopped from transporting life-saving medication for her disabled daughter who suffers from a serious kidney condition, because the quantity of medication exceeded the prescribed maximum. The mother and child were stuck at the EEC for eight hours, during which the woman had to perform peritoneal dialysis for her daughter twice.

result of sniper fire at Marinka checkpoint, and on 10 September 2017, the area around the government-controlled checkpoint at Maiorsk was impacted by shelling.

¹³⁶ Daily report of the OSCE SMM, 25 August 2017, available at <http://www.osce.org/special-monitoring-mission-to-ukraine/336636>.

¹³⁷ ATO Press Centre, 2 September 2017, available at <https://www.facebook.com/ato.news/posts/1682749488402517>.

¹³⁸ See OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2017, para. 91.

¹³⁹ HRMMU meeting, 12 September 2017.

¹⁴⁰ OSCE SMM Daily report, 13 November 2017, available at <http://www.osce.org/special-monitoring-mission-to-ukraine/356591>. In addition, on 7 November, a resident of Stanytsia Luhanska died when he detonated an anti-personnel mine in the vicinity of Krasnyi Yar village while attempting to cross a river by boat from government-controlled territory to territory controlled by armed groups (information provided by OSCE SMM).

¹⁴¹ The Government first opened the Zolote checkpoint in March 2016, however armed groups of the self-proclaimed ‘Luhansk people’s republic’ refused to open checkpoints on territory under its control which would allow for the crossing of civilians.

¹⁴² Information provided by NGO Right to Protection. In addition, on 16 October 2017, HRMMU national Human Rights Officers staff travelling in a private car were asked at an internal checkpoint about their registered place of residence (“propiska”), suggesting discriminatory treatment.

They were allowed to transport the medication across the contact line only after a local NGO intervened.¹⁴³

99. Since there is no legal provision determining the amount of money which may be transported across the contact line, border guards apply Order no. 39 arbitrarily and confiscate amounts in excess of 10,000 UAH.¹⁴⁴ As of 28 August 2017, the State Fiscal Service of Ukraine (SFS) had seized cash from persons crossing the contact line on 26 occasions, totalling over 300,000 USD.¹⁴⁵ In each of these incidents, the SFS opened criminal proceedings under article 285-5 of the Criminal Code (“financing terrorism”) and transferred the cases to SBU for investigation.

100. Civilians complained that at government-controlled checkpoints, SBU officers pressured civilians residing in territory controlled by armed groups to sign papers agreeing to cooperate with SBU, by gathering information and reporting it back to SBU.¹⁴⁶ OHCHR is deeply concerned that such actions place civilians at serious risk. Such exchanges with SBU, occurring at checkpoints, can have grave repercussions such as ‘arrest’ by members of the armed groups on ‘charges’ of ‘high treason’ or ‘espionage’.

B. Freedom of opinion and expression

“If you cover the events in a wrong manner, you will end up with a criminal case of terrorism.”

- Legal defender.

101. OHCHR is concerned about the use of and the broad interpretation of terrorism-related provisions of the Criminal Code, as well as the provisions on high treason and trespass on territorial integrity of the country, in cases against Ukrainian media professionals, journalists and bloggers who publish materials or make posts or reposts in social media which are labelled by the security service as ‘anti-Ukrainian’.

102. Within the reporting period, at least three individuals were arrested and detained¹⁴⁷ and one was convicted and given a suspended sentence based on a repost he made on social media.¹⁴⁸ In addition, on 28 September 2017, the Andrushivskiy district court of Zhytomyr region convicted one media professional and one IT specialist on terrorism charges and sentenced each to nine years.¹⁴⁹ They were accused of facilitating the online broadcasting of Novorossia TV channel (affiliated with the ‘Donetsk people’s republic’, which the SBU considers a terrorist organization). Another journalist detained at Zhytomyr SIZO since 2 August 2017 is charged

¹⁴³ HRMMU interview.

¹⁴⁴ The Order provides that a person may transport goods with a total value of 10,000 UAH.

¹⁴⁵ According to the SFS, they confiscated 3,393,500 UAH, 1,319,700 RUB, 137,300 USD, 8,600 EUR, 100 CAD and 35 GBP during 2017.

¹⁴⁶ HRMMU interviews.

¹⁴⁷ SBU arrested one man on 28 September 2017 in Zaporizhzhia for his alleged affiliation with the ‘social communication committee’ of the self-proclaimed ‘Donetsk people’s republic’ and his publications which SBU claimed to be anti-Ukrainian and contain public calls to trespass the territorial integrity of Ukraine (See <https://ssu.gov.ua/ua/news/1/category/2/view/3952#.3AuLYZF0.dpbs>), the second on 19 October in Berezhivka town in Odesa region (<https://ssu.gov.ua/ua/news/7/category/21/view/4035#.ZODEPeyc.dpbs>), and the third on 27 October 2017 in Dnipro (<https://ssu.gov.ua/ua/news/4/category/21/view/4067#.r2HQ9i27.dpbs>) for social media posts deemed “anti-Ukrainian”.

¹⁴⁸ On 2 October 2017, the Desnianskii district court in Kyiv convicted a man under article 109 of the Criminal Code (“Actions aimed at forceful change or overthrow of the constitutional order or take-over of government”) for his repost on social media (<http://reyestr.court.gov.ua/Review/69284181#>).

¹⁴⁹ Both were found guilty of “Creation of a terrorist group or a terrorist organization” (Article 258-3 of the Criminal Code), and the IT specialist was additionally convicted of “public calls to commit a terrorist act” (Article 258-2) and “Violating the equality of citizens based on their race, ethnicity or regional beliefs” (Article 161). HRMMU interviews. See also Fair trial rights, para. 76 above.

inter alia with treason and terrorism based on his publications, and could face up to 15 years of imprisonment.¹⁵⁰

103. The lack of accountability for crimes against journalists raises serious concerns. Little progress was achieved in investigations of recent physical attacks against media professionals¹⁵¹ or in the high-profile cases of the killings of Pavlo Sheremet¹⁵² and Oles Buzyna.¹⁵³

104. OHCHR also noted a worrying trend of foreign journalists reporting on the conflict in the east being labelled “propagandists” as a basis for their deportation from Ukraine.¹⁵⁴ Three journalists from the Russian Federation and two from Spain were subjected to arrests, interrogations, and expulsions in connection with their reporting.¹⁵⁵ The SBU insists it is compelled to undertake restrictive measures in cases when journalists disregard objectivity and distort information. OHCHR stresses that any restriction of freedom of expression, if applied, must be proportionate to the legitimate aim pursued and calls for careful consideration of each restrictive measure, based on international standards including practice of the European Court of Human Rights.¹⁵⁶

Territory controlled by armed groups

105. Freedom of expression remains severely restricted with no critical publications or elements of dissent allowed in media outlets circulating in ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’. On 27 September 2017, armed men forcibly entered the home of a well-known blogger and activist in Donetsk, beat him and interrogated both him and his wife (*see also* para. 53 *above*). The blogger was arbitrarily detained for 36 days, until 2 November,

¹⁵⁰ He is charged with “High Treason” (Article 111 of the Criminal Code), “Trespass against the territorial integrity and inviolability of Ukraine” (Article 110), “Violations of citizens’ equality based on their race, ethnicity and religious beliefs” (Article 161) and “Creation of a terrorist group or a terrorist organization” (Article 258-3). HRMMU interviews; <https://su.gov.ua/ua/news/1/category/2/view/3945#.Zd2HXxCe.dpbs>.

¹⁵¹ On 15 September 2017, a journalist and a cameraman from Radio Liberty were attacked in Kyiv, allegedly by a state guard officer while they were filming near the venue of the wedding of the General Prosecutor’s son. A criminal case was opened under article 345-1 (“threats or violence towards a journalist”). Both the victims and their lawyer state the law enforcement are failing to investigate the case. On 24 October 2017, one journalist was beaten and two others were attacked and apprehended while reporting on a trial in Sviatoshynskiy district court in Kyiv. A criminal case was opened under article 171 of the Criminal Code of Ukraine (“preventing legal professional activity of journalists”). In total, from January to October 2017, the National Union of Journalists of Ukraine documented 80 attacks against journalists, 20 of which were reportedly committed by state officials, civil servants or law enforcement agents. <http://nsju.org/index.php/article/6679>.

¹⁵² See OHCHR report on the human rights situation in Ukraine covering the period between 16 May and 15 August 2017, para. 97.

¹⁵³ See OHCHR report on Accountability for killings in Ukraine, January 2014 to May 2016, Annex I, para. 79-82; OHCHR report on the human rights situation in Ukraine covering the period between 16 February and 15 May 2017, para. 86.

¹⁵⁴ The practice was widely criticised by the international community: On 18 September 2017, the Committee to Protect Journalists (CPJ) published an open letter to President Poroshenko which referred to seven incidents from August to September where SBU “targeted newsmen and journalists on accusations that appear politically motivated, and in retaliation for critical reporting” and called on the President “to reaffirm his commitment to ensuring journalists’ safety”, available at <https://cpj.org/2017/09/cpj-calls-on-ukrainian-president-petro-poroshenko-.php>.

¹⁵⁵ On 14 August 2017, SBU detained Tamara Nersesyanyan, special correspondent for Russian state broadcaster VGTRK and interrogated her about her reporting in eastern Ukraine. On 29 August 2017, SBU reported it had barred Spanish freelance journalists Antonio Pampliega and Ángel Sastre over their reporting on the conflict in the east and for posting “anti-Ukrainian” messages on social media. On 30 August 2017, unknown persons abducted Russian journalist from ‘Perviy kanal’, Anna Kurbatova, from a street in the centre of Kiev. On 4 October, SBU detained Russian ‘NTV’ journalist Viacheslav Nemyshov and reported he had a ‘press accreditation’ of the self-proclaimed ‘Donetsk people’s republic’ and had been working on the armed-group-controlled territory in 2016-2017, reporting “anti-Ukrainian information”. All these journalists were expelled and barred from entering Ukraine for three years. On 13 October 2017 SBU reported to have lifted the ban for the two Spanish journalists.

¹⁵⁶ See fact sheet on hate speech by the European Court of Human Rights, available at http://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf; *Handyside v. the United Kingdom*, Judgment, 7 December 1976, § 49: “Subject to paragraph 2 of Article 10 (art. 10-2), [freedom of expression] is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. [https://hudoc.echr.coe.int/eng#{"itemid":\["001-57499"\]}](https://hudoc.echr.coe.int/eng#{)”.

accused of 'terrorism'. The 'charge' allegedly stemmed from his published articles criticising the leadership of the 'Donetsk people's republic'.¹⁵⁷

106. Armed groups of 'Donetsk people's republic' continue to detain blogger Stanislav Aseyev (aka Vasin), held since 3 June 2017.¹⁵⁸ Another blogger in 'Luhansk people's republic' was reportedly 'convicted' of "extremism" and "espionage" for his critical posts on social media and 'sentenced' to 14 years imprisonment.¹⁵⁹

107. The privacy and personal data protection of internet users in 'Donetsk people's republic' have been compromised. On 21 September 2017, the 'ministry of communication' sent a letter to internet providers requesting them to collect and store the personal data of internet users¹⁶⁰ and information about their online activities.¹⁶¹ The justification provided was the "significant number" of requests from "law enforcement agents" to identify persons suspected of committing offences.

C. Freedom of religion or belief

108. OHCHR continued documenting interference with freedom of religion through policies and actions undertaken in particular in territory controlled by armed groups. OHCHR also continued to monitor ongoing disputes between different churches in Ukraine for potential impacts which may infringe upon the freedom of religion.¹⁶²

109. On 17 August 2017, the 'ministry of culture, sports and youth' of 'Luhansk people's republic' adopted a 'decree'¹⁶³ requiring religious organizations to obtain a positive "theological opinion" in order to "register", act as "legal entity" and operate. The 'expert council' created to conduct such theological expertise can issue a negative opinion on the basis of a broad and vague list of reasons.¹⁶⁴ OHCHR is concerned that implementation of this 'decree' will lead to arbitrary infringement on the right to manifest one's religion or belief, while further shrinking the space for members of minority religious groups to exercise their rights.

110. In both 'Donetsk people's republic' and 'Luhansk people's republic', a number of actions were taken against Jehovah's Witnesses communities. In Horlivka, one of the houses of worship of the Jehovah's Witnesses community (known as "Kingdom Halls") was reportedly 'expropriated' by the 'Donetsk people's republic' on the basis that it was "abandoned", despite documentation confirming the congregation's ownership of the property¹⁶⁵ as well as its continued use by parishioners.¹⁶⁶ On 28 August, the 'MGB' of the 'Luhansk people's republic' announced that activities of unregistered organizations of Jehovah's Witnesses were banned due to their alleged ties with the SBU. Since then, Kingdom Halls in Luhansk, Alchevsk and Holubivka in territory controlled by the 'Luhansk peoples' republic' have been inaccessible for parishioners, bringing the total number of Jehovah's Witnesses religious buildings seized by

¹⁵⁷ HRMMU interview.

¹⁵⁸ OHCHR Report on the human rights situation in Ukraine, 16 May and 15 August 2017, paras. 49 and 103.

¹⁵⁹ Joint Submission under Article 19 of the Centre of Democracy and Rule of Law, Interdisciplinary Scientific-Educational Centre on Fighting Corruption, Human Rights Information Centre, Human Rights Platform and Institute for Development of Regional Press for the Universal Periodic Review of Ukraine, 30 March 2017, available at <http://bit.ly/2jzbKwS>; Press briefing for a representative of the self-proclaimed 'Luhansk people's republic', available at https://www.youtube.com/watch?time_continue=111&v=5XeYdB6-rl0.

¹⁶⁰ Internet providers are expected to provide 'law enforcement' with a user's name, residence registration, contact details and IP address.

¹⁶¹ The information is to be stored for no less than six months. The letter is published on the website of the 'ministry of communications', available at https://xn--b1akbpgy3fwa.xn--p1acf/sites/default/files/pismo_ms_2418.pdf.

¹⁶² These churches include the Ukrainian Orthodox Church (Moscow Patriarchate), Ukrainian Orthodox Church of the Kyiv Patriarchate, and Ukrainian Greek Catholic Church.

¹⁶³ 'Decree' on "order of issuance of theological opinion on permissibility of state registration of religious organizations", available at <https://mklnr.su/engine/download.php?id=507&area=static>.

¹⁶⁴ The list *inter alia* includes "complicity in aggression against the 'Luhansk people's republic'".

¹⁶⁵ The documents were issued by Ukrainian authorities prior to the outbreak of the conflict.

¹⁶⁶ No 'decision' was communicated to the parishioners, who found out from anonymous sources after the 'expropriation' had already taken place.

armed groups since the beginning of the conflict to 12.¹⁶⁷ Furthermore, on 14 October, ‘MGB’ entered the private home of a parishioner, interrupted a joint worship and collected personal data of all the participants. Four parishioners were temporarily detained and one was accused of organising an unauthorised public gathering.¹⁶⁸

V. Economic and social rights

A. Right to an adequate standard of living

“We had hoped that when we retire, we can finally start living for ourselves. But now we do not have money for anything. We just sit at home all day long. It is very depressing.”

- Pensioner.

111. The living conditions of people residing in conflict-affected areas remained dire due to damages and wear of key civilian infrastructure affecting public gas, water and electricity supply, lack of basic services in remote villages close to the contact line, severe restrictions on delivery of humanitarian aid, deteriorating economic environment, food insecurity, high level of unemployment and limited access to psycho-social and other forms of support.

112. As temperatures fell, the humanitarian situation in villages close to the contact line where civilian infrastructure and public gas supply are often damaged worsened. For example, the gas pipeline to (government-controlled) Krymske, Toshkivka and Nyzhnie was damaged by shelling on 5 June 2017, interrupting the supply of gas to those villages. The majority of residential houses have not been equipped with other heating mechanisms and will rely on limited humanitarian support in this regard. A similar situation was observed on the other side of the contact line, in Pikuzy village (formerly Kominternove) where 35 residential houses have not had gas supply since shelling damaged the pipeline in April 2017. Although the pipeline was repaired in May 2017, the gas company (located in Mariupol) stopped supplying gas to Pikuzy on 9 June 2017.¹⁶⁹ Due to high prices, residents cannot afford to purchase coal on a regular basis for heating purposes and instead rely on electric heaters. However, the electricity supply is irregular due to frequent damages inflicted by shelling.¹⁷⁰

113. Much of the key water infrastructure is located in “no man’s land”, which is often shelled and/or contaminated with UXO. The security situation poses serious obstacles for performing maintenance and repairs which should be completed prior to the onset of winter in order to avoid possible serious irreversible damage.¹⁷¹ Dokuchaievsk (located 2km from the contact line in territory controlled by ‘Donetsk people’s republic’) receives approximately only

¹⁶⁷ Kingdom Halls in Horiivka, Donetsk, Perevalsk, Khrustalniyi (formerly Krasnyi Luch), Boikovske (formerly Telmanove), Yenakiieve, Holubivka (formerly Kirovsk) and Brianka remain confiscated. In addition, Kingdom Halls in Luhansk and Alchevsk were searched by ‘MGB’ on 4 August 2017 based on alleged mining of the area, during which, parishioners were forced out from the building, had their personal data collected, and were individually questioned (including children who were questioned without the presence of their parents). On 15 August, the Kingdom Hall in Holubivka (formerly Kirovsk) was sealed by the ‘Luhansk people’s republic’ without any justification provided.

¹⁶⁸ HRMMU interview; Jehovah’s Witnesses Report on Observance of Freedom of Religion in “Certain Territories in the Donetsk and Luhansk Regions”, July – September 2017; OHCHR Report on the human rights situation in Ukraine, 15 May to 14 August 2017, paras. 105-106.

¹⁶⁹ HRMMU interview. HRMMU documented other cases where parishioners of Jehovah’s Witnesses were detained, questioned with regard to their religious affiliation, and ill-treated by members of armed groups.

¹⁷⁰ HRMMU meeting, 7 September 2017.

¹⁷¹ Other locations with restricted access to electricity caused by the conflict include government-controlled Lopaskyne (since May 2017), armed-group-controlled Staromarivka (since end of September 2017) and Novooleksandrivka (where inhabitants have not had electricity for more than three year). OSCE SMM.

¹⁷¹ If the pipes do not have water running through them when temperatures drop, they may freeze, causing irreversible damage. HRMMU meeting (WASH Cluster), 31 August 2017.

70 per cent of its water needs due to damages of the South Donbas Water Pipeline caused by shelling; the same damage places at risk the centralized heating of 400,000 people during the winter. Repairs would require a “window of silence” for water specialists to fix known damage and to check nine kilometres of pipe located in “no man’s land”, which may be contaminated with mines and UXO.

114. People living in villages close to the contact line continued to face obstacles accessing basic services and goods. For instance, in Opytne village where 42 residents remain, there has been no electricity, heating, gas or water supply since the beginning of the conflict. Furthermore, there is no grocery store, no pharmacy, no medical facility, and no public transportation. In order to access basic services, residents must walk 6 km to Avdiivka, along a footpath going through fields contaminated by mines and UXO, as the roads leading to Opytne are closed to vehicles. Persons with disabilities or elderly people who cannot walk the distance are especially vulnerable.¹⁷²

115. Restrictions on movement also prevented humanitarian assistance from reaching Opytne and other remote villages located close to the contact line in “no man’s land”. An NGO attempting to deliver humanitarian aid was stopped at an ‘internal’ checkpoint at the entrance to Pishchane (located 1.2km from the contact line) and denied entry to the village.¹⁷³ Similar incidents were documented in Novoluhanske, and the government-controlled area of Zaitseve (Bakhmutka and Zhovanka).¹⁷⁴

116. Access to adequate housing also remained an issue, in particular for displaced persons with disabilities. OHCHR observed poor living conditions in a collective centre for IDPs in Sviati Hory sanatorium in Donetsk region, where 90 per cent of the 203 residents (including 31 children) are persons with disabilities.¹⁷⁵ The indoor temperature of the two buildings was approximately 15 degrees Celsius. Residents share a single functioning shower, and a warm shower is available only once every nine days. The electricity is weak and the elevators do not function. Furthermore, IDPs accommodated in this collective centre lack basic food items, medications and hygiene products. OHCHR also documented the case of an 80-year-old wheelchair-bound IDP and her husband from Donetsk, who have spent two years living in their unheated country house. With very few accessible apartments available, they were unable to obtain appropriate alternative accommodation.¹⁷⁶

117. The space for humanitarian action in territory controlled by armed groups continued to be restricted. For instance, in ‘Donetsk people’s republic’ a new ‘accreditation’ for humanitarian cargo was introduced,¹⁷⁷ adding a third layer to an already cumbersome ‘accreditation’ process for humanitarian activity.¹⁷⁸ This cumbersome procedure creates additional challenges for humanitarian aid to reach people in need, at a time when 800,000 people in territory controlled by armed groups (double the number in 2016), are severely and moderately food insecure.¹⁷⁹

¹⁷² HRMMU visit to Opytne village, 10 October 2017. HRMMU documented similar situations during visits to Chornyi Buhor and Chihari settlements in Pivdenne (2 November 2017), Dacha (1 November 2017), Katerynivka - particularly its western part Koshanivka (30 August 2017), Krymske (29 August 2017), government-controlled parts of Zaitseve (Bakhmutka and Zhovanka, 1 November 2017), Znamianka (9 November 2017) and Novooleksandrivka (20 October).

¹⁷³ HRMMU visit to Pishchane, 5 October 2017.

¹⁷⁴ HRMMU visit to Novoluhanske, 4 October 2017.

¹⁷⁵ HRMMU visit, 5 September 2017.

¹⁷⁶ HRMMU interview.

¹⁷⁷ Although ‘decree’ no. 74 “on adoption of a temporary order of accreditation of humanitarian cargo” was signed on 28 April 2017, it was not published until 12 September 2017.

¹⁷⁸ There are now three ‘accreditation’ required, for the humanitarian organization to operate in the territory, for the specific humanitarian project, and for humanitarian cargo.

¹⁷⁹ Food Security and Livelihoods Cluster, Update on Sectoral Needs, Ukraine, October 2017, available at: http://fsccluster.org/sites/default/files/documents/fslc_brief_update_on_sectoral_needs_october_2017.pdf.

B. Right to social security and social protection

"You should have thought about this in 2014! When will they terminate your pension?"

- Border Guard to pensioner crossing the contact line.

118. There has been no change in the Government's policy of linking pensions to IDP registration.¹⁸⁰ The verification and identification procedure¹⁸¹ under this policy has led to the suspension of pension payments to at least 500,000 people since its adoption on 8 June 2016.¹⁸²

119. OHCHR stresses that this discriminatory requirement violates Ukraine's legal obligations¹⁸³, jeopardizes social cohesion, and creates additional hardships for vulnerable people. For example, persons with disabilities, who are particularly affected by the conflict¹⁸⁴ and face greater challenges due to restrictions on freedom of movement,¹⁸⁵ have increased difficulty fulfilling the verification procedure. The policy also distorts displacement statistics and puts administrative burdens on local social protection departments tasked with conducting the verification. Moreover, verification (home visits) often cannot be conducted in government-controlled territory located near the contact line.¹⁸⁶

120. OHCHR notes that the suspension of pensions under the verification process, which deprived hundreds of thousands of people - and often entire families - of their sole income, appears to have been disproportionate and unnecessary. Of the 547,300 cases of suspensions which were reviewed by the inter-agency commission on assigning (resuming) pension payments in 2017, pension payments were reinstated in 385,100 cases, amounting to 70 per cent.¹⁸⁷ Further, those pension suspensions which were challenged in court also led to reinstatement in a significant number of cases.¹⁸⁸ Notably, on 30 August 2017, the Dobropillia city-district court of Donetsk region ruled in favour of a plaintiff who had been deprived of her pension since October

¹⁸⁰ See OHCHR Report on the human rights situation in Ukraine, 16 February to 15 May 2017, para. 99; OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2017, para. 118.

¹⁸¹ Verification is intended to confirm that pensioners with residence registration in armed-group-controlled territory have *de facto* become IDPs living in government-controlled territory, which is required to continue receiving pension payments. The procedure was introduced by Cabinet of Ministers resolution no. 365 on "Some questions of implementation of social payments to internally displaced persons", available at <http://www.kmu.gov.ua/control/ru/cardnpd?docid=249110200>. On 13 September 2017, the Cabinet of Ministers adopted resolution no. 689 (available at <http://www.kmu.gov.ua/control/uk/cardnpd?docid=250271225>) abolishing the verification procedure (home visits) for pensioners if they undergo the obligatory identification procedure (personal appearance) in 'Oshchadbank' (due every three months). However, regular verification will continue for those IDPs who receive targeted assistance or any other forms of social benefits. As the majority of IDP-pensioners also receive IDP assistance or social benefits, they do not benefit from the amendments. In other cases, lack of cooperation and technical means for timely information exchange between the departments of social policy and 'Oshchadbank' have thwarted the intended effect of the reform.

¹⁸² Data provided by the Pension Fund of Ukraine on 3 November 2017.

¹⁸³ Article 9 of the International Covenant on Economic, Social and Cultural Rights; Article 1 of Protocol I to the Convention for the Protection of Human Rights and Fundamental Freedoms; Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms; Articles 41 (the right to property) and 46 (on the right to social security) of the Constitution of Ukraine; Decision of the Constitutional Court of Ukraine dated 7 October 2009 recognizing that pension payments cannot be suspended solely on the basis of the beneficiary's place of residents.

¹⁸⁴ See, e.g. Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Ukraine, 2 October 2015, paras. 13-14, 22-25; OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2017, paras. 91, 111 and 115.

¹⁸⁵ See Freedom of Movement *above*.

¹⁸⁶ For example, HRMMU was informed that representatives of the Ukrainian Pension Fund refused to cross the bridge to Staromarivka (located in "no man's land" in Donetsk region) to process the verification of four bedridden pensioners, whose entitlements were thereafter suspended. HRMMU meeting with NGO Right to Protection on 6 September 2017.

¹⁸⁷ Data provided by the Pension Fund of Ukraine, covering all cases reviewed from 1 January to 26 October 2017.

¹⁸⁸ In 90 per cent of cases filed in 2017 by the NGO Right to Protection (over 80 decisions), Ukrainian courts ruled in favour of citizens who appealed the decision to suspend their pension payments. The Pension Fund informed HRMMU that between January and October 2017, 165 IDPs had their pension payments restored based on court decisions.

2014, marking the first time that a court confirmed the right to pension of a resident who continuously lived in territory controlled by armed groups.¹⁸⁹ The decision, however, was overturned on 31 October 2017 and is now pending before the High Administrative Court of Ukraine.

121. Furthermore, the linking of the right to pension with IDP registration for citizens with residence registration in armed-group-controlled territory even when they choose to register a residence in government-controlled territory creates obstacles for the integration of IDPs in their new communities.¹⁹⁰ OHCHR reiterates that in order to prevent a situation of protracted displacement, Government policies should facilitate access to durable solutions such as local integration.

122. OHCHR noted a worrying trend where IDPs have been denied targeted financial assistance because the settlements they fled were not included in the official list of settlements where state authorities do not exercise their functions in accordance with Cabinet of Ministers' Order No. 1085.¹⁹¹ For example, Zaitseve, Zolote-5, Pivnichne, and Nevelske - which are regularly affected by the armed hostilities - have not been included in the list.

Territory controlled by armed groups

123. Since the conflict began, persons residing in territory controlled by armed groups have suffered from the loss of access to Government services. Persons with disabilities have been disproportionately affected as, for example, they no longer receive discounts on or free provision of certain medications, hygienic items and prosthetic equipment, and the social taxi (for people in wheelchairs) no longer functions. In addition, persons with disabilities in armed-group-controlled territory, including children, can no longer receive annual treatment or undergo rehabilitation in sanatoriums.

124. Residents stated that the 'disability allowance' paid by the self-proclaimed 'authorities' in both 'republics' is not a sustainable source of income and does not cover basic needs.¹⁹² As a result, persons with disabilities were often left fully dependent on families and/or humanitarian assistance, at a time when humanitarian organizations faced continuing restrictions (*see also Adequate standard of living above*).

C. Housing, land, and property rights

125. The lack of restitution and rehabilitation of, or compensation for, destroyed or damaged property remained among the most pressing unaddressed socio-economic issues.¹⁹³ OHCHR notes that there was no progress in development of a unified registry of damaged and/or destroyed property.¹⁹⁴ In certain areas close to the contact line, where residents were forced to leave their homes due to the security situation, the local civil-military administrations check on damaged property only when specifically requested by the owner. Therefore, it is likely that a large number of damaged and/or destroyed properties have not been certified by civil-military administrations, which would make it difficult for owners to obtain compensation or restitution in the future.

126. In six cases, a first instance court recognised the right to compensation of persons whose houses were damaged or destroyed due to the hostilities, however these decisions were overturned either by appeal or cassation courts.¹⁹⁵ In a recent decision, a court of appeal

¹⁸⁹ Court decision available at <http://reyestr.court.gov.ua/Review/68839150>.

¹⁹⁰ HRMMU interviews.

¹⁹¹ On 31 May 2017, the Cabinet of Ministers adopted amendments to resolution No. 505 (on provisions of targeted assistance to IDPs), which provides that only IDPs from settlements listed in Order No. 1085 are eligible for targeted Government assistance. The list in Order 1085 was adopted in November 2014 and last amended in December 2015.

¹⁹² HRMMU interviews.

¹⁹³ See OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2017, para. 119.

¹⁹⁴ In its previous report on the human rights situation in Ukraine, OHCHR recommended to the Cabinet of Ministers to develop property inventory and inspection procedures, including an effective and accessible mechanism for documentation and assessment of damages caused by the armed conflict.

¹⁹⁵ Information provided by the NGO Right to Protection.

overturned a judgment awarding compensation because the owner had received humanitarian assistance in the form of construction materials.¹⁹⁶ OHCHR reiterates that persons whose houses have been damaged or destroyed due to the armed conflict have the right to full and effective compensation as an integral component of the restitution process.¹⁹⁷

127. On 20 September 2017, the Cabinet of Ministers adopted resolution no. 708, which provides necessary criteria for IDPs to participate in the state affordable housing program.¹⁹⁸ The program provides financial assistance amounting to 50% of the estimated cost of purchasing or building a home. OHCHR welcomes the adoption of the resolution but cautions that, taking into consideration housing prices and unemployment levels in conflict-affected areas, housing may still be unaffordable for vulnerable categories of people despite this assistance.¹⁹⁹

Territory controlled by armed groups

128. A number of IDPs whose homes lie in territory controlled by armed groups expressed concern regarding a new ‘program’ introduced by the ‘Luhansk people’s republic’ to make an inventory of all “abandoned” apartments so that they can be allocated to people in need.²⁰⁰ This ‘program’ raises concerns that the private property of IDPs temporarily residing in government-controlled territory may be seized.

129. On 3 November 2017, the armed groups of ‘Donetsk people’s republic’ published a ‘decree’ on ‘nationalisation’ of harvest planted on land plots which are included in the ‘state’ or ‘municipal’ ‘property funds’ and have been “occupied” by legal entities or private persons without ‘authorization’.²⁰¹ The ‘ministry of taxes’ was given unhindered access to the storages of legal entities and private persons to implement the decree, which applies retroactively. OHCHR is concerned about the possible human rights impact of this action, particularly in light of the level of food insecurity in the territory.²⁰²

VI. Discrimination against persons belonging to minority groups

130. OHCHR continued to document attacks against persons belonging to minority groups, as well as the reluctance of police to classify such attacks as hate crimes. On 30 September, participants of the Equality Festival in Zaporizhzhia were attacked by a group of approximately 200 young people, resulting in hospitalization of four female activists.²⁰³ Whilst the perpetrators were beating the victims, they shouted, “This is not the place for people like you!” The police, whose number was insufficient to protect the participants,²⁰⁴ failed to timely react to the attack. Seventeen people were arrested, however police were unwilling to classify the attack as a hate crime²⁰⁵ and classified the charges as hooliganism.

131. OHCHR is concerned with manifestations of intolerance, including threats of violence, by extreme right-wing groups²⁰⁶ against individuals holding alternative, minority social or

¹⁹⁶ Decision of the Court of Appeal of Donetsk region, 12 September 2017, available at <http://reyestr.court.gov.ua/Review/68895276>.

¹⁹⁷ United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, known as the ‘Pinheiro Principles’, Principle 21.

¹⁹⁸ Available at <http://zakon3.rada.gov.ua/laws/show/708-2017-%D0%BF>.

¹⁹⁹ This point was raised during the HLP Fair organised by the Danish Refugee Council on 5 October 2017.

²⁰⁰ HRMMU phone conversations with IDPs from Luhansk. Statement of the ‘head’ of ‘Luhansk people’s republic’ of 11 September 2017.

²⁰¹ https://old.dnr-online.ru/wp-content/uploads/2017/11/Ukaz_N291_03112017.pdf

²⁰² See Food Security and Livelihoods Cluster, Update on Sectoral Needs, Ukraine, October 2017, available at http://fscluster.org/sites/default/files/documents/fslc_brief_update_on_sectoral_needs_october_2017.pdf.

²⁰³ HRMMU interview.

²⁰⁴ The Ministry of the Interior informed HRMMU that 70 police officers were present.

²⁰⁵ Art. 161 of the Criminal Code prohibits “wilful actions inciting national, racial or religious enmity and hatred, humiliation of national honour and dignity, or the insult of citizens’ feelings in respect to their religious convictions, and also any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, skin colour, political, religious and other convictions, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.

²⁰⁶ “Extreme right-wing groups” is an umbrella term encompassing political parties, movements and groups who blame vulnerable groups for societal problems and incite intolerance and violence against them. Extreme right-wing groups bring into question fundamental principle of non-discrimination by propagating an ideology based on racism, racial

political opinions. On 8 September 2017, the LGBT association 'Liga' in Mykolaiv intended to lay flowers at a monument commemorating those who died during Maidan protests. The event was cancelled due to violent threats from representatives of Sokil²⁰⁷ and the Right Sector,²⁰⁸ and a lack of security guarantees from police.²⁰⁹ Organizers of the Forum of Editors, held in Lviv from 14 to 17 September, also received threats²¹⁰ from extreme right-wing groups (including the Right Sector, Sokil, National Corps²¹¹ and Volunteer Ukrainian Corps²¹²), forcing them to cancel the presentation of a book featuring lesbian parents. On 31 October, a session of the Gender Club organized by students of the National Pedagogical University was disrupted by members of "Traditions and Order"²¹³ who physically threatened the participants and ripped apart the European Union flag flying on the university building.²¹⁴ OHCHR is further concerned with expressions of intolerance voiced by government authorities, such as the Poltava City Council which adopted an open statement calling upon the Verkhovna Rada to discriminate against the LGBTI community.²¹⁵

VII. Human rights in the Autonomous Republic of Crimea and the city of Sevastopol

"This arrest is an attempt to shut our mouths."

- Crimean Tatar on trial for alleged membership in a terrorist group.

132. Despite continued lack of access to Crimea, OHCHR was able to document aspects of the human rights situation on the peninsula, through interviews with witnesses and victims of human rights violations, as well as visits to the Administrative Boundary Line with Crimea and meeting with local Government officials. During the reporting period, two deputy chairs of the Crimean Tatar Mejlis were sentenced by courts in Crimea to various terms of imprisonment. On 25 October, they were pardoned and jointly released. In other cases, OHCHR recorded serious human rights violations such as arbitrary arrest, torture and ill-treatment. The exercise of freedoms of peaceful assembly, opinion and expression continued to be curtailed through verdicts criminalizing criticism and dissent. OHCHR notes that under article 43 of the 1907

discrimination, xenophobia and related intolerance. The same groups are also involved in attacks against individuals based on their gender identity and sexual orientation. See Reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/35/42 of 26 April 2017 and A/HRC/18/44 of 21 July 2011).

²⁰⁷ The youth wing of the extreme right-wing political party Svoboda.

²⁰⁸ Right Sector is an extreme right-wing movement which consists of political party, paramilitary volunteer battalion and youth organization.

²⁰⁹ See Appeal of the Head of LGBT Association 'Liga' to the Ukrainian Parliament Commissioner for Human Rights, available at <http://lgbt.com.ua/звернення-до-уповноваженого-пл/>. Representatives of Sokil and Right Sector openly threatened to violently disrupt the event and stated that such events are not in line with the ideology of their organizations and cultural traditions of Ukraine.

²¹⁰ A number of extreme right-wing groups signed a letter addressed to the head of the Lviv Regional Department of the SBU, head of the Lviv Regional State Administration and the Head of the Lviv City Council calling upon them to prevent presentation of the book and threatening to otherwise take all possible actions themselves. See <http://bookforum.ua/wp-content/uploads/2017/09/Lyst.pdf>.

²¹¹ Extreme right-wing political party with Social Nationalistic ideology.

²¹² Volunteer battalion and military wing of the Right Sector Movement.

²¹³ Extreme right-wing group propagating nationalism and traditional family values.

²¹⁴ HRMMU was informed that the perpetrators were shouting that the idea of gender is contrary to Ukrainian traditional values and that such topics should not even be discussed. The police arrived to the site, however, after taking some written testimonies from perpetrators, they departed without taking any further actions. HRMMU interview.

²¹⁵ On 19 September 2017, the Poltava City Council adopted an open statement calling for the Verkhovna Rada to ban "propaganda of deviant sexual behaviour" including "dignity marches", "prides", "gay parades" and "queer-culture festivals", erase any mention of "sexual orientation" or "gender identity" from domestic legislation, abstain from adopting the Law on Civil Partnership, remove sexual education aimed at eliminating gender stereotypes from schools, adopt the Law on "prohibition of propaganda of homosexuality", halt the process of amending the Constitution and other legal acts with regard to the definition of family, marriage, fatherhood, motherhood and childhood.

Hague Regulation and article 64 of the Fourth Geneva Convention of 1949, the Russian Federation, as the occupying power, must respect the laws already in place in the occupied territory, and can only adopt penal provisions that are essential for maintaining an orderly government and ensuring its security.

A. Rule of law and administration of justice

133. On 25 October 2017, two Crimean Tatar leaders Akhtem Chiygoz and Ilmi Umerov, convicted in Crimea for “organizing mass disorders” and “public calls to violate the territorial integrity” of the Russian Federation, respectively, were freed. They were flown to Turkey and, on 27 October, returned to Ukraine. The President of the Russian Federation reportedly pardoned both deputy chairs of the Mejlis following negotiations with the Turkish President.

134. Chiygoz was sentenced on 11 September 2017 to 8 years in prison for organizing mass disorders during a rally in Simferopol on 26 February 2014. Umerov was found guilty on 27 September 2017 and sentenced to two years of imprisonment for public calls to violate territorial integrity of the Russian Federation during a televised interview. OHCHR notes that the conviction of Chiygoz may be viewed as a violation of Article 70 of Geneva Convention IV, according to which the arrest, prosecution and conviction by the occupying power of a “protected person”²¹⁶ for acts committed before the occupation are illegal, notwithstanding the issue of the law applied to the case.²¹⁷ With regard to the conviction of Umerov, OHCHR recalls that all forms of opinion are protected under human rights law and cannot be criminalized.

B. Right to liberty and security

135. During the reporting period, Crimean law enforcement officers arrested 10 Crimean Tatars alleged to be members of terrorist or extremist groups promoting a sectarian form of Islam. The police also briefly detained 49 Crimean Tatars who initiated peaceful single-person pickets to denounce the arrests and portrayal of Crimean Tatars as terrorists.

136. Following house raids, four Crimean Tatar men – all devout Muslims – were arrested on 2 October by the Crimea branch of the Russian Federation Federal Security Service (FSB). They are accused of “extremist activities” and alleged to be members of *Tablighi Jamaat*, a Sunni movement banned in the Russian Federation as an extremist organization.²¹⁸ Three of the men, who were represented by private lawyers, were remanded in custody and the remaining man was placed under house arrest. Within a few days, the three men in detention terminated the services of their private lawyers. According to OHCHR interlocutors, the waivers are the result of pressure exerted by FSB on the suspects and their relatives in order to dissuade them from requesting the services of a dedicated counsel in exchange for promised leniency.²¹⁹

137. On 11 October, the FSB and Special Forces units carried out a series of simultaneous searches of homes of Crimean Tatars in Bakhchysarai, resulting in the arrest of six Crimean Tatar men – all practicing Muslims – on charges of alleged membership in *Hizb ut-Tahrir*, an organization labelled as ‘terrorist’ and banned in the Russian Federation.²²⁰ With these arrests, the number of people detained in Crimea since March 2014 on accusation of membership in *Hizb ut-Tahrir* has reached 25. On the same day, 11 other Crimean Tatar men who came to show

²¹⁶ Article 4 of Geneva Convention IV states that “Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.”

²¹⁷ Article 70 of Geneva Convention IV stipulates that “protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed before the occupation, with the exception of breaches of laws and customs of war.”

²¹⁸ The Supreme Court of the Russian Federation declared *Tablighi Jamaat* an extremist organization on 7 May 2009. In Ukraine, *Tablighi Jamaat* is allowed.

²¹⁹ HRMMU interviews.

²²⁰ The Supreme Court of the Russian Federation declared *Hizb ut-Tahrir* a terrorist organization on 14 February 2003.

solidarity and film the actions of law enforcement officers were also detained and later released. Nine of them were sentenced to administrative fines.²²¹

C. Right to physical and mental integrity

138. OHCHR documented grave human rights violations allegedly perpetrated by the Crimean branch of the FSB against a Crimean Tatar man. In the early morning of 13 September, following a search of his home, a Crimean Tatar man was detained by the Crimean FSB. The victim was held *incommunicado* for more than a day in the premises of the FSB in Simferopol, during which time his family made continuous inquiries to law enforcement about his whereabouts and fate.²²² On 14 September, the victim was left at a bus station in Simferopol. He was physically injured and stated he had been beaten and tortured, including by electric shock, and threatened with sexual violence in order to force him to make incriminating statements against himself and others. No formal record of his arrest was made and no official charges were brought against him.

D. Freedom of opinion and expression

139. Those who claimed that Crimea was occupied by the Russian Federation faced criminal consequences and possible imprisonment.

140. Like Ilmi Umerov, freelance journalist Mykola Semena was convicted on separatism charges on 22 September 2017 and handed a 30-month suspended prison sentence. He is also barred from “public activities” - including journalism - for three years. The conviction stems from an article he wrote for Radio Free Europe/Radio Liberty in 2015 which criticized the occupation of Crimea and called for its blockade by military means.

141. OHCHR notes that anti-separatism provisions must be applied in a manner consistent with the obligation of states under article 19, paragraph 1, of the International Covenant on Civil and Political Rights, and not used to silence or criminalize opposing opinions or criticism.

E. Freedom of religion or belief

142. On 31 August, court bailiffs stormed the building housing the Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP) in Simferopol. The action was undertaken pursuant to a judgment, upheld by the Supreme Court of the Russian Federation in February 2017, ordering to vacate premises used by a subsidiary company of the UOC-KP as office space and a shop in the first floor of the building. OHCHR notes that these developments created anxiety among churchgoers and revived concerns about the future of the UOC-KP, whose functioning in Crimea remains precarious due to the lack of an official legal status pursuant to Russian Federation legislation.²²³

143. Unlike the UOC-KP, the Ukrainian Greek-Catholic church (UGCC) re-registered in 2016 and is operating in Sevastopol, Yalta and Yevpatoriia in accordance with the legal framework imposed by the Russian Federation. However, the church had to change its name to the ‘Byzantine Catholic Church’, as its original appellation is not recognized in the Russian Federation. Furthermore, only two UGCC priests permanently reside in Crimea where they continue providing religious services. The other UGCC officials who were not residents of Crimea in March 2014 - and thus did not meet the legal condition to become Russian Federation citizens - became foreigners under Russian Federation law which was imposed in Crimea, and had to leave the peninsula.²²⁴

²²¹ HRMMU interview.

²²² HRMMU interviews.

²²³ Under Russian Federation law, all public organizations in Crimea, including religious communities, had to re-register in order to obtain legal status. Without registration, religious communities can congregate but cannot enter into contracts to rent State-owned property, open bank accounts, employ people or invite foreigners.

²²⁴ HRMMU interviews. See also OHCHR report on “The situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, paras. 64-70.

F. Freedom of peaceful assembly

144. The authorities in Crimea continued to impose restrictions on the exercise of the freedom of assembly. The police arrested 49 people who conducted one-man pickets in protest against the prosecution of Crimean Tatars. Further, 13 municipalities rejected requests to hold peaceful assemblies on LGBT rights.

145. On 14 October, a series of one-person pickets took place throughout Crimea in protest against the arrests of Crimean Tatars for alleged membership in “terrorist” or “extremist” organizations in Bakhchysarai. Nearly 100 people held up placards expressing demands to stop the persecution of Crimean Tatars. The police reported the arrests of 49 picketers for violating Russian Federation federal law on public assemblies.²²⁵ After “precautionary conversations” with the police, they were released. According to Russian Federation legislation applied by the Occupying Power in Crimea, one-person pickets do not require pre-authorization.²²⁶ OHCHR recalls that under international human rights law, restrictions on the exercise of the right to peaceful assembly may only be justified if they are necessary in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.

146. Thirteen municipalities in Crimea - Yevpatoriia, Yalta, Sudak, Feodosiia, Dzhankoi, Armiansk, Bakhchysarai, Sevastopol, Kerch, Alushta, Saky, Simferopol, and Krasnoperekopsk - banned LGBT assemblies planned in October 2017. LGBT organizations from the Russian Federation petitioned for these peaceful assemblies to advocate for recognition of human rights of LGBT persons. The refusals were based on Russian Federation legislation, applied by the Occupying Power in Crimea, prohibiting propaganda of “non-traditional sexual relations”. In *Bączkowski and Others v. Poland*, the European Court of Human Rights recognized that the refusal to hold a peaceful assembly on the ground of sexual orientation amounts to a violation of the right to free assembly in conjunction with the violation of the prohibition of discrimination.²²⁷

G. Military conscription

147. On 2 October 2017, the Russian Federation launched a new military draft. Around 2,000 men from Crimea are expected to be conscripted into the Russian Federation Armed Forces. The Russian Federation Ministry of Defence confirmed that one third of the conscripts will be transferred outside the peninsula, to the Russian Federation. Draft evasion is punishable under the Criminal Code of the Russian Federation, and possible sanctions include up to two years of incarceration.²²⁸ A local department of the Russian Federation Investigative Committee in Sevastopol confirmed pending criminal charges against a Sevastopol resident for draft evasion.²²⁹ OHCHR notes that the military draft violates the international humanitarian law prohibition to compel protected persons to perform military service in the armed forces of the occupying power.²³⁰

²²⁵ <https://82мвд.рф/news/item/11345690/>.

²²⁶ However, according to the Constitutional Court of the Russian Federation, when several one-person pickets are held simultaneously and are similar to one another with “sufficient obviousness” in respect of the items used, common goals, slogans and timing, such pickets may be considered as one single public picket carried out by a group of individuals, to which pre-authorization requirements for their conduct will apply. (Judgment of the Constitutional Court of the Russian Federation, 14 February 2013 No. 4-П, par. 2.5; <https://rg.ru/2013/02/27/mitingi-dok.html>).

²²⁷ ECtHR, *Bączkowski and Others v. Poland* (No. 1543/06), 3 May 2007.

²²⁸ Article 328 of the Criminal Code of the Russian Federation.

²²⁹ Sevastopol Investigation Department of the Investigative Committee of the Russian Federation, statement of 28 September 2017, available at <http://sevastopol.sledcom.ru/news/item/1167566/>; Statement of 11 October 2017, available at <http://sevastopol.sledcom.ru/news/item/1170699/>.

²³⁰ Article 51, Geneva Convention IV.

VIII. Legal developments and institutional reforms

A. Legal framework concerning territory not controlled by the Government in certain areas of Donetsk and Luhansk regions

148. On 6 October, the Parliament of Ukraine prolonged²³¹ by one year the application of a 2014 law²³² providing for expanded local self-rule in certain areas of eastern Ukraine not under Government control as one of the political commitments under the Minsk agreements. The introduction of special governance rules is conditioned upon the implementation of a set of requirements for safe and democratic elections,²³³ including the withdrawal of weapons and all illegal military formations.

149. On the same day, Parliament adopted in its first reading the draft law providing a framework for the Government to re-establish control over certain areas of Donetsk and Luhansk regions.²³⁴ It states that the Russian Federation has conducted an armed aggression against Ukraine, resulting in the temporary occupation of parts of its territory. The text affirms Ukraine's right to self-defence,²³⁵ alongside its commitment to a peaceful political settlement based on international law. Conflict management is entrusted with the military - the Joint Operative Headquarter of the Armed Forces of Ukraine (JOHAFU)²³⁶ - and the principle of an anti-terrorist operation conducted under the auspices of the State Security Service of Ukraine (SBU) is abandoned.

150. Under the draft law, Ukraine claims no responsibility for illegal acts of the Russian Federation and armed groups in the territory they control and considers null and void any act (decisions, documents) committed by them in this territory. It recognizes Ukraine's positive obligations towards the population of these areas, and creates a "special legal regime" to protect its rights and freedoms, based largely on the 2014 law²³⁷ which previously applied exclusively to Crimea. The Ministry on Temporarily Occupied Territory (TOT) and IDPs is tasked with designing "protective measures" such as facilitating the satisfaction of economic and social needs, providing humanitarian aid, and ensuring access to the Ukrainian media and legal remedies. The procedure regulating movement of persons and goods across the contact line is to be defined by the Head of JOHAFU in consultations with the SBU and the Ministry on TOT and IDPs.

151. OHCHR takes note of the intention of the legislator to define, in legally binding terms, the conflict in eastern Ukraine. At the same time, it underlines that this position should not be used to impose a narrative - and introduce legal sanctions - restricting the freedom of opinion and expression.

152. OHCHR notes that the draft law generally lacks clarity regarding the legal framework for the protection of rights and freedoms in certain areas of Donetsk and Luhansk regions. Although legislation applying to Crimea is mentioned as forming the legal basis for human rights protection in eastern Ukraine, its transposition appears to require adjustments without which the legal certainty requirement may not be satisfied.

²³¹ Adoption of the Law of Ukraine "On Creating the Necessary Conditions for a Peaceful Settlement in Certain areas of Donetsk and Luhansk Regions" no.2167-VIII.

²³² Law of Ukraine "On the Special Order of Local Self Government in Certain Areas of the Donetsk and Luhansk regions" no.1680-VII of 16 September 2014. The law had been adopted for a three-year period, set to expire on 18 October 2017.

²³³ *Ibid.*, Article 10.

²³⁴ Draft Law no.7163 "On Particular Aspects of Public Policy Aimed at Safeguarding the Sovereignty of Ukraine over the Temporarily Occupied Territory of the Donetsk and Luhansk regions of Ukraine".

²³⁵ Article 51 of the United Nations Charter.

²³⁶ The Joint Operative Headquarter of the Armed Forces of Ukraine (JOHAFU) is a body responsible for the management and coordination of inter-agency militarised forces. Together with the General Staff of the UAF, it forms part of the Ukrainian military command. JOHAFU was included into the structure of the Ukrainian Armed Forces in the course of its reform in June 2016. See Law of Ukraine "On amendments to the legislation concerning defence" no.1420-VIII of 16 June 2016.

²³⁷ Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" no.1207-VII of 15 April 2014.

153. OHCHR also has concerns regarding the provision proclaiming blanket non-recognition of acts issued in the territory not under Government control, and urges that, in order to guarantee legal recognition of persons living in these areas, at a minimum that the procedure of recognition of the facts of birth and death occurring in such territories be continued.

154. Anticipating the consequences of the promulgation of the draft law, OHCHR urges the Government to prevent the abrupt termination of the validity of legal acts²³⁸ that established certain guarantees and privileges for the population for the duration of the anti-terrorist operation. A transitional period should foresee that the validity of such privileges be extended until national legislation is harmonized with the new legal framework.

B. Law on Education

155. On 28 September, a new law “On education” entered into force which aims to ensure equal opportunities for students to achieve fluency in the official language and introduces new rules on the use of languages in public education.²³⁹

156. Under the law, Ukrainian will become the main language of instruction in secondary (i.e. beginning from fifth grade) and higher education. National minorities retain the right to be instructed in their mother tongue in pre-primary and primary school, and at higher levels may request to be taught their native languages as a subject. Additionally, “one or more” subjects may be taught bi- or multi-lingually, in Ukrainian and any of the official languages of the European Union. Indigenous peoples can be educated in their native language from pre-primary to secondary school, and will also have the option of continuing to learn their indigenous language as a separate subject thereafter.²⁴⁰

157. OHCHR notes that the previous education law allowed the use of minority languages as a medium of instruction at all levels of education, thereby enabling national minorities to benefit from the full extent of international education standards. The UNESCO Principles on Language and Education state that minority language education should cover primary instruction and “be extended to as late a stage in education as possible”.²⁴¹ Similarly, according to the United Nations Special Rapporteur on National Minorities, “ideally, the instruction in the mother tongue should last for a minimum of between six to eight years – more when this is feasible”.²⁴²

158. The new legislation is more restrictive than the previous education law, as national minorities may not be instructed in their mother tongue beyond primary education. In its 2001 decision *Cyprus v. Turkey*, the European Court of Human Rights found a violation of the right to education²⁴³ where the provision of instruction in the minority language was ensured during primary education but not secondary.²⁴⁴

159. While it is a legitimate aim for states to provide students with sufficient opportunities to achieve fluency in the official language, OHCHR believes this should not be at the expense of education in minority languages.²⁴⁵ It also stresses that all rights must be enjoyed in a non-

²³⁸ For instance, the Law “On Temporary Measures for the Duration of the Anti-Terrorist Operation” no.1669-VII of 2 September 2014.

²³⁹ President Petro Poroshenko stated that the law improves the quality of the education system of Ukraine, enhances the role of the Ukrainian language, and provides everyone with equal learning opportunities. He also emphasized the determination to rigorously respect education rights of national minorities.

²⁴⁰ A transition period is provided for students who commenced their secondary education before 1 September 2018, and for whom former language rules will apply, but only until 1 September 2020 when the provisions of the new law will apply to all.

²⁴¹ UNESCO, Principles of Language and Education, Principle 1.

²⁴² United Nations Special Rapporteur on minority issues: Language Rights of Linguistic Minorities. A Practical Guide for Implementation, Geneva, March 2017, p. 18.

²⁴³ Article 2 of Protocol No. 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, (European Convention on Human Rights).

²⁴⁴ European Court of Human Rights, *Cyprus v. Turkey*, Judgement of 10 May 2001 (Grand Chamber) *Cyprus v. Turkey*, at para.278.

²⁴⁵ According to the United Nations Special Rapporteur on minority issues, “students should be provided with sufficient opportunities to achieve fluency in the official language, although not at the expense of education in their own language”, *supra*, footnote 4, p. 19.

discriminatory manner. This applies, for example, to the right of national minorities to be educated in “one or more subjects” in an official EU language, which is not available to those whose mother tongue is not an official EU language.

160. OHCHR recalls that the context prevailing in a country is central to the proper regulation of minority language issues. Representatives of various national minorities²⁴⁶ have approached HRMMU and complained that the provisions of the law, as adopted, do not take their interests into account, which were expressed during consultations. Some expressed concern that the significant limit on educational instruction in minority languages will affect both the quality of education and their right to cultural self-determination, especially in certain remote areas with a high concentration of residents belonging to national minorities. OHCHR is concerned that the new law may result in increased tensions in Ukrainian society.²⁴⁷ The Government of Ukraine is invited to ensure flexibility in developing and implementing language and education policies, and to introduce any changes gradually, in full respect of its international and regional obligations.

IX. Technical cooperation and capacity-building

161. OHCHR engages in technical cooperation and capacity-building activities to assist the Government of Ukraine in meeting its international obligations to protect and promote human rights. During the reporting period, meetings and events were held with a wide range of government actors and civil society, in order to provide guidance and assistance in addressing human rights issues. In particular, closer cooperation was established with the Permanent Representative of the President of Ukraine to Crimea. Further, OHCHR continued to support preparations for Ukraine’s third Universal Periodic Review (UPR) which took place on 15 November 2017.

162. HRMMU continued to promote implementation of the Istanbul Protocol²⁴⁸ through trainings and dissemination of information. In September and October, HRMMU provided trainings to over 160 practitioners including civil society monitors of the National Preventive Mechanism (NPM), management and medical staff of penitentiaries, members of prosecution offices, police and forensics experts. The trainings focused on torture prevention, humane treatment of detainees in line with the “Nelson Mandela Rules”²⁴⁹, effective identification and investigation of torture, state obligations under international law, and United Nations mechanisms to address torture. Such capacity-building activities complement HRMMU’s monitoring, reporting and advocacy efforts with regard to the practice of torture by Government agents and armed groups against conflict-related detainees, which the Mission has been documenting since 2014. In addition, on 10 October, jointly with the NPM, HRMMU conducted a partners’ meeting on implementation of the Istanbul Protocol. Representatives of the Office of the Prosecutor General, Ministry of Health, Ministry of Justice, the Parliament’s Commissioner for Human Rights (Ombudsperson), civil society and international organisations shared information on their completed and planned activities and identified challenges and gaps.

163. HRMMU also continued to raise awareness of conflict-related sexual violence and carry out follow-up activities to the OHCHR thematic report on conflict-related sexual violence in Ukraine released in February 2017. On 28 September and 2 November 2017, HRMMU delivered sessions on prevention of arbitrary and unlawful detention, torture and conflict-related sexual

²⁴⁶ HRMMU interviews with representatives of the Albanian, Gagauz, Hungarian, Moldovan, Romanian and Russian national minorities.

²⁴⁷ HRMMU was informed about a number of demonstrations against the language provision of the new law on education. For example, on 17 October 2017 in Chernivtsi a demonstration of people belonging to Romanian national minority demanded the right to education in their native language; simultaneously there was a counter demonstration organized by Ukrainian nationalist groups, including Right Sector and Svoboda, shouting that every citizen of Ukraine must be taught in Ukrainian (see e.g. http://zik.ua/news/2017/10/17/u_chernivtsyah_rumunski_organizatsii_piketuvaly_oda_cherez_zakon_pro_osvitu_1187809).

²⁴⁸ United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, available at <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>.

²⁴⁹ United Nations Standard Minimum Rules for the Treatment of Prisoners, A/RES/70/175 adopted on 17 December 2015, available at <https://www.penalreform.org/resource/standard-minimum-rules-treatment-prisoners-smr/>.

violence to military personnel who will be deployed to the conflict area in civil-military coordination units. In addition to presenting the findings of the thematic report, HRMMU provided an overview of relevant international human rights and international humanitarian law standards, including through specific case studies. Further, in support of the Government's commitment to undertake steps to design and operationalize effective measures to address conflict-related sexual violence, HRMMU and UN-Women contracted an international expert consultant to provide strategic advice to the Government, civil society and the United Nations system on preventing and addressing conflict-related sexual violence in Ukraine. Extensive consultations were held from 13 October to 2 November with representatives of the Government, Parliament, local authorities, civil society and UN Agencies. The consultant's visit concluded with a workshop on 10 November hosted by the Ministry of Justice, where key state actors, including regional and local authorities from conflict-affected areas, service providers, civil society and development partners contributed to the development of the national strategy to prevent and address conflict-related sexual violence.

164. On 15 November 2017, Ukraine's compliance with international human rights obligations was appraised under the Universal Periodic Review (UPR) procedure of the Human Rights Council. 190 recommendations were issued by Member States in relation to women's rights/gender equality, domestic and sexual violence, fighting xenophobia and homophobia, inter-ethnic harmony, corruption, accountability/impunity, and judicial reform. The United Nations system in Ukraine contributed to an informed review of Ukraine's third UPR by submitting a joint human rights assessment, raising the awareness of embassies in Ukraine about key human rights issues, and facilitating consultations involving the Government, civil society organizations and the Ombudsperson Institution.

165. The United Nations Partnership Framework with Ukraine defining the support of the United Nations to national development priorities was signed on 25 October 2017. Under the Framework, OHCHR will contribute to specifically support those priorities related to democratic governance, rule of law, civic participation, human security and social cohesion.

X. Conclusions and recommendations

166. The temporary lull in the armed hostilities and consequent reduction in civilian casualties recorded in September and October demonstrated the potential positive impact on the population of adherence to the ceasefire. However, the number of civilian casualties is on the rise again in November. Further, while the number of casualties may have temporarily dipped, the adverse effects on the population caused by the conflict in eastern Ukraine did not diminish. Sudden and unpredictable spikes in the armed hostilities claimed lives, inflicted suffering and destroyed families. The duration of such suffering, stretched over three years, has taken a heavier toll than can be reflected in statistics. This suffering was compounded as individuals were subjected to human rights violations - including arbitrary detentions, torture and ill-treatment - committed in connection with the conflict on both sides of the contact line. At the same time, continuing restrictions on the freedom of movement served to further suffocate and isolate communities, jeopardizing social cohesion and future peace and reconciliation efforts.

167. For the 4.4 million people who have been affected by the conflict,²⁵⁰ there were no indications of serious efforts by the parties to the conflict to halt hostilities and restore peace. Faced with "more of the same", those who have already lost their loved ones, health, property, livelihood and opportunities are now losing hope. The approach of the fourth winter of security risks and hardship is anticipated as more difficult to bear than those endured earlier in the conflict.

168. Earnest efforts to take concrete steps toward resolving the conflict are long overdue. With the passage of time, divisions in Ukrainian society resulting from the conflict will continue to deepen and take root. Challenges which need to be overcome for a true reconciliation and

²⁵⁰ 2018 Humanitarian Needs Overview, Ukraine. November 2017, available at <https://reliefweb.int/report/ukraine/ukraine-humanitarian-needs-overview-2018-enuk>.

long-term peace throughout Ukraine also become greater as they remain unaddressed over time. A serious intention to honour and implement commitments made in the Minsk agreements would be an invaluable first step towards peace and reconciliation.

169. Furthermore, as we move into 2018, it is imperative that Government policies and legislative developments evolve in an inclusive manner, and together with judicial reforms, contribute to the enhancement of accountability and the foundation for future peace and reconciliation. Such measures would also create conditions for a free media and freedom of expression in the run-up to the 2019 elections, while combatting hate speech and discriminatory acts of violence.

170. Crimea continues to remain subjected to the legal and governance framework of the Russian Federation, in violation of international humanitarian law. For its part, the Government of Ukraine should foster and implement inclusive policies towards the population of the peninsula, to help ensure that existing divisions do not deepen further. The lifting of all unnecessary restrictions to freedom of movement would be a significant element in such an approach.

171. Most recommendations made in the previous OHCHR reports on the human rights situation in Ukraine have not been implemented and remain valid. OHCHR further recommends:

172. **To the Ukrainian authorities:**

- a) **Where military presence within civilian areas is justified due to military necessity, take all possible steps to protect the resident civilian population, including making available adequate alternative accommodation, as well as compensation for the use of property and any damages;**
- b) **Government of Ukraine to develop a national mechanism to make adequate, effective, prompt and appropriate remedies, including reparation, available to civilian victims of the conflict, especially those injured and the families of those killed;**
- c) **Government of Ukraine to establish independent, transparent and non-discriminatory procedures of documentation and verification of housing, land and property ownership, create a registry of damaged or destroyed housing and other property, and a comprehensive legal mechanism for restitution and compensation;**
- d) **Law enforcement agencies to ensure effective investigation of cases of enforced disappearance, *incommunicado* detention, torture and ill-treatment in which Ukrainian forces (SBU, UAF, volunteer battalions, etc.) are allegedly involved, and consider establishing an inter-agency group in charge of investigation of such cases, as civilian investigative bodies do not have access to many alleged places of detention or where the victims were last seen;**
- e) **Security Service of Ukraine to grant immediate, unrestricted, and confidential access to conflict-related detainees newly arrested by SBU, including in Kharkiv region;**
- f) **Cabinet of Ministers to amend its resolution no. 99 so that it provides a list of items prohibited from transport across the contact line to replace the current list of permissible goods and quantities;**
- g) **Government of Ukraine to lift unnecessary and disproportionate restrictions and ease freedom of movement at all checkpoints including 'internal' checkpoints, and ensure that persons with residence registered in territory controlled by armed groups are not subjected to additional discriminatory checks;**
- h) **National Police to conduct transparent and effective investigation in all cases of attacks on media professionals, and undertake all possible measures to ensure**

accountability for killings of journalists, including with international expertise where needed;

- i) National Police, Headquarters of the Antiterrorist Operation, heads of regional, district and village councils and heads of civil-military administrations to collaborate on defining the list of settlements affected by the armed conflict, ensuring that it does not deprive people of their economic and social rights;
- j) Ministry of Social Policy to ensure that the protection and support to IDPs extends to all persons who meet the IDP definition, without any discrimination including based on the list of settlements affected by the armed conflict;
- k) Government, Parliament and other relevant State bodies to eliminate obstacles which prevent Ukrainian citizens from having equal access to pensions regardless of place of residence or IDP registration;
- l) Ministry of Social Policy to establish effective cooperation and information exchange processes with all relevant actors engaged in conducting verification and identification procedures in relation to pensions, as well as in home-delivering payments for IDPs receiving pensions and social benefits, to avoid double-verification or any additional burden on vulnerable people;
- m) Cabinet of Ministers, Parliament and other relevant state bodies to ensure that persons with disabilities, regardless of their place of residence, have access to health services, including rehabilitation, as foreseen by state programs and laws;
- n) Ministry of Temporarily Occupied Territories and Internally Displaced Persons, Ministry of Social Policy and other relevant state bodies to ensure that IDPs with disabilities are provided with adequate accommodations, access to in-home and other services, and means for inclusion in the community;
- o) National Police and other law enforcement agencies to take all appropriate measures to secure public gatherings of persons belonging to minority groups;
- p) Office of the Prosecutor General and other law enforcement agencies to ensure appropriate classification, investigation and prosecution of hate crimes, including any crimes committed on the basis of ethnicity, sexual orientation and gender identity;
- q) Office of the Prosecutor General and other law enforcement agencies to properly address and investigate manifestations of intolerance, including threats of violence, by extreme right-wing groups against individuals of minority social groups and those holding alternative political opinions;
- r) Government of Ukraine to ensure that the language provision in the new Law on Education does not lead to violations of the rights of minorities and to avoid any discrimination against certain minority groups;
- s) Government authorities to create an administrative procedure, which is accessible to all, without discrimination of any kind, and free of charge, enabling use of documents relating to the facts of birth and death which are issued on territory not under Government control in the process of recognition of such facts under Ukrainian legislation, and maintain the judicial procedure as an alternative for disputable cases.

173. To all parties involved in the hostilities in Donetsk and Luhansk regions, including the Ukrainian Armed Forces, and armed groups of the self-proclaimed 'Donetsk people's republic' and 'Luhansk people's republic':

- a) Bring to an end the conflict by adhering to the ceasefire and implementing other obligations undertaken in the Minsk agreements, in particular regarding withdrawal of prohibited weapons and disengagement of forces and hardware,

- and until such implementation, agree on and fully respect “windows of silence” to allow for crucial repairs to and maintenance of civilian infrastructure in a timely manner;
- b) Strictly adhere to international humanitarian law standards on the prohibition of use of weapons with indiscriminate effects in populated areas, including those with a wide impact area or the capacity to deliver multiple munitions over a wide area;
 - c) Respect the agreement reached in Minsk on 19 July 2017 in which parties expressed commitment to create “safety zones” around the critical civilian water facilities of Donetsk Filtration Station and First Lift Pumping Station in Donetsk region, and expand the list of such “safety zones” to include facilities which house hazardous materials that would endanger civilians and the environment if damaged by the armed hostilities;
 - d) Take necessary measures to ensure protection of civilian population living close to the contact line and in the case that the security of the civilian population or military imperative demand evacuation, ensure humane conditions of such evacuation and provide adequate alternative accommodation;
 - e) Enable and facilitate the voluntary transfer of all pre-conflict detainees to government-controlled territory, regardless of their registered place of residence, in order to enable contact with their families without the unnecessary hardship linked to restrictions on freedom of movement;
 - f) Facilitate the safe and unimpeded passage of civilians across the contact line by ensuring that crossing routes and entry-exit checkpoints are a no-fire area and by increasing the number of crossing routes, especially in Luhansk region by opening the Zolote crossing route for vehicles and pedestrian traffic;
 - g) Refrain from unnecessary impediments to access of humanitarian assistance to people in need, including in villages and settlements located close to the contact line;
 - h) Armed groups of the ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ to respect freedom of religion or belief in territory under their control and refrain from infringement upon this right, including by halting the seizure of religious buildings of Jehovah’s Witnesses and the harassment of their parishioners;
 - i) Armed groups of the ‘Luhansk people’s republic’ to ensure proper respect for property rights of IDPs when conducting any inventory of abandoned property.
174. To the Government of the Russian Federation:
- a) Implement General Assembly Resolution 71/205 of 19 December 2016, including by ensuring proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea;
 - b) Uphold human rights in Crimea for all and respect obligations that apply to an occupying power pursuant to international humanitarian law provisions;
 - c) Investigate all cases of enforced disappearance, torture and ill-treatment involving officers of the Crimean branch of the FSB, bring perpetrators to justice and ensure redress for victims;
 - d) Refrain from application of anti-extremism and anti-terrorism legislation to criminalize peaceful religious conduct of devout Muslims in Crimea, and immediately release all persons arrested and charged with such crimes;

- e) **Put an end to searches of houses indiscriminately affecting Crimean Tatars by law enforcement agencies in Crimea;**
- f) **Ensure that the rights to freedom of expression, peaceful assembly, thought, conscience and religion can be exercised by any individual and group in Crimea, without discrimination on any grounds, including race, nationality, political views, ethnicity or sexual orientation;**
- g) **Comply with the international humanitarian law prohibition against compelling residents of the occupied territory of Crimea to serve in the armed forces of the Russian Federation;**

175. **To the international community:**

- a) **Continue using all diplomatic means to press all parties involved to end hostilities, by emphasizing the human rights situation and suffering of civilians caused by the active armed conflict;**
- b) **Support the Ministry of Justice and other Government actors in carrying out penitentiary reform in Ukraine which will improve material conditions and provision of services, particularly medical services, in places of detention;**
- c) **Ensure that the Media Freedom Guidelines developed for Ukraine by international media experts and lawyers continue to adhere to international standards and best practices in the domain of freedom of expression during any review or amendment process;**
- d) **Support the Government of Ukraine in devising laws and policies that promote inclusiveness and social cohesion.**

**Office of the United Nations High Commissioner
for Human Rights**

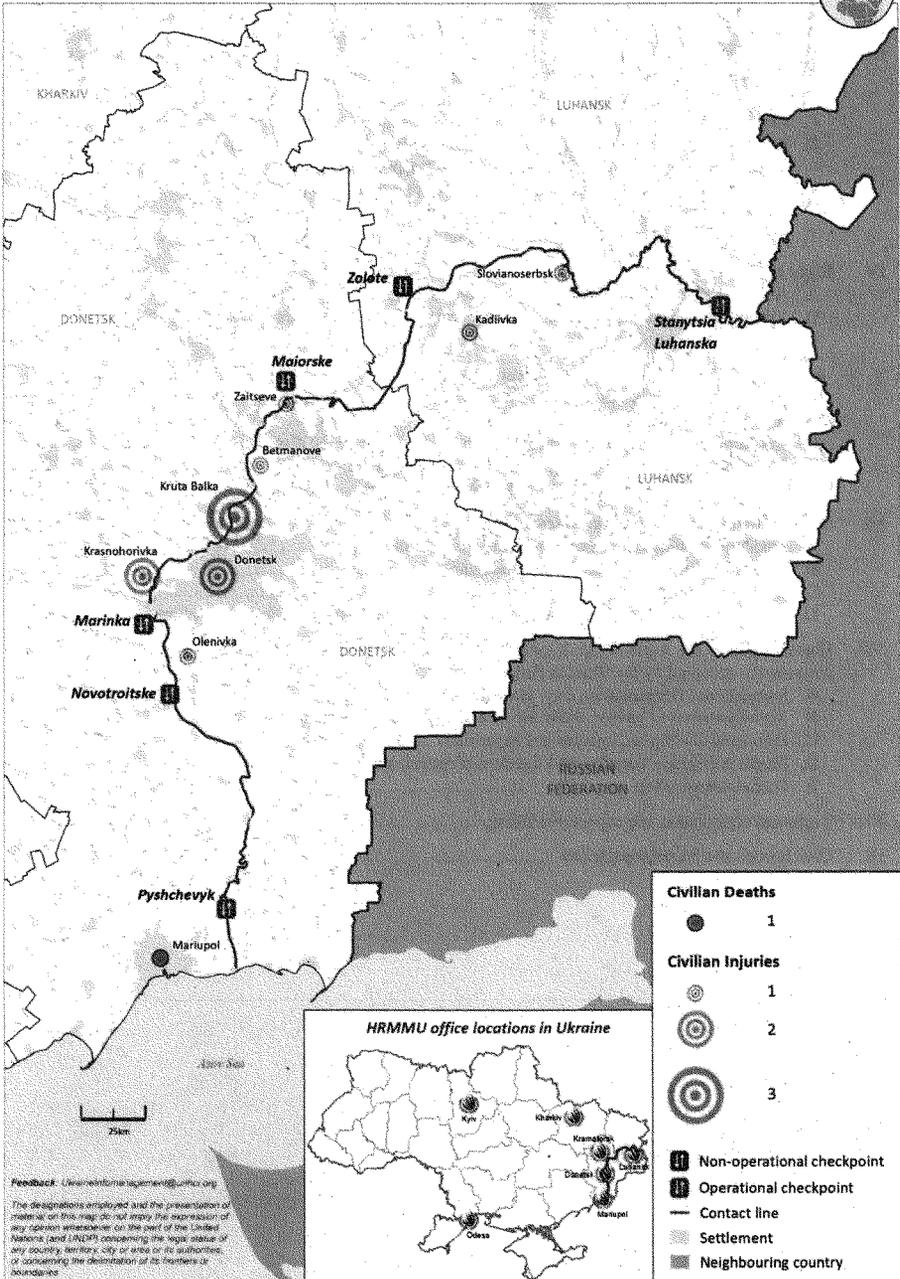
**Report on the human rights situation in Ukraine
16 November 2018 to 15 February 2019**



**UNITED NATIONS
HUMAN RIGHTS**
OFFICE OF THE HIGH COMMISSIONER

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 **Ukraine: Civilian casualties along the contact line, 16 November 2018 - 15 February 2019**



I. Executive summary

1. This twenty-fifth report on the situation of human rights in Ukraine by the Office of the United Nations High Commissioner for Human Rights (OHCHR) is based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU),¹ and covers the period from 16 November 2018 to 15 February 2019.

2. OHCHR documented 315 human rights violations during the reporting period, which affected 202 victims.² This represents an increase of documented violations compared with those documented during the previous reporting period of 16 August to 15 November 2018.³ Of the violations documented in this report, 221 violations occurred during the reporting period.

3. Of the violations documented by OHCHR, the Government of Ukraine was responsible for 126 violations, the self-proclaimed 'Donetsk people's republic' and self-proclaimed 'Luhansk people's republic'⁴ for 154, and the Government of the Russian Federation (as the occupying Power in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation⁵) for 35.

4. Throughout the reporting period, OHCHR operations in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic' continued to be restricted. Ongoing discussions through regular meetings with representatives of both 'Donetsk people's republic' and 'Luhansk people's republic' have yet to secure the full resumption of OHCHR operations in the territory they control, as well as unimpeded confidential access to detainees in this territory.

5. The armed conflict in eastern Ukraine continued with ongoing hostilities in a number of hotspots along the contact line. Overall, OHCHR noted a trend of decreasing conflict-related civilian casualties, which in 2018 were 53 per cent lower than in 2017, and were at their lowest for the entire conflict period.⁶ The total civilian death toll of the conflict reached at least 3,321 as of 15 February 2019. More than 80 per cent of these occurred before mid-February 2015, reflective of the long-term positive impact of the Package of Measures to implement the Minsk Agreements on the decline of hostilities and civilian casualties since the adoption of the latter and United Nations Security Council Resolution 2202 in February 2015.⁷

6. During the reporting period, OHCHR documented 16 conflict-related civilian casualties: two people were killed and 14 injured, which represents a 68 per cent decrease compared with the previous reporting period from 16 August to 15 November 2018. Shelling and small arms and light weapons (SALW) fire injured ten civilians – one of the lowest figures for the entire conflict period. Of these, nine were recorded in territory

¹ HRMMU was deployed on 14 March 2014 to monitor and report on the human rights situation throughout Ukraine, and to propose recommendations to the Government and other actors to address human rights concerns. For more details, see paras. 7-8 of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine of 19 September 2014 (A/HRC/27/75).

² Between 16 August and 15 November 2018, OHCHR documented 242 human rights violations. Of those, 207 human rights violations occurred in the course of that reporting period. These numbers include civilian casualties caused by the armed conflict.

³ The increase of violations documented is not representative of a deterioration of the overall human rights situation; it is in part due to a high number of victims of human rights violations OHCHR was able to interview only after their transfer to government-controlled territory in December 2018 and February 2019.

⁴ Hereinafter 'Donetsk people's republic' and 'Luhansk people's republic.'

⁵ Hereinafter Crimea.

⁶ 279 conflict-related civilian casualties (55 killed and 224 injured) in 2018 versus 604 (117 killed and 487 injured) in 2017.

⁷ See United Nations Security Council resolution 2202/2015.

controlled by armed groups⁸ and are attributable to the Government, and one was recorded in government-controlled territory and is attributable to armed groups of 'Donetsk people's republic'. During the reporting period, OHCHR did not record any mine-related civilian casualties.

7. More than five million people,⁹ including over 1.3 million registered internally displaced persons (IDPs)¹⁰ and persons living in isolated communities along the contact line in eastern Ukraine continue to bear the brunt of the armed conflict and its consequences. The hardship they endure is exacerbated by the lack of access to basic services, social support, as well as remedies and reparations for injured persons and relatives of those killed and for destroyed property. A dozen civilians died in the first few weeks of 2019, mainly due to serious health complications, while crossing the contact line. During the winter months, the lack of adequate heating remained one of the main challenges for civilians, especially those living along the contact line. Despite consistent court decisions in favour of individuals who lost access to their pensions, the Government has failed to implement the judgments and continues to link access to pensions to IDP registration. Further, OHCHR noted the continued need for broader protection of conflict-affected civilians, including IDPs, regardless of where they reside in Ukraine, and realization of their economic and social rights to pave the way for restoring peace and stability in eastern Ukraine.

8. In government-controlled territory, OHCHR had access to official places of detention and conducted confidential interviews with detainees in accordance with international standards. In territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic', OHCHR continues to call for confidential access to detainees to be granted to OHCHR and international observers.

9. OHCHR welcomes the transfers of 88 pre-conflict prisoners from territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic' to government-controlled territory that took place in December 2018 and February 2019. Of them, seventy-five were transferred from territory controlled by 'Luhansk people's republic' for the first time since the outbreak of the conflict.

10. OHCHR is concerned about the practice of arbitrary arrest, *incommunicado* detention, torture and ill-treatment of civilians in government-controlled territory. During the reporting period, OHCHR documented two cases of arbitrary detention of civilians allegedly by officers of the Security Service of Ukraine (SBU). Individuals in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic' continued to be subjected to 'administrative' arrest and 'preventive' arrest, respectively, which may constitute enforced disappearance.

11. In conflict-related cases, due process and fair trial violations persist as a result of the pervasive practice of prolonged pre-trial detention, and the use of force and coercion to obtain confessions or to accept plea bargains. Interference into the work of courts in conflict-related and other high-profile trials continued during the reporting period. Five years after violent clashes between law-enforcement and Maidan protestors, the killings of protestors and law-enforcement officers remain largely unaddressed by the Government. Delays in the investigation and trial proceedings related to the 2 May 2014 violence in Odesa continue.

⁸ Eight - in territory controlled by 'Donetsk people's republic' and one - in territory controlled by 'Luhansk people's republic'.

⁹ See Multi-Year Humanitarian Response Plan (HRP) 2019-2020 available from <https://www.humanitarianresponse.info/en/operations/ukraine/document/ukraine-2019-humanitarian-response-plan-hrp>.

¹⁰ According to Ukraine's Ministry of Social Policy, as of 5 February 2019 there were 1,361,912 internally displaced persons registered in Ukraine since the beginning of the armed conflict in 2014.

12. Safeguarding civic space and protecting people's rights to freedom of opinion and expression, media and peaceful assembly and association is key in ensuring that the upcoming presidential and parliamentary elections in Ukraine are peaceful and inclusive. OHCHR documented 16 violations of the afore-mentioned freedoms, as well as the right to non-discrimination, a decrease in keeping with the seasonal lull occurring every New Year period.¹¹ OHCHR remains concerned about the failure of the Government to bring perpetrators of attacks against media professionals, political and civil society activists to account. Space for freedom of expression and freedom of the media remains highly restricted in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic.'

13. During the reporting period, OHCHR followed closely the developments around the granting of autocephaly to the newly established Orthodox Church in Ukraine and the introduction of a 30-day martial law in some regions of Ukraine on 26 November 2018, following the naval incident near the Kerch Strait.

14. The Russian Federation, the occupying power in Crimea, has still not granted OHCHR access to the peninsula in line with UN General Assembly resolution on the territorial integrity of Ukraine 68/262 and resolutions 71/205, 72/190 and 73/263. OHCHR monitors the human rights situation on the peninsula from mainland Ukraine. The Russian Federation continues to apply its laws, in violation of international humanitarian law applicable to an occupying power, resulting in grave human rights violations, disproportionately affecting Crimean Tatars. OHCHR also notes that Ukrainian crew members apprehended by Russian authorities in the Kerch Strait on 25 November 2018 could be considered as *prisoners of war* and protected under the Third Geneva Convention.

II. OHCHR methodology

15. This report is based on 152 in-depth interviews with victims and witnesses. Findings are included in the report where the "reasonable grounds" standard of proof is met. The standard is met when a sufficient and reliable body of information from primary sources collected through interviews (with victims, witnesses, relatives of victims and lawyers), site visits, meetings with Government representatives, civil society and other interlocutors, and trial monitoring is consistent with information from secondary sources assessed as credible and reliable, such as reviews of court documents, officials records, open-source material, and other relevant materials. OHCHR applies the same due diligence and standard of proof when documenting conflict-related civilian casualties.¹² Consent is sought from sources on the use of information, ensuring confidentiality as appropriate. Specific attention was paid to the protection of victims and witnesses, assessing the risk of reprisals.

16. During the reporting period, OHCHR continued to be present, albeit with limited operations, in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic', and was able to obtain and verify information through various means.

¹¹ During the last reporting period between 16 August and 15 November 2018, OHCHR documented 59 violations of the fundamental freedoms of opinion and expression, peaceful assembly and association, religion or belief, as well as the right to non-discrimination and equal protection under the law.

¹² OHCHR documents civilian casualties by consulting a broad range of sources and types of information that are evaluated based on credibility and reliability. In analyzing each incident, OHCHR exercises due diligence to corroborate information from as wide a range of sources as possible, including OSCE public reports, victim and witness accounts, military actors, community leaders, medical professionals and other interlocutors. In some instances, documentation may take weeks or months before conclusions can be drawn, meaning that numbers on civilian casualties may be revised as more information becomes available. OHCHR attributes a civilian casualty to a particular party based on the geographic location where it occurred, the direction of fire, and the overall context surrounding the incident.

17. While OHCHR cannot provide an exhaustive account of all human rights violations committed throughout Ukraine, it is able to document patterns of human rights violations and abuses based on individual cases.

III. Impact of hostilities

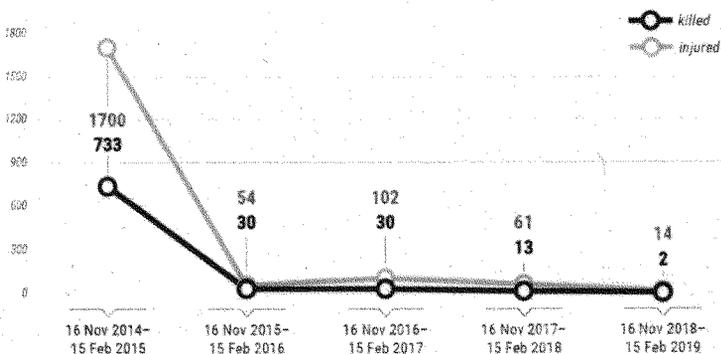
*I have already forgotten when I slept in a night robe. We go to bed in sports pants and sports jumpers so we don't have to run naked when the shelling starts.
We go to sleep and wonder if we are going to wake up or not.
I wish I could have a good night rest at least once.
- Resident in Kamianka, a village near the contact line.*

18. During the reporting period, hostilities continued to affect the civilian population in the conflict zone of eastern Ukraine. Against the backdrop of a decreasing number of ceasefire violations as reported by the OSCE Special Monitoring Mission to Ukraine,¹³ exchanges of fire across the contact line continued to impact residential areas and result in civilian casualties and damage to civilian property and infrastructure, including water facilities and electricity lines. Deteriorating factor was the continued placing of military positions in immediate proximity to residential areas and decreasing distances between the positions of Ukrainian forces and armed groups.

A. Conduct of hostilities and civilian casualties

19. Between 16 November 2018 and 15 February 2019, OHCHR recorded 16 conflict-related civilian casualties: two killed¹⁴ and 14 injured,¹⁵ a 68 per cent decrease compared with the previous reporting period of 16 August to 15 November 2018 when 50 civilian casualties (14 killed and 36 injured) were recorded. The number of locations where civilian casualties were recorded decreased from 25 to 11. The reporting period was also marked by the lowest number of civilian casualties compared with same calendar periods (mid-November to mid-February) from 2014 to 2018.

CIVILIAN CASUALTIES DURING REPORTING PERIOD, COMPARED WITH THE SAME PERIODS IN PREVIOUS YEARS (16 November - 15 February)



Creation Date: 15 February 2019 Source: OHCHR Ukraine HRMM

¹³ 72,805 ceasefire violations from 16 November 2018 to 15 February 2019 versus 90,771 ceasefire violations from 16 August to 15 November 2018.

¹⁴ A man and a woman.

¹⁵ 11 men and three women.

20. During the same period, shelling and SALW¹⁶ fire injured ten civilians (eight men and two women) and killed none. This is a 44.4 per cent decrease with the previous reporting period (six killed and 12 injured), and one of the lowest figures for the entire conflict period. Of the ten civilian injuries caused by shelling and SALW fire, eight were recorded in territory controlled by 'Donetsk people's republic' and one was recorded in territory controlled by 'Luhansk people's republic' and are attributable to the Government, and one was recorded in government-controlled territory and is attributable to armed groups of 'Donetsk people's republic'.

21. For instance, on 5 December 2018, a woman was injured by fire from an automated grenade launcher in the armed group-controlled village of Zaitsevo (Donetsk region). On 10 January 2019, three male workers of the Voda Donbasa water station received injuries when a vehicle, which they drove to the Vasylivka water pumping station near the armed-group controlled Kruta Balka (Donetsk region) was hit by a rocket or a shell.¹⁷ On 16 December 2018, a man was injured in the government-controlled village of Chernalyk (Donetsk region). On 23 January 2019, the same man's house came under heavy machinegun fire. The house is reportedly located near positions of the Ukrainian forces.¹⁸

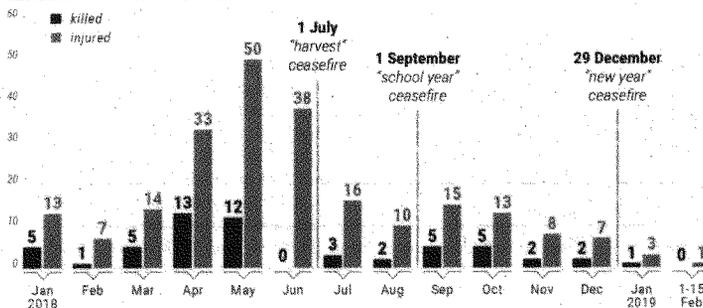
22. During the reporting period, OHCHR did not record any civilian casualties resulting from mine-related incidents. However, there were six casualties (two killed and four injured) resulting from the handling of explosive remnants of war (ERW), mostly hand grenades.

B. Civilian casualties in 2018

23. From 1 January to 31 December 2018, OHCHR recorded 279 conflict-related civilian casualties: 55 killed (32 men, 15 women, six boys and two girls) and 224 injured (122 men, 70 women, 16 boys, seven girls and nine adults, whose gender is yet unknown). This is a 53.8 per cent decrease compared with 2017, when 604 civilian casualties (117 killed and 487 injured) were recorded, and the lowest annual civilian casualty numbers during the entire conflict period.

	Killed	Injured	Total	Percent
Shelling/SALW fire	21	135	156	55.9
MRI/ERW handling	34	85	119	42.7
Drone attacks		2	2	0.7
Road incidents		2	2	0.7
Total	55	224	279	100.0

TIMELINE OF CIVILIAN CASUALTIES from 1 January 2018 to 15 February 2019



Creation Date: 15 February 2019. Source: OHCHR Ukraine HRMM

¹⁶ Small arms and light weapons.

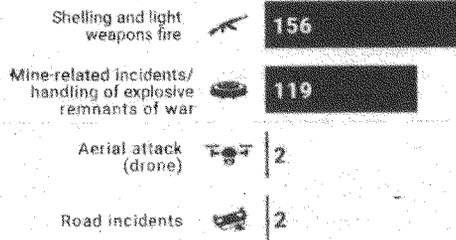
¹⁷ OHCHR civilian casualty records.

¹⁸ HRMMU interviews, 28 December 2018 and 28 January 2019.

24. From 1 January to 31 December 2018, shelling and SALW fire caused 156 civilian casualties (21 killed and 135 injured), a 54.7 per cent decrease compared with 2017 when 344 civilian casualties (49 killed and 295 injured) caused by shelling and SALW fire were recorded.

25. Of the 156 civilian casualties caused by shelling and SALW fire in 2018: 121 (77.6 per cent) were recorded in territory controlled by armed groups and are attributable to the Government, 28 (17.9 per cent) - in government-controlled territory and are attributable to armed groups, and 7 (4.5 per cent) - in 'no man's land'.¹⁹

CAUSES OF CIVILIAN CASUALTIES IN 2018



Creation Date: 15 Feb. 2019 Source: OHCHR Ukraine HRMM

26. From 1 January to 31 December 2018, OHCHR recorded 119 civilian casualties (34 killed and 85 injured) resulting from mine-related incidents²⁰ (MRI) and ERW handling.²¹ This is a 50 per cent decrease compared with 2017 when 238 civilian casualties (64 killed and 174 injured), resulting from mine-related incidents and ERW handling, were recorded.

C. Civilian casualties during the entire conflict period²²

27. During the entire conflict period, from 14 April 2014 to 15 February 2019, OHCHR recorded 3,023 civilian deaths (1,794 men, 1,046 women, 97 boys, 49 girls and 37 adults whose gender is unknown). With the 298 deaths on board of Malaysian Airlines MH17 flight on 17 July 2014, the total death toll of the conflict on civilians has been at least 3,321. The number of injured civilians is estimated to exceed 7,000.

¹⁹ To compare: of the 344 civilian casualties caused by shelling and SALW fire in 2017: 230 (66.9 per cent) were recorded in territory controlled by armed groups, 113 (32.8 per cent) in government-controlled territory, and 1 (0.3 per cent) in 'no man's land'.

²⁰ Incidents, in which civilians were killed or injured by mines (antipersonnel or anti-vehicle) or explosive devices triggered in the same way, such as booby traps, or by ERW (explosive remnants of war) that are inadvertently detonated by unsuspecting civilians.

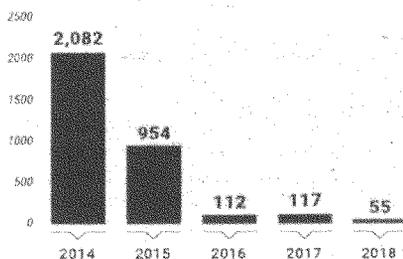
²¹ Victims of ERW handling manipulated an ERW for a certain period of time and took actions to cause its detonation (for instance, by trying to dismantle it), or were near those, who manipulated an ERW.

²² Though civilians have been the major focus of OHCHR casualty recording in Ukraine, OHCHR also collects reports/data on casualties among combatants to prevent inclusion of combatants into civilian casualty statistics, and to estimate the total death toll of the conflict. OHCHR estimates the total number of conflict-related casualties in Ukraine (from 14 April 2014 to 15 February 2019) at 40,000–43,000: 12,800–13,000 killed (at least 3,321 civilians and est. 9,500 combatants), and 27,500–30,000 injured (est. 7,000–9,000 civilians and est. 21,000–24,000 combatants). Previous conservative OHCHR estimate of total conflict-related casualties was as of 15 November 2017: at least 10,303 killed, including 2,821 civilians and 7,482 combatants, and at least 24,778 injured, including 7,000 to 9,000 civilians (OHCHR report on the human rights situation in Ukraine covering the period from 16 August to 15 November 2017, paragraphs 29–30). Between 16 November 2017 and 15 February 2019, OHCHR recorded 63 civilian deaths which occurred during that period, and recorded/processed data on 437 civilian deaths that occurred before 16 November 2017, mostly in 2014 and 2015. The increase in the estimate of killed combatants from at least 7,482 as of 15 November 2017 to est. 9,500 as of 15 February 2019 is due to combatants' deaths that occurred from 16 November 2017 to 15 February 2019 (est. 450) and to recorded/processed data on combatants' deaths that occurred before 16 November 2017 (est. 1,500), mostly in 2014 and 2015.

Conflict-related civilian casualties during the entire conflict period, per year

	Killed	Injured	Total
2018	55	224	279
2017	117	487	604
2016	112	476	588
2015	954	>2,000	>3,000
2014	2,082 ²³	>4,000	>6,000
Total	3,320	>7,000	>10,000

CONFLICT-RELATED CIVILIAN DEATHS
from 2014 – 2018



Creation Date: 15 Feb, 2019 Source: OHCHR Ukraine HRMM

28. The reporting period was marked by the fourth anniversary of the Package of Measures for the implementation of the Minsk Agreements, which was signed on 12 February 2015. The ceasefire and disengagement measures stipulated by the Package, though never implemented fully, have over time resulted in a dramatic decrease in conflict-related civilian casualties. The first ten months of the conflict (mid-April 2014 to mid-February 2015) accounted for 81.9 per cent of all civilian deaths (2,713), while the four years after the adoption of the Package accounted for 18.1 per cent of civilian deaths (608).

D. Economic and social rights of conflict-affected persons

We appreciate all the assistance, but nothing brings us joy when there is shelling. I will not survive another escalation. If someone tells you they are not afraid, don't believe them. It is terrifying.

- A retired coal-miner from the government-controlled village of Zhovanka.

29. About 5.2 million conflict-affected persons,²⁴ including over 1.3 million registered IDPs and persons living in isolated communities along the contact line continue to suffer due to the lack of access to basic services, such as water and heating, the lack of adequate housing, healthcare, and the absence of mechanisms for remedy and reparations. Displaced persons and those residing in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic' face difficulties in accessing their pensions and social benefits. In December 2018, as reported by the Pension Fund, only 562,000 pensioners with residence registration in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic' continued to receive pensions. Notably, this is less than a half of the pensioners registered in those territories as of August 2014.²⁵

30. Due to restrictions on freedom of movement, which result, in particular, in long waiting lines at entry-exit checkpoints on the contact line, civilians continue to face

²³ Including 298 on board of MH17 flight on 17 July 2014.

²⁴ See Multi-Year Humanitarian Response Plan (HRP) 2019-2020.

²⁵ 1,278,200 pensioners were registered as of August 2014. UN Briefing Note, Pensions for IDPs and persons living in the areas not controlled by the Government in the east of Ukraine, February 2019.

difficulties accessing government-controlled territory, to maintain family ties, access their social entitlements or critical services and facilities, such as hospitals. This contributes to the negative impact on the already fragile socio-economic situation and jeopardize prospects for social cohesion and people's wellbeing.

1. Remedy and reparation for conflict-affected population

31. During the reporting period, OHCHR observed the implementation of the amendments to the law 'On the status of war veterans and their social protection guarantees', which expanded the scope of the law to include civilians, who acquired a disability as a result of hostilities.²⁶ The inter-agency commission to establish the nexus between disability and conflict-related injury has considered in total 30 cases as of 15 February 2019. OHCHR welcomes this development, but remains concerned that provisions of the Law expressly exclude civilians who were injured in territory not controlled by the Government after 1 December 2014. OHCHR is also concerned by the continued lack of a comprehensive state policy of remedy and reparation for civilian victims of the armed conflict.

Court case on reparations for the family member of a person killed due to hostilities, Luhansk region

The Supreme Court is considering a case of a woman seeking reparation for the loss of her daughter, who died during the armed conflict in eastern Ukraine. The Supreme Court did not suspend the execution of an earlier positive ruling by an appeals court. According to the judgment, the Government of Ukraine is obliged to provide monetary reparation for the family.

OHCHR notes the positive development, which paves the way to ensure reparation for people who have lost their family members in the armed conflict. The Government has yet to develop, establish and ensure proper implementation of a comprehensive mechanism for remedy and reparation for individuals, who have been injured, and to families of those, who lost their family member due to conflict.

2. Right to restitution and compensation for use or damage of private property

32. OHCHR notes the long-standing absence of a unified, comprehensive and inclusive mechanism to enable access to compensation for civilian property damaged and/or destroyed due to hostilities. As of 15 February 2019, there are over 50,000 civilian homes on both sides of the contact line damaged during the hostilities and homes of some 40,000 families, living on both sides of the contact line, are reportedly in urgent need of repairs to protect inhabitants from low winter temperatures.²⁷

33. Civilians face multiple obstacles in accessing compensation for the military use of their houses, land and other property in government-controlled territory.²⁸ Persons told OHCHR the military forces did not sign lease agreements with them for the use of their property. Without such documents, civilians are not able to claim compensation for utility bills and any damages to their property caused during its use by the military. OHCHR has yet to observe the initiation of investigations into acts of looting allegedly committed by officers of the Ukrainian Armed Forces or other ground military forces.

²⁶ Law "On amendments to the Law of Ukraine 'On the status of war veterans and their social protection guarantees' enhancing the social protection of participants of the anti-terrorist operation, of the Revolution of Dignity and of the family members of such persons," no. 2203-VIII of 14 November 2017. The law entered into force on 24 February 2018.

²⁷ See Humanitarian Needs Overview 2019, p. 10 and Multi-Year Humanitarian Response Plan 2019-2020, p. 12.

²⁸ OHCHR does not assess the military necessity of the use of civilian homes, land or property.

34. On a separate note, OHCHR observed that IDPs, among them persons with disabilities, residing in collective centres²⁹ in Odesa, Sviatohirsk and Zhytomyr, experience frequent interruptions of adequate heating.

3. Right to social security and social protection

35. OHCHR regrets the absence of changes in Government policy that links payment of social benefits, in particular pensions, with the need to register as an IDP, which would result in inability of Ukrainian citizens to access their fundamental social and economic rights on an equal basis, especially as pensions are recognized as a form of property.

36. Despite three Supreme Court decisions,³⁰ issued over the past six months, ordering the restoration of rights to pensions and social entitlements, the Government continues to link access to pensions with IDP registration.

37. OHCHR positively notes that national courts followed the Supreme Court's judgment in an "exemplary case," restoring pension rights of an IDP.³¹ Since the judgement entered into force in September 2018, national courts have issued over 450 rulings in favour of IDPs between October and December 2018.³² Despite the general court practice on this issue, OHCHR regrets that the Government has so far failed to execute the court rulings, in violation of Ukrainian law.

38. In accordance with a July 2018 ruling of the Kyiv Appellate Administrative Court³³ that invalidated certain provisions of the Cabinet of Ministers Resolutions no. 365 and 637,³⁴ authorities can no longer carry out home visits for residence verification of IDPs and suspend pension payments on these grounds, when an individual is not found to be in residence. Reports indicate, however, that the practice continues. On 20 December 2018, the Supreme Court upheld the appellate court decision.³⁵ Welcoming this final ruling, OHCHR reiterates that the Government should review its IDP policy more broadly to ensure equal access to pensions regardless of place of residence or IDP registration.

39. In another positive development, the Government adopted a state programme on physical, medical and psychological rehabilitation, and social and professional re-adaptation of veterans of the armed conflict in eastern Ukraine.³⁶ This followed the establishment of the dedicated Ministry for Veterans Affairs in November.³⁷

40. In accordance with the law "On particular aspects of public policy aimed at safeguarding the sovereignty of Ukraine over the temporarily occupied territory of the

²⁹ OHCHR monitoring in Odesa, Sviatohirsk and Zhytomyr.

³⁰ See OHCHR Report on the human rights situation in Ukraine, 16 August - 15 November 2018, paras. 37-39.

³¹ *Ibid.*, para. 37.

³² According to NGO Right to Protection (R2P), there were about 60 positive court rulings during each quarter of 2018. This is more than a 65 per cent increase in comparison to each quarter in 2017.

Overall, national courts issued about 550 positive decisions regarding applications submitted in 2018.

³³ The Kyiv Appellate Administrative Court judgment of 4 July 2018, case no. 826/12123/16, available at <http://reyestr.court.gov.ua/Review/78808062>. See OHCHR Report on the human rights situation in Ukraine, 16 May - 15 August 2018, para. 39.

³⁴ The ruling rendered inactive the following provisions of Cabinet of Ministers Resolutions no. 365 and 637: the Procedure for exercising control over the payment of social benefits to internally displaced persons at the place of their actual residence/stay and paras. 7-9, 13 of the Procedure for allocation (renewal) of social benefits to internally displaced persons, approved by Cabinet of Ministers Resolution no. 365; as well as para. 1(10) of Cabinet of Ministers Resolution no. 637.

³⁵ Administrative Chamber of the Supreme Court, judgment of 20 December 2018 case no. 826/12123/16, available at <http://reyestr.court.gov.ua/Review/78808062>.

³⁶ Cabinet of Ministers Resolution no. 1021 of 5 December 2018 'On approval of the State Target Programme on physical, medical and psychological rehabilitation and social and professional re-adaptation of participants of the anti-terrorist operation and persons taking part in the measures on ensuring the national security and defence, the containment and deterrence of the armed aggression of the Russian Federation in Donetsk and Luhansk regions, for the period until 2022'.

³⁷ Cabinet of Ministers Resolution no. 986 of 28 November 2018 'Issues regarding the activity of the Ministry for Veterans Affairs of Ukraine'.

Donetsk and Luhansk regions of Ukraine,³⁸ the President of Ukraine signed a decree establishing a list of residential areas, which are not controlled by the Government.³⁹ Meanwhile, Order No.1085 of the Cabinet of Ministers, also indicating these areas, remains in force, which could lead to inconsistent or interrupted payment of pension and social benefits.⁴⁰

4. Freedom of movement, isolated communities and access to basic services

Crossing the contact line is a humiliating experience.
- A resident in Travneve, the village near the contact line.

41. Despite a 2.5-hour reduction in operating hours of the crossing points as of 1 December 2018, enforced as part of a shift to the winter operation mode, during the reporting period, there were over one million crossings of the contact line on average each month. OHCHR notes improvements of conditions at the crossing points made by the Government, however, civilians continue to wait in long queues and are regularly exposed to snow, ice and low winter temperatures, and inadequate sanitary and medical facilities, on both sides of the contact line. Since the beginning of 2019, 11 persons died while crossing the contact line in eastern Ukraine, reportedly due to health condition.⁴¹ Four people died at the only crossing point in the Luhansk region open exclusively to pedestrians, near the government-controlled town of Stanytsia Luhanska. Civilians also face other risks when crossing the contact line. For instance, in December 2018 and February 2019, around 90 people were temporarily trapped in 'no man's land' coming from territory controlled by 'Donetsk people's republic' due to arriving at the Maiorske crossing point shortly before its closure.⁴² They were eventually let through by Ukrainian authorities.

42. According to the 2019 Humanitarian Response Plan under a 2019-2020 Strategy, around 3.5 million people in Ukraine need humanitarian aid and protection services.⁴³ Many conflict-affected civilians in villages on both side of the contact line lack access to basic services. During the winter, heating was one of the main challenges for civilians living along the contact line. The cost of coal, which is traditionally used for heating houses, increased drastically during the winter, forcing civilians to collect firewood in nearby forested areas, making them even more vulnerable to landmines or being subject to fines for cutting down trees.

43. OHCHR notes that the Ministry of Defence has not progressed in finalizing the draft Resolution regulating the procedure for movement of persons and transfer of goods across the contact line. As a member of a working group created by the Ministry of Defence to develop the draft Resolution, OHCHR underlines the necessity to harmonize the draft Resolution with existing national norms and international standards, as well as key recommendations of the international community and civil society.

³⁸ The text of the law is available at <https://zakon.rada.gov.ua/laws/show/2268-19/>

³⁹ The decree establishing "Boundaries and list of districts, cities, towns and villages, parts of these areas, temporarily occupied in Donetsk and Luhansk regions" is available at <https://www.president.gov.ua/>

⁴⁰ Cabinet of Ministers order No.1085 is available at <https://zakon.rada.gov.ua/>

⁴¹ According to monitoring by national and international organizations, in total, during the reporting period, 13 civilians died when crossing the contact line in eastern Ukraine.

⁴² Social media posts by NGOs Right to Protection and Proliska, Representative of the Ombudsperson's Office in Donetsk and Luhansk regions, and the Joint Forces Operation of Ukraine, 6 December 2018 and 14 February 2019.

⁴³ See Multi-Year Humanitarian Response Plan (HRP) 2019-2020.

IV. Right to physical integrity

44. During the reporting period, OHCHR documented at least 172 human rights violations involving unlawful or arbitrary detention, torture, ill-treatment and/or threats to physical integrity, committed on both sides of the contact line.⁴⁴ Out of these violations 18 can be attributed to the Government of Ukraine, and at least 154 can be attributed to 'Donetsk people's republic' and 'Luhansk people's republic.' At least 91 violations occurred within the reporting period, which affected 46 victims (40 men and six women).

A. Access to detainees and places of detention

45. In government-controlled territory, OHCHR continued to enjoy access to official places of detention and conducted confidential interviews with detainees in accordance with international standards. OHCHR interviewed 93 conflict-related detainees (85 men and eight women) in pre-trial detention facilities (SIZO) in Bakhmut, Kharkiv, Kherson, Kyiv, Mariupol, Mykolaiv, Odesa, Starobilsk, Vilniansk and Zaporizhzhia.

46. OHCHR follows the ongoing penitentiary reform and welcomes all efforts to transfer medical personnel from subordination of the State Penitentiary Service of Ukraine to the Centre for Health Protection of the State Penal Service of Ukraine.⁴⁵ However, the transition process negatively affects the provision of health care at the detention facilities.⁴⁶ OHCHR continued to receive complaints regarding the lack of access to health care and adequate food, especially for detainees in need of a special diet due to illness.

47. In territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic', OHCHR did not have unimpeded access to places of deprivation of liberty to visit and speak in private with detainees. The lack of such access raised serious concerns about the treatment of detainees and conditions of detention. First-hand information received from pre-conflict prisoners transferred to serve their sentence in government-controlled territory supports OHCHR concerns (see *Situation of pre-conflict prisoners*).

B. Arbitrary detention, enforced disappearance and abduction, torture and ill-treatment

48. OHCHR is concerned that the previously identified pattern⁴⁷ of arbitrary deprivation of liberty, enforced disappearance, torture and ill-treatment of individuals in government-controlled territory may be re-emerging. In at least two cases, documented during the reporting period, victims were arbitrarily arrested during daytime allegedly by SBU officers.⁴⁸

49. OHCHR received information that several SBU officers in camouflage uniforms, armed with machine guns entered the house of an Armenian national and asylum seeker in Ukraine, in Svitlodarsk on 13 December 2018. SBU searched his house without a warrant and seized his electronic equipment and documents. They threatened to deport him to Azerbaijan or Crimea, and his family to 'no man's land'.⁴⁹ He told OHCHR that they then

⁴⁴ This number encompasses violations in relation to inhuman conditions of detention and treatment in penitentiaries in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic.' The majority of these violations dated back to 2014-2016. In some colonies, OHCHR documented systematic beatings of prisoners by men wearing masks, which allegedly lasted until mid-2018, and the widespread use of forced labour.

⁴⁵ A state institution independent of the management of penal institutions of the State Penal Service of Ukraine.

⁴⁶ The process of transfer of the State Penal Service premises for the needs of medical units, as well as medicine and medical equipment to the structural units of the Centre for Health Protection of the State Penal Service in the regions is ongoing. These structural changes lead to the lack of medicines and staff in penitentiary institutions.

⁴⁷ OHCHR report on the human rights situation in Ukraine, 16 November 2017 - 15 February 2018, para. 29.

⁴⁸ OHCHR interviews, 12 January and 24 January 2019.

⁴⁹ No man's land is commonly described as a territory, where no authorities exercise control, even though it is formally controlled by the Government of Ukraine.

handcuffed him, put a bag over his head and took him to a basement, where they interrogated him, accusing him of espionage for the Russian and Armenian intelligence. He said SBU officers periodically beat him, each time for 20-30 minutes, to force him to confess. The man agreed to confess to the SBU accusations on video camera after being threatened at gun point. Two days later, they took him to Kyiv, held him in an apartment and continued to beat him, inflicting severe pain and leaving numerous bruises on his body. On 17 December, SBU officers took him to a hospital for his injuries, registering him under a fake name. He said doctors recommended hospitalization, but SBU officers took him to another apartment and held him there for around two weeks. At one point, he did not receive food for two days. Finally, on 29 December, the SBU released him, telling him to keep silent about his ordeal.⁵⁰

50. In another case, on 15 November 2018, two men, allegedly SBU officers, wearing camouflage and masks detained a Russian citizen in Kyiv. They handcuffed him and took him to an unknown location. On 23 November, after the man's wife reported his disappearance, the police opened a criminal investigation, but closed it five days later.⁵¹ On 26 December, a prosecutor's office instructed the police to reopen the investigation. On 30 December, the man's personal information (name, surname, date of birth, and alleged criminal charges) appeared on the Myrotvorets website.⁵² As of 15 February 2019, his relatives have no information about his whereabouts.

51. Late on 21 November 2018, several SBU officers detained a woman in the Kostiantynivka – Kyiv night train.⁵³ They ordered her to leave the train, seized her passport and mobile phone and drove her from Kostyantynivka to an SBU office in Mariupol. She told OHCHR that the Mariupol SBU interrogated her all night and she learned that the SBU got her name and other identifying personal information from the Myrotvorets website. The woman saw her lawyer a day after her arrest, when she was taken to Kramatorsk to meet a Donetsk Regional Prosecutor in order to receive an act of suspicion. She was charged with creating 'a terrorist group or organization'.⁵⁴ On 23 November, the Zhovtnevyi district court of Mariupol ordered her arrest.⁵⁵

52. OHCHR notes that prompt, timely, effective and transparent investigations of all incidents of arbitrary detention, enforced disappearance, torture and other ill-treatment could help stop the pervasive practice and prevent reoccurrence. In this regard, OHCHR notes that the State Bureau of Investigations (SBI) became operational on 27 November 2018.⁵⁶ This body took over the investigative jurisdiction over the crimes involving senior

⁵⁰ OHCHR interview, 24 January 2019.

⁵¹ Pursuant to Article 284 of the Criminal Code of Ukraine, part 1(2).

⁵² The website includes personal data and information available on social media about persons, allegedly involved in activities of 'Donetsk people's republic' and 'Luhansk people's republic'. It is allegedly maintained by volunteers but has been actively used since 2014 by Ukraine's law-enforcement and military. As previously noted by OHCHR, the website also publishes information about members of civil society and journalists, who work in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic.'

⁵³ In November 2014, she received an IDP registration and had been crossing the contact line from territory controlled by 'Donetsk people's republic' to government-controlled territory on a regular basis.

⁵⁴ Pursuant to Article 258-3 of the Criminal Code of Ukraine.

⁵⁵ OHCHR interview, 28 November 2018.

⁵⁶ The State Bureau of Investigations was established on 1 March 2016 by Cabinet of Ministers Resolution no. 127 of 29 February 2016. However, the Bureau began its work only two and a half year later. By the end of 2018, the SBI had around 843 cases under investigation, nearly 80 per cent of which had been transferred to the SBI from other investigative bodies. According to authorities, in order to prevent the backlog, the investigations opened before 27 November 2018 would not be transferred to the SBI and should be finalized by the prosecutors within a year. The statement of the Head of the SBI, Roman Truba, 21 December 2018, available at <https://dbr.gov.ua/news/roman-truba-shtat-slidchikh-dbr-bude-zbilsheno>.

public officials, judges, officers of law enforcement or national anti-corruption bodies, and the crimes related to military service.⁵⁷

53. During the reporting period, in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic' individuals continued to be subjected to 30-day 'administrative arrest' and 'preventive arrest,' respectively, which amount to arbitrarily *incommunicado* detention and may constitute enforced disappearance. In territory controlled by 'Luhansk people's republic,' OHCHR documented cases of 'preventive arrests' of civilians, held *incommunicado* for prolonged periods, before formalizing these 'arrests.'⁵⁸

54. On 16 November 2018, representatives of the 'ministry of state security' ('MGB') of 'Luhansk people's republic' detained a Luhansk resident at the entry-exit checkpoint near Stanytsia Luhanska. The man called his mother and told her he had been detained. His mother sent complaints about his detention to the 'MGB', 'head' of 'Luhansk people's republic', 'general prosecutor's office', and the 'ministry of the interior' ('Moi'), requesting information about her son's whereabouts. On 26 November, the 'MGB' informed her that her son was being held *incommunicado* under 'preventive arrest.' He was released on 4 December 2018.⁵⁹

C. Situation of pre-conflict prisoners

Back in 2016 I could complain to the prison administration for forcing us to work. Now no one would complain for fear of being thrown in the isolation ward and beaten.

- A pre-conflict prisoner transferred from a penal colony in territory controlled by 'Luhansk people's republic'.

55. OHCHR welcomes the transfer of 88 pre-conflict prisoners (83 men and five women) that took place during the reporting period⁶⁰ from places of detention in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic' to government-controlled territory in December 2018 and February 2019.⁶¹ There were two transfers from places of detention in territory controlled by 'Luhansk people's republic' since the beginning of the armed conflict. To date, 274 persons (including nine women) have been transferred from places of detention in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic'.

56. Transferred prisoners told OHCHR that there were more prisoners in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic,' who wanted to

⁵⁷ Articles 401-435 of the Criminal Code of Ukraine, except for Article 422 'disclosing military information constituting a state secret', which remains under the SBU jurisdiction.

⁵⁸ OHCHR interview, 21 January 2019.

⁵⁹ OHCHR interview, 5 December 2018.

⁶⁰ On 12 December 2018, the transfer of 42 pre-conflict prisoners (39 men and three women) was carried out from territory controlled by 'Luhansk people's republic' to government-controlled territory. On 13 December 2018, 13 prisoners (11 men and two women) were transferred from territory controlled by 'Donetsk people's republic'. On 7 February 2019, another 33 pre-conflict prisoners (all men) were transferred from territory controlled by 'Luhansk people's republic.' Based on interview with prisoners, OHCHR was able to verify information about conditions of detention between 2014 and 2018.

⁶¹ Among those transferred on 12 December 2018, two individuals were transferred from the Luhansk SIZO, where they had been held since 2014. One of them had appealed a first-instance court ruling; another was scheduled for transfer from the pre-trial detention to another city for trial, but due to the outbreak of the armed conflict remained there. Moreover, OHCHR is aware of at least three individuals, who were held in a Donetsk SIZO, before the outbreak of the armed conflict in eastern Ukraine. In October 2015, a court in government-controlled territory ordered the release of one of these three individuals, however, he remains in custody.

be transferred to government-controlled territory and maintain contacts with relatives living there.⁶²

57. Recently transferred individuals from detention facilities in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic', including from two female penal colonies, reported a deterioration of detention conditions and prisoner treatment after the outbreak of the armed conflict in 2014. In particular, they mentioned insufficient food supply and the lack of electricity: in 2014-2015 during power outages, lasting from a couple of hours to several months, prisoners had to burn furniture to heat their barracks. They said the situation had improved since 2016, however, ill-treatment by prison staff, the absence of adequate medical treatment, including specialised doctors, such as gynaecologists, and forced labour remain of concern. Prisoners also reported difficulties in maintaining contacts with relatives who live in government-controlled territory.

58. Pre-conflict prisoners were transferred from eight places of detention in territory controlled by 'Luhansk people's republic'.⁶³ Transferred prisoners said that their detention conditions worsened after the outbreak of the armed conflict. They described inadequate accommodation, such as leaking barrack roofs, low inside temperature during the cold season, and insufficient health care due to the lack of medical staff and medicines (particularly for prisoners living with HIV/AIDS and tuberculosis). In several instances, delays to deliver timely and adequate medical care led to an inmate's death in custody. In some colonies, prisoners said they had gone "hungry" for several months in 2014 and lacked access to water and electricity.

59. Some of the transferred prisoners complained that in 2014-2015 members of armed groups entered penal colonies, beat prisoners and subjected them to mock executions. Prisoners also reported severe beatings by men in masks and by penal colony staff, who allegedly changed their uniforms and put masks on. The prisoners said it was done to intimidate and 'discipline' them, including when the prison administration was understaffed. In some instances, such beatings, allegedly, led to serious injuries requiring medical attention or prisoners' deaths. Such visits by 'masked men' continued till mid-2018, but reportedly stopped since then.

60. OHCHR received allegations of forced labour in most penal colonies in territory controlled by 'Luhansk people's republic'. In Sukhodilsk penal colony №36, prisoners said they had to work in two shifts from 6:30am to 9pm, often without days off on weekends and meagre or no compensation.⁶⁴ Those, who did not want to work or who did not meet the work requirements, were beaten and put in the isolation ward. The 'head' of the colony personally beat prisoners in front of others to intimidate and make them work harder.

61. Individuals, transferred from five penal colonies in territory controlled by 'Donetsk people's republic,' confirmed information OHCHR had received from other transferred prisoners about the lack of food, water, electricity, heating, hygiene items and medicine in 2014-2015.⁶⁵ Some reported that the situation had gradually improved in Snizhne female penal colony №127, whereas the situation had remained difficult in male colonies despite minor improvements. Male prisoners alleged that in 2014-2015 a special unit from armed groups of 'Donetsk people's republic' with insignia 'ROSNAZ'⁶⁶ entered Yenakiieve penal colony №52 on two occasions and severely beat some prisoners. Since 2016, the treatment of prisoners reportedly improved, however a number of issues remain unresolved, in particular, Michurinska penal colony №57 in Horlivka is still affected by shelling.

⁶² OHCHR interviews with pre-conflict prisoners, 18-20 December 2018.

⁶³ Some of the prisoners were also held in other detention facilities for various periods of time.

⁶⁴ The prisoners said they received 80-90 RUB a month, whereas a pack of tea cost 180 RUB.

⁶⁵ See OHCHR report on the human rights situation in Ukraine, 16 November 2017 - 15 February 2018.

⁶⁶ Meaning a "republican special unit".

V. Accountability and administration of justice

A. Administration of justice

While article 176.5 is in force, a person can be held in SIZO eternally. There is no need to prove anything. It's a very convenient tool.
- A detainee in the Kyiv SIZO

62. OHCHR notes the persistent practice of prolonged pre-trial detention and the use of pressure to obtain forced confession or plea bargains. OHCHR documented 89 violations of the right to a fair trial in conflict-related criminal cases.⁶⁷

63. During the reporting period, OHCHR continued to observe a worrying trend of convicting individuals affiliated or linked with armed groups of 'Donetsk people's republic' and 'Luhansk people's republic' based on guilty pleas and confessions without material evidence. In 35 out of 60 verdicts in conflict-related criminal cases, defendants pled guilty or admitted guilt. In 24⁶⁸ out of those 35 cases prosecutors presented no material evidence, giving rise to concerns about substantiality of the charges. In four cases defendants were sentenced to as much time as they had already spent in pre-trial detention⁶⁹ and were thus immediately released. OHCHR is concerned that defendants could see pleading guilty to a crime as the only way to be released from detention in the context of a protracted trial.

64. The wide application of plea bargains in conflict-related criminal cases is problematic due to the practice of coercing defendants to admit guilt, including through the use of physical violence, as documented by OHCHR. In at least three documented cases, detainees of the Kharkiv SIZO tried on terrorism charges complained of being under pressure.⁷⁰ In particular, the SIZO administration repeatedly placed defendants in punishment cells⁷¹ for minor infractions of the SIZO rules and regulations.⁷² By conducting excessively frequent searches and seizures of personal items, the administration allegedly provoked other detainees to be violent towards the defendants. One of them was brought to the court with visible injuries on his face and body and told the court that he had been beaten after complaining to the prosecution about this punitive practice by top SIZO officials. He explained to the court that he feared for his life but refused to describe the beating.

There is no way to be released other than to sign a plea bargain.
- A detainee in the Odesa SIZO

⁶⁷ The Criminal Code of Ukraine, articles 109-114⁴, 258-258⁵, 260, and 261. These crimes constitute "conflict-related crimes".

⁶⁸ Data from the Unified Register of Court Decisions.

⁶⁹ According to para.5 Art. 72 of the Criminal Code of Ukraine as of the version amended by Law № 838-VIII of 26.11.2015 (also known as the 'Savchenko law' after Nadiia Savchenko, a member of the Parliament and an author of the law), a pre-trial detention shall be counted as a part of a sentence at a ratio of 1:2 days. See the Great Chamber of the Supreme Court judgement of 29 August 2018 № 663/537/1.

⁷⁰ Cumulative data of OHCHR court monitoring, interviews with victims and their relatives, visits to penitentiary facilities, information provided by governmental bodies upon OHCHR's requests.

⁷¹ Placing of defendants in punishment cells comes with other restrictions such as prohibition of personal items, receiving packages (on which many detainees depend for food and medications), absence of adequate medical care and poor cell conditions (such as, low temperature).

⁷² The most common disciplinary violations were reportedly possessing or bringing to the SIZO a prohibited item, being awake after 10 p.m., interfering with cell searches and arguing with guards.

65. According to the information⁷³ received by OHCHR, the SIZO administration placed the three defendants in punishment cells at least a dozen times, to force them to admit guilt in court, while the prosecution failed to meaningfully investigate the allegations of ill-treatment. OHCHR emphasizes that the right not to be compelled to testify against oneself or to confess guilt comprises the guarantee of absence of any direct or indirect physical or undue psychological pressure with a view to obtaining a confession of guilt.⁷⁴

66. Despite the prohibition of unreasonably lengthy pre-trial detention and the need to reconsider alternatives to pre-trial detention,⁷⁵ courts continue to put in custody individuals charged with links or affiliation with armed groups and crimes against national security relying solely on provisions of article 176.5 of the Criminal Procedure Code of Ukraine. OHCHR is aware of at least 46 cases, where defendants had been in pre-trial detention for over two years. In 11 of these cases the defendants have been in custody for over four years – equaling to eight years of imprisonment according to the ‘Savchenko law’.⁷⁶ The situation is exacerbated by appeal courts’ heavy reliance on article 176.5 instead of international human rights law and the case law of the European Court of Human Rights. In some cases, defendants could not appeal due to the delay in obtaining court orders of their restraint measures, which violated their right to appeal.

67. OHCHR is also concerned that protracted trials in conflict-related criminal cases might be caused, inter alia, by the lack of judges.⁷⁷ In the majority of conflict-related criminal cases, the courts schedule hearings only once every month or two.

68. OHCHR continued to document cases of interference by members of extreme right-wing groups in criminal proceedings of conflict-related and high profile criminal cases through the intimidation of judges, defendants and their lawyers. In three documented cases⁷⁸ members of extreme right-wing groups disrupted court hearings by verbally abusing judges and defendants. In one case, they beat a defendant in a conflict-related case outside the courtroom,⁷⁹ but police did not stop the beating.⁸⁰

69. OHCHR is concerned about the lack of progress in the criminal case regarding the killing of journalist Oles Buzyna⁸¹ in 2015 and allegations of obstruction of justice. The High Council of Justice is still considering the issue of one of the judge’s removal for failing a qualification test.⁸² The judge had previously claimed she was made to fail the test in order to remove her from the case.⁸³ Although the judge continues to participate in the

⁷³ OHCHR interviews with the victims and their defense counsel, trial monitoring, government data.

⁷⁴ See Human Rights Committee, General Comment No. 32. Article 14, para. 41.

⁷⁵ See Human Rights Committee, General Comment No. 35 Article 9, para. 37.

⁷⁶ Para. 5 Art. 72 of the Criminal Code of Ukraine. In one such case, tried in the Zhovtnevyi district court of Kharkiv, five out of eight defendants are in custody although the court has not yet conducted the preparatory hearing. The defendants complained to OHCHR that the prosecution threatened them with indefinite custody unless they all accept guilty pleas.

⁷⁷ According to the High Qualification Commission of Judges of Ukraine, as of January 2019, Ukraine’s judicial system lacked 32 per cent of the judges needed to staff the country’s courts: 5,503 judges were employed out of 7,991 required. The number of judges, authorized to administer justice was even lower, as the tenure of 702 judges had terminated. As a result, 14 courts had no active judges and did not operate, while 124 courts lacked more than half of their judges. The data was proved on 30 January 2019 at OHCHR’s written request.

⁷⁸ Court hearings at the Dzerzhynskiy district court of Kharkiv, 12 December 2018, the Ordzhonikidzevskiy district court of Mariupol, 13 December 2018, and the Shevchenkivskiy district court of Zaporizhzhia, 21 January 2018.

⁷⁹ OHCHR trial monitoring at the Dzerzhynskiy district court of Kharkiv on 4 January 2019.

⁸⁰ Prior to the hearing, members of an extreme right-wing group organized a protest outside the court.

⁸¹ See OHCHR report on the human rights situation in Ukraine, 16 May to 15 August 2018, para. 84.

⁸² See High Qualification Commission of Judges decision of 6 August 2018, available at: www.vksu.gov.ua/

⁸³ During a session at the High Council of Justice on 9 October 2018, the judge alleged that she was made to fail the test to disqualify her from hearing Buzyna’s case. A video recording of the session is available at: <http://www.vru.gov.ua/video/497>.

trial,⁸⁴ concerns arise about her bias towards the defendants and a likely re-trial in case of her eventual removal by the High Council of Justice,⁸⁵ which would violate the rights of the victim's relatives and the defendants. The judge's allegation of the interference into her professional activities merits prompt and effective investigation.

70. In an unrelated case, the car of Valentyn Rybin, a lawyer known for defending conflict-related detainees, was set on fire.⁸⁶ According to Rybin,⁸⁷ the police is reluctant to investigate the attack.

71. During the reporting period, OHCHR observed violations⁸⁸ of the right to a public hearing when judges held hearings of conflict-related criminal cases in their offices instead of courtrooms⁸⁹ without making these changes known to the general public⁹⁰ and thus obstructing public presence.

B. Accountability for human rights violations in eastern Ukraine

72. OHCHR continued to document Ukrainian authorities' inaction in prosecuting military officials, suspected of crimes against civilians.⁹¹ OHCHR notes that prosecutors fail to enforce defendants' presence during trials as a general practice.⁹²

C. Accountability for cases of violence related to riots and public disturbances

73. OHCHR noted limited progress in legal proceedings concerning the 2014 Maidan protests and the violent events of 2 May 2014 in Odesa.

1. Accountability for the killings of protesters during the Maidan protests

74. Five years after violent clashes between law enforcement and Maidan protesters, the Special Investigations Department (SID) of the Prosecutor-General's Office continues its probe into killings during the protests in early 2014. The SID, however, will lose its investigative functions on 20 November 2019.⁹³ By then, all investigations conducted into the Maidan killings must be completed or transferred to the State Bureau of Investigations, which began its work on 27 November 2018.

75. While the SID continues its work, the investigators have been stripped of labour and social protection guarantees,⁹⁴ which, according to the SID Head, has had a negative impact on the work of the department.⁹⁵

76. The Office of the Military Prosecutor completed its investigation into the shooting from the SBU building in Khmelnytskyi on 19 February 2014. The former Head of the

⁸⁴ Defense lawyers requested the court to remove the judge from the case due to her allegations at the High Council of Justice on 9 October 2018.

⁸⁵ On 9 October 2018, the High Council of Justice postponed the hearing of the judge's case.

⁸⁶ A Car of a Defence Lawyer Rybin, Who Protected Ruban and Yezhov, Was Burned, UNLAN.

⁸⁷ Rybin's speech on 22 January 2018, available at: <https://press.liga.net/press-conf/releases/konferentsiya-peresliduvannya-ta-napadi-na-advokativ-sogodenni-realii-derjavi>.

⁸⁸ OHCHR trial monitoring at the Kramatorsk city court, 5 December 2018.

⁸⁹ Courts must provide for adequate facilities for the attendance of interested members of the public. See Human Rights Committee, General Comment No. 32. Art. 14, para. 28.

⁹⁰ Courts must make information regarding the time and venue of the oral hearings available to the public. See Human Rights Committee, General Comment No. 32. Art. 14, para. 28.

⁹¹ In the case of eight members of Aidar battalion tried at the Zhovtnevyi district court of Kharkiv, four years later, the court has not yet started to hear the merits of the case.

⁹² In the case of an SBU officer charged with an Avdiivka resident's killing on 4 March 2017, the prosecutor failed to enforce the defendant's participation (via videoconference). In particular, he did not request the court to order the defendant's detention or suspension from service. The defendant continues to serve in the SBU and has access to service firearms.

⁹³ Parts 1 and 2 of Chapter XI. Transitional Provisions of the Criminal Procedure Code of Ukraine.

⁹⁴ According to p. 5 of Transitional provisions of Law of Ukraine "On the Public Prosecutor's Office", social and pension guarantees for prosecutors are extended to investigators of the Prosecutor's Office until the State Bureau of Investigations starts operating on 27 November 2018.

⁹⁵ OHCHR meeting, 13 December 2018.

Khmelnyskyi SBU, who had allegedly ordered the use of lethal force against the protestors, and the SBU officer, who had allegedly shot and killed one person and injured three protestors, have been indicted on charges of abuse of power, unintentional killing and negligent grave bodily injury. On 18 December 2018, a court ordered house arrest for the SBU officer⁹⁶ but he was later released.⁹⁷

2. Accountability for the 2 May 2014 violence in Odesa

77. Delays in the investigation and trial proceedings related to the 2 May 2014 violence in Odesa continue. As of 15 February 2019, almost five years after the events, which led to the deaths of 48 people, none of the state officials have been held accountable.

78. On 16 January 2019, the court of appeals for Odesa region reversed the decision of the Kyivskyi district court of Odesa to return to the prosecutor's office the indictment against three State Emergency Service officials accused of negligence and ruled to start the trial.

79. OHCHR notes no progress in the case against the only 'pro-unity' activist accused of killing: two hearings were adjourned due to the court's failure to select a jury panel and disruption of the proceedings by 'pro-unity' supporters. On 17 December 2018, around 30-40 supporters of the defendant disrupted the hearing in the Malynovskyi district court of Odesa. When the panel of judges attempted to leave the courtroom, one of the supporters approached the presiding judge obstructing his movement and began arguing with him. The judge was only able to leave the courtroom after the defendant and his lawyer interfered.

80. The Prymorskyi district court of Odesa has not started to hear the case against three high ranking police officials accused of negligence and endangering others. On 11 October 2018, the judge ruled to merge the case with another legal proceeding against one of the accused related to the 2 May violence in Odesa. However, on 16 January 2019, the case was returned for retrial due to procedural issues.

VI. Democratic/civic space and fundamental freedoms

81. During the reporting period, OHCHR documented 16 violations of the rights to freedom of opinion and freedom of expression, freedom to peaceful assembly and association, freedom of religion or belief and the right to non-discrimination. While the Ukrainian authorities were responsible for all 16 human rights violations that OHCHR documented during the reporting period, the space for freedom of expression and freedom of the media remains highly restricted in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic'.

82. The 30-day martial law period declared in ten regions of Ukraine⁹⁸ did not lead to significant human rights limitations. However, certain martial law restrictions had direct application under national legislation leading to restrictions of electoral rights and the right to peaceful assembly.⁹⁹ The prohibition to hold elections resulted in the cancellation of the elections to territorial "hromadas" in the ten regions under martial law.¹⁰⁰ At the same time, the prohibition to hold public assemblies was not strictly enforced. OHCHR observed that

⁹⁶ See the ruling of the Podilskyi district court of Kyiv of 18 December 2018 at <http://reyestr.court.gov.ua/Review/78821440>.

⁹⁷ See the ruling of the Pecherskyi district court of Kyiv of 3 January 2019 at <http://reyestr.court.gov.ua/Review/79001111>.

⁹⁸ The martial law was in force between 26 November and 26 December 2018 in ten out of 25 administrative regions of Ukraine: Vinnytsia, Luhansk, Mykolaiv, Odesa, Sumy, Kharkiv, Chernihiv, Donetsk, Zaporizhzhia and Kherson and the internal waters of the Azov Sea and the Kerch Strait.

⁹⁹ Article 19 of Law of Ukraine 'On the legal regime of martial law' no. 389-VIII of 12 May 2015.

¹⁰⁰ On 29 November 2018, the Central Electoral Commission of Ukraine cancelled the elections in several territorial "hromadas" (united territorial communities), scheduled for 23 December 2018 in all ten regions under martial law (in total 52 elections).

public events did take place in the affected regions. Police in Odesa reportedly evoked the martial law when dissolving a public event in order to unblock a traffic jam.¹⁰¹

A. Freedom of opinion and expression and freedom of the media

83. Despite the decrease in the number of violations of freedom of expression and freedom of the media during the reporting period, OHCHR continues to document cases of interference in the work of media professionals and physical attacks and acts of intimidation against them. Seven incidents took place during the period under review, which led to nine human rights violations, including the persistent lack of investigations into attacks against journalists and civic activists.

84. On 18 November 2018, members of extreme right-wing groups used pepper spray against a Canadian journalist covering a transgender rights public event in Kyiv and punched him in the face. Police opened an investigation into the attack, classifying the assault as 'hooliganism'.

85. OHCHR remains concerned about the failure of the Government to bring perpetrators of attacks on civil society activists to account. OHCHR notes the creation of a special parliamentary commission to investigate a lethal attack on a senior staff of the Kherson city council and attacks on other activists.¹⁰² Concerns remain, however, about the lack of effective investigations by law enforcement into these attacks so far.

86. OHCHR documented two attacks against members of political parties during the reporting period. On 28 November 2018, around 30 masked men attacked three political activists in Odesa.¹⁰³ On 12 December, a group of approximately 15 perpetrators, with alleged links to extreme right-wing groups, stormed offices of a political party in Kyiv. They beat at least two political activists and searched the offices. The police arrived after the attack when the perpetrators had already left.¹⁰⁴

87. Space for freedom of expression and freedom of the media remains highly restricted in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic'. OHCHR is concerned that expression of any critical opinion or alternative view could lead to arbitrary detention or other punishment of critics.

B. Freedom of peaceful assembly and association

88. OHCHR continued to document attacks by extreme right-wing groups on peaceful assemblies organized by groups, with whose views they disagree. On 18 November 2018, members of extreme right-wing groups attacked the transgender rights public event in Kyiv. Despite the presence of the police on site, the members of extreme right-wing groups from a counter-rally followed several event participants and attacked them by using pepper spray. Two participants and one journalist received injuries. Instead of isolating perpetrators police asked organizers to stop the event and forced the participants into a nearby subway station. Authorities did not launch an investigation into the disruption of the peaceful event and attacks against the participants.¹⁰⁵ OHCHR notes that such attacks could amount to a form of gender-based discrimination against LGBTIQI people.

89. In territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic', OHCHR did not observe any developments with regard to peaceful assembly. In territory controlled by 'Luhansk people's republic', a 'decree' remains 'in force', according

¹⁰¹ On 28 November 2018, a group of Odesa residents blocked a public road protesting against an unlawful construction. Police dispersed the protest and apprehended one of the protestors for disobedience. After a few hours in a police station, the protestor was released.

¹⁰² Established on 6 November 2018, the commission conducted numerous meetings with victims of attacks, law enforcement, state and local officials, including in Odesa, Kharkiv and Kherson; OHCHR interview, 18 January 2019.

¹⁰³ OHCHR interview, 1 February 2019.

¹⁰⁴ OHCHR interview, 7 February 2019. The police initiated a criminal investigation on charges of hooliganism. However, the victims' lawyer noted the absence of investigative activities.

¹⁰⁵ OHCHR interviews, 15 January 2019.

to which organizers of peaceful assemblies are required to seek prior approval of the 'ministry of state security' or the 'ministry of the interior'.¹⁰⁶

C. Freedom of religion or belief

90. OHCHR continued to monitor developments related to granting autocephaly to the newly established church – the Orthodox Church in Ukraine. On 15 December 2018, members of the Unification Council of the Orthodox Churches of Ukraine formally agreed to create the new church and chose its leader. OHCHR documented incidents that could be perceived as acts of intimidation against members of the Ukrainian Orthodox Church of the Moscow Patriarchate.

91. During the reporting period, the SBU in several regions of Ukraine initiated four criminal investigations into incitement to religious enmity and hatred; one of these cases has an additional charge of high treason, without issuing notices of suspicion.¹⁰⁷ The SBU conducted searches in the premises of the Ukrainian Orthodox Church of the Moscow Patriarchate and places of residence of clergymen, questioning some of them.¹⁰⁸

92. On 20 December 2018, the Parliament of Ukraine launched a process of mandatory renaming of religious organizations that are affiliated with religious centers in the Russian Federation. OHCHR is concerned that this process is primarily targeting Ukrainian Orthodox Church communities and may be discriminatory.¹⁰⁹ OHCHR is also concerned that the Parliament warranted restrictions on access of the clergymen of such organizations to the premises of the Ukrainian Armed Forces on the basis of national security considerations, which contravenes article 18(3) of the ICCPR.¹¹⁰

93. Following the establishment of the new church, a number of religious communities decided to join. OHCHR received reports that in a few cases the transfers were not voluntary and were initiated by state or local authorities or even representatives of extreme right-wing groups, who were not members of those religious communities.¹¹¹ Furthermore, on 17 January 2019, the Parliament adopted amendments setting out a procedure for voluntary change of denomination by religious communities.¹¹²

D. Discrimination, hate speech, racially-motivated violence and manifestations of intolerance

94. OHCHR continued documenting violations related to discrimination, hate speech and/or violence, targeting members of minority groups or those holding alternative or minority opinions. Among two incidents documented that occurred during the reporting

¹⁰⁶ See OHCHR report on human rights situation in Ukraine, 16 May - 15 August 2018, para. 100.

¹⁰⁷ OHCHR interview, 17 January 2019. The police launched criminal investigations in Zaporizhzhia, Kyiv, Zhytomyr and Rivne regions.

¹⁰⁸ OHCHR interview, 17 January 2019.

¹⁰⁹ According to law no. 2662-VIII of 20 December 2018, a religious organization that is affiliated with a foreign religious organization, the governing centre of which is located in a country, recognized as an "aggressor state", should include this affiliation in its name, or risk ceasing its operations. On 18 January 2018, the Verkhovna Rada adopted the law "On the peculiarities of the state policy to ensure the state sovereignty of Ukraine in temporarily occupied territories in Donetsk and Luhansk regions," which recognizes the Russian Federation as an aggressor state. President Poroshenko signed the law on 20 February 2018.

¹¹⁰ Human Rights Committee in para. 8 of its general comment No. 22 (1993) emphasized that Article 18(3) of the ICCPR permits restrictions on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. This paragraph is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the ICCPR, such as national security.

¹¹¹ OHCHR interview, 25 February 2019.

¹¹² According to the law, a decision to change subordination is made by two thirds of the community's quorum. The amendments reaffirm the principle of religious communities' independent determination of their membership and establish a moratorium on sale or other transfer of the religious community's property until the registration process is completed.

period, one involved threats and another direct violence by members of extreme right-wing groups. The failure of the law enforcement to prevent violence, to properly classify these violations as hate crimes, and to effectively investigate and prosecute these crimes violates the right to non-discrimination and creates an environment of impunity. It also denies victims of these attacks equal access to justice.

95. Investigations and prosecution of several attacks against Roma people still lack progress.¹¹³ Positively, on 28 December 2018, prosecutors of the Lviv Regional Prosecutor's Office charged a man responsible for the killing of a young Roma man outside Lviv in June 2018.¹¹⁴ In contrast, the Holoivsky district court of Kyiv cancelled on procedural grounds the note of suspicion against an alleged perpetrator in another violent attack against a Roma settlement in Kyiv in April 2018.¹¹⁵

96. OHCHR documented the case of a prisoner with pro-Ukrainian views, who served his sentence in a penal colony in territory controlled by 'Luhansk people's republic' between 2014 and 2018. The prisoner had conflicts with the colony administration for his political views and speaking Ukrainian. The colony administration staff reportedly forced the prisoner "to drop his nationalistic views", threatened and beat him. In 2016, the colony guards allegedly beat him with batons as ordered by the colony head. After this incident, the prisoner was held in the isolation cell for a year. He said that as a result of his long-lasting intimidation and ill-treatment, he tried to commit suicide in December 2017.¹¹⁶

VII. Human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation

97. The overall human rights situation in Crimea continued to be marked by restrictions in the exercise of fundamental freedoms and the lack of effective remedies to seek justice. In addition, the continuing failure of the Russian Federation to acknowledge its status as an occupying power in Crimea has resulted in further violations of international humanitarian law committed by its State actors during the reporting period, failing to recognize and ensure obligations related to applicable occupation law.

98. OHCHR continued to record human rights violations, including restrictions on freedoms of opinion, expression, and religion or belief, and violations of international humanitarian law in Crimea. In total, OHCHR documented 38 violations during the reporting period, and of this number 25 violations occurred within the reporting period; with the Government of the Russian Federation responsible for 35 and the Government of Ukraine for three.¹¹⁷

A. International Humanitarian Law violations

99. On 25 November 2018, Ukrainian authorities reported an assault of the Russian Federation naval forces on three Ukrainian naval vessels near the Kerch Strait. The Ukrainian vessels were on their way to the Azov Sea through the Kerch Strait, which is the only passage between the Black Sea and the Azov Sea and lies between the Russian Federation and Russian Federation-occupied Crimea. The Ukrainian Government stressed that the Ukrainian ships were attacked in international waters, while the Russian Federation insisted that the ships entered its territorial waters and received repeated warnings to leave the area. The Russian Federation naval forces opened fire on the Ukrainian vessels, seized them, and captured 24 crew members (22 naval officers and two SBU officers).

¹¹³ See OHCHR Report on the human rights situation in Ukraine, 16 May to 15 August 2018, para. 91.

¹¹⁴ See OHCHR Report on the human rights situation in Ukraine, 16 August to 15 November 2018, para. 82.

¹¹⁵ On 25 February, the Kyiv court of appeal will hear the prosecutors' appeal of the Holoivsky district court decision to cancel the notice of suspicion to the alleged perpetrator.

¹¹⁶ OHCHR interviews, 18 December 2018.

¹¹⁷ The violations attributable to the Government of Ukraine did not necessarily occur in Crimea itself, but concern events in mainland Ukraine connected to the situation in Crimea. They are related to freedom of movement, access to public services, and the right to property.

100. OHCHR notes that by virtue of the continued occupation of Crimea by the Russian Federation, an international armed conflict continues to exist between the two States in Crimea and international humanitarian law continues to apply there. As such, a single hostile encounter between the armed forces or assimilated armed units of two sovereign states, as the 25 November 2018 incident, suffices to trigger the application of international humanitarian law, irrespective of the pre-existence of an armed conflict. Consequently, the rules of international humanitarian law that are applicable to international armed conflict continue to apply.

101. All 24 crew members, including those who had reportedly sustained injuries during the incident, have been charged with illegal crossing of the Russian border, a criminal offence punishable by up to six years of imprisonment, and remanded in custody.¹¹⁸ Between 29 and 30 November 2018, the Russian Federation authorities reportedly transferred all 24 crew members from Simferopol to Moscow, where they placed them in SIZOs.

102. The Ukrainian Government considers the apprehended crew members to be *prisoners of war*. Similar statements were made by the crew members and their lawyers, including during court hearings on the measure of restraint. Nevertheless, as of 15 February 2019, the Russian Federation authorities refuse to apply international humanitarian law provisions to the incident and deny the detained crew members the status of *prisoners of war*.

103. OHCHR notes that based on the provisions of international humanitarian law,¹¹⁹ the 24 detained crew members could be considered as *prisoners of war* and protected by the Third Geneva Convention. In any case, they shall enjoy the status of a *prisoner of war* until a competent tribunal determines otherwise.¹²⁰ OHCHR recalls that *prisoners of war* must *inter alia* be humanely treated, protected against violence or intimidation, and provided with the medical assistance if needed.

B. Administration of justice, intimidation and harassment of human rights defenders

104. On 7 December 2018, a district court in Simferopol sentenced Crimean Tatar lawyer Emil Kurbedinov, known for defending critics of Crimea's occupation and alleged members of organizations, banned in the Russian Federation, to five days of administrative detention for disseminating extremist symbols through a social network.¹²¹ During a court hearing, the judge ignored the fact that the impugned content was posted five years ago – prior to the *de facto* implementation of the Russian legislation in Crimea¹²² – and denied over 40 motions of his defense team, including the motion to ensure the presence of a prosecutor, to question an expert witness and recuse a presiding judge.¹²³ Kurbedinov was released on 11 December after serving his sentence in full.

105. OHCHR notes that Kurbedinov's conviction follows a series of earlier incidents that indicate a pattern of deliberate intimidation, hindrance, harassment or interference by the Russian authorities in Crimea with his professional activities. In 2017, he was also prosecuted for social media posts.¹²⁴ On 6 November 2018, police raided his office in Simferopol to serve him with a "formal warning" against engagement in extremism. OHCHR is concerned that this time, the extremism charges may be used to formally deprive Kurbedinov of his right to practice law in Crimea. On 18 December, the Ministry of

¹¹⁸ OHCHR interviews, 27 – 29 November 2018.

¹¹⁹ Article 4 (A) (1) and 4 (A) (4) of the Third Geneva Convention and Articles 43 and 44 of Additional Protocol I.

¹²⁰ Article 5 of the Third Geneva Convention.

¹²¹ Judgment of the Kyivskiy district court of Simferopol, 7 December 2018, Case No. 5-1148/2018.

¹²² This may be viewed as a violation of Article 70, Geneva Convention IV.

¹²³ OHCHR interview, 7 December 2018.

¹²⁴ Earlier, on 26 January 2017, Emil Kurbedinov was sentenced to ten days of administrative detention on similar charges, see OHCHR report on the human rights situation in Ukraine, 16 November 2016 - 15 February 2017, para. 128.

Justice of Crimea requested a bar association in Simferopol to renounce Kurbedinov's membership, which may lead to his disbarment.

106. Emil Kurbedinov's case reflects the overall hostile attitude of Russian Federation authorities towards human rights defenders and civic activists. Lawyers, who take up defense in sensitive cases against individuals accused of extremism or terrorism in Crimea, risk facing similar charges themselves. OHCHR reiterates its findings on the pressure faced by members of *Crimean Solidarity*, a non-registered civic group cooperating closely with defense lawyers on the peninsula.¹²⁵ The law enforcement have disrupted the group's meetings and issued formal warnings to *Crimean Solidarity* members not to engage in illegal activities, including unauthorized public gatherings and extremist acts.¹²⁶

C. Freedoms of religion, opinion and expression

107. Consistent with previous OHCHR findings, the pattern of criminalization of affiliation to or sympathy towards religious Muslim groups, banned in the Russian Federation, continued to disproportionately affect Crimean Tatars.

108. On 24 December 2018, a military court in the Russian city of Rostov-on-Don found four Ukrainian citizens, all Crimean Tatar men previously transferred to the Russian Federation from Crimea, guilty of membership in a terrorist organization and preparation to commit a forcible seizure of power. One man received a 17-year prison sentence, while three others – 9 years of imprisonment each. The accusations were based on the defendants' alleged membership in *Hizb ut-Tahrir*, an Islamic movement, which is legal in Ukraine but banned as a terrorist group in the Russian Federation. According to a court ruling,¹²⁷ the defendants were prosecuted for four meetings, during which they had discussed Islamic dogmas, *Hizb ut-Tahrir* ideology and sharia law. In a separate case, on 22 January 2019, the Supreme Court of Crimea found four Crimean residents guilty of membership in *Tablighi Jamaat*, another Islamic group banned in the Russian Federation. Three defendants received conditional sentences, while the fourth man was sentenced to four years of imprisonment.¹²⁸ In both cases, the defendants were found guilty based on their alleged membership in the banned Muslim groups, as well as the fact that they had possessed, read and discussed books deemed to be 'extremist' under the Russian law despite the absence of any evidence indicating that they had called for or planned to engage in any form of violence or violation of public order.

109. OHCHR notes with concern that in September 2016, four other Crimean Tatar men received long prison sentences for their alleged membership in the same organization,¹²⁹ while at least 11 other Crimean residents are currently on trial on similar charges.¹³⁰ OHCHR reiterates that freedom to manifest one's religion or belief may only be limited on the grounds prescribed by law, which are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.¹³¹

110. During the reporting period, at least five criminal cases against Crimean residents charged for their alleged anti-Russian statements in social media were closed following the de-criminalization of a single act of "incitement of hatred or violence" under Russian

¹²⁵ OHCHR second thematic report "On the situation of human rights in the temporary occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine", 13 September 2017 - 30 June 2018, para. 53.

¹²⁶ The police disrupted meetings of *Crimean Solidarity* on 27 January 2018 in Sudak and on 27 October 2018 in Simferopol.

¹²⁷ Judgment of the Severo-Kavkazskiy circuit military court of the Russian Federation, 24 December 2018, Case No. 1-42/2018.

¹²⁸ Judgment of the Supreme court of Crimea, 22 January 2019, Case No. 1-1/2019.

¹²⁹ See OHCHR report on the human rights situation in Ukraine, 16 August - 15 November 2016, para. 164.

¹³⁰ See OHCHR report on the human rights situation in Ukraine, 16 May - 15 August 2018, para. 111-112.

¹³¹ ICCPR, art. 18 (3).

law,¹³² which is *de facto* applied in Crimea. Previously, OHCHR reported extensively about the systematic use by the Russian Federation authorities of the anti-extremism legislation in Crimea against critics of the peninsula's occupation and vocal pro-Ukrainian activists.¹³³ OHCHR welcomes this positive step by the Russian Federation, although the extent to which such de-criminalization will be implemented remains to be seen.

D. Illegal population transfers and freedom of movement

111. According to the Russian Federation judicial registry, in 2018, courts in Crimea ordered deportation from the peninsula of at least 435 individuals considered foreigners under Russian Federation laws, including 231 Ukrainian nationals. Of the total number in 2018, at least 50 individuals were "forcibly removed", a procedure that prescribes placement in temporary detention before deportation. Many of the deported were Ukrainian citizens, whose residence rights in Crimea were not recognized by authorities. In one case, a man, who had relocated to Crimea from Kyiv to undergo medical rehabilitation, was deported after having been compelled to cooperate with law enforcement, or risk detention.¹³⁴

112. Deportations of protected persons from Crimea occur against the backdrop of restrictions imposed on free movement between mainland Ukraine and the peninsula. During the reporting period, the Federal Security Service of the Russian Federation denied entry to a Ukrainian journalist and banned her from Crimea for 10 years.¹³⁵ Russian border officials informed the journalist of the ban at one of the crossing points of the Administrative Boundary Line without any explanation of the specific grounds for such decision. Russian authorities issue similar bans to other journalists, civic activists, or other public figures, who are perceived as critics of Crimea's occupation.¹³⁶

113. Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying Power, or to that of any other country, occupied or not, are prohibited under international humanitarian law, regardless of their motive.¹³⁷ International human rights law guarantees to everyone the right to liberty of movement and freedom to choose their own residence within their own country.¹³⁸

E. Forced conscription

114. The reporting period was marked by the eighth conscription campaign of Crimean residents into the Russian Federation Armed Forces since the beginning of the occupation. During the latest campaign, which ended in December 2018, approximately 2,800 men from Crimea were enlisted, bringing the overall number of Crimean conscripts to at least 14,800 men.¹³⁹ The number of the enlisted Crimeans has significantly increased from 500 conscripts during the first military draft in 2015.

¹³² Law of the Russian Federation No 519-FZ, 27 December 2018.

¹³³ See *inter alia* OHCHR second thematic report "On the situation of human rights in the temporary occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine", 13 September 2017 - 30 June 2018, para. 46.

¹³⁴ OHCHR interview, 21 November 2018.

¹³⁵ OHCHR interview, 29 November 2018.

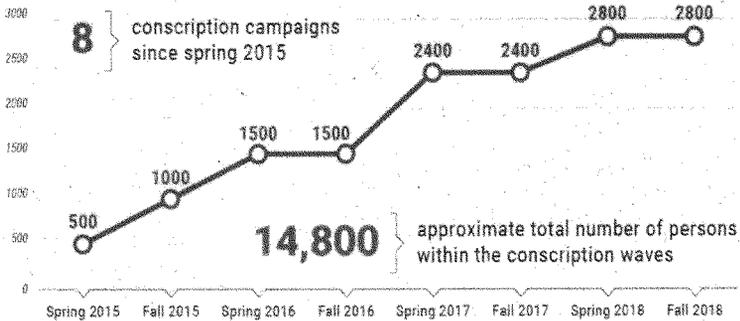
¹³⁶ See OHCHR first thematic report "On the situation of human rights in the temporary occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine", 22 February 2014 - 12 September 2017, para. 128.

¹³⁷ Article 49 of the Fourth Geneva Convention.

¹³⁸ ICCPR, Article 12.

¹³⁹ All figures are approximate and primarily based on reports of the Ministry of Defense of the Russian Federation.

NUMBER OF CONSCRIPTED PERSONS FROM CRIMEA AND SEVASTOPOL TO THE
RUSSIAN ARMED FORCES as of 12 Dec. 2018*



* All figures are approximate. They are based on periodic announcements of the Ministry of Defense of the Russian Federation and/or comments of its officials for the media.

Creation Date: 15 February 2019 Source: OHCHR Ukraine HRMM

115. Draft evasion is punishable under Russian criminal law by up to two years imprisonment. OHCHR notes that criminal prosecution of Crimean residents for evading Russian military drafts has intensified during 2018, with at least 21 guilty verdicts.¹⁴⁰ One defendant was sentenced to a suspended prison term, while others were fined. Forced enlistment adversely affects the enjoyment of human rights of potential conscripts, restricting their free movement and access to education and employment. In one case, a resident of Crimea was forced at his local military draft commission to leave Crimea or face conscription in the future. Registering at the military draft commission was also a prerequisite for receiving his university diploma in Simferopol.¹⁴¹

116. As an occupying power, the Russian Federation must comply with international humanitarian law prohibiting compulsion of Crimean residents into its armed or auxiliary forces.¹⁴² No pressure or propaganda aimed at securing voluntary enlistment is permitted.

VIII. Technical cooperation and capacity-building

117. OHCHR engages in technical cooperation and capacity-building activities to assist the Government of Ukraine and civil society to protect and promote human rights.

118. OHCHR carried out 334 specific follow-up activities to facilitate the protection of human rights connected with the cases documented, including trial monitoring, detention visits, referrals to State institutions, humanitarian organizations and non-governmental organizations (NGOs), and cooperation with United Nations human rights mechanisms. OHCHR referred 34 allegations of human rights violations to specific duty-bearers; to the Government of Ukraine, 19 allegations were raised with two fully and seven partially addressed; to the 'ombudsperson' of 'Donetsk people's republic' seven allegations were raised with one fully and one partially addressed; and to 'Luhansk people's republic' seven allegations were raised with three partially addressed.

119. On 30 November, OHCHR, the Geneva Academy of International Humanitarian Law and Human Rights and the Age and Disability Technical Working Group organized a joint capacity-building training session on the Protection of the Rights of Persons with

¹⁴⁰ These are the verdicts verifiable through the Russian Federation court registry. OHCHR has been able to verify three such verdicts in 2017.

¹⁴¹ OHCHR interview, 15 January 2019.

¹⁴² Article 51 of the Fourth Geneva Convention.

Disabilities (PwD) in the armed conflict in Ukraine. Participants included Government officials and local authorities, staff of international and national organizations, civil society activists and persons with disabilities. The main purpose of the training was to strengthen the protection of persons with disabilities affected by the conflict in Ukraine through raising awareness of international standards, identifying challenges and needs related to protection of PwD and establishing stronger cooperation between key stakeholders.

IX. Conclusions and recommendations

120. OHCHR welcomes the significant decrease in civilian casualties, however, the armed conflict in eastern Ukraine continues, affecting lives and livelihoods not only of more than five million civilians on both sides of the contact line, but the entire country. All parties to the conflict need to fully implement the ceasefire and disengagement provisions of the Minsk agreements to protect civilians, civilian property and infrastructure, and lessen their daily hardships. The Government of Ukraine needs to step up efforts for protection of conflict-affected civilians, including IDPs, regardless of where they reside in Ukraine, as well as for the realization of their economic and social rights to pave the way for a durable reconciliation between communities and restoring peace and stability in eastern Ukraine.

121. The Government must act to protect space for civic expression ahead of Ukraine's presidential, parliamentary and local elections in 2019 and 2020. Impunity for attacks on media professionals, civil society activists, lawyers and political opponents weakens Ukraine's democratic institutions and fuels further intolerance, discrimination and violence, and could compromise the integrity of the upcoming elections.

122. As in the previous reporting periods, OHCHR regrets the absence of the meaningful progress in investigations and prosecutions of those responsible for the killings during the Maidan protests and the violence that took place on 2 May 2014 in Odesa.

123. The human rights situation in Crimea continues to deteriorate as a direct result of the Russian Federation authorities applying its laws against residents of Crimea in violation of their obligations as an occupying power under the Fourth Geneva Convention, and other violations of international humanitarian law affecting the protected population. The Russian Federation must address pervasive human rights violations such as restrictions on freedoms of religion, opinion and expression and association, as well as the intimidation and harassment of human rights defenders, disproportionately affecting Crimean Tatars.

124. Most recommendations made in the previous OHCHR reports on the human rights situation in Ukraine have not yet been implemented and remain valid. OHCHR further recommends the following, based on the issues identified from 16 November 2018 to 15 February 2019.

125. To the Ukrainian authorities:

Parliament of Ukraine:

- a) **adopt and harmonize the legislation to serve as a base for developing a comprehensive mechanism for restitution and compensation for property, damaged and destroyed during the armed conflict in eastern Ukraine, as well as property, currently in military use;**
- b) **revise the Law on War Veterans so that all civilians who acquired a disability as a result of hostilities in eastern Ukraine in 2014-2019 can be eligible for receiving status of war veterans and appropriate social protection.**

Cabinet of Ministers:

- c) **develop and adopt a national policy framework that establishes clear institutional authorities and responsibilities for the protection of civilians and civilian objects in hostilities, as recommended in the 2018 United Nations Secretary General's report on protection of civilians in armed conflict (S/2018/462);**

- d) develop a comprehensive mechanism, including an administrative procedure, for restitution of property and compensation for any damages and destruction of civilian property in the armed conflict in eastern Ukraine;
- e) develop a non-discriminatory and accessible mechanism for restitution and compensation for property, which is in military use, including keeping records of civilian property and infrastructure in military use;
- f) allocate financial support to local authorities in order to provide safe and adequate housing to the conflict-affected population and IDPs;
- g) ensure swift and full implementation of the law 'On the legal status of missing persons', in particular by providing sufficient resources for effective realization of mandate of the Commission on Missing Persons;
- h) ensure that the right to freedom to manifest religion or belief is protected including at premises of the Ukrainian Armed Forces, in accordance with Article 18(3) of the ICCPR.

Ministry of Social Policy:

- i) adopt a non-discriminatory policy to provide equal access for all citizens of Ukraine to pensions and social benefits, regardless of their place of residence or IDP registration.

Ministry of Defence:

- j) finalize the draft Resolution regulating movement of individuals and transfer of goods through the EECs in line with international standards and in consultation with the international community and civil society.

JFO Command:

- k) build up the capacity of the Working Group for Collection and Consolidation of Information on Injuries and Deaths of Civilian Population;
- l) facilitate documentation of damages and destruction of civilian property caused by hostilities in eastern Ukraine;
- m) facilitate documentation (i.e. signing of lease agreements) and ensure compensation for the military use of civilian homes and other property, including when such use caused damage to property.

Military-Civil Administrations of Donetsk and Luhansk regions and local authorities:

- n) develop, in cooperation with the JFO Command, a response mechanism guaranteeing affected population adequate alternative housing and compensation for damages caused by hostilities or due to the military use of housing, land and property.

Ministry of Justice:

- o) establish an electronic registry of detained persons, including those who were held in detention facilities in territory controlled by the self-proclaimed 'Donetsk people's republic' and self-proclaimed 'Luhansk people's republic', before the outbreak of the armed conflict in eastern Ukraine.

Judges and court administration:

- p) conduct rigorous review of all plea bargains and refuse to accept them, when there are reasonable grounds to believe that pleas bargains were obtained by coercion or under psychological pressure due to prolonged pre-trial detention and when no evidence of guilt is presented;
- q) ensure that there is sufficient number of judges in local courts to administer justice promptly and effectively.

Office of the Prosecutor General and law enforcement agencies:

- r) ensure prompt, impartial and effective investigation of all alleged incidents of arbitrary detention, torture, ill-treatment and enforced disappearance, including those allegedly committed by State actors or individuals acting with State authorization, support or acquiescence, in line with international standards, including Istanbul Protocol;
 - s) act to stop and effectively prosecute any acts of interference into activities of legal professionals, attacks on defence lawyers, and attempts to exert pressure on judges;
 - t) facilitate prompt trial proceedings in conflict-related criminal cases through, *inter alia*, requesting courts to ensure the presence of all parties and witnesses during trials;
 - u) condemn all acts of violence and promptly, impartially and efficiently investigate all violent attacks against media professionals, civic and political activists, human rights defenders, political parties, and defence lawyers. Motives of perpetrators and other aggravating circumstances should be considered during initial criminal classification and investigations into these attacks;
 - v) ensure adequate and effective security for all peaceful public assemblies, prevent and stop all acts of violence, while facilitating the exercise of freedom of peaceful assembly without discrimination;
126. To all parties involved in the hostilities in Donetsk and Luhansk regions, including the Ukrainian Armed Forces, and armed groups of the self-proclaimed 'Donetsk people's republic' and self-proclaimed 'Luhansk people's republic':
- a) strictly adhere to the ceasefire and disengagement provisions of the Minsk agreements;
 - b) ensure full compliance with international humanitarian law rules of distinction, proportionality and precaution, including by immediately ceasing the use of weapons with indiscriminate effect in populated areas, particularly weapons with wide impact area;
 - c) take all possible measures to minimize harm to the civilian population, including by positioning military objects outside of densely populated areas, and refraining from deliberately targeting civilians or civilian infrastructure, such as water facilities and power lines;
 - d) create conditions for safe and quick crossing of the contact line by civilians, including an improved access to the first medical aid at EECPs and near them.
127. To the self-proclaimed 'Donetsk people's republic' and self-proclaimed 'Luhansk people's republic':
- a) ensure unimpeded and confidential access by OHCHR and other international organisations to all places of deprivation of liberty and allow private, confidential interviews with detainees in accordance with international standards;
 - b) refrain from practice of 'preventive arrest' and 'administrative arrest', which may amount to *incommunicado* detention and provide information on detainees' whereabouts to their families;
 - c) treat all persons in detention humanely in all circumstances and ensure conditions of detention are in accordance with international standards;
 - d) continue transfers of prisoners to the government-controlled territory and in doing so prioritize the transfer of those individuals, who had been held in pre-trial custody at the time when the armed conflict broke out.

128. In the context of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, to the Government of the Russian Federation:
- a) implement General Assembly Resolution 73/263 of 22 December 2018, including by ensuring proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea;
 - b) respect the laws in place in Crimea in 2014 before the beginning of the occupation, in particular by refraining from enforcing Russian Federation legislation in Crimea;
 - c) ensure unimpeded freedom of movement between Crimea and mainland Ukraine; end the practice of apprehension of protected persons at the ABL and in the territorial waters adjacent to Crimea;
 - d) ensure humane treatment, appropriate medical care, unrestricted access of Ukrainian consular officers and defence counsels to 24 Ukrainian crew members detained by the Russian Federation following the naval incident near the Kerch strait on 25 November 2018;
 - e) take all necessary steps to ensure that freedoms of expression, peaceful assembly, association, thought, conscience and religion or belief can be exercised by all in Crimea, without discrimination on any grounds;
 - f) enable a safe environment for independent and pluralistic media outlets and civil society organizations; ensure unimpeded access of Ukrainian and foreign journalists, human rights defenders and other civil society actors to Crimea;
 - g) end the practice of applying legislation on extremism, terrorism and separatism to criminalize free speech and peaceful conduct; stop prosecuting Crimean residents for possession of publications or sharing of social media content that does not constitute calls for discrimination or violence;
 - h) take all necessary measures to ensure the independence of the legal profession and to enable lawyers and human rights defenders in Crimea, including Emil Kurbedinov, to perform their professional functions freely and without any intimidation, threat, harassment or interference;
 - i) refrain from compelling residents of Crimea to serve in the armed forces of the Russian Federation;
 - j) end the practice of deportations and forcible transfers of protected persons, including detainees, outside the occupied territory.
129. In the context of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, to the Government of Ukraine:
- a) respect human rights obligations in relation to Crimean residents; use all legal and diplomatic means available to this end.
130. To the international community:
- a) continue using all diplomatic means to press all parties to immediately end hostilities and implement all obligations foreseen in the Minsk agreements, emphasizing how the active armed conflict causes suffering of civilians and hampers prospects for stability, peace and reconciliation;
 - b) use all influence possible to ensure unimpeded access and operation of OHCHR in territory controlled by 'Donetsk people's republic' and 'Luhansk people's republic', and in Crimea;

- c) **urge the Russian Federation to comply with its obligations as an occupying power under international human rights and humanitarian law;**
 - d) **continue advocacy for the respect of human rights, including by condemning human rights violations committed by State agents of the Russian Federation in Crimea at bilateral and multilateral forums; conduct, within practical limits, trial monitoring in the Russian Federation in cases involving Ukrainian detainees transferred from Crimea.**
-

ADAM B. SCHIFF, CALIFORNIA
CHAIRMAN

TRACY BURGESS, STAFF DIRECTOR
(202) 225-7600
www.intelligence.house.gov

ONE HUNDRED SIXTEENTH CONGRESS

DEVIN NUNES, CALIFORNIA
RANKING MEMBER

ALVIN STOKES, MANAGER, STAFF DIRECTOR



Permanent Select Committee
on Intelligence
U.S. House of Representatives

January 17, 2020

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Nadler:

Pursuant to Section 3 of H. Res. 660, following consultation with the Ranking Minority Member, I am transmitting to the House Committee on the Judiciary a flash drive containing additional records and other materials related to the impeachment inquiry. This includes (1) recent public statements made by Lev Parnas, an associate of President Trump's personal attorney, Rudy Giuliani, that are pertinent to the impeachment inquiry; and (2) evidence that relates to specific public statements by Mr. Parnas, which is derived from records and materials Mr. Parnas has produced to the House Permanent Select Committee on Intelligence ("Committee") pursuant to its October 10, 2019, subpoena that remains in full force and effect.

Despite unprecedented obstruction by the President, the Committee continues to receive and review potentially relevant evidence and will make supplemental transmittals under H. Res. 660, as appropriate.

Thank you for your prompt attention to this matter.

Sincerely,

Adam B. Schiff
Chairman

Enclosures

cc: The Honorable Doug Collins, Ranking Member
Committee on the Judiciary
The Honorable Devin Nunes, Ranking Member
Permanent Select Committee on Intelligence

[redacted]@globalenergyproducers.com

Morning my brother Joe and Victoria think John Dowd would be great. Please give him a call today

Status: Sent

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Read: 9/30/2019 4:44:36 AM(UTC-4)

9/30/2019 4:41:47 AM(UTC-4)

+1917951 [redacted] Rudy Giuliani

Ok

Status: Read

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9/30/2019 5:01:32 AM(UTC-4)

[redacted]@globalenergyproducers.com

Status: Sent

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9/30/2019 5:01:54 AM(UTC-4)

[redacted]@globalenergyproducers.com

Attachments:



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9/30/2019 9:15:16 AM(UTC-4)

[redacted]@globalenergyproducers.com

<https://www.quinnemanuel.com/attorneys/burck-william/>

Attachments:



Size: 25668

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[REDACTED]@globalenergyproducers.com
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9/30/2019 10:53:59 AM(UTC-4)

[REDACTED]@globalenergyproducers.com
Any word on dowd ?
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9/30/2019 1:42:09 PM(UTC-4)

[REDACTED]@globalenergyproducers.com
Hay my brother please give me a call
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9/30/2019 5:24:46 PM(UTC-4)

[REDACTED]@globalenergyproducers.com
Don t want to bother you I know your probably dealing with a lot . Just need to talk with you before I go to sleep my brother
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Read: 9/30/2019 6:48:06 PM(UTC-4)
9/30/2019 6:36:02 PM(UTC-4)

+1917951 [REDACTED] Rudy Giuliani
I will talked to Dowd he is willing to do it a
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9/30/2019 6:50:07 PM(UTC-4)

[REDACTED]@globalenergyproducers.com
Status: Sent
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Read: 9/30/2019 7:16:27 PM(UTC-4)
9/30/2019 6:59:29 PM(UTC-4)

██████████@globalenergyproducers.com
I will wait for your call my brother.
Status: Sent
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9/30/2019 6:50:38 PM(UTC-4)

██████████@globalenergyproducers.com
Attachments:

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Read: 9/30/2019 7:19:10 PM(UTC-4)
9/30/2019 7:19:02 PM(UTC-4)

██████████@globalenergyproducers.com
Don't forget send me Dowd phone number
Status: Sent
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+1917951 ██████████ Rudy Giuliani
Attachments:

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9/30/2019 8:35:08 PM(UTC-4)

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Sent him letter
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██████████@globalenergyproducers.com
Thank you
Status: Sent
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██████████@globalenergyproducers.com
I'll call you tomorrow after I speak with him
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Doing Hannity
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+1917951██████████ Rudy Giuliani
Will call if I can when I get up there
Status: Read
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9/30/2019 8:36:57 PM(UTC-4)

██████████@globalenergyproducers.com
Going to watch ! Kick ass my brother !! Your are the man !!!
Status: Sent
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9/30/2019 8:37:24 PM(UTC-4)

+1917951██████████ Rudy Giuliani
Call Dowd
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Read: 9/30/2019 9:08:16 PM(UTC-4)
9/30/2019 9:08:13 PM(UTC-4)

██████████@globalenergyproducers.com
Calling now
Status: Sent
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9/30/2019 9:08:25 PM(UTC-4)

██████████@globalenergyproducers.com
I spoke with him
Status: Sent
Delivered: 9/30/2019 9:34:04 PM(UTC-4)
Read: 9/30/2019 9:38:17 PM(UTC-4)
9/30/2019 9:34:04 PM(UTC-4)



Extraction Report

Apple iPhone

Participants



[Redacted]@globalenergyproducers.com



+1618616 [Redacted]
Dereck Harvey*

Conversation - Instant Messages (9)

[Redacted]@globalenergyproducers.com
 Hi Dereck it's lev I'm outside in front of the capitol club
 Status: Sent
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 Read: 2/4/2019 4:09:07 PM(UTC-5)
 2/4/2019 4:08:38 PM(UTC-5)

+1618616 [Redacted] Dereck Harvey
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 2/4/2019 4:09:19 PM(UTC-5)

[Redacted]@globalenergyproducers.com
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+1618616 [Redacted] Dereck Harvey
 Nunez
 Attachments:

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+1618616 [redacted] Derek Harvey

https://www.realclearinvestigations.com/articles/2018/05/26/the_maltese_phantom_of_russiagate_.html

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4/11/2019 1:36:38 PM(UTC-4)

+1618616 [redacted] Derek Harvey

The Maltese Phantom of Russiagate | RealClearInvestigations

Status: Read

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4/11/2019 1:36:38 PM(UTC-4)

+1618616 [redacted] Derek Harvey

<https://www.youtube.com/watch?v=sAKmIfTe2rc>

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4/11/2019 1:56:08 PM(UTC-4)

+1618616 [redacted] Dereck Harvey

<https://foreignpolicy.com/2019/05/07/us-ambassador-to-ukraine-recalled-in-political-hit-job-lawmakers-say-maria-yovanovitch-lutsenko-right-wing-media-accusations-congress-diplomats-diplomacy/>

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Status: Read

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5/7/2019 6:00:57 PM(UTC-4)

+1618616 [redacted] Dereck Harvey

U.S. Ambassador to Ukraine Recalled in 'Political Hit Job,' Lawmakers Say – Foreign Policy

Status: Read

Read: 5/7/2019 6:05:55 PM(UTC-4)

5/7/2019 6:00:58 PM(UTC-4)

6952

Nunez

Full Name: Nunez

First Name: Nunez

Mobile: () -

**LEV PARNAS, RUDY GIULIANI ASSOCIATE, IS INTERVIEWED ON CNN's
"ANDERSON COOPER 360 DEGREES"**

JANUARY 16, 2020

SPEAKERS:

LEV PARNAS, RUDY GIULIANI ASSOCIATE

ANDERSON COOPER, CNN HOST

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND
MAY BE UPDATED.

COOPER: Here's part one of tonight's "360" interview.

(BEGIN VIDEOTAPE)

COOPER: You loved President Trump? You --

LEV PARNAS, FORMER ASSOCIATE OF RUDY GIULIANI: I loved him. I mean, he -- I mean, when the FBI came to my house, it's a raid (ph), and my wife felt embarrassed because they said I had a shrine to him.

[20:05:08]

I mean, I had pictures all over. I mean, I idolized him. I mean, I thought he was the savior.

(LAUGHTER)

COOPER: Did you believe -- did you think you were friends?

PARNAS: Absolutely. I mean, again, I went from being a top donor, from being at all the events where we would just socialize, to becoming a close friend of Rudy Giuliani's, to eventually becoming his ally and his asset on the ground in Ukraine.

COOPER: The president has said, -- when you're arrested, the president of the United States said he didn't know you.

(BEGIN VIDEO CLIP)

DONALD TRUMP, PRESIDENT OF THE UNITED STATES: I don't know those gentlemen. Now it's possible I have a picture with them because I have a picture with everybody. I don't

know them.

(END VIDEO CLIP)

PARNAS: The truth is out now, thank God. Yesterday was a big day for us. I thank God every day. I was worried that day is not going to come. I thought they were going to shut me out, and make me look like the scapegoat and try to blame me for stuff that I wasn't done. But with God's help and a great legal team I have beside me, we were

able to get the information out. And now it's out there.

So, I welcome him to say that anymore. Every time he says that, I'll show him another picture.

COOPER: He's lying?

PARNAS: He's lying.

COOPER: Your attorney in a tweet had said there were two times in which you gave a message of a quid pro quo to Ukrainian officials. What were those two times?

PARNAS: I think there were probably a little more than two times. But the first quid pro quo again was when we met with President Poroshenko. That was --

COOPER: Former president?

PARNAS: Former President Poroshenko.

COOPER: So what was your message to Poroshenko?

PARNAS: To Poroshenko, is that if he would make the announcement, that he would get -- Trump would either invite him to the White House or make a statement for him, but basically would start supporting him for, you know, president.

COOPER: So that was the first quid pro quo, Poroshenko can come to the White House, get a meeting with Trump if he announces an investigation?

PARNAS: Correct.

COOPER: What was the next one?

PARNAS: You have to understand because this was a transition time. He was -- Zelensky just won, he was president-elect. And he -- the most -- the number one thing in their agenda was not even the transition. It was to get the inauguration because it was a big thing. He was a young president --

COOPER: To show the American backing of the new administration.

PARNAS: Of course, because he had no strength with Russia. I mean --

COOPER: So, Giuliani cancels his visit because there's a lot of bad publicity about it in the United States. He cancels his visit. You go have the meeting with a high level official in Zelensky's circle.

PARNAS: Correct.

COOPER: And what's the message you deliver?

PARNAS: I basically told them very strict, and very stern, several things. A, that he needed to make an announcement, to immediately make an announcement literally that night or tomorrow, that within the next 24 hours, that they were opening up an investigation on Biden.

COOPER: At that point, was there any mention of withholding of aid?

PARNAS: Yes. Well, if they didn't make the announcement, basically, there would be no relationship. Not just to -- it was no specific military, there was no way they were going to be assisted.

There was going to be no inauguration. Pence wouldn't be at the inauguration. And there would be no visit to the White House. There would be basically -- they would have no communications.

COOPER: So how, you told the top official in the Zelensky inner circle if they did not announce an investigation of the Bidens immediately and get rid of some folks around Zelensky who they believed were opposed to President Trump, that there wouldn't be any aid and Vice President Pence would not even come to the inauguration?

PARNAS: Correct.

COOPER: And what happened? What did they say?

PARNAS: I called Rudy, told them that I don't think it's going to -- there is going to be an announcement. And he said, OK, they'll see.

COOPER: They'll see?

PARNAS: They'll see.

COOPER: And what happened the next day?

PARNAS: I got called and said that they got a call from them, some -- basically some -- they found out that Pence is not going to be there, they got -- he got cancelled. They said that there was a scheduling problem or something.

COOPER: The day after you delivered that message --

PARNAS: Correct.

COOPER: -- of quid pro quo?

PARNAS: Right. On the -- it was Monday the 13th.

And then after that, like I think on the 16th or the 15th, I don't remember the exact dates, they had -- because they were flipping out what to do. They didn't want to be embarrassed. They didn't know if anybody at all was going to show up, you know, but they knew Pence wasn't coming, Trump wasn't coming.

COOPER: How did you have the authority to say the vice president of the United States will not attend the inauguration if you don't do what I say?

PARNAS: I mean, that's what I was told to do. COOPER: Who told you to do that?

PARNAS: Rudy Giuliani.

COOPER: This letter that you gave to the House, the first line in it which is a letter from Rudy Giuliani to President-elect Zelensky.

It says: I am private counsel to President Donald J. Trump. Just to be precise, I represent him as a citizen not as president of the United States. This is quite common under American law. Duties and privileges of a president and private citizen are not the same.

So, he -- he is making a very clear point that he's not representing the interests of the United States writ large, of American national security. He's representing the interests of Donald J. Trump.

[20:10:02]

PARNAS: That was always a point.

COOPER: That was? That was always made?

PARNAS: That was always clear. He always made it clear that he doesn't represent -- wherever we went, he said, I don't represent the government, I represent the president of the United States.

COOPER: So anything Rudy Giuliani wanted the government of Ukraine to do, that wasn't official U.S. policy, that was a personal benefit to the president of the United States?

PARNAS: Well, you know when I was doing it, I thought it was all in the same. But, obviously, now, as I can see -- with the situation the way it is, I mean, it was strictly for him. But again, I thought he was the -- our leader. He's the chief, he's the president and it was all about 2020, to

make sure he had another four years.

And I didn't (ph) --

COOPER: But that's how you personally viewed it, that this is about 2020, to help him get the next four years?

PARNAS: That was way everybody viewed it. I mean, that was the most important thing is for him to stay out in front another four years and keep the fight going. I mean, there was no other reason for doing it.

COOPER: Did the president care about corruption in Ukraine?

PARNAS: You'd have to ask him, but as far as I know, our -- the only thing we cared about and we were part -- we were the team was to get Zelensky or Poroshenko or somebody to make a press release, an announcement into the Biden investigation.

COOPER: In terms of who knew about what you were doing in Ukraine, did Vice President Pence know?

PARNAS: Of course. COOPER: Because, I mean, his office has said he was unaware of -- you know, that he had met with Zelensky after not going to the inauguration, but he wasn't delivering a message of a quid pro quo.

PARNAS: Look, again, like I said I'm not here to debate. I'm here to get the truth out. I got my records. I brought (ph) --

COOPER: But how do you know the vice president would have known what Giuliani was up to? What you were up to?

PARNAS: Because we would speak every day. I knew everything that was going on. I mean, after Rudy would speak with the president, or come from the White House, I was the first person he briefed.

I mean, we had a relationship. We were that close. I mean, the -- I mean, we were together from morning to night. I mean, he took me -- I mean --

COOPER: So --

PARNAS: -- in the interview he would do, I would be sitting there while he was doing interviews. I mean --

COOPER: So, Giuliani knew everything you were doing?

PARNAS: Everything, Anderson.

COOPER: You're saying Vice President Pence knew?

PARNAS: Well, I don't if the vice president knew everything we were doing. I'm sure he was --

(CROSSTALK)

PARNAS: But he was in the loop.

COOPER: But he knew about the quid pro quo.

PARNAS: Of course, he knew -- everybody knew. Everybody that, quote, was close to Trump knew that this was a thorn in the side and this was a serious situation.

COOPER: Bolton?

PARNAS: Bolton.

COOPER: Mulvaney?

PARNAS: Mulvaney.

Bolton, I don't think agreed with it. I think there are certain people agreed with it and then agreed with it --

COOPER: He called it a drug deal, according to Fiona Hill?

I think Bolton is a very important witness because I think between me and Bolton, we could fit in all the dots, I think, because I was on the ground there and he was over here. I mean --

COOPER: And you'd be willing to testify?

PARNAS: I would be very willing to testify.

(END VIDEOTAPE)

COOPER: A few moments ago, you heard President Trump say that he didn't know Lev Parnas.

Vice President Pence says the same, telling reporters, quote, I don't know the guy. Pence also said it was, quote, completely false that he was aware that dirtying up Joe Biden was the goal of the pressure on Ukraine.

We reached out for comment from Rudy Giuliani and got no response.

However, he did say this about his former associate Lev Parnas, to "The Associated Press", I'm quoting now: I feel sorry for him. I thought he was an honorable man. I was wrong.

Next in part two of our conversation, why Lev Parnas believes that senators are afraid to call him as a witness. Also ahead, the legal implications of Parnas' allegations, as well as the GAO striking conclusion that the White House broke the law.

Tat and more when we continue on this history-making day.

(COMMERCIAL BREAK)

[20:18:14]

COOPER: Before the break, you heard Lev Parnas say he is, quote, very willing to testify at the Senate impeachment trial.

Part two of our conversation, he talks about why that might not happen.

But we begin with his account of the campaign to get rid of Marie Yovanovitch, the ambassador to Ukraine, and his very -- according to him -- big role in it.

(BEGIN VIDEOTAPE)

COOPER: Did you want Yovanovitch removed?

PARNAS: Me personally?

COOPER: Yes.

PARNAS: I mean, I have not personal motives.

COOPER: Did you know her?

PARNAS: No, I don't know her.

COOPER: Did you have -- you didn't have an opinion about her at all?

PARNAS: First of all, I mean, my opinion came from the crowd I was in, and over the time, it grew more, more, more, more, more, more, and more that eventually, I felt like, yes, look, I hated her because, you know, everybody hated her and she, I mean --

COOPER: You said the crowd, you mean Ukrainians or Giuliani?

PARNAS: It's primarily our Trump crowd.

COOPER: Why did they hate her?

PARNAS: Because she was supposed to be a Soros left -- she was supposed to be a leftover from

the Obama-Soros-Democrat era, and that she was --

COOPER: That's what you were told?

PARNAS: That's what I was told, and she's not a Trumper. And to my knowledge, he -- the president fired her at least four times, maybe even five times. I mean, once in my presence.

COOPER: Yes, explain that. You said that he fired her in front of you?

PARNAS: Correct.

COOPER: What happened?

PARNAS: That was the first interaction about her. We had -- it was a dinner at the -- a private dinner, for a super PAC in Washington, D.C. at the Trump Hotel. In the conversation, the subject of Ukraine was brought up and I told the president that our opinion that she is bad- mouthing him and that she said that he's going to get impeached, something like that. I don't know if that's word for word, but that she was --

COOPER: You said that at the table?

PARNAS: Correct.

COOPER: Where the president was?

PARNAS: Correct, correct. And his reaction was, he looked at me like he got very angry and basically turned around to John DeStefano and said, fire her.

[20:20:06]

Get rid of her.

COOPER: You've been described -- the position you ended up with Giuliani, you've described as a fixer for Giuliani in his efforts to dig up dirt on the Bidens. Is that accurate?

PARNAS: I don't know what you call a fixer. I mean, I was --

COOPER: Arrange meetings, conduct meetings --

PARNAS: Yes. I mean, that's exactly what I did. I mean, I was the middleman between two worlds.

Here I was, I had a partner in Igor Fruman that grew up in Ukraine, had extensive business there. And because of his businesses, he knew all kinds of people that were, you know, politicians --

COOPER: He had -- he had the contacts.

PARNAS: It was all his contacts. I didn't have any contacts in Ukraine. I don't have any contacts in Ukraine.

COOPER: For a guy who does not have contacts in Ukraine, you were able to get meetings with a lot of very important people in Ukraine. Why was that?

PARNAS: Well, I mean, if the president of the United States tells them to meet with you, I think anybody will meet with you.

COOPER: Everybody you met with knew you represented Rudy Giuliani and by association, the president.

PARNAS: It was -- I mean, it was more than that. I mean, the protocol would be, when I would meet like -- I give you an example, when I first met Ivan Bakanov, who was a close -- one of the close --

COOPER: Aides to Zelensky.

PARNAS: -- aides to Zelensky and now is the head of the (INAUDIBLE).

COOPER: He's now the head of the intelligence?

PARNAS: Intelligence.

So, when we first met, he was the first person we met in the Zelensky camp. And when I met him, the first thing I did is I said, I represent Rudy Giuliani and he -- I'm going to put him on the phone. I put him on speakerphone and Rudy at that time told him that I represent the president of the United States and that everything I say that to be taken with that authority.

COOPER: Rudy Giuliani said on speakerphone, to the man who now runs Ukrainian intelligence, that you represent Giuliani and the president?

PARNAS: Absolutely. Not the president directly.

(CROSSTALK)

COOPER: He represents the president?

PARNAS: Correct. And that's why they spoke to me and that's why they -- that's why I got out of there alive. COOPER: You can say, with 100 percent certainty, that everything Rudy

Giuliani did in Ukraine was done with the president's blessing, whether or not he had foreknowledge or was told about it afterward. But Giuliani and the president were in frequent communication?

PARNAS: Beyond frequent. Several times a day.

And Rudy wouldn't do anything without the president -- just like I would not do anything without Rudy's.

COOPER: The argument made by a lot of Republicans during the congressional hearings was not only that the president cares deeply about the corruption in Ukraine, so this wasn't just about, you know, a personal benefit for the president, but that Zelensky himself has come forward and said, I didn't feel any pressure, there was no quid pro quo.

You've met with a whole host of people in his inner circle throughout the government --

PARNAS: That's a lie. That's a total lie.

They -- they're still -- I mean, they're still rocked to this day. They're still not recovered and I don't know of when they will.

COOPER: You have no doubt they felt this pressure. This was a --

PARNAS: Oh, my God, of course. Absolutely.

COOPER: This was an existential threat to the survival?

PARNAS: Well, the main reason my life was threatened because of that.

(LAUGHTER)

PARNAS: I mean --

COOPER: Why do you think Zelensky says, oh, no, there was no pressure, I didn't feel any pressure?

PARNAS: They are on an awkward position, I understand them. I'm not here to call them out and put them in the worst position.

COOPER: The offered position is if Zelensky says whatever he actually feels, he still needs aid from the Trump administration.

PARNAS: Obviously. And they -- listen, my opinion is this, you know, loyalty goes so far, but I think there's a lot of people in the Republican Party that don't agree -- they're good people that don't agree with what he is doing, but they're scared.

He gets away with everything and I would -- you know, especially with the Attorney Bill Barr on the side in the Justice Department.

COOPER: And --

PARNAS: I mean, a lot of people are scared. They don't want to get investigated.

COOPER: People are scared of being investigated by the Justice Department on behalf of President Trump, you're saying?

PARNAS: I think so.

COOPER: Does that scare you?

PARNAS: It scares me a lot. And I pray every day that, you know, that's not the case or, you know, God has a way. That's why I was hopeful to get this information out and now, you know, I'm ready to deal with whatever it is because if I did something wrong, I will take my responsibility.

Like I said, what I was charged with has nothing to do with what we are discussing right now. I think this is important for a national security. And I think it's important for the country to find out the truth, exactly what happened.

And one of the things you say, Anderson, you have to understand, when these congressional hearings -- I watched them very well. And they made all kinds of arguments but there was no proof to back it up. I mean, they sit there and they talk all this stuff, oh, this and that, but they didn't bring one evidence.

The Democrats brought all this proof, all this evidence, all this testimony. Show me one witness that came out.

[20:25:01]

If you really look at it, I should be their best witness. I should be their number one witness because I'm the one that got all the dirt, supposedly.

Why aren't they calling me to testify -- why do they need Biden? Call me. Ask me what Biden did wrong.

COOPER: Do you think they're afraid of calling you?

PARNAS: I think they're very afraid of me. I think they're afraid of me because I think they made a mistake by, you know, trying to do what they did to me.

COOPER: If you could say anything to the president, what would you say?

PARNAS: He needs to understand he's not a king. He needs to understand that there is a democracy. There's rules. You know, even if you don't like them, you know? Even if you don't agree with them.

You know, it's all fun and dandy going to these rallies and standing up in the rally, I was there. I was front stage. I was the first one at the Trump (INAUDIBLE).

But it's scary if he wins another four years. I think -- I don't know what will happen. I don't know what will happen to me because I guess I'm enemy number one right now.

So, you know, I pray that I have good counsel and that I will be protected and that we'll fight this.

But I'm glad the truth is out. I feel good. I feel good that I was able to do my civil duty in front of Congress, and I'm here to help the Senate, Congress.

And, hopefully, I want to look at the GOP senators to let them know that I'm here. I'm, you know -- not just Republicans, the Democrats, you should know the truth. You could validate it. You have all my information. Call me. We can sit down and I'll tell you everything.

(END VIDEOTAPE)

COOPER: Lev Parnas.

Just ahead as the Senate impeachment trial gets under way, a top Democrat on the Foreign Relations Committee, Ed Markey, joins me to talk about the allegations that you heard tonight from Lev Parnas.

(COMMERCIAL BREAK)

[20:31:15]

ANDERSON COOPER, CNN HOST: Senate Democratic Leader Chuck Schumer was asked today about the allegations and evidence given by Lev Parnas and whether Democrat should call Mr. Parnas as a witness given the opportunity. Senator Schumer said upon these allegations have helps strengthened the push for witnesses and that if allowed to call him as a witness, "it's something we wouldn't rule out." As you heard a few moments ago, Parnas says he is hoping to get that call.

(BEGIN VIDEO CLIP)

LEV PARNAS, FORMER ASSOCIATE OF RUDY GIULIANI: If you really look at it, I should be their best witness. I should be their number one witness, because I'm the one that got all the dirt supposedly. Why aren't they calling me to testify? Why do they need Biden? Call me. Ask me what Biden did wrong.

COOPER: Do you think they're afraid of calling you?

PARNAS: I think they're very afraid of me.

(END VIDEO CLIP)

...

COOPER: From my interview with Lev Parnas, we discussed the Senate impeachment trial and who should testify. One name he mentioned, the President's former National Security Adviser John Bolton. Take a look.

(BEGIN VIDEO CLIP)

PARNAS: I think Bolton is a very important witness, because I think between me and Bolton we could fit in all the dots, I think, because I was on the ground there and he was over here.

COOPER: And you'd be willing to testify?

PARNAS: I would be very willing to testify.

(END VIDEO CLIP)

**LEV PARNAS, RUDY GIULIANI ASSOCIATE, IS INTERVIEWED ON MSNBC'S
"THE RACHEL MADDOW SHOW"**

JANUARY 15, 2020

SPEAKERS:

LEV PARNAS, RUDY GIULIANI ASSOCIATE

RACHEL MADDOW, MSNBC HOST

JOSEPH BONDY, ATTORNEY

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MAY BE UPDATED.

RACHEL MADDOW, MSNBC HOST: Last night, on the eve of the impeachment articles against President Trump being conveyed from the House to the Senate for the start of the Senate trial that will decide whether or not President Trump is removed from office, last night, the committees that conducted the impeachment investigation added a bonus round to the materials that they planned to convey to the Senate.

Alongside the articles of impeachment, they added new evidence. These newly obtained documents and text messages from a man named Lev Parnas. Lev Parnas is a Soviet-born, Russian-speaking U.S. citizen who worked closely with President Trump's personal lawyer, Rudy Giuliani, on the scheme in Ukraine, for which the president has now been impeached.

The scheme to pressure Ukraine into announcing investigations of Vice President Joe Biden, and the concurrent use of U.S. military aid and visits with U.S. government officials, and other things that the Ukrainian government desperately wanted basically as cudgels to try -- try to force them into announcing those investigations about Biden.

Well, now, tonight, as the articles of impeachment have been walked over to the Senate by the impeachment managers, actually basically right as that was happening, the impeachment committees in the House, simultaneously to this moment, released some additional phone records from Mr. Parnas, which have revealed yet further information about who was involved in this scheme and how it worked.

Well, today in New York City, I met with Lev Parnas, and with his lawyer Joseph Bondy. And so, tonight, we're going to present this exclusive interview.

Mr. Parnas has never before spoken in a televised interview. He has not spoken to reporters at all since his name surfaced in conjunction with a scandal and since he was arrested on October 9th, with a one-way ticket out of the country at Dulles Airport. He was charged with federal felony counts for funneling illegal donations to Republican candidates and campaigns.

Now, Mr. Parnas is under indictment. He's awaiting trial in the Southern District of New York. He has pled not guilty.

He agreed to speak with me today on the condition that his lawyer, Joseph Bondy, would be seated alongside him throughout the interview. That's a condition that I agreed to.

To be honest, because I agreed to that condition, I fully expected that it would be Mr. Bondy, the lawyer, who did most of the talking in this interview, but it did not work out that way.

Mr. Parnas, as you will see here, is absolutely here to speak for himself, and he is more than capable of doing so. He and his attorney have made clear in recent days and weeks that Lev Parnas really does want to testify to the impeachment investigation.

That said, I can't stress enough that he right now is out on bond awaiting trial in federal court on serious felony charges. So, the decision for him to do this interview with me today is very unusual. People in that circumstance, in terms of federal felony charges, don't typically do media interviews, but they agreed to sit down with me today, and we did it. Let's get right to it.

I will tell you just in advance, to set the stage, that in this interview, you will hear Lev Parnas make some bombshell assertions about the involvement and knowledge of President Trump and Vice President Mike Pence in the Ukraine scandal. He will make a specific allegation about the president's unique role in holding up the U.S. aid to Ukraine as an additional lever of pressure against the Ukrainian government.

You will also hear fairly explicit allegations by Mr. Parnas about Attorney General William Barr. He also makes some allegations about several other members of the cabinet. We'll talk about some of those tonight, and we're saving some to talk about tomorrow so we can do some additional reporting around them.

But on top of all of that, as Mr. Parnas, you'll see, makes clear, right off the bat, right at the top of our interview, he knows that in addition to all of the things he's telling you tonight and that have been revealed in these documents, in conjunction with the impeachment investigation, in addition to all of that, he says he still has yet more to share.

All right. Here with go.

(BEGIN VIDEOTAPE)

MADDOW: Mr. Parnas, Mr. Bondy, thank you both for agreeing to do this. I know that this is a leap of trust to speak publicly in this way for the first time. Thanks to both of you for agreeing to do it.

JOSEPH BONDY, ATTORNEY: Thank you.

LEV PARNAS, RUDY GIULIANI ASSOCIATE: Thanks for having us here.

MADDOW: Lev, let me ask you first, Lev, did you know that these materials that you had handed over to the Intelligence Committee were going to be released publicly last night? It's landed with quite a splash. It's very provocative material.

Were you aware that it was going to be made public?

PARNAS: No, I didn't. It was -- yes, it was an incredible day. I mean, it was a godsend that we were able to -- with Joe's help and being able to get that in time, because we didn't think we're going to make it because we stayed up until I think 2:00 in the morning transferring over stuff to the House that night.

MADDOW: And what was the deadline in terms of the time pressure?

PARNAS: I mean, Joe --

BONDY: The deadline was trying to get these things to HPSCI, the Intelligence Committee, before the transmission of the articles of impeachment.

MADDOW: Uh-huh.

BONDY: As with the articles go -- goes the record, and we had reason to believe certain pieces of what we were turning over would be put into the public record. We just weren't sure when that would be, and we had no idea what it would be.

MADDOW: Let me ask you in terms of what we have seen and what they released publicly. Not everything was released publicly. Some was held back, but in terms of what we have seen publicly, is it all look authentic to you? Does any of it seem to be doctored? Does it -- is it all what you were expecting to see in terms of what you handed over?

PARNAS: Yes.

BONDY: Absolutely.

MADDOW: Are you still putting together more information to give to Congress, or do you essentially feel that the deadline has passed now that this information is going to the Senate?

BONDY: No, we're going to continue making productions, as we get materials from Southern District and anything that we can possibly continue to find on our own, through the cloud or whatever it may be.

MADDOW: Uh-huh.

BONDY: We're going to continue to provide things until we're told not to.

MADDOW: Lev, why do you want to testify to the impeachment investigation?

PARNAS: I want to get the truth out because I feel it's important for our country. I think it's important for me. I think it's important for the world to know exactly what transpired and what happened, because I think a lot -- there's a lot of things that are being said that are not accurate. And I just want to make sure that they're accurate because things happened that need to get out, and I think the world needs to know.

MADDOW: What do you think is the main inaccuracy or main lie that's being told that you feel like you can correct?

PARNAS: That the president didn't know what was going on. President Trump knew exactly what was going on. He was aware of all my movements. He -- I wouldn't do anything without the consent of Rudy Giuliani or the president.

I have no intent, I have no reason to speak to any of these officials. I mean, they have no reason to speak to me.

Why would President Zelensky's inner circle or Minister Avakov -- or all these people, or President Poroshenko meet with me? Who am I?

They were told to meet with me. And that's the secret that they were trying to keep. I was on the ground doing their work.

MADDOW: In terms of the president and what he has said about you, he said about you and Mr. Fruman, Igor Fruman: I don't know those gentlemen. I don't know about them. I don't know what they do.

You're saying that was not a true statement from the president?

PARNAS: He lied. I mean, we're not friends. I mean, when you say friends, I mean, me and him didn't watch football games together, we didn't eat hotdogs. But he know exactly who we were. He know exactly who I was especially because I interacted with him at a lot of events.

MADDOW: Uh-huh.

PARNAS: I had a lot of one-on-one conversations with him at gatherings or they have (ph) special like these roundtables, where there are only six people at the table. We have several of those.

And basically, I mean, I was with Rudy more than -- I mean, four or five days out of the week. I mean, I was in constant contact with him. So -- and I was with Rudy when he would speak to the president, plenty of times. I mean, so it's just ludicrous.

MADDOW: You've been with Mr. Giuliani when he was on the phone with the president?

PARNAS: Absolutely.

MADDOW: And how would you know that he was on the phone with the president? It would be on speakerphone? Or you would just hear him?

PARNAS: Well, several times, it would be on speakerphone, where he would like start the conversation on speakerphone and then take it off, and then go somewhere else to talk to him.

But a lot of times, it would be on the golf course when we were golfing together -- especially I remember during the Mueller times where Rudy I remember said something that he didn't appreciate -- was taking out of context and he was creaming at him so loud. That's when I watched the impeachment and I saw the testimony about the Sondland (ph), that I reiterate (ph) - - I could understand that you could hear President Trump talking next to -- like I heard him several times when he was with Rudy.

MADDOW: Because he speaks loudly on the phone?

PARNAS: Very loudly, yes.

MADDOW: When you say that the president knew about your movements and knew what you were doing, are you saying specifically -- and I want to sort of drill down on that -- that the president was aware you and Mr. Giuliani were working on this effort in Ukraine to basically try to hurt Joe Biden's political career? He was -- he knew about that?

PARNAS: Basically. Yes, it was all about Joe Biden, Hunter Biden, and, also, Rudy had a personal thing with the Manafort stuff, the black ledger.

MADDOW: Uh-huh.

PARNAS: And that was another thing they were looking into, but it was never about corruption. It was never -- it was strictly about Burisma, which included Hunter Biden and Joe

Biden.

(END VIDEOTAPE)

MADDOW: It's all about the Bidens. It was never about corruption. Strictly about Joe Biden, Hunter Biden.

In terms of the involvement of the president here, Mr. Parnas went out of his way to note, to assert, that not only was President Trump aware of what he and Mr. Giuliani were doing on his behalf in Ukraine, trying to gin up this investigation to hurt Joe Biden, Mr. Parnas says that the fact that he was working for President Trump is a point that was made explicitly over and over again in a very formal way, in his dealings in his meetings in Ukraine.

(BEGIN VIDEOTAPE)

MADDOW: Your attorney told the federal court in New York that you were both Rudy Giuliani's clients and you were working for Mr. Giuliani in his capacity as personal attorney to the president.

PARNAS: Correct.

MADDOW: Which, by the transitive property, makes it seem like you were working for the president of the United States as part of this legal defense.

PARNAS: Absolutely. Yes, absolutely.

MADDOW: And so, did anybody in the U.S. government or Mr. Giuliani actually conveyed to officials in Ukraine that you were there as a representative of President Trump?

PARNAS: Absolutely. To each one of those officials, that -- you know, the -- I put Rudy on the phone with Mr. Avakov, Minister Avakov several times, Ivan Bakanov, Yuri Lutsenko at the time was the attorney -- general.

The first thing I did is to introduce myself and tell them, I'm here on behalf of Rudy Giuliani and the president of the United States, and I'd like to put you on speakerphone for he'd know (ph) to confirm them, which we did. We put Rudy on the phone. Rudy relayed to him basically that we were there on behalf of the president of the United States.

MADDOW: That you were there to speak on President Trump's behalf.

PARNAS: Correct, exactly, those exact records.

(END VIDEOTAPE)

MADDOW: Mr. Parnas says that when he was taking meetings to advance this scheme, taking meetings with various government officials in Ukraine, he says it was a regular occurrence, it was the way those meetings started.

He would put Rudy Giuliani on phone, on the speakerphone in the room, and he would say explicitly, Mr. Giuliani would say explicitly that as the president's personal attorney, he could affirm that Lev Parnas was there at that meeting in Ukraine to speak on behalf of the president of the United States, Donald Trump.

In May of last year, May 2019, Mr. Giuliani started speaking with reporters about his plans to travel himself to Ukraine to try to enlist the Ukrainian government's assistance to help his client, President Trump, basically in his reelection effort. He said he was going to Ukraine to try to get them to announce investigations into Vice President Biden, because that would be very helpful to his client.

In the resulting firestorm of criticism, Mr. Giuliani's trip was called off in May. When he called off the trip, Mr. Giuliani made public statements criticizing the new government of Ukraine, saying that Ukraine's new president was surrounded by enemies of the United States.

And for Ukraine, that was a really big deal, right? Ukraine is at war with Russia, is a country very dependent on both of the reality and the perception of them having strong support from the United States government.

And so, when Mr. Giuliani, as the president's personal attorney, started making public claims that the new Ukrainian president was surrounded by enemies of the United States of America, that's why he wasn't going to Ukraine, at that point, the Ukrainian government kind of freaked out, right? That kind of criticism from the new U.S. administration for their new president in Ukraine, that's a potential death sentence for their country.

So, at the time that happened, Lev Parnas was in Ukraine, he was in Kiev at the time all that happened, and he told me today that he was tasked by Rudy Giuliani in that moment to crank up the pressure on the government of Ukraine, to make even more insistent and obvious, and even more onerous, this threat and this demand that Ukraine must announce investigations into Joe Biden or else.

(BEGIN VIDEOTAPE)

MADDOW: Did you meet with the Ukrainian official Sergey Shaffer (ph)?

PARNAS: Yes, I did.

MADDOW: Sergey Shaffer is a very senior aide to President Zelensky.

PARNAS: Correct.

MADDOW: It has been reported as far as we understand, from public reporting, that you conveyed to Mr. Shaffer the exact quid pro quo, that you wanted Zelensky to announce investigations into Joe Biden or military aid would not be released to Ukraine. Is that accurate?

PARNAS: It was a little bit more than that. Basically, the message that I was supposed -- that I gave Sergey Shaffer was a very harsh message. I was told to give it to him in a very harsh way, not in a pleasant way.

MADDOW: Who told you to give it to him a harsh way?

PARNAS: Mayor Giuliani, Rudy, told me after, you know, meeting with the president at the White House. He called me. The message was, it wasn't just military aid, it was all aid. Basically their relationships would be sour, that he would -- that we would stop giving them any kind of aid that --

MADDOW: Unless?

PARNAS: -- unless that there was announcement made -- it was several things. There were several demands at that point. A, the most important was the announcement of the Biden investigation.

MADDOW: Did you also convey to him that the U.S. government would stop showing support for Mr. Zelensky, that they wouldn't attend the inauguration? Or that --

PARNAS: That was -- that was the biggest thing, actually. That was -- that was the main -- it wasn't -- because at that time, you have to understand the way Ukraine is.

For President Zelensky, winning on that platform, being a young president, and not really having any experience, the number one thing -- and being at war with Russia at the time, the number one thing was not even aid, and I know it sounds crazy, but it was more support from the president.

MADDOW: Yes.

PARNAS: By having a White House visit, by having a big inauguration, by having all the dignitaries there. That was the key.

At that time, they were already aware because of their conversations with the -- I guess with the embassy that -- Vice President Pence was supposed to come to the inauguration. It was already discussed. And they were planning it out. They were just working on days that would be

good for him.

MADDOW: Uh-huh.

PARNAS: At our meeting, I was very, very stern. It was a heated conversation from our part to him, basically telling him what needs to be done. I mean, basically me.

And at the -- at -- in the conversation, I told him that if he doesn't -- the announcement was the key at that time because of the inauguration, that Pence would not show up. Nobody would show up to his inauguration.

MADDOW: Unless he announced an investigation into Joe Biden, no U.S. officials, particularly Vice President Pence would not come --

(CROSSTALK)

PARNAS: Particularly Vice President Mike Pence.

MADDOW: So, the day after that meeting that you had with Mr. Shaffer --

PARNAS: This was Sunday, Sunday the 12th.

MADDOW: I believe it was the following day that, in fact, Vice President Pence's visit to the inauguration was canceled.

PARNAS: It was after my phone call. The conversation I laid out to Mr. Shaffer was basically what I was told to do by Giuliani and the president. And then, afterwards, I relayed back to them saying that he's going to get back to me later that tonight and we're supposed to meet.

Then around 8:00, or 9:00 at night, I texted them back again saying, any word? What's the situation? And at that point, because on WhatsApp when a person like disconnects you, and he disconnected me, our conversation, he basically was --

(CROSSTALK)

MADDOW: He blocked you?

PARNAS: He blocked me. I understood that was a no. So, I called back and said no-go, and he -- I remember Rudy going, OK, they'll see.

Basically, the next day, Pence, to my awareness, Trump called up and said, to make sure Pence doesn't go there.

So --

MADDOW: So, you believe that Mr. Pence's trip to the inauguration was canceled because they didn't agree --

PARNAS: Oh, I know, 100 percent.

MADDOW: -- to announce an investigation into the Bidens?

PARNAS: Oh, because there's other -- the chain of events, that was key to where we are today, because after that, what left -- take a look at what transpires.

Next, within the next couple of days, all of a sudden, they realize that now they get word, because obviously, when Pence cancels, they get word that Pence is not coming. So, now, they realize that what I -- what I was telling them is true.

(END VIDEOTAPE)

MADDOW: Now they realize when I was threatening them on behalf of the White House, that if they didn't announce the Biden investigation, that Vice President Pence wouldn't come to the inauguration, they realize now when Pence, in fact, canceled his inauguration when I said he would, they knew I was legit. That's essentially what he's saying.

I love the line there that he quotes Mr. Giuliani saying, OK, they'll see. Like they'll see what they get for telling you no, when you demanded those investigations, they'll see.

And in fact, Vice President Pence does cancel his trip to the inauguration within 24 hours.

But for Mr. Parnas, that was a key moment for him in terms of being able to continue to work on this effort in Ukraine with credibility, because Mike Pence cancelling his trip to the inauguration was a validating moment. It made clear to the government of Ukraine at the highest level, this is a senior aide to the new president, this made clear to them at the highest levels that Lev Parnas was legitimately representing the president of the United States and the White House in this shakedown.

(BEGIN VIDEOTAPE)

MADDOW: So Vice President Mike Pence has his planned trip to the inauguration canceled after you were unable to get the Ukrainian government to commit to announcing investigations into Vice President Biden.

Do you know if Vice President Pence was aware that was the quid pro quo, that that was the trade, and that that in fact is why his inaugural visit was called off?

PARNAS: I'm going to use a famous quote by Mr. Sondland, everybody was in the loop.

MADDOW: You believe that Vice President Pence knew what he was -- knew that his trip to the inauguration was contingent on those investigations being announced?

PARNAS: Again, I mean, I know he went to Poland also to discuss this on Trump's behalf. So, he couldn't have not known, absolutely.

MADDOW: Let me -- let me ask you about it. So, that's -- after the inauguration, September 1st, Vice President Pence goes to Poland and actually takes a meeting with President Zelensky of Ukraine.

One of the unusual revelations we've had since the impeachment investigations was a Defense Department e-mail that was made public through a Freedom of Information Act lawsuit, that Defense Department emails from the chief of staff to the defense secretary. He tells someone else at the Pentagon, don't worry about it, this Ukraine aid -- I'm paraphrasing -- this Ukraine aid problem is all going to be sorted as soon as Vice President Pence meets President Zelensky in Poland on September 1st. That should clear this up.

PARNAS: Correct.

MADDOW: Do you understand why a Defense Department, somebody working in the secretary of defense's office might have believed that about that meeting?

PARNAS: Oh, I understand what was going on. So, it makes sense to me because what was transpiring was every time, like I said to you, at every meeting, either Giuliani or I would have, or somebody from the Trump's government would have with the Ukrainians, they would always agree that they were going to make some sort of -- that they were on board, that they're going to make an announcement, and then they would walk it back.

So, after certain instances, Trump was supposed to meet him -- President Trump was supposed to meet Zelensky in Poland himself. But then he used the excuse of the hurricane, but it wasn't because of the hurricane. It was because he was angry that Zelensky still didn't make any attempt or effort to make any announcement before he was going to meet him and he wasn't --

MADDOW: How do you know that was an excuse and that wasn't the real reason?

PARNAS: Because I spoke to Rudy. Rudy would talk to me to -- I mean, we spoke about this every day. I mean, everything that was going on was discussed between me, Victoria, Rudy, I mean, the team.

MADDOW: So, President -- President Trump is supposed to go, he decides not to go. Vice

President Pence will go instead --

(CROSSTALK)

PARNAS: He sends them instead, yes, and basically he was supposed to go there and get it straightened out that Zelensky was supposed to make another announcement. And that didn't happen.

That's when Bolton, Secretary Bolton, went over there. And I think he has a lot to say.

I'm not going to talk on this (ph) -- but I think he's a key witness to his conversation with Zelensky, and when he came back and why he left, or got fired, or however you want to look at that.

MADDOW: Let me make sure I understand what you're saying. When Vice President Pence went over there in September 1st, again in President Trump's stead, you believe -- you have reason to believe that Vice President Pence was tasked at that meeting with getting President Zelensky to announce investigation of Joe Biden specifically?

PARNAS: Yes.

MADDOW: And to tell him that they wouldn't get their aid until they --

PARNAS: I don't know exactly what he was -- but it was all --

(CROSSTALK)

MADDOW: To demand an investigation.

PARNAS: Like I said, the aid itself was something that I think the president decided to do -- what's it called? But it was I think a reaction that there was no announcement being made after so many attempts and so many promises.

MADDOW: So, holding the aid was the president's own sort of innovation to add to the leverage --

PARNAS: I think so.

MADDOW: -- to add to the pressure that people like you, and the vice president, and Mr. Giuliani --

PARNAS: Yes.

MADDOW: -- and everybody else involved in this effort was putting on Ukrainians.

PARNAS: Correct, correct.

MADDOW: When you say that Mr. Bolton may have something to say about this, did Mr. Bolton know that Vice President Pence was supposed to secure that agreement from Zelensky, that he'd announce these investigations?

PARNAS: I don't know exactly what Mr. Bolton know, but I know Mr. Bolton was definitely involved in the loop because of the firing of Maria Yovanovitch. Also, his interactions with Rudy Giuliani. They started butting heads, and he was not agreeing -- I mean, from Venezuela to Ukraine, Bolton didn't agree with Giuliani on the way of dealing with it.

So, there was tension there. There was -- there was definitely tension there.

MADDOW: But you believe he knows what the administration was pressuring Ukraine to do?

PARNAS: Bolton?

MADDOW: Yes.

PARNAS: A hundred percent. He knows what happened there.

(END VIDEOTAPE)

MADDOW: Lev Parnas in an exclusive interview with me today in New York City.

We've contacted Vice President Pence's office tonight on this allegation that his visit to the Zelensky inauguration was canceled because Ukrainian official wouldn't announce investigation into Joe Biden. Also, the allegations that Vice President Pence was tasked with getting that commitment about announcing these investigations in his follow-up visit where he did meet with President Zelensky on September 1st in Poland.

We have asked for comment from Mike Pence's office on those matters. We have not heard back. We'll let you know if that changes.

For his part, of course, national security advisor John Bolton has made clear that he would testify to the Senate impeachment trial if subpoenaed to do so. He has made public remarks to the effect that he has relevant information about the impeachment investigation, that he knows things that other people don't know.

In terms of the president and this allegation from Mr. Parnas that the president explicitly authorized Mr. Parnas to act in his behalf in Mr. Parnas' interactions with Ukrainian officials,

that Mr. Giuliani explicitly told Ukrainian officials, that on the authority of the president of the United States, they should listen to Mr. Parnas essentially as a spokesperson for the president, that he was conveying the full authority of the president's legal representation -- this allegation from Mr. Parnas in addition that the president was fully aware of and involved in all his efforts to push Ukraine to announce these investigations -- we have asked the White House for comment on Mr. Parnas' remarks tonight. We have not yet heard back. Again, we will let you know if that changes.

But next, here comes the part about them going after Ambassador Maria Yovanovitch. Stay with us.

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

MADDOW: There were notes that were released to the Intelligence Committee that were now released publicly, and I want to -- if you don't mind, I ask you about some of these.

PARNAS: Sure.

MADDOW: Were these notes that you took -- I'll show them to you here, obviously they're on Ritz Carlton Vienna letterhead -- this is your handwriting?

PARNAS: Yes.

MADDOW: Were these notes from a meeting in which other people were present? Or were these your notes taken from a conversation -- a phone conversation that you had with someone else?

PARNAS: This was a phone conversation I was having with Mr. Giuliani, and basically discussing certain things that -- because after that, I would have had a conversation with somebody in the Zelensky team.

I was making notes for myself what was important to get (ph).

MADDOW: And you were from Vienna at the time you were taking these notes?

PARNAS: Correct, correct.

MADDOW: So, this first note -- get Zelensky to announce that the Biden case will be investigated, that's Mr. Giuliani tasking you, that you should get that commitment from Zelensky?

PARNAS: That was always the main objective. Correct.

(END VIDEO CLIP)

MADDOW: That was always the main objective: get them to announce they were investigating Joe Biden. That's Lev Parnas speaking with me today in New York City.

One of the many dark hearts of this impeachment scandal is the virulent, and scurrilous and ultimately successful effort to get the U.S. ambassador to Ukraine fired. Ambassador Maria Yovanovitch.

Lev Parnas told me today a lot about that effort, including at one point, apologizing for it, expressing regret. But he also made crystal clear why Yovanovitch was targeted the way she was.

(BEGIN VIDEO CLIP)

MADDOW: Do you believe that part of the motivation to get rid of Ambassador Yovanovitch, to her out of post was she was in the way of this effort to get the government of Ukraine to announce investigation of Joe Biden?

PARNAS: That was the only motivation.

MADDOW: That was the only motivation?

PARNAS: There was no other motivation.

(END VIDEO CLIP)

MADDOW: If Ambassador Yovanovitch was, in fact, targeted by Lev Parnas and Rudy Giuliani and President Trump and others involved in this effort to get her out of post, to get her out of way of the bogus Joe Biden effort -- well, our public understanding of that campaign which conducted allegedly for that purpose, our public understanding of that campaign against her took a very dark turn last night, when information that Lev Parnas turned over to impeachment investigators revealed menacing text messages from a Republican congressional candidate named Robert Hyde, who happened in these texts to be reporting in to Lev Parnas about surveillance of Ambassador Yovanovitch, asking Lev if he wanted her out and purporting to have a contact inside her security team who could facilitate such a thing.

I asked Lev Parnas about those menacing text messages today. He told me he did not take Robert Hyde seriously, either in general or in relation to those messages. He agreed that the messages were disturbing, but says he never believed Mr. Hyde's assertions about this purported surveillance nor did he believe that Ambassador Yovanovitch was actually in danger.

Watch.

(BEGIN VIDEOTAPE)

MADDOW: Who is Robert Hyde?

PARNAS: He's a -- he's just -- I don't know how to explain him. He's --

MADDOW: You can say whatever you mean, I can bleep you if you need to swear.

PARNAS: He's a weird character. He's a weird individual.

MADDOW: You met him where?

PARNAS: I met at the -- I think at the Trump Hotel. Yes, at the Trump Hotel. He was a regular at the bar.

MADDOW: So we now have your text messages with Mr. Hyde that get into some dark territory when it comes to Ambassador Yovanovitch.

PARNAS: Yes.

MADDOW: Why did -- at least from the string of text messages that we've seen, it seems that is sort of starts, at least what we've got you texting him what appears to be anti-Yovanovitch information.

PARNAS: Correct.

MADDOW: Why were you sending him that text (ph)?

PARNAS: I saw the text, they did not go to the beginning of our texts. This was just some of the WhatsApp stuff, which is very little.

But Robert Hyde was like -- I don't want say, hang -- is somebody who would hang around, because he did know like all these -- he didn't know the president, and he didn't know Rudy Giuliani, but he did know like McCarthy, he know Roger Stone, he know like all these -- I mean -- because it was like a breeding ground at the Trump Hotel.

So, every event, we'll be there, so everybody would hang out there afterwards, everybody, while the meetings would be there. So, basically, you would see the same people every day, all the same congressmen that supported the president would be there, nobody else.

So he was a fixture on sight. He was always there, but he was always drunk.

MADDOW: You struck up enough of relationship with him to be texting with him.

PARNAS: Well, yes, it was more of -- Igor had more relation with him. Igor -- he just couldn't speak with Igor, so he would text him because they were like -- usually after we were done for the night, you know, the bar scene was happening, and I don't drink, but -- so they would hang out, have a drink at the bar.

MADDOW: Let me ask, I mean, the -- the text messages that he sends to you --

PARNAS: Yes.

MADDOW: -- about Ambassador Yovanovitch are disturbing.

PARNAS: Very dark (ph).

MADDOW: What is the context of these text exchanges? He appears to be giving you specific information about the ambassador's movement, about her location, about her security situation, calls her the B-word over and over again, very hostile to her and seems to be monitoring her whereabouts.

PARNAS: Correct.

MADDOW: What -- why did those exchanges happen? What was he trying to tell you?

PARNAS: Well, I don't believe it's true. I think he was either drunk or he was trying to make himself bigger than he was, so I didn't take it seriously, and I was trying to -- if you see, I didn't respond most of the time. If I did, it was something look, LOL, OK or great, or, you know, something like that, just to -- because I wouldn't respond for a long time, and I didn't want him to get rowdy if I saw him the next time, why didn't you text?

I would just amuse him until eventually as you could see, I cut him off because what happened is when he sent me those, I got disturbed. I was, like, oh, this is crazy. Like, is this guy off the wall?

So I called up I think it was Joe Ahern (ph), who was my contact at the super PAC America First --

MADDOW: OK.

PARNAS: -- that knew of him also, because he knew all the donors.

And I asked him, I said, well, is this guy off the loonies? He told me, stay away from him, because he's just got into something with Greg Pence, Mike Pence's brother, and thinking that the Secret Service is after him, and somebody wants to kill him.

And I don't know what happened, but that was my end of -- once he started texting me that, that was the end of our relationship.

MADDOW: But the texts where he was supposedly reporting on the whereabouts of the ambassador went on for a week. I mean, it wasn't like one drunken night.

PARNAS: Of course.

MADDOW: This went for seven days. He couldn't have been drunk the whole time.

PARNAS: He was drunk the whole time. He wakes up and he's drunk -- he starts at 6:00 -- I mean, I've never seen him not drunk.

MADDOW: So you thought this was him making it up. You didn't believe he actually had the ambassador under surveillance?

PARNAS: Absolutely not.

(END VIDEOTAPE)

MADDOW: I asked Mr. Parnas several times over the course of our interview if those text messages from Robert Hyde indicated a real threat to Ambassador Yovanovitch. I asked him about it with as many different angles I could come up with, I was insistent in asking, he was adamant in his response.

(BEGIN VIDEO CLIP)

MADDOW: So, it's clear that you didn't take Mr. Hyde seriously in terms of the factual (ph) claims that he was making. But are you clear on whether or not there was ever as an actual physical threat or a threat of personal intimidation against Ambassador Yovanovitch?

PARNAS: Never from my side or anybody I know.

MADDOW: You didn't worry that she was actually in physical danger.

PARNAS: No, never, never.

MADDOW: Because you didn't believe Mr. Hyde.

PARNAS: No, I didn't believe Mr. Hyde, no.

(END VIDEO CLIP)

MADDOW: We contacted attorneys for Ambassador Yovanovitch tonight to let them know about these statements from Mr. Parnas, about this possible threat to their client. They are not commenting tonight, but we've got more ahead, including what ends up being a very difficult conversation about the attorney general of the United States, William Barr.

(BEGIN VIDEO CLIP)

MADDOW: Did Rudy Giuliani tell you he had spoken to the attorney general specifically about Ukraine?

PARNAS: Not only Rudy Giuliani. I mean, Victoria and Joe, they were all best friends. I mean, Barr was -- Attorney General Barr was basically on the team.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MADDOW: Small point of personal privilege. One of weird things for me over the past few moments is that right at the time the House announced impeachment proceedings against President Trump, I right then, that week, was publishing a book called "Blowout" about the oil and gas industry. And in the book, I used the story that I thought was an interesting sidebar up story about a natural gas tycoon named Dmytro Firtash. I used him in my book as the vehicle to tell one story about Russia was deliberately corrupting countries like Ukraine that they want to keep in their orbit and they were using energy to do so.

And then as the book was coming out, none other than Dmytro Firtash was revealed to be one of the forces at work in this corruption scheme in Ukraine to try to smear Vice President Joe Biden and fire the U.S. ambassador, and withhold U.S. aid to that country and hurt them in their fight against Russia and the whole thing.

It was just -- it was uncanny, it was totally unintentional on my part. It was like a little bit of an -- like academic news world car crash.

But now, today, the Dmytro Firtash factor has at least become a little less mysterious. Dmytro Firtash, like Lev Parnas, the man who interviewed today, is under federal indictment. Mr. Firtash's case is under indictment on multiple serious felony corruption charges. He's fighting extradition to the United States. He's currently under house arrest in Vienna.

Federal prosecutors in the Firtash case have called him an upper echelon associate of Russian

organized crime.

The reason I say this got a little less mysterious today is that in my interview with Lev Parnas this afternoon in New York City, he spelled out basically what this oligarch, Dmytro Firtash, was doing in the middle of this impeachment scandal, with Rudy Giuliani and the Fox News friendly attorneys, Victoria Toensing and Joe diGenova, and how it all ultimately brings us to the desk of the attorney general of the United States, William Barr.

(BEGIN VIDEO CLIP)

PARNAS: So, at some point we had a meeting at our -- in our BLT office on the second floor.

MADDOW: At the Trump hotel?

PARNAS: At the Trump hotel.

At that meeting with Rudy and Victoria and Joe, John brought up saying he had some incredible information from Firtash camp, which later we found out it was I think Lenny Davis gave it to him, but that it was -- basically what showed that Andrew Weissmann was doing some legal stuff, and offering a deal, and it could blow up the smaller investigation up the kazoo.

MADDOW: Can I stop you there for a second?

So, the allegation, as you understood it, was that Andrew Weissmann, one of the prosecutors working on the Mueller team, had made -- had had an interaction with Dmytro Firtash, who's under indictment by the Justice Department, who's fighting extradition here, and that interaction Mr. Solomon (ph) was saying would be something scandalous that would discredit the Mueller investigation.

PARNAS: Correct. So, we were tasked basically with trying to establish a relationship and --

MADDOW: Specifically to get information to try to discredit the Mueller investigation.

PARNAS: Absolutely, yes. And basically, we went to -- I was given certain documents by John Solomon that would validate to Dmytro Firtash that I was in the loop and that I knew what was going on, because Mr. Firtash is a gentleman that just doesn't see anybody, and that's -- you know, it's impossible to even to get to meet with him.

For us to be able to receive information from Firtash, we had to promise Firtash something.

MADDOW: Uh-huh.

PARNAS: So, for Firtash, it was basically telling him we knew his case is worthless here and

that he's being prosecuted for no reason and that basically it could get taken care of. That --

MADDOW: That was your offer to Mr. Firtash.

PARNAS: Correct, correct.

MADDOW: That we can get this prosecution of you dropped.

PARNAS: Your extradition case, correct, yes.

So, that was basically the situation at that point.

MADDOW: So the exchange with Mr. Firtash was going to be, you provide us information that would be detrimental to the public perception of the Mueller investigation, and we in turn will get your case dropped at the DOJ, so you won't get extradited to the United States anymore?

PARNAS: That's how it began.

MADDOW: Mr. DiGenova and Ms. Toensing were going to become lawyers to effectuate this trade?

PARNAS: Correct.

MADDOW: And you were supposed to broker this?

PARNAS: Correct.

MADDOW: And what's this \$100,000 a month?

PARNAS: That was expenses for them, because --

MADDOW: That's what you were supposed to negotiate that this is what they were getting paid?

PARNAS: Yes, correct.

MADDOW: Are you getting paid in these interactions?

PARNAS: Mine is not this there. That was -- they were getting a million dollars plus \$100,000 a month on expenses. Mine was \$200,000.

MADDOW: And what is this here? What's that next line? Is that the founder of Burisma?

PARNAS: Zlochevsky is a Ukraine -- and the Ukraine ledger (ph), yes. Zlochevsky and Burisma and (INAUDIBLE) --

MADDOW: What are you supposed to be getting from about Burisma and the Ukrainian ledger from Lanny Davis and Mr. Firtash?

PARNAS: Well, supposedly, John Solomon said there was stuff (ph), there's case about that.

MADDOW: Aha. So, that's why this was all one conversation with Mr. Rudy Giuliani.

PARNAS: Correct.

MADDOW: The -- announcing the Biden investigation and talking about getting Firtash off from this Department of Justice prosecution, these were connected?

PARNAS: It was all connected. I mean, it was all -- at the end of the day, it was all -- the agenda was to make sure that the Ukrainians announced the Biden investigation.

(END VIDEO CLIP)

MADDOW: So, a conservative journalist, John Solomon, and two Fox News lawyers, Joe diGenova and Victoria Toensing, and Rudy Giuliani and Lev Parnas are all involved, in Mr. Parnas telling, in an effort to enlist the help of a billionaire, Kremlin-connected, allegedly mobbed up oligarch, to help them pressure the Ukrainian government that they must announce investigations of Joe Biden.

And the oligarch and his team tells this motley crew that he can help with that, with getting that from the Ukrainian government. He can also help them discredit the Mueller investigation.

They say, that would be great. What we have to offer you in exchange is we can help stop you from being extradited to the United States to face felony corruption charges from the U.S. Department of Justice.

"The Washington Post" just this afternoon records that Mr. Giuliani's involved with Mr. Firtash, and Mr. Firtash's sort of team, appears to be an ongoing concern that appears to be live.

Lev Parnas said today that his group's advocacy to get the case dropped against Mr. Firtash did go all the way to Attorney General William Barr, and he says that Attorney General Barr was more widely read in on what they were doing.

(BEGIN VIDEO CLIP)

MADDOW: Did you ever meet with or speak with or have any interaction with Attorney

General William Barr?

PARNAS: I personally did not speak to him, but I was involved in lots of conversations that Joe diGenova had with him in front of me, Rudy had with him in front of me, and setting up meetings with Dmytro Firtash's team. I was involved in that.

MADDOW: Do you know if Rudy Giuliani was ever in contact with Mr. Barr, specifically about the fact that he was trying to get Ukraine to announce these investigations into Joe Biden?

PARNAS: Oh, absolutely.

MADDOW: Mr. Barr knew about it?

PARNAS: Mr. Barr had to have known everything. I mean, it's impossible.

MADDOW: Did Rudy Giuliani tell you he had spoken to the attorney general specifically about Ukraine?

PARNAS: Not only Rudy Giuliani. I mean, Victoria and Joe, they were all best friends. I mean, Barr -- Barr was -- Attorney General Barr was basically on the team.

MADDOW: When President Trump and President Zelensky spoke in July, we know from their White House notes of the call, that President Trump told Mr. Zelensky that he should contact William Barr about these investigations --

PARNAS: Correct.

MADDOW: -- that he wanted him to do, including into Joe Biden --

PARNAS: Correct.

MADDOW: -- that struck a lot of people as strange. Attorney General Barr was reportedly upset, and didn't know why he would be mentioned in this context, but it sounds like it makes sense to you that --

PARNAS: Absolutely, because we knew about the Durham investigation, and that was going to be part -- I mean, that Attorney General Barr wanted to get to the bottom of the Biden stuff and everything. I think he might have got upset that Trump talked -- the president ousted him, maybe, he didn't want to be in the public eye (ph) that he was doing it, but it was known internally that he was investigating the investigators.

MADDOW: Do you know if Attorney General William Barr every spoke with any Ukrainian officials?

PARNAS: I don't recall at this moment. I'd have to look at my text messages and see.

(END VIDEO CLIP)

MADDOW: We contacted the Justice Department for comment on Mr. Parnas' remarks tonight. Spokeswoman Kerri Kupec at the Justice Department did give us a response. It is a two-word response -- I guess technically one number and one word.

She told us, quote, 100 percent false. And we could attribute that to her. We appreciate the comment.

We'll be right back. Stay with us.

(COMMERCIAL BREAK)

MADDOW: Today, the impeachment articles were conveyed from the U.S. House to the U.S. Senate. Senate trial is due to formally start tomorrow. One of the awkward revelations in this saga is that while the Intelligence Committee in the House was leading the investigation of the impeachment scandal, it emerged that the top Republican member of Congress on that committee, Congressman Devin Nunes of California, appeared himself to have been connected to the people involved in the scandal and potentially to the scandal itself.

Because Congressman Nunes has been publicly very vague and defensive about whether he remembers any of his own communications with Lev Parnas during the time this Ukraine scheme was underway, I asked Mr. Parnas today if he remembers any interactions with Congressman Nunes.

(BEGIN VIDEO CLIP)

MADDOW: Do you know Congressman Devin Nunes?

PARNAS: Yes, I do.

MADDOW: What's been your relationship with him?

PARNAS: We don't have too much of a relationship. We met several times at the Trump hotel, but our relationship started getting basically where it expanded was when I was introduced to his aide, Derek Harvey, and the reason why Derek Harvey was more -- I understood, I was told at that time because Devin Nunes had an ethics, something to do with an ethics committee, and he couldn't be in a spotlight. He was kind of shunned a little bit and that he was looking into this Ukraine stuff also, wanted to help out. And Devin Nunes -- they gave me Derek Harvey to deal with.

MADDOW: You told Mr. Harvey what you and Mr. Giuliani were working on in Ukraine, trying to get Ukraine to announce this investigation?

PARNAS: He was aware of that already. He knew everything.

MADDOW: He already knew that by the time he talked to you.

PARNAS: He had a lot of information already.

MADDOW: Do you believe he'd gotten that information from Mr. Giuliani?

PARNAS: No. I think that they -- like I said, there was other people doing like this op research or whatever.

MADDOW: Oppo research.

PARNAS: I don't know what you call it, but it was coming from different sides, yeah.

MADDOW: Given that interaction that you just described with Congressman Nunes and his aide, Mr. Harvey, does it strike you as unusual or inappropriate that Devin Nunes would be one of the lead investigators into this scandal on the House Intelligence Committee? He's obviously the top Republican on that committee?

PARNAS: I was in shock when I was watching the hearings and when I saw Devin Nunes sitting up there, and then there was a picture where Derek Harvey was in back over there sitting. I texted my attorney I said I can't believe this is happening.

MADDOW: Because?

PARNAS: Because they were involved in getting all this stuff on Biden. I mean, Derek Harvey had several interviews -- Skype interviews I set up with different prosecutors like Haladitsky (ph), which the anti-corruption prosecutor of Ukraine, Kostiantyn Kulyk was one of the major guys that's had this whole Biden stuff.

So, it's hard to see them lie like that when you know it's like that scary because you know, he was sitting there and making all these statements and all that when he knew very well that he knew what was going on. He knew what's happening. He knows who I am.

(END VIDEO CLIP)

MADDOW: Again, Congressman Devin Nunes is the top Republican on the Intelligence Committee, which is the committee that investigated the Ukraine scandal. Lev Parnas says that

Mr. Nunes and his top staffer were actually involved in the Ukraine scandal in the sense that they were involved in the effort to try to gin up a corruption scandal for Joe Biden in Ukraine. Mr. Parnas says he helped them in that effort.

We contacted Congressman Nunes's office for comment tonight. We did not receive any reply before air time. We'll let you know if that changes before we're off the air. More ahead, stay with us.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

MADDOW: You raised the issue of Ambassador Yovanovitch to President Trump telling him that he should get rid of her?

PARNAS: Yes, well, I didn't say get rid of her. I don't know my exact words (INAUDIBLE) but I told him she's bad mouthing him and she's saying bad things about him.

MADDOW: Do you actually believe that she did bad-mouth him and say bad things about him, or do you think this was part of this disinformation campaign to make her look bad?

PARNAS: I don't believe it. That's why I want to apologize to her because, you know, at that point I believed it, but I don't believe it now after re-evaluating and seeing everything that transpired, looking at the documentation again.

(END VIDEO CLIP)

MADDOW: I did not expect that Lev Parnas wanted to use this interview today to apologize to Ambassador Marie Yovanovitch for his role in the effort to smear her and get her fired, but he did that.

The broader context Mr. Parnas was just talking about there is what he says was a personal interaction he had with President Trump in which he says he witnessed president Trump personally ordering the firing of Marie Yovanovitch. We will have more on that in part two of the Lev Parnas interview tomorrow night.

We'll also have more for you tomorrow night on what Mr. Parnas alleged about -- alleged today about former Energy Secretary Rick Perry and current Secretary of State Mike Pompeo. We're doing a little more reporting on those allegations and claims. We're looking, in fact, at some of the new information that bolsters Mr. Parnas's case which was just released tonight by the Intelligence Committee.

So again, more on that tomorrow in part two of this interview. I do just before I go want to

bring you some news we just got moments ago while we have been on the air tonight in the past couple of minutes, we got a response from former New York City Mayor Rudy Giuliani to something Mr. Parnas told us in today's interview.

You saw Mr. Parnas say on the air that Giuliani had made introductions for him with Ukraine officials in which he told the Ukrainian officials that Mr. Parnas spoke as a representative of President Trump. Mr. Giuliani denied to us that he ever did that. Asked whether Mr. Parnas was speaking on behalf of the president in Ukraine, Mayor Giuliani told us tonight, quote, never. He also called Mr. Parnas a, quote, sad situation.

This was one big day. Tomorrow will be another.

END

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January 17, 2020

VIDEO: Lev Parnas on CNN's Anderson Cooper 360, January 16, 2020

Part 1: https://www.youtube.com/watch?v=9JKraI_Rh6g

Part 2: https://www.youtube.com/watch?v=QUXht_f3Rk

**LEV PARNAS, RUDY GIULIANI ASSOCIATE, IS INTERVIEWED ON MSNBC'S
"THE RACHEL MADDOW SHOW"**

JANUARY 16, 2020

SPEAKERS:

LEV PARNAS, RUDY GIULIANI ASSOCIATE

RACHEL MADDOW, MSNBC HOST

JOSEPH BONDY, ATTORNEY

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND
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RACHEL MADDOW, MSNBC HOST: And thanks to you at home for joining us this hour.

Last night, on the eve of the impeachment articles against President Trump being conveyed from the House to the Senate for the start of the Senate trial that will decide whether or not President Trump is removed from office, last night, the committees that conducted the impeachment investigation added a bonus round to the materials that they planned to convey to the Senate.

Alongside the articles of impeachment, they added new evidence. These newly obtained documents and text messages from a man named Lev Parnas. Lev Parnas is a Soviet-born, Russian-speaking U.S. citizen who worked closely with President Trump's personal lawyer, Rudy Giuliani, on the scheme in Ukraine, for which the president has now been impeached.

The scheme to pressure Ukraine into announcing investigations of Vice President Joe Biden, and the concurrent use of U.S. military aid and visits with U.S. government officials, and other things that the Ukrainian government desperately wanted basically as cudgels to try -- try to force them into announcing those investigations about Biden.

Well, now, tonight, as the articles of impeachment have been walked over to the Senate by the impeachment managers, actually basically right as that was happening, the impeachment committees in the House, simultaneously to this moment, released some additional phone records from Mr. Parnas, which have revealed yet further information about who was involved in this scheme and how it worked.

Well, today in New York City, I met with Lev Parnas, and with his lawyer Joseph Bondy. And so, tonight, we're going to present this exclusive interview.

Mr. Parnas has never before spoken in a televised interview. He has not spoken to reporters at all since his name surfaced in conjunction with a scandal and since he was arrested on October 9th,

with a one-way ticket out of the country at Dulles Airport. He was charged with federal felony counts for funneling illegal donations to Republican candidates and campaigns.

Now, Mr. Parnas is under indictment. He's awaiting trial in the Southern District of New York. He has pled not guilty.

He agreed to speak with me today on the condition that his lawyer, Joseph Bondy, would be seated alongside him throughout the interview. That's a condition that I agreed to.

To be honest, because I agreed to that condition, I fully expected that it would be Mr. Bondy, the lawyer, who did most of the talking in this interview, but it did not work out that way.

Mr. Parnas, as you will see here, is absolutely here to speak for himself, and he is more than capable of doing so. He and his attorney have made clear in recent days and weeks that Lev Parnas really does want to testify to the impeachment investigation.

That said, I can't stress enough that he right now is out on bond awaiting trial in federal court on serious felony charges. So, the decision for him to do this interview with me today is very unusual. People in that circumstance, in terms of federal felony charges, don't typically do media interviews, but they agreed to sit down with me today, and we did it. Let's get right to it.

I will tell you just in advance, to set the stage, that in this interview, you will hear Lev Parnas make some bombshell assertions about the involvement and knowledge of President Trump and Vice President Mike Pence in the Ukraine scandal. He will make a specific allegation about the president's unique role in holding up the U.S. aid to Ukraine as an additional lever of pressure against the Ukrainian government.

You will also hear fairly explicit allegations by Mr. Parnas about Attorney General William Barr. He also makes some allegations about several other members of the cabinet. We'll talk about some of those tonight, and we're saving some to talk about tomorrow so we can do some additional reporting around them.

But on top of all of that, as Mr. Parnas, you'll see, makes clear, right off the bat, right at the top of our interview, he knows that in addition to all of the things he's telling you tonight and that have been revealed in these documents, in conjunction with the impeachment investigation, in addition to all of that, he says he still has yet more to share.

All right. Here with go.

(BEGIN VIDEOTAPE)

MADDOW: Mr. Parnas, Mr. Bondy, thank you both for agreeing to do this. I know that this is a leap of trust to speak publicly in this way for the first time. Thanks to both of you for agreeing to do it.

JOSEPH BONDY, ATTORNEY: Thank you.

LEV PARNAS, RUDY GIULIANI ASSOCIATE: Thanks for having us here.

MADDOW: Lev, let me ask you first, Lev, did you know that these materials that you had handed over to the Intelligence Committee were going to be released publicly last night? It's landed with quite a splash. It's very provocative material.

Were you aware that it was going to be made public?

PARNAS: No, I didn't. It was -- yes, it was an incredible day. I mean, it was a godsend that we were able to -- with Joe's help and being able to get that in time, because we didn't think we're going to make it because we stayed up until I think 2:00 in the morning transferring over stuff to the House that night.

MADDOW: And what was the deadline in terms of the time pressure?

PARNAS: I mean, Joe --

BONDY: The deadline was trying to get these things to HPSCI, the Intelligence Committee, before the transmission of the articles of impeachment.

MADDOW: Uh-huh.

BONDY: As with the articles go -- goes the record, and we had reason to believe certain pieces of what we were turning over would be put into the public record. We just weren't sure when that would be, and we had no idea what it would be.

MADDOW: Let me ask you in terms of what we have seen and what they released publicly. Not everything was released publicly. Some was held back, but in terms of what we have seen publicly, is it all look authentic to you? Does any of it seem to be doctored? Does it -- is it all what you were expecting to see in terms of what you handed over?

PARNAS: Yes.

BONDY: Absolutely.

MADDOW: Are you still putting together more information to give to Congress, or do you essentially feel that the deadline has passed now that this information is going to the Senate?

BONDY: No, we're going to continue making productions, as we get materials from Southern District and anything that we can possibly continue to find on our own, through the cloud or whatever it may be.

MADDOW: Uh-huh.

BONDY: We're going to continue to provide things until we're told not to.

MADDOW: Lev, why do you want to testify to the impeachment investigation?

PARNAS: I want to get the truth out because I feel it's important for our country. I think it's important for me. I think it's important for the world to know exactly what transpired and what happened, because I think a lot -- there's a lot of things that are being said that are not accurate. And I just want to make sure that they're accurate because things happened that need to get out, and I think the world needs to know.

MADDOW: What do you think is the main inaccuracy or main lie that's being told that you feel like you can correct?

PARNAS: That the president didn't know what was going on. President Trump knew exactly what was going on. He was aware of all my movements. He -- I wouldn't do anything without the consent of Rudy Giuliani or the president.

I have no intent, I have no reason to speak to any of these officials. I mean, they have no reason to speak to me.

Why would President Zelensky's inner circle or Minister Avakov -- or all these people, or President Poroshenko meet with me? Who am I?

They were told to meet with me. And that's the secret that they were trying to keep. I was on the ground doing their work.

MADDOW: In terms of the president and what he has said about you, he said about you and Mr. Fruman, Igor Fruman: I don't know those gentlemen. I don't know about them. I don't know what they do.

You're saying that was not a true statement from the president?

PARNAS: He lied. I mean, we're not friends. I mean, when you say friends, I mean, me and him didn't watch football games together, we didn't eat hotdogs. But he know exactly who we were. He know exactly who I was especially because I interacted with him at a lot of events.

MADDOW: Uh-huh.

PARNAS: I had a lot of one-on-one conversations with him at gatherings or they have (ph) special like these roundtables, where there are only six people at the table. We have several of those.

And basically, I mean, I was with Rudy more than -- I mean, four or five days out of the week. I mean, I was in constant contact with him. So -- and I was with Rudy when he would speak to the president, plenty of times. I mean, so it's just ludicrous.

MADDOW: You've been with Mr. Giuliani when he was on the phone with the president?

PARNAS: Absolutely.

MADDOW: And how would you know that he was on the phone with the president? It would be on speakerphone? Or you would just hear him?

PARNAS: Well, several times, it would be on speakerphone, where he would like start the conversation on speakerphone and then take it off, and then go somewhere else to talk to him.

But a lot of times, it would be on the golf course when we were golfing together -- especially I remember during the Mueller times where Rudy I remember said something that he didn't appreciate -- was taking out of context and he was screaming at him so loud. That's when I watched the impeachment and I saw the testimony about the Sondland (ph), that I reiterate (ph) - - I could understand that you could hear President Trump talking next to -- like I heard him several times when he was with Rudy.

MADDOW: Because he speaks loudly on the phone?

PARNAS: Very loudly, yes.

MADDOW: When you say that the president knew about your movements and knew what you were doing, are you saying specifically -- and I want to sort of drill down on that -- that the president was aware you and Mr. Giuliani were working on this effort in Ukraine to basically try to hurt Joe Biden's political career? He was -- he knew about that?

PARNAS: Basically. Yes, it was all about Joe Biden, Hunter Biden, and, also, Rudy had a personal thing with the Manafort stuff, the black ledger.

MADDOW: Uh-huh.

PARNAS: And that was another thing they were looking into, but it was never about corruption. It was never -- it was strictly about Burisma, which included Hunter Biden and Joe Biden.

(END VIDEOTAPE)

MADDOW: It's all about the Bidens. It was never about corruption. Strictly about Joe Biden, Hunter Biden.

In terms of the involvement of the president here, Mr. Parnas went out of his way to note, to assert, that not only was President Trump aware of what he and Mr. Giuliani were doing on his behalf in Ukraine, trying to gin up this investigation to hurt Joe Biden, Mr. Parnas says that the fact that he was working for President Trump is a point that was made explicitly over and over again in a very formal way, in his dealings in his meetings in Ukraine.

(BEGIN VIDEOTAPE)

MADDOW: Your attorney told the federal court in New York that you were both Rudy Giuliani's clients and you were working for Mr. Giuliani in his capacity as personal attorney to the president.

PARNAS: Correct.

MADDOW: Which, by the transitive property, makes it seem like you were working for the president of the United States as part of this legal defense.

PARNAS: Absolutely. Yes, absolutely.

MADDOW: And so, did anybody in the U.S. government or Mr. Giuliani actually conveyed to officials in Ukraine that you were there as a representative of President Trump?

PARNAS: Absolutely. To each one of those officials, that -- you know, the -- I put Rudy on the phone with Mr. Avakov, Minister Avakov several times, Ivan Bakanov, Yuri Lutsenko at the time was the attorney -- general.

The first thing I did is to introduce myself and tell them, I'm here on behalf of Rudy Giuliani and the president of the United States, and I'd like to put you on speakerphone for he'd know (ph) to confirm them, which we did. We put Rudy on the phone. Rudy relayed to him basically that we were there on behalf of the president of the United States.

MADDOW: That you were there to speak on President Trump's behalf.

PARNAS: Correct, exactly, those exact records.

(END VIDEOTAPE)

MADDOW: Mr. Parnas says that when he was taking meetings to advance this scheme, taking meetings with various government officials in Ukraine, he says it was a regular occurrence, it was the way those meetings started.

He would put Rudy Giuliani on phone, on the speakerphone in the room, and he would say explicitly, Mr. Giuliani would say explicitly that as the president's personal attorney, he could affirm that Lev Parnas was there at that meeting in Ukraine to speak on behalf of the president of the United States, Donald Trump.

In May of last year, May 2019, Mr. Giuliani started speaking with reporters about his plans to travel himself to Ukraine to try to enlist the Ukrainian government's assistance to help his client, President Trump, basically in his reelection effort. He said he was going to Ukraine to try to get them to announce investigations into Vice President Biden, because that would be very helpful to his client.

In the resulting firestorm of criticism, Mr. Giuliani's trip was called off in May. When he called off the trip, Mr. Giuliani made public statements criticizing the new government of Ukraine, saying that Ukraine's new president was surrounded by enemies of the United States.

And for Ukraine, that was a really big deal, right? Ukraine is at war with Russia, is a country very dependent on both of the reality and the perception of them having strong support from the United States government.

And so, when Mr. Giuliani, as the president's personal attorney, started making public claims that the new Ukrainian president was surrounded by enemies of the United States of America, that's why he wasn't going to Ukraine, at that point, the Ukrainian government kind of freaked out, right? That kind of criticism from the new U.S. administration for their new president in Ukraine, that's a potential death sentence for their country.

So, at the time that happened, Lev Parnas was in Ukraine, he was in Kiev at the time all that happened, and he told me today that he was tasked by Rudy Giuliani in that moment to crank up the pressure on the government of Ukraine, to make even more insistent and obvious, and even more onerous, this threat and this demand that Ukraine must announce investigations into Joe Biden or else.

(BEGIN VIDEOTAPE)

MADDOW: Did you meet with the Ukrainian official Sergey Shaffer (ph)?

PARNAS: Yes, I did.

MADDOW: Sergey Shaffer is a very senior aide to President Zelensky.

PARNAS: Correct.

MADDOW: It has been reported as far as we understand, from public reporting, that you conveyed to Mr. Shaffer the exact quid pro quo, that you wanted Zelensky to announce investigations into Joe Biden or military aid would not be released to Ukraine. Is that accurate?

PARNAS: It was a little bit more than that. Basically, the message that I was supposed -- that I gave Sergey Shaffer was a very harsh message. I was told to give it to him in a very harsh way, not in a pleasant way.

MADDOW: Who told you to give it to him a harsh way?

PARNAS: Mayor Giuliani, Rudy, told me after, you know, meeting with the president at the White House. He called me. The message was, it wasn't just military aid, it was all aid. Basically their relationships would be sour, that he would -- that we would stop giving them any kind of aid that --

MADDOW: Unless?

PARNAS: -- unless that there was announcement made -- it was several things. There were several demands at that point. A, the most important was the announcement of the Biden investigation.

MADDOW: Did you also convey to him that the U.S. government would stop showing support for Mr. Zelensky, that they wouldn't attend the inauguration? Or that --

PARNAS: That was -- that was the biggest thing, actually. That was -- that was the main -- it wasn't -- because at that time, you have to understand the way Ukraine is.

For President Zelensky, winning on that platform, being a young president, and not really having any experience, the number one thing -- and being at war with Russia at the time, the number one thing was not even aid, and I know it sounds crazy, but it was more support from the president.

MADDOW: Yes.

PARNAS: By having a White House visit, by having a big inauguration, by having all the dignitaries there. That was the key.

At that time, they were already aware because of their conversations with the -- I guess with the embassy that -- Vice President Pence was supposed to come to the inauguration. It was already discussed. And they were planning it out. They were just working on days that would be good for him.

MADDOW: Uh-huh.

PARNAS: At our meeting, I was very, very stern. It was a heated conversation from our part to him, basically telling him what needs to be done. I mean, basically me.

And at the -- at -- in the conversation, I told him that if he doesn't -- the announcement was the key at that time because of the inauguration, that Pence would not show up. Nobody would show up to his inauguration.

MADDOW: Unless he announced an investigation into Joe Biden, no U.S. officials, particularly Vice President Pence would not come --

(CROSSTALK)

PARNAS: Particularly Vice President Mike Pence.

MADDOW: So, the day after that meeting that you had with Mr. Shaffer --

PARNAS: This was Sunday, Sunday the 12th.

MADDOW: I believe it was the following day that, in fact, Vice President Pence's visit to the inauguration was canceled.

PARNAS: It was after my phone call. The conversation I laid out to Mr. Shaffer was basically what I was told to do by Giuliani and the president. And then, afterwards, I relayed back to them saying that he's going to get back to me later that tonight and we're supposed to meet.

Then around 8:00, or 9:00 at night, I texted them back again saying, any word? What's the situation? And at that point, because on WhatsApp when a person like disconnects you, and he disconnected me, our conversation, he basically was --

(CROSSTALK)

MADDOW: He blocked you?

PARNAS: He blocked me. I understood that was a no. So, I called back and said no-go, and he - I remember Rudy going, OK, they'll see.

Basically, the next day, Pence, to my awareness, Trump called up and said, to make sure Pence doesn't go there.

So --

MADDOW: So, you believe that Mr. Pence's trip to the inauguration was canceled because they didn't agree --

PARNAS: Oh, I know, 100 percent.

MADDOW: -- to announce an investigation into the Bidens?

PARNAS: Oh, because there's other -- the chain of events, that was key to where we are today, because after that, what left -- take a look at what transpires.

Next, within the next couple of days, all of a sudden, they realize that now they get word, because obviously, when Pence cancels, they get word that Pence is not coming. So, now, they realize that what I -- what I was telling them is true.

(END VIDEOTAPE)

MADDOW: Now they realize when I was threatening them on behalf of the White House, that if they didn't announce the Biden investigation, that Vice President Pence wouldn't come to the inauguration, they realize now when Pence, in fact, canceled his inauguration when I said he would, they knew I was legit. That's essentially what he's saying.

I love the line there that he quotes Mr. Giuliani saying, OK, they'll see. Like they'll see what they get for telling you no, when you demanded those investigations, they'll see.

And in fact, Vice President Pence does cancel his trip to the inauguration within 24 hours.

But for Mr. Parnas, that was a key moment for him in terms of being able to continue to work on this effort in Ukraine with credibility, because Mike Pence cancelling his trip to the inauguration was a validating moment. It made clear to the government of Ukraine at the highest level, this is a senior aide to the new president, this made clear to them at the highest levels that Lev Parnas was legitimately representing the president of the United States and the White House in this shakedown.

(BEGIN VIDEOTAPE)

MADDOW: So Vice President Mike Pence has his planned trip to the inauguration canceled after you were unable to get the Ukrainian government to commit to announcing investigations into Vice President Biden.

Do you know if Vice President Pence was aware that was the quid pro quo, that that was the trade, and that that in fact is why his inaugural visit was called off?

PARNAS: I'm going to use a famous quote by Mr. Sondland, everybody was in the loop.

MADDOW: You believe that Vice President Pence knew what he was -- knew that his trip to the inauguration was contingent on those investigations being announced?

PARNAS: Again, I mean, I know he went to Poland also to discuss this on Trump's behalf. So, he couldn't have not known, absolutely.

MADDOW: Let me -- let me ask you about it. So, that's -- after the inauguration, September 1st, Vice President Pence goes to Poland and actually takes a meeting with President Zelensky of Ukraine.

One of the unusual revelations we've had since the impeachment investigations was a Defense Department e-mail that was made public through a Freedom of Information Act lawsuit, that Defense Department emails from the chief of staff to the defense secretary. He tells someone else at the Pentagon, don't worry about it, this Ukraine aid -- I'm paraphrasing -- this Ukraine aid problem is all going to be sorted as soon as Vice President Pence meets President Zelensky in Poland on September 1st. That should clear this up.

PARNAS: Correct.

MADDOW: Do you understand why a Defense Department, somebody working in the secretary of defense's office might have believed that about that meeting?

PARNAS: Oh, I understand what was going on. So, it makes sense to me because what was transpiring was every time, like I said to you, at every meeting, either Giuliani or I would have, or somebody from the Trump's government would have with the Ukrainians, they would always

agree that they were going to make some sort of -- that they were on board, that they're going to make an announcement, and then they would walk it back.

So, after certain instances, Trump was supposed to meet him -- President Trump was supposed to meet Zelensky in Poland himself. But then he used the excuse of the hurricane, but it wasn't because of the hurricane. It was because he was angry that Zelensky still didn't make any attempt or effort to make any announcement before he was going to meet him and he wasn't --

MADDOW: How do you know that was an excuse and that wasn't the real reason?

PARNAS: Because I spoke to Rudy. Rudy would talk to me to -- I mean, we spoke about this every day. I mean, everything that was going on was discussed between me, Victoria, Rudy, I mean, the team.

MADDOW: So, President -- President Trump is supposed to go, he decides not to go. Vice President Pence will go instead --

(CROSSTALK)

PARNAS: He sends them instead, yes, and basically he was supposed to go there and get it straightened out that Zelensky was supposed to make another announcement. And that didn't happen.

That's when Bolton, Secretary Bolton, went over there. And I think he has a lot to say.

I'm not going to talk on this (ph) -- but I think he's a key witness to his conversation with Zelensky, and when he came back and why he left, or got fired, or however you want to look at that.

MADDOW: Let me make sure I understand what you're saying. When Vice President Pence went over there in September 1st, again in President Trump's stead, you believe -- you have reason to believe that Vice President Pence was tasked at that meeting with getting President Zelensky to announce investigation of Joe Biden specifically?

PARNAS: Yes.

MADDOW: And to tell him that they wouldn't get their aid until they --

PARNAS: I don't know exactly what he was -- but it was all --

(CROSSTALK)

MADDOW: To demand an investigation.

PARNAS: Like I said, the aid itself was something that I think the president decided to do -- what's it called? But it was I think a reaction that there was no announcement being made after so many attempts and so many promises.

MADDOW: So, holding the aid was the president's own sort of innovation to add to the leverage --

PARNAS: I think so.

MADDOW: -- to add to the pressure that people like you, and the vice president, and Mr. Giuliani --

PARNAS: Yes.

MADDOW: -- and everybody else involved in this effort was putting on Ukrainians.

PARNAS: Correct, correct.

MADDOW: When you say that Mr. Bolton may have something to say about this, did Mr. Bolton know that Vice President Pence was supposed to secure that agreement from Zelensky, that he'd announce these investigations?

PARNAS: I don't know exactly what Mr. Bolton know, but I know Mr. Bolton was definitely involved in the loop because of the firing of Maria Yovanovitch. Also, his interactions with Rudy Giuliani. They started butting heads, and he was not agreeing -- I mean, from Venezuela to Ukraine, Bolton didn't agree with Giuliani on the way of dealing with it.

So, there was tension there. There was -- there was definitely tension there.

MADDOW: But you believe he knows what the administration was pressuring Ukraine to do?

PARNAS: Bolton?

MADDOW: Yes.

PARNAS: A hundred percent. He knows what happened there.

(END VIDEOTAPE)

MADDOW: Lev Parnas in an exclusive interview with me today in New York City.

We've contacted Vice President Pence's office tonight on this allegation that his visit to the Zelensky inauguration was canceled because Ukrainian official wouldn't announce investigation into Joe Biden. Also, the allegations that Vice President Pence was tasked with getting that commitment about announcing these investigations in his follow-up visit where he did meet with President Zelensky on September 1st in Poland.

We have asked for comment from Mike Pence's office on those matters. We have not heard back. We'll let you know if that changes.

For his part, of course, national security advisor John Bolton has made clear that he would testify to the Senate impeachment trial if subpoenaed to do so. He has made public remarks to the effect that he has relevant information about the impeachment investigation, that he knows things that other people don't know.

In terms of the president and this allegation from Mr. Parnas that the president explicitly authorized Mr. Parnas to act in his behalf in Mr. Parnas' interactions with Ukrainian officials, that Mr. Giuliani explicitly told Ukrainian officials, that on the authority of the president of the United States, they should listen to Mr. Parnas essentially as a spokesperson for the president, that he was conveying the full authority of the president's legal representation -- this allegation from Mr. Parnas in addition that the president was fully aware of and involved in all his efforts to push Ukraine to announce these investigations -- we have asked the White House for comment on Mr. Parnas' remarks tonight. We have not yet heard back. Again, we will let you know if that changes.

But next, here comes the part about them going after Ambassador Maria Yovanovitch. Stay with us.

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

MADDOW: There were notes that were released to the Intelligence Committee that were now released publicly, and I want to -- if you don't mind, I ask you about some of these.

PARNAS: Sure.

MADDOW: Were these notes that you took -- I'll show them to you here, obviously they're on Ritz Carlton Vienna letterhead -- this is your handwriting?

PARNAS: Yes.

MADDOW: Were these notes from a meeting in which other people were present? Or were these your notes taken from a conversation -- a phone conversation that you had with someone else?

PARNAS: This was a phone conversation I was having with Mr. Giuliani, and basically discussing certain things that -- because after that, I would have had a conversation with somebody in the Zelensky team.

PARNAS: This was a phone conversation I was having with Mr. Giuliani, and basically discussing certain things that -- because after that, I would have had a conversation with somebody in the Zelensky team. I was making notes for myself what was important to get (ph).

MADDOW: And you were from Vienna at the time you were taking these notes?

PARNAS: Correct, correct.

MADDOW: So, this first note -- get Zelensky to announce that the Biden case will be investigated, that's Mr. Giuliani tasking you, that you should get that commitment from Zelensky?

PARNAS: That was always the main objective. Correct.

(END VIDEO CLIP)

MADDOW: That was always the main objective: get them to announce they were investigating Joe Biden. That's Lev Parnas speaking with me today in New York City.

One of the many dark hearts of this impeachment scandal is the virulent, and scurrilous and ultimately successful effort to get the U.S. ambassador to Ukraine fired. Ambassador Maria Yovanovitch.

Lev Parnas told me today a lot about that effort, including at one point, apologizing for it, expressing regret. But he also made crystal clear why Yovanovitch was targeted the way she was.

(BEGIN VIDEO CLIP)

MADDOW: Do you believe that part of the motivation to get rid of Ambassador Yovanovitch, to her out of post was she was in the way of this effort to get the government of Ukraine to announce investigation of Joe Biden?

PARNAS: That was the only motivation.

MADDOW: That was the only motivation?

PARNAS: There was no other motivation.

(END VIDEO CLIP)

MADDOW: If Ambassador Yovanovitch was, in fact, targeted by Lev Parnas and Rudy Giuliani and President Trump and others involved in this effort to get her out of post, to get her out of way of the bogus Joe Biden effort -- well, our public understanding of that campaign which conducted allegedly for that purpose, our public understanding of that campaign against her took a very dark turn last night, when information that Lev Parnas turned over to impeachment

investigators revealed menacing text messages from a Republican congressional candidate named Robert Hyde, who happened in these texts to be reporting in to Lev Parnas about surveillance of Ambassador Yovanovitch, asking Lev if he wanted her out and purporting to have a contact inside her security team who could facilitate such a thing.

I asked Lev Parnas about those menacing text messages today. He told me he did not take Robert Hyde seriously, either in general or in relation to those messages. He agreed that the messages were disturbing, but says he never believed Mr. Hyde's assertions about this purported surveillance nor did he believe that Ambassador Yovanovitch was actually in danger.

Watch.

(BEGIN VIDEOTAPE)

MADDOW: Who is Robert Hyde?

PARNAS: He's a -- he's just -- I don't know how to explain him. He's --

MADDOW: You can say whatever you mean, I can bleep you if you need to swear.

PARNAS: He's a weird character. He's a weird individual.

MADDOW: You met him where?

PARNAS: I met at the -- I think at the Trump Hotel. Yes, at the Trump Hotel. He was a regular at the bar.

MADDOW: So we now have your text messages with Mr. Hyde that get into some dark territory when it comes to Ambassador Yovanovitch.

PARNAS: Yes.

MADDOW: Why did -- at least from the string of text messages that we've seen, it seems that is sort of starts, at least what we've got you texting him what appears to be anti-Yovanovitch information.

PARNAS: Correct.

MADDOW: Why were you sending him that text (ph)?

PARNAS: I saw the text, they did not go to the beginning of our texts. This was just some of the WhatsApp stuff, which is very little.

But Robert Hyde was like -- I don't want say, hang -- is somebody who would hang around, because he did know like all these -- he didn't know the president, and he didn't know Rudy

Giuliani, but he did know like McCarthy, he know Roger Stone, he know like all these -- I mean -- because it was like a breeding ground at the Trump Hotel.

So, every event, we'll be there, so everybody would hang out there afterwards, everybody, while the meetings would be there. So, basically, you would see the same people every day, all the same congressmen that supported the president would be there, nobody else.

So he was a fixture on sight. He was always there, but he was always drunk.

MADDOW: You struck up enough of relationship with him to be texting with him.

PARNAS: Well, yes, it was more of -- Igor had more relation with him. Igor -- he just couldn't speak with Igor, so he would text him because they were like -- usually after we were done for the night, you know, the bar scene was happening, and I don't drink, but -- so they would hang out, have a drink at the bar.

MADDOW: Let me ask, I mean, the -- the text messages that he sends to you --

PARNAS: Yes.

MADDOW: -- about Ambassador Yovanovitch are disturbing.

PARNAS: Very dark (ph).

MADDOW: What is the context of these text exchanges? He appears to be giving you specific information about the ambassador's movement, about her location, about her security situation, calls her the B-word over and over again, very hostile to her and seems to be monitoring her whereabouts.

PARNAS: Correct.

MADDOW: What -- why did those exchanges happen? What was he trying to tell you?

PARNAS: Well, I don't believe it's true. I think he was either drunk or he was trying to make himself bigger than he was, so I didn't take it seriously, and I was trying to -- if you see, I didn't respond most of the time. If I did, it was something look, LOL, OK or great, or, you know, something like that, just to -- because I wouldn't respond for a long time, and I didn't want him to get rowdy if I saw him the next time, why didn't you text?

I would just amuse him until eventually as you could see, I cut him off because what happened is when he sent me those, I got disturbed. I was, like, oh, this is crazy. Like, is this guy off the wall?

So I called up I think it was Joe Ahern (ph), who was my contact at the super PAC America First

--

MADDOW: OK.

PARNAS: -- that knew of him also, because he knew all the donors.

And I asked him, I said, well, is this guy off the loonies? He told me, stay away from him, because he's just got into something with Greg Pence, Mike Pence's brother, and thinking that the Secret Service is after him, and somebody wants to kill him.

And I don't know what happened, but that was my end of -- once he started texting me that, that was the end of our relationship.

MADDOW: But the texts where he was supposedly reporting on the whereabouts of the ambassador went on for a week. I mean, it wasn't like one drunken night.

PARNAS: Of course.

MADDOW: This went for seven days. He couldn't have been drunk the whole time.

PARNAS: He was drunk the whole time. He wakes up and he's drunk -- he starts at 6:00 -- I mean, I've never seen him not drunk.

MADDOW: So you thought this was him making it up. You didn't believe he actually had the ambassador under surveillance?

PARNAS: Absolutely not.

(END VIDEOTAPE)

MADDOW: I asked Mr. Parnas several times over the course of our interview if those text messages from Robert Hyde indicated a real threat to Ambassador Yovanovitch. I asked him about it with as many different angles I could come up with, I was insistent in asking, he was adamant in his response.

(BEGIN VIDEO CLIP)

MADDOW: So, it's clear that you didn't take Mr. Hyde seriously in terms of the factual (ph) claims that he was making. But are you clear on whether or not there was ever as an actual physical threat or a threat of personal intimidation against Ambassador Yovanovitch?

PARNAS: Never from my side or anybody I know.

MADDOW: You didn't worry that she was actually in physical danger.

PARNAS: No, never, never.

MADDOW: Because you didn't believe Mr. Hyde.

PARNAS: No, I didn't believe Mr. Hyde, no.

(END VIDEO CLIP)

MADDOW: We contacted attorneys for Ambassador Yovanovitch tonight to let them know about these statements from Mr. Parnas, about this possible threat to their client. They are not commenting tonight, but we've got more ahead, including what ends up being a very difficult conversation about the attorney general of the United States, William Barr.

(BEGIN VIDEO CLIP)

MADDOW: Did Rudy Giuliani tell you he had spoken to the attorney general specifically about Ukraine?

PARNAS: Not only Rudy Giuliani. I mean, Victoria and Joe, they were all best friends. I mean, Barr was -- Attorney General Barr was basically on the team.

(END VIDEO CLIP)

(COMMERCIAL BREAK)

MADDOW: Small point of personal privilege. One of weird things for me over the past few moments is that right at the time the House announced impeachment proceedings against President Trump, I right then, that week, was publishing a book called "Blowout" about the oil and gas industry.

And in the book, I used the story that I thought was an interesting sidebar up story about a natural gas tycoon named Dmytro Firtash. I used him in my book as the vehicle to tell one story about Russia was deliberately corrupting countries like Ukraine that they want to keep in their orbit and they were using energy to do so.

And then as the book was coming out, none other than Dmytro Firtash was revealed to be one of the forces at work in this corruption scheme in Ukraine to try to smear Vice President Joe Biden and fire the U.S. ambassador, and withhold U.S. aid to that country and hurt them in their fight against Russia and the whole thing.

It was just -- it was uncanny, it was totally unintentional on my part. It was like a little bit of an -- like academic news world car crash.

But now, today, the Dmytro Firtash factor has at least become a little less mysterious. Dmytro Firtash, like Lev Parnas, the man who interviewed today, is under federal indictment. Mr. Firtash's case is under indictment on multiple serious felony corruption charges. He's fighting extradition to the United States. He's currently under house arrest in Vienna.

Federal prosecutors in the Firtash case have called him an upper echelon associate of Russian organized crime.

The reason I say this got a little less mysterious today is that in my interview with Lev Parnas this afternoon in New York City, he spelled out basically what this oligarch, Dmytro Firtash, was doing in the middle of this impeachment scandal, with Rudy Giuliani and the Fox News friendly attorneys, Victoria Toensing and Joe diGenova, and how it all ultimately brings us to the desk of the attorney general of the United States, William Barr.

(BEGIN VIDEO CLIP)

PARNAS: So, at some point we had a meeting at our -- in our BLT office on the second floor.

MADDOW: At the Trump hotel?

PARNAS: At the Trump hotel.

At that meeting with Rudy and Victoria and Joe, John brought up saying he had some incredible information from Firtash camp, which later we found out it was I think Lenny Davis gave it to him, but that it was -- basically what showed that Andrew Weissmann was doing some legal stuff, and offering a deal, and it could blow up the smaller investigation up the kazoo.

MADDOW: Can I stop you there for a second?

So, the allegation, as you understood it, was that Andrew Weissmann, one of the prosecutors working on the Mueller team, had made -- had had an interaction with Dmytro Firtash, who's under indictment by the Justice Department, who's fighting extradition here, and that interaction Mr. Solomon (ph) was saying would be something scandalous that would discredit the Mueller investigation.

PARNAS: Correct. So, we were tasked basically with trying to establish a relationship and --

MADDOW: Specifically to get information to try to discredit the Mueller investigation.

PARNAS: Absolutely, yes. And basically, we went to -- I was given certain documents by John Solomon that would validate to Dmytro Firtash that I was in the loop and that I knew what was going on, because Mr. Firtash is a gentleman that just doesn't see anybody, and that's -- you know, it's impossible to even to get to meet with him.

For us to be able to receive information from Firtash, we had to promise Firtash something.

MADDOW: Uh-huh.

PARNAS: So, for Firtash, it was basically telling him we knew his case is worthless here and that he's being prosecuted for no reason and that basically it could get taken care of. That --

MADDOW: That was your offer to Mr. Firtash.

PARNAS: Correct, correct.

MADDOW: That we can get this prosecution of you dropped.

PARNAS: Your extradition case, correct, yes.

So, that was basically the situation at that point.

MADDOW: So the exchange with Mr. Firtash was going to be, you provide us information that would be detrimental to the public perception of the Mueller investigation, and we in turn will get your case dropped at the DOJ, so you won't get extradited to the United States anymore?

PARNAS: That's how it began.

MADDOW: Mr. DiGenova and Ms. Toensing were going to become lawyers to effectuate this trade?

PARNAS: Correct.

MADDOW: And you were supposed to broker this?

PARNAS: Correct.

MADDOW: And what's this \$100,000 a month?

PARNAS: That was expenses for them, because --

MADDOW: That's what you were supposed to negotiate that this is what they were getting paid?

PARNAS: Yes, correct.

MADDOW: Are you getting paid in these interactions?

PARNAS: Mine is not this there. That was -- they were getting a million dollars plus \$100,000 a month on expenses. Mine was \$200,000.

MADDOW: And what is this here? What's that next line? Is that the founder of Burisma?

PARNAS: Zlochevsky is a Ukraine -- and the Ukraine ledger (ph), yes. Zlochevsky and Burisma and (INAUDIBLE) --

MADDOW: What are you supposed to be getting from about Burisma and the Ukrainian ledger from Lanny Davis and Mr. Firtash?

PARNAS: Well, supposedly, John Solomon said there was stuff (ph), there's case about that.

MADDOW: Aha. So, that's why this was all one conversation with Mr. Rudy Giuliani.

PARNAS: Correct.

MADDOW: The -- announcing the Biden investigation and talking about getting Firtash off from this Department of Justice prosecution, these were connected?

PARNAS: It was all connected. I mean, it was all -- at the end of the day, it was all -- the agenda was to make sure that the Ukrainians announced the Biden investigation.

(END VIDEO CLIP)

MADDOW: So, a conservative journalist, John Solomon, and two Fox News lawyers, Joe diGenova and Victoria Toensing, and Rudy Giuliani and Lev Parnas are all involved, in Mr. Parnas telling, in an effort to enlist the help of a billionaire, Kremlin-connected, allegedly mobbed up oligarch, to help them pressure the Ukrainian government that they must announce investigations of Joe Biden.

And the oligarch and his team tells this motley crew that he can help with that, with getting that from the Ukrainian government. He can also help them discredit the Mueller investigation.

They say, that would be great. What we have to offer you in exchange is we can help stop you from being extradited to the United States to face felony corruption charges from the U.S. Department of Justice.

"The Washington Post" just this afternoon records that Mr. Giuliani's involved with Mr. Firtash, and Mr. Firtash's sort of team, appears to be an ongoing concern that appears to be live.

Lev Parnas said today that his group's advocacy to get the case dropped against Mr. Firtash did go all the way to Attorney General William Barr, and he says that Attorney General Barr was more widely read in on what they were doing.

(BEGIN VIDEO CLIP)

MADDOW: Did you ever meet with or speak with or have any interaction with Attorney General William Barr?

PARNAS: I personally did not speak to him, but I was involved in lots of conversations that Joe diGenova had with him in front of me, Rudy had with him in front of me, and setting up meetings with Dmytro Firtash's team. I was involved in that.

MADDOW: Do you know if Rudy Giuliani was ever in contact with Mr. Barr, specifically about the fact that he was trying to get Ukraine to announce these investigations into Joe Biden?

PARNAS: Oh, absolutely.

MADDOW: Mr. Barr knew about it?

PARNAS: Mr. Barr had to have known everything. I mean, it's impossible.

MADDOW: Did Rudy Giuliani tell you he had spoken to the attorney general specifically about Ukraine?

PARNAS: Not only Rudy Giuliani. I mean, Victoria and Joe, they were all best friends. I mean, Barr -- Barr was -- Attorney General Barr was basically on the team.

MADDOW: When President Trump and President Zelensky spoke in July, we know from their White House notes of the call, that President Trump told Mr. Zelensky that he should contact William Barr about these investigations --

PARNAS: Correct.

MADDOW: -- that he wanted him to do, including into Joe Biden --

PARNAS: Correct.

MADDOW: -- that struck a lot of people as strange. Attorney General Barr was reportedly upset, and didn't know why he would be mentioned in this context, but it sounds like it makes sense to you that --

PARNAS: Absolutely, because we knew about the Durham investigation, and that was going to be part -- I mean, that Attorney General Barr wanted to get to the bottom of the Biden stuff and everything. I think he might have got upset that Trump talked -- the president ousted him, maybe, he didn't want to be in the public eye (ph) that he was doing it, but it was known internally that he was investigating the investigators.

MADDOW: Do you know if Attorney General William Barr ever spoke with any Ukrainian officials?

PARNAS: I don't recall at this moment. I'd have to look at my text messages and see.

(END VIDEO CLIP)

MADDOW: We contacted the Justice Department for comment on Mr. Parnas' remarks tonight. Spokeswoman Kerri Kupec at the Justice Department did give us a response. It is a two-word response -- I guess technically one number and one word.

She told us, quote, 100 percent false. And we could attribute that to her. We appreciate the comment.

We'll be right back. Stay with us.

(COMMERCIAL BREAK)

MADDOW: Today, the impeachment articles were conveyed from the U.S. House to the U.S. Senate. Senate trial is due to formally start tomorrow. One of the awkward revelations in this saga is that while the Intelligence Committee in the House was leading the investigation of the impeachment scandal, it emerged that the top Republican member of Congress on that committee, Congressman Devin Nunes of California, appeared himself to have been connected to the people involved in the scandal and potentially to the scandal itself.

Because Congressman Nunes has been publicly very vague and defensive about whether he remembers any of his own communications with Lev Parnas during the time this Ukraine scheme was underway, I asked Mr. Parnas today if he remembers any interactions with Congressman Nunes.

(BEGIN VIDEO CLIP)

MADDOW: Do you know Congressman Devin Nunes?

PARNAS: Yes, I do.

MADDOW: What's been your relationship with him?

PARNAS: We don't have too much of a relationship. We met several times at the Trump hotel, but our relationship started getting basically where it expanded was when I was introduced to his aide, Derek Harvey, and the reason why Derek Harvey was more -- I understood, I was told at that time because Devin Nunes had an ethics, something to do with an ethics committee, and he couldn't be in a spotlight.

He was kind of shunned a little bit and that he was looking into this Ukraine stuff also, wanted to help out. And Devin Nunes -- they gave me Derek Harvey to deal with.

MADDOW: You told Mr. Harvey what you and Mr. Giuliani were working on in Ukraine, trying to get Ukraine to announce this investigation?

PARNAS: He was aware of that already. He knew everything.

MADDOW: He already knew that by the time he talked to you.

PARNAS: He had a lot of information already.

MADDOW: Do you believe he'd gotten that information from Mr. Giuliani?

PARNAS: No. I think that they -- like I said, there was other people doing like this op research or whatever.

MADDOW: Oppo research.

PARNAS: I don't know what you call it, but it was coming from different sides, yeah.

MADDOW: Given that interaction that you just described with Congressman Nunes and his aide, Mr. Harvey, does it strike you as unusual or inappropriate that Devin Nunes would be one of the lead investigators into this scandal on the House Intelligence Committee? He's obviously the top Republican on that committee?

PARNAS: I was in shock when I was watching the hearings and when I saw Devin Nunes sitting up there, and then there was a picture where Derek Harvey was in back over there sitting. I texted my attorney I said I can't believe this is happening.

MADDOW: Because?

PARNAS: Because they were involved in getting all this stuff on Biden. I mean, Derek Harvey had several interviews -- Skype interviews I set up with different prosecutors like Haladitsky (ph), which the anti-corruption prosecutor of Ukraine, Kostiantyn Kulyk was one of the major guys that's had this whole Biden stuff.

So, it's hard to see them lie like that when you know it's like that scary because you know, he was sitting there and making all these statements and all that when he knew very well that he knew what was going on. He knew what's happening. He knows who I am.

(END VIDEO CLIP)

MADDOW: Again, Congressman Devin Nunes is the top Republican on the Intelligence Committee, which is the committee that investigated the Ukraine scandal. Lev Parnas says that Mr. Nunes and his top staffer were actually involved in the Ukraine scandal in the sense that they were involved in the effort to try to gin up a corruption scandal for Joe Biden in Ukraine. Mr. Parnas says he helped them in that effort.

We contacted Congressman Nunes's office for comment tonight. We did not receive any reply before air time. We'll let you know if that changes before we're off the air. More ahead, stay with us.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

MADDOW: You raised the issue of Ambassador Yovanovitch to President Trump telling him that he should get rid of her?

PARNAS: Yes, well, I didn't say get rid of her. I don't know my exact words (INAUDIBLE) but I told him she's bad mouthing him and she's saying bad things about him.

MADDOW: Do you actually believe that she did bad-mouth him and say bad things about him, or do you think this was part of this disinformation campaign to make her look bad?

PARNAS: I don't believe it. That's why I want to apologize to her because, you know, at that point I believed it, but I don't believe it now after re-evaluating and seeing everything that transpired, looking at the documentation again.

(END VIDEO CLIP)

MADDOW: I did not expect that Lev Parnas wanted to use this interview today to apologize to Ambassador Marie Yovanovitch for his role in the effort to smear her and get her fired, but he did that.

The broader context Mr. Parnas was just talking about there is what he says was a personal interaction he had with President Trump in which he says he witnessed president Trump personally ordering the firing of Marie Yovanovitch. We will have more on that in part two of the Lev Parnas interview tomorrow night.

We'll also have more for you tomorrow night on what Mr. Parnas alleged about -- alleged today about former Energy Secretary Rick Perry and current Secretary of State Mike Pompeo. We're doing a little more reporting on those allegations and claims. We're looking, in fact, at some of the new information that bolsters Mr. Parnas's case which was just released tonight by the Intelligence Committee.

So again, more on that tomorrow in part two of this interview. I do just before I go want to bring you some news we just got moments ago while we have been on the air tonight in the past couple of minutes, we got a response from former New York City Mayor Rudy Giuliani to something Mr. Parnas told us in today's interview. You saw Mr. Parnas say on the air that Giuliani had made introductions for him with Ukraine officials in which he told the Ukrainian officials that Mr. Parnas spoke as a representative of President Trump. Mr. Giuliani denied to us that he ever did that. Asked whether Mr. Parnas was speaking on behalf of the president in Ukraine, Mayor Giuliani told us tonight, quote, never. He also called Mr. Parnas a, quote, sad situation.

This was one big day. Tomorrow will be another.

See you again tomorrow.

Now it's time for "THE LAST WORD WITH LAWRENCE O'DONNELL".

Good evening, Lawrence.

RACHEL MADDOW, MSNBC HOST: Thanks to you at home for joining us this hour.

Tonight, we will present part two of my interview with Lev Parnas.

Now, as I said before the first part of the interview last night, and I want to reiterate it now, Mr. Parnas is under federal indictment. He was one of four defendants charged in early October with multiple felonies related to an alleged scheme to funnel foreign and otherwise illegal donations to various Republican candidates and campaigns, including more than \$300,000 in an allegedly illegal donation to the main super PAC supporting the president's reelection.

Mr. Parnas is under indictment. He says he would like to cooperate with the impeachment investigators. He says he would also like to cooperate with the federal prosecutors who have charged him in the Southern District of New York. But he's right now out on bond awaiting trial.

And I will just mention at the outset that I am cognizant of the fact that we are presenting the second part of this interview tonight rather than just diving right in to some of the other momentous and historic news of today, including the start today of the Senate trial of President Trump. Today marks only the third time in U.S. history that an American president has faced an impeachment trial in the Senate.

And it was a solemn beginning today. The administering of the oath to the chief justice of the Supreme Court, the administering of the oath to all U.S. senators, all of the senators individually signing their names to the oath, one by one, in alphabetical order.

It's a solemn thing. It's a sobering thing. This is a big deal. And it's worth, you know, the massive headlines that it's getting all over the country. It is absolutely worth marking this day in history.

It is also worth noting that the nonpartisan Government Accountability Office today issued a ruling that it was illegal for President Trump to withhold aid to Ukraine as part of this scheme, that what he did there was against the law, for that to be arriving today, that ruling from the Government Accountability Office on the day that the Senate impeachment trial starts -- I mean, this is all a big deal.

But it's also becoming clear that what happens next in the impeachment of President Trump in this Senate trial may depend in part on the additional evidence and witnesses who are still coming forward as the Ukraine scheme is coming more fully to light, and so -- onward, here's part two.

All right. One of the main questions, a lot of different people have asked, I myself have asked, and have wondered, main question asked about Mr. Parnas' decision to give this first public interview is why he would speak out publicly while he's out on bond awaiting trial, right? That is atypical behavior to say the least for a federal criminal defendant, particularly one who has a sentient lawyer.

I mean, the common wisdom is that public remarks and remarks to the media could really only disadvantage a defendant in his or her dealings with federal prosecutors, right? If you speak out

publicly, if you speak to the media, it's going to hurt your criminal case. That is the common wisdom for all federal defendants in all kinds of criminal trials.

So why is Mr. Parnas doing it?

Well, in this case, Mr. Parnas says that he has a significant fear of the Justice Department. And specifically he has a significant fear of Attorney General William Barr. For him, that is not reason to be quiet. That is part of the reason why he's making his case now to the public.

My understanding from spending a long time Mr. Parnas doing this interview is that he believes he's safer putting this stuff out in the public sphere than he is keeping his mouth shut while the Justice Department knows what he was involved in and they know what he knows and they have his fate in their hands.

(BEGIN VIDEO CLIP)

LEV PARNAS, INDICTED GIULIANI ASSOCIATE: My only objective is to get the truth out because I never thought I was doing anything wrong. I still, you know, I regret certain things that I did, because, like, you know, hurting the ambassador, you know?

MADDOW: Yes.

PARNAS: Because that was not something, but it was part of -- it's like, when you're in a war, you think like casualties and stuff like that. It's bad to say, but it was -- and I keep saying it was like, you know, being in a cult. I mean, and -- and when they say organized crime, I don't think Trump is like organized -- I think he's like a cult leader.

And right now, the scary part, and that's what I keep mentioning and people don't understand is, there's a lot of Republicans that would go against him. The only reason -- if you'll take a look, and you know very well because you have been following, the difference between why Trump is so powerful now, and he wasn't as powerful in '16 and '17 --

MADDOW: Uh-huh.

PARNAS: -- he became that powerful when he got William Barr.

MADDOW: Yes.

PARNAS: People are scared. Am I scared? Yes, and because I think I'm more scared of our own Justice Department than of these criminals right now, because, you know, the scariest part is getting locked in some room and being treated as an animal when you did nothing wrong and -- or when you're not, you know, and that's the tool they're using.

I mean, just -- because they're trying (ph) to scare me into not talking and with God's help, and with my lawyer next to me that I know will go bat for me no matter what, with the truth --

MADDOW: Yes.

PARNAS: -- and I'm taking a chance.

My wife is scared. My kids are nervous.

(END VIDEO CLIP)

MADDOW: When he says, "They're trying to scare into not talking," Mr. Parnas is referencing something specific actually that I asked him about in more detail in a different part of the interview that I'm going to show you in just a moment.

But what Mr. Parnas describes there as a sort of -- what he says is a cultish environment, him saying getting out of that cultish environment around the president now makes him regret some of his actions, that thing that he's saying about it being like a cult that he regrets some of his behavior there, that applies as well to the central claim at the heart of the impeachment scandal, which was this concerted effort that Mr. Parnas was involved in to accuse former Vice President Joe Biden of wrongdoing and to get Ukraine to announce investigations of Vice President Biden.

(BEGIN VIDEO CLIP)

MADDOW: In terms of the information, the allegations against Vice President Biden, Mr. Shokin makes allegations against Mr. Biden. Mr. Lutsenko also makes allegations against Mr. Biden. Do you believe that those allegations were true?

PARNAS: When we were dealing with it, when I was in the middle of the thick of things, I think I was kind of -- I keep saying it's a cultish environment being around President Trump because I mean, like, I've been in D.C. for two years, I never left the Trump Hotel type of situation.

So, I truly believe seeing different information that was handed to us at that time that Joe Biden was doing something illegal, not so much Hunter Biden but more Joe Biden.

But after analyzing all the evidence and sitting back and really -- what's it called -- understanding what's going on, I don't think -- I don't think Vice President Biden did anything wrong. I think he was protecting our country and getting rid of probably a crooked attorney general.

And people used this to their advantage. A lot of rich people in Ukraine have their own agenda. And they use us here for their own political stuff. So I think this is -- was a big one.

MADDOW: In terms of the material that was handed over to intelligence, on March 22nd, Mr. Lutsenko texts you in Russian, there's a translation that's provided by the committee.

It says: It's just that if you don't make a decision about madam, you are bringing into question all my allegations including about B.

So when he says "madam" is he talking about --

PARNAS: Ambassador Yovanovitch.

MADDOW: -- Ambassador Yovanovitch?

PARNAS: Correct.

MADDOW: And when he says, all my allegations including about B --

PARNAS: Burisma.

MADDOW: -- is that about Burisma and Biden?

PARNAS: Yes.

MADDOW: OK. Do you know if it's Burisma or Biden? I guess --

PARNAS: It was always Biden. Burisma, it was just -- I mean, nobody cares about Burisma or Zlochevsky. It was -- the concern was Biden, Hunter Biden.

MADDOW: In that text message to you, is Mr. Lutsenko saying in effect, listen, if you want me to make these Biden allegations, you're going to have to get rid of this ambassador?

PARNAS: Absolutely.

MADDOW: Was he threatening if you didn't get rid of the ambassador, he might withdraw his Biden allegation?

PARNAS: He actually did. He withdrew it several times.

MADDOW: He wanted Ambassador Yovanovitch ousted for his own career reasons. He had clashed with her, in her anti-corruption efforts that had butted up against him and his efforts.

PARNAS: Absolutely, yes.

MADDOW: Lutsenko and Shokin both had an interest in getting rid of U.S. Ambassador Marie Yovanovitch.

PARNAS: Yes, and it's funny because they both don't like each other.

MADDOW: Shokin and Lutsenko don't like each other.

PARNAS: Shokin hates Lutsenko, and even though Lutsenko used to be his underling. But they consider -- listen, it's a different environment over there. And it's -- unless you live it, unless you do business there, unless you visit there and understand it, bribery and -- it's just a way of life.

I mean, regular people at the store do it. They'll bribe the butcher to get a better piece of meat and it's normal. You know, or get better seats at a concert.

So, it's like a way of life over there. So, the way the structure is set up, that's why everybody's hoping that Zelensky changes it, but I don't know how much he can change with one series (ph) - like, it's already embedded.

This is where once you become -- in America, it's like you become a politician to serve your country not to make money, because you can't make money while you're -- in Ukraine, it's the opposite. You -- some of these people pay millions of dollars to get a seat as a politician because once --

(CROSSTALK)

MADDOW: Because they can use it to make so much more money.

PARNAS: Right. So, once they get there. So, it's all about the money and it's all about power.

(END VIDEO CLIP)

MADDOW: Lev Parnas, a key fixer and figure in the effort to fit up Vice President Joe Biden with accusations of wrongdoing in Ukraine, to force the Ukrainian government to announce investigations into Mr. Biden, to force out the U.S. Ambassador Marie Yovanovitch who was in the way of that effort.

Mr. Parnas now apologizing to that U.S. ambassador, Ambassador Yovanovitch. We aired that last night.

And as I just showed you, Mr. Parnas also says he now does not believe that Vice President Biden did anything wrong in Ukraine. And that Vice President Biden's actions there which Mr. Parnas helped try to turn into a scandal, in his words now, he says "Mr. Biden's actions were taken to protect our country and get rid of a crooked attorney general."

By confirming the nature of his own communications with that official he refers to as a crooked attorney general, Mr. Parnas also makes clear that the removal of Ambassador Yovanovitch was a demand from the key accusers that he and Mr. Giuliani and the president and others have been using to make this false case against Biden.

The accusers, including both Lutsenko and Shokin wanted Yovanovitch gone. Lutsenko explicitly demanded to Parnas that the ambassador be removed or his allegations against Biden might be at risk. Shokin and Lutsenko wanted Ambassador Yovanovitch removed in Lev Parnas'

telling because they were corrupt and she was a force against corruption in Ukraine and so they wanted her out of their way, too.

Think about the collateral damage that was caused not only in our own country but around the world and in Ukraine by this scheme to aid the president's re-election effort. That gives you a pretty clear sense of what that might be in Ukraine when it comes to anti-corruption.

President Trump's alleged personal role in trying to remove Ambassador Yovanovitch before she was ultimately recalled, we're going to have more on that coming up this hour as well.

But before we get to that, there's one other piece of this I want to foreground here that isn't specifically about President Trump. It's about another senior member of the Trump administration who Lev Parnas says stepped in to play a role in the Ukraine scheme at a very key moment. The new president of Ukraine elected on this anti-corruption platform, right, engaged in an ongoing war with Russia, he's inaugurated in May. As the new leader of Ukraine, he somewhat desperately needs a show of support, a strong show of support from the United States government, that's key to the U.S. -- to the Ukraine in terms of its fight with Russia among other things.

On the eve of Zelensky's inauguration, Mr. Parnas told me in the portion of the interview we played yesterday that he was directed by Rudy Giuliani who had spoken to President Trump about it, he was directed to really turn up the pressure on Ukraine. To demand to the Ukrainian government that unless they announced a Biden investigation, the Ukrainian government would lose not only all U.S. military aid, they would lose all the U.S. aid and Vice President Pence would not come to the inauguration of the new president.

Vice President Pence's plans to attend the inauguration at that point were in full swing. The threat was that that would be canceled, that Pence wouldn't come unless they met the Biden investigation demand. We played this portion of the interview last night, but here's just a little squib from it to refresh your memory.

(BEGIN VIDEO CLIP)

PARNAS: In the conversation, I told him that if he doesn't -- the announcement was the key at that time because of the inauguration, that Pence would not show up, nobody would show up to his inauguration.

MADDOW: Unless he announced an investigation into Joe Biden, no U.S. officials, particularly Vice President Mike Pence, would not come to the Zelensky inauguration.

PARNAS: Particularly Vice President Mike Pence.

(END VIDEO CLIP)

MADDOW: So, that conversation as Mr. Parnas describes it, he says that was in May of last year, May 12th specifically, a meeting he says with a top aide to the incoming president-elect in

Ukraine, Mr. Zelensky's top adviser. He says that that demand that he made that they needed to announce the Biden investigation was rebuffed. The Ukrainians did not agree to announce a Biden investigation despite the threat Mr. Parnas was making there on behalf of the White House.

And when they rebuffed his demand and they did not provide that announcement of the investigation, in fact, the following day, the White House made good on their threat and Vice President Mike Pence did cancel his planned trip to the Zelensky inauguration.

That's as far as we got in the interview with Mr. Parnas as of last night, but the way it went down thereafter is that after Vice President Pence canceled his trip to the Zelensky inauguration, within a few days the U.S. government decided they would send another senior official in his place.

So, let's pick up the story there.

(BEGIN VIDEO CLIP)

PARNAS: That's when we flew to Paris, and in Paris, we met Rudy before -- and when we were in Paris with Rudy, basically, that's when I found out that Perry was going to the -- they decided to send Perry there instead.

MADDOW: Energy Secretary Rick Perry would be going.

PARNAS: Correct.

MADDOW: Did you -- you learned that from Mr. Giuliani?

PARNAS: Correct.

MADDOW: Was Mr. Perry, to your knowledge, aware of what you and Mr. Giuliani were trying to do in Ukraine of terms of getting these investigations announced?

PARNAS: I don't know to what extent he was told about me. I don't know what he was told. Definitely he knew about Rudy because he was told -- he called Rudy on his way there to ask him what to discuss and Rudy told him that to make sure to give him the message.

MADDOW: Mr. Giuliani told Secretary Perry what you need to convey to the Ukrainian government they need to announce an investigation into Joe Biden.

PARNAS: Absolutely.

MADDOW: Do you know if part of the message that Mr. Giuliani conveyed to Secretary Perry was also that Ukraine would lose their military aid, they'd lose their U.S. aid, if they didn't announce those investigations?

PARNAS: I don't recall them having a specific conversation about that.

MADDOW: OK.

PARNAS: It was more of just telling him what he needs to do to announce it. I don't know what other conversation they could have had prior or after.

MADDOW: Uh-huh.

PARNAS: But I know that there was another conversation that Perry called after the inauguration telling him that he spoke to Zelensky and Zelensky's going to do it.

MADDOW: Perry says, I spoke with Zelensky and I got him to agree.

PARNAS: Yes.

MADDOW: I got him to agree to announce the investigation.

PARNAS: Yes, and they did an announcement but they didn't announce that.

See, this was the whole key. They would kind of say every time somebody would meet Zelensky, they would, like, agree and then they would walk it back.

So they announced something about corruption that he's going to get corruption but Giuliani blew his lid on that saying that's not what we discussed. That it wasn't supposed to be a corruption announcement. It has to be about Joe Biden and Hunter Biden and Burisma.

MADDOW: He said the name, Biden, needs to be spoken, was his insistence?

PARNAS: Always, always.

(END VIDEO CLIP)

MADDOW: They did not want them to announce corruption investigations or anti-corruption efforts. That was not it. It had to be about Biden. They had to say Biden.

Lev Parnas alleging that former Energy Secretary Rick Perry who we know from impeachment hearing testimony was tasked by the White House as one of three officials along with Kurt Volker and Gordon Sondland who were taking the lead for the Trump White House on Ukraine policy. This was the three amigos.

According to Lev Parnas, Secretary of Energy Rick Perry was directed by Rudy Giuliani to deliver the message to the Ukrainian government that they needed to announce investigations into Joe Biden. He says, Mr. Parnas says, that Mr. Perry phoned Mr. Giuliani, contacted Mr. Giuliani, and said that he had been in touch with the Ukrainian president, that he had conveyed the message, and that, in fact, the Ukrainian government had agreed to make that announcement.

Now, Secretary of Energy Rick Perry has denied playing any role in this scheme, but he did crash out of the Trump cabinet just as this scandal started to come to the surface. It was October 16th when "The Wall Street Journal" reported that, in fact, Secretary Perry did call Rudy Giuliani to talk about Ukraine. He did so at the direction of President Trump.

The following day, October 17th, Rick Perry tendered his resignation to the president as energy secretary. The day after that, October 18th, Secretary Perry announced that he would not comply with a subpoena in the impeachment investigation.

Whether he would comply now with a subpoena to testify to the Senate trial of the president, that remains to be seen. We'll be right back with more.

(BEGIN VIDEO CLIP)

PARNAS: I know that there was another conversation that Perry called after the inauguration, telling him that he spoke to Zelensky and Zelensky's going to do it.

(END VIDEO CLIP)

(BEGIN VIDEO CLIP)

RACHEL MADDOW, MSNBC HOST: Did you ever have any communications with the counsel to the president, Jay Sekulow, during the time that you were involved in all this?

LEV PARNAS, INDICTED GIULIANI ASSOCIATE: Several conversations. One, in particular, which I would have to refresh my memory by looking at my text messages with him, but had to do with -- I think it was Viktor Shokin's visa, or something to do with Ukraine. And Rudy was busy at the time and basically told me that Jay was aware of everything, that he brought him up to speed, that I could call him and he was on top of it.

MADDOW: Was -- by that did he mean that Mr. Sekulow was part of this effort to try to get Ukraine to announce investigations?

PARNAS: Oh, absolutely. One of the things I think was the best quote ever was when Mr. Sondland said everybody's in the loop and --

MADDOW: You believe that everybody was in the loop?

PARNAS: I don't believe. I know.

MADDOW: Yes.

PARNAS: I know they were in the loop. I was witness of conversations and -- you know, between them. And everybody was in the loop.

Everybody didn't agree with the loop. I mean, Jay Sekulow didn't agree with what Rudy was doing, but knew what he was doing.

MADDOW: How do you know that he didn't agree with it?

PARNAS: Because I heard them talk about it.

MADDOW: And was his objection?

PARNAS: He didn't want to be involved in the Ukraine stuff. He -- I don't know what his -- you'd have to ask him, what his (INAUDIBLE). My feeling from the conversations, and watching the way Jay approached that situation was he just didn't want to be a part of it, and wanted to stay away from it.

MADDOW: You mentioned that you were trying to get Mr. Shokin a visa to come to the United States.

PARNAS: Correct.

MADDOW: Why were you trying to do that?

PARNAS: Well, after the conversation Mr. Shokin had with Mr. Giuliani that we had on Skype, they had discussed on the range they were going to have Mr. Shokin come here, and Mr. Giuliani wanted to debrief him here in front of Mr. Lindsey Graham, and -- certain other people like the attorney general.

MADDOW: Because Mr. Shokin was going to say what?

PARNAS: He was basically going to testify and say that Joe Biden basically forced him out because he was going to investigate Hunter Biden and Burisma.

MADDOW: Was the president, himself, ever involved in the effort to get this visa from Mr. Shokin? In the text messages that were released, Mr. Giuliani appears to tell you he's going to get number one involved in this effort to get Mr. Shokin into the U.S.

PARNAS: Absolutely.

MADDOW: Was that a reference to the president?

PARNAS: Absolutely.

MADDOW: Did the president ever work on it?

PARNAS: Of course.

(END VIDEO CLIP)

MADDOW: Lev Parnas stating that President Trump, himself, was aware of and involved in efforts to try to bring at least one Biden accuser from Ukraine to the United States to, among other things, brief Senator Lindsey Graham and Attorney General William Barr.

We believe that accuser, former Ukrainian prosecutor Viktor Shokin, had his visa to visit the United States blocked by the U.S. embassy in Kiev because it was the official U.S. government view of him that he was way too corrupt as a public official to be allowed a U.S. visa.

But it's also noteworthy that Mr. Parnas says that he believes that counsel to the president, Jay Sekulow, was aware of everything that was going on in this Ukraine scheme but that he disapproved of it. Mr. Parnas' words, he said Mr. Sekulow wanted to stay away from all this stuff involving Ukraine.

I should note at this point that Mr. Sekulow is expected to be one of the main defense counsels for President Trump in his impeachment trial which convened today in the senate. I should also note that Mr. Parnas says Mr. Sekulow was, however much he disapproved of the whole Ukraine scheme, he says Mr. Sekulow was directly involved in advising him not to cooperate with the investigation into the Ukraine scheme and with signing him up with some other lawyers who Lev ultimately fired but who also told him not to cooperate with the investigation into Ukraine.

(BEGIN VIDEO CLIP)

MADDOW: How did you end up with Mr. Downing and Mr. Dowd representing you when the impeachment inquiry had contacted you for testimony?

PARNAS: That's a good question, Rachel.

First of all, what happened was we were in Vienna when we got notified that we had a congressional, what's it called --

MADDOW: Request.

PARNAS: Request.

MADDOW: Yes.

PARNAS: And I was there with Victoria Toensing and Joe DiGenova working on the Dmytro Firtash case. And first people came to was them, and I said, what do I do? They said, call Rudy.

I called Rudy, what do we do? Rudy's first response was, I don't worry about it, forget it. I was like, what you mean don't worry about it? You're an attorney. Please help me get an attorney. Rudy came back and said, oh, I have a great, John Dowd.

And we were like, OK. We got excited. I didn't know who John Dowd was. But I knew he was the president's attorney. It was a very, like, you know, exciting situation even though it was, you know, all this going on. It's still, you know, like in the Looney Tunes.

But I would I called John Dowd, introduced myself like Rudy connected us and at first everything was good. Then, like, 15 minutes later I get a call from him saying, we have a problem that I'm not going to probably be able to represent you.

I said, what happened? He goes, I've been speaking with Jay Sekulow, and, you know, because I was the president's attorney, I'm still kind of doing work for the president, there's a conflict of interest unless he wants to waive it. I don't think the president is going to waive that conflict.

Because at that point, John Dowd didn't know who I was also. He didn't think I had any relationship with the president. And I responded to him, I said I think he will. I said --

MADDOW: You think the president will waive the conflict.

PARNAS: Absolutely.

MADDOW: And let Dowd represent you.

PARNAS: Absolutely. I said, give Rudy a call, I'm sure we can work this out, I said because this is very important.

About 15, 20 minutes later I got called back from John Dowd. He said, you're one lucky guy, I just got called from Jay Sekulow, I got the permission and I'm getting it in writing shortly.

(END VIDEO CLIP)

MADDOW: You are one lucky guy. I just want to interrupt here for a moment to show you that, in fact, what Mr. Parnas is talking about here is corroborated by some of the documentation that he has handed over to the House Intelligence Committee. This letter from Jay Sekulow saying that he, Jay Sekulow, got President Trump's expressed permission for Lev Parnas to be represented legally by John Dowd. That was, in fact, a letter that Mr. Parnas turned over to the impeachment investigators and now has been conveyed to the Senate.

So, Jay Sekulow talked to the president about you, Lev Parnas, and I have received his permission to let you use John Dowd as your lawyer. Mr. Parnas thinks he is very lucky. This is great. It shows that the president is willing to help him out. It also shows he's getting the president lawyer, which is wonderful.

Mr. Parnas went on to say in the interview that he was advised by his new lawyer who he's very excited about, John Dowd, in consultation with Jay Sekulow at the White House and Rudy Giuliani, that he should not cooperate with the investigation into Ukraine. the impeachment investigation that's brewing in congress.

He's been asked by the impeachment investigators to give information. He says he is advised by his new legal team in communication with the White House, with the president's counsel, Jay Sekulow, that he shouldn't cooperate even though he says he personally would have been happy to.

(BEGIN VIDEO CLIP)

MADDOW: You got a request from Congress to come -- for you and Mr. Fruman to come testify to the impeachment investigation.

PARNAS: Yes.

MADDOW: You were inclined to say yes.

PARNAS: Absolutely, I had nothing to hide. We were not doing anything illegal.

MADDOW: Your lawyer, John Dowd, however, advised you not to cooperate and said the president would give you cover for not cooperating?

PARNAS: It was a little more than that. I was brought into John Dowd's house and he got Jay Sekulow on the phone and also Rudy and Victoria, then basically they came up with a situation that said that because I worked for Rudy and because I worked for Victoria and because Rudy worked for the president, we had three-way privilege and that basically Pat Cipollone was going to be writing a letter to Congress telling them to -- that nobody's cooperating, and that would protect us under the same order and he would follow up with that.

Again, this was the president of the United States -- so, I mean, I thought, OK. I said if -- here's all the information I have. I did my duty. I gave him whatever paperwork I had.

(END VIDEO CLIP)

MADDOW: Mr. Parnas says that he disagreed with this decision to not cooperate with the congressional investigation into the Ukraine scheme. He said he was inclined to hand over whatever he had, but he says the president, himself, approved Mr. Parnas using this lawyer who the president, himself had use himself, had used. Mr. Dowd. Mr. Sekulow and the White House was part of the team giving him advice that he should not cooperate. He figured it was probably fine. Since, I mean, all of this appeared to be coming down to him from the president of the United States and all of these people who worked with the president.

But then Lev Parnas got arrested and that's when things went quite pear-shaped.

(BEGIN VIDEO CLIP)

MADDOW: Mr. Dowd was your attorney for a time and then you changed attorneys.

PARNAS: I fired him in jail.

MADDOW: You fired him when you were in jail?

PARNAS: Yes.

MADDOW: What happened there?

PARNAS: And Mr. Downing.

Basically, when we were arrested, obviously, I had nowhere else to call. I didn't know -- we just retained Dowd and Downing. So I called Downing to come there and I started seeing in the process of the bail stuff the way things were going on that they were more concentrating on -- I didn't feel that they were trying to get me out, and at that point, I had a meeting with John Dowd and Downing inside the jail.

And John Dowd just instead of comforting me and, you know, trying to calm me down, telling me, like, it's going to be OK, like, don't worry, basically start talking to me like a drill sergeant and telling me, giving me orders, like, you know, be a good boy, like, you know.

MADDOW: He said "be a good boy"?

PARNAS: No, I don't -- I don't want to quote him exactly on what the words, what he used in that because it was a while ago. I don't remember exactly.

But it was -- it was his condescending attitude toward basically, like, who do you think you are telling the president or Giuliani or anybody to, like, come out and because I -- one of the things I said, I said, I can't believe nobody is coming out in our defense and saying we didn't do anything wrong, we're good citizens, you know, we work.

And basically word for word, and then I said, if you don't get out of here right now, something bad is going to happen because I don't want to see the two of you.

And at that point, Downing hit the emergency button and the security took me out and took them out.

MADDOW: This is a very heated confrontation. You told Downing and Dowd to get out.

PARNAS: I threw them out.

MADDOW: Were they telling you to sacrifice yourself in order to protect the president?

PARNAS: That's what I felt.

MADDOW: Is the implication of this story of the lawyers that you feel, that people loyal to the president and close to the president were trying to influence your defense and your case in a way that was against your interests but in the president's interests?

PARNAS: Absolutely. I think they tried to keep me quiet.

(END VIDEO CLIP)

MADDOW: Lev Parnas, again, should be noted is out on bond awaiting trial on multiple felony counts for allegedly funneling foreign and otherwise illegal donations to Republican candidates and campaigns including the super PAC that is supporting President Trump's re-election effort.

In terms of the lawyers he was talking about here, Kevin Downing was the main defense lawyer for the president's campaign chairman, Paul Manafort, who is currently serving more than seven years in federal prison. John Dowd was one of the president's defense counsels on the Russia investigation.

Both Mr. Downing and Mr. Dowd have since been fired by Lev Parnas in the situation that you just heard him describe there, that jailhouse confrontation. As for Jay Sekulow, the gentleman on your right side of your screen here -- screen here, he will be representing President Trump as one of his defense counsels in the U.S. Senate in the president's impeachment trial.

Speaking of the president, more ahead.

(COMMERCIAL BREAK)

MADDOW: We've got one last piece of the Lev Parnas interview to bring you tonight. And it is one that, I'll tell you in advance, it raises more questions than it answers. The person who can answer those questions is not Lev Parnas, however, but rather Secretary of State Mike Pompeo or, perhaps, other State Department officials who know about the actions of Secretary Pompeo and the State Department at this time.

When you hear people gnash their teeth about the fact that the administration hasn't handed over any documents to the impeachment investigation, that the State Department won't hand over a single document to explain its own role and its own behavior during the scandal, this is why. This is an example of why.

OK. One of the mysteries that still lingers from the Ukraine scandal is about that smear campaign that was carried out against the U.S. ambassador to Ukraine, Marie Yovanovitch, and that smear campaign, of course, was aimed at getting her removed from the embassy, removed from her post.

Ultimately, she was removed, of course. She was told to get on the next plane out. She got a call at 1:00 in the morning saying your security is at risk, get on the next plane out. That was in late April.

Her departure was announced by the State Department shortly thereafter in terms that said that it was, you know, normal and long planned when it was actually anything but.

But in addition to lying about the circumstances of her departure, one question that has always nagged about the State Department and the role of Secretary of State Mike Pompeo is why the smear campaign was necessary.

After all, if Marie Yovanovitch was in the way of the president's pressure campaign to get the Ukrainian government to help him with his re-election effort, or if the president was unhappy with her for any other reason, for that matter, either made up or real -- well, he's the president. He could just fire her. He could just have her recalled from her post. Why did they have to go through this public humiliating drama?

Well, in my interview with Lev Parnas, Mr. Parnas told me that President Trump tried to fire Ambassador Yovanovitch several times and it, for some reason, didn't work.

(BEGIN VIDEO CLIP)

PARNAS: The president kept firing her and couldn't (ph) -- and she wouldn't leave. So nobody could understand what was going on.

MADDOW: Public information, she was removed, at the time that she was removed, she was back in the United States at the end of the April, you're saying that the president tried to fire before that.

PARNAS: He fired her probably at least, to my knowledge, at least four, five times. He even had a breakdown and scream, "fire her" to Madeline (ph), his assistant, the secretary, before he fired her. He said, Mr. President, I can't do that.

MADDOW: He was directing the State Department to remove her and the State Department was refusing?

PARNAS: Correct.

MADDOW: But the basis of your belief that the president had tried to remove Ambassador Yovanovitch multiple times and it for some reason didn't work is because you talked to the president about that?

PARNAS: About firing her, I spoke to the president once about that, or twice. Once or twice. Once directly at our dinner when he fired her actually at the dinner which was the most surprising thing ever I --

MADDOW: Tell me -- tell me more.

PARNAS: Basically, at that dinner, we had a conversation, there was, like, six of us there, it was an intimate dinner.

MADDOW: At the White House?

PARNAS: It was -- no, it was a Trump Hotel. It was a private -- like area there. Looks like a little White House.

MADDOW: And the president was there?

PARNAS: Oh, absolutely. The president was there, his son, Don Jr., was there. I don't know how the issue is -- the conversation came up, but I do remember me telling the president the ambassador was bad-mouthing him and saying he was going to get impeached, something to that effect.

And at that time, he turned around to John DeStefano, who was his aide at the time, and said, "fire her". And we all -- there was a silence in the room. He responded to him, said Mr. President, we can't do that right now because Pompeo hasn't been confirmed yet. That Pompeo is not confirmed yet and we don't have -- this is when Tillerson was gone, but Pompeo was confirmed, so they go, wait until (INAUDIBLE).

So several conversations he mentioned it again. I don't know how many times at that dinner, once or twice or three times. But he fired her several times.

MADDOW: He reiterated that she should be fired then he was ordering her to be fired.

PARNAS: Correct.

(END VIDEO CLIP)

MADDOW: Now, a couple things here. First we should say that Lev Parnas told me in this interview that he no longer actually, himself, believes that Marie Yovanovitch as ambassador actually was bad-mouthing President Trump or saying he was going to be impeached.

He now says he recognizes that was part of the disinformation campaign. He regrets participating in it even though he believed it at the time. He apologized to the ambassador in my interview with him. We aired that last night. He says he regrets believing those things about her and participating in the effort to get her fired.

The other thing to note here, though, is the meeting that Mr. Parnas is describing he says took place on April 30th, 2018, and from what he's describing about where the meeting happened and who was at that meeting, we believe that there was a meeting of that type on April 30th, 2018, at the location that Mr. Parnas is describing.

On April 30th, 2018, Mike Pompeo had, in fact, been Senate confirmed just a few days before. Mike Pompeo, however, had not yet been sworn in officially as secretary of state so, perhaps, that was the source of confusion saying we can't do it yet, Mr. Pompeo isn't formally in place yet. We don't know.

But aside from that detail, I think you would take from Mr. Parnas' account there that there was, perhaps, an expectation in the White House, perhaps an expectation around the president, that

once Mike Pompeo was fully in charge at the State Department, once Trump had his guy in there as secretary of state, Ambassador Yovanovitch would be fired.

In the end, it would be another year before that actually happened.

(BEGIN VIDEO CLIP)

PARNAS: That was not the only time he fired her because he fired her at least four other occasions that Rudy Giuliani went to the White House, had conversations with him and then came back and then informed me, Victoria, and Joe about what transpired. He fired her when he gave an order to Mike Pompeo once, which he didn't do, Secretary Pompeo didn't fire her.

Then Rudy came back and he told him, go speak to Pompeo. Rudy went to speak to Pompeo. They got into it.

Then they had another meeting at the White House where he told Bolton to fire her. Bolton didn't want to fire her. Tell Pompeo to fire here.

Rudy got into it with all of them again. And at one point, he told Madeleine (ph) to fire her.

So, I mean, that was becoming comical because I couldn't understand, you're the president -- that's one of the things -- when I say comical, it's not more comical, but at that point, it was more of affirmation to me that there was people against the president of the United States if they're not listening to his orders.

So that's where I think the smear campaign started coming about. I think it was like a boost to them to help him if the media started, like, egging him on, that there was really something there, then he would just tweet and fire her.

(END VIDEO CLIP)

MADDOW: They couldn't get it done through normal channels, even with the president, himself, being involved in those somewhat normal channels, and so they started the smear campaign to try to create media agitation against Ambassador Yovanovitch and maybe that would make it possible for the president to evade or elide direct channels and do it with the support of the conservative media who would advance these claims?

I mean, this is fascinating, right? According to Lev Parnas, the smear campaign against Marie Yovanovitch was not meant to convince president Trump she was bad. He was already onboard with that. Happy to believe that.

The smear campaign against the ambassador was meant to help his efforts to fire her. Now, maybe get him so riled up, he would fire her by tweet, make it public that way instead of just yelling it out to random people at random meetings and dinners.

But this narrative also presents us with a sort of mixed, complicated, picture of Secretary of State Mike Pompeo in this scandal. I mean, on the one hand, Secretary Pompeo refused to support Ambassador Yovanovitch publicly when she was being attacked as part of the smear campaign, and it was his office that ultimately removed her from her post with no evidence that he actually believed or that the State Department actually had any substantial reason, any real reason, to get her out.

We also know that Secretary of State Mike Pompeo was in contact with Rudy Giuliani who was running the whole Ukraine operation including the Yovanovitch smear campaign, including when Lev Parnas, who was inseparable from Rudy Giuliani, was exchanging alarming text messages with a Republican congressional candidate who purported to have Ambassador Yovanovitch under physical surveillance and appeared to be raising the prospect of some physical harm or intimidation being carried out against her.

I should also mention that the material Lev Parnas turned over to the Intelligence Committee includes in the latest batch released last night these text messages involving Rudy Giuliani and Victoria Toensing, a Fox News lawyer working with Giuliani and Parnas in their scheme to get Yovanovitch fired.

In these texts about three months before Yovanovitch was finally recalled, Toensing asks Giuliani, "is there absolute commitment for her ," her, all caps, her, meaning Yovanovitch "to be gone this week?" Giuliani responds, "Yes. Not sure how absolute. We'll get a reading in the morning and call you."

Pompeo, misspelled Pompei, "Pompeo is now aware of it, talk to him on Friday."

The next month, the conservative journalist, John Solomon, wrote to Lev Parnas and Victoria Toensing and her husband Joe DiGenova, saying that he, John Solomon, needed State Department help on, quote, Hunter Biden contacts. What's what State Department help did John Solomon expect to get? Why did he think Lev Parnas and friends could get it for him? Is that how the State Department runs?

I mean, all of that points to Mike Pompeo's State Department being an ally, being sort of part of the team for President Trump and his associates on the Ukraine scheme. But it's unclear, I mean, you also have Lev Parnas describing Mike Pompeo as ostensibly blocking the firing of Marie Yovanovitch at several points.

As late as September of last year when national security adviser John Bolton left the White House, just as the Ukraine scream was being exposed, texts from Mr. Parnas suggested that Mike Pompeo was not in good standing with this group. Parnas writing to a friend, quote, Bolton is out. Pompeo is next.

But the mixed contradictory picture like that, I have a lot of questions for Secretary of State Mike Pompeo. I imagine, impeachment investigators do, too.

We reached out to the State Department for comment both last night and tonight. We haven't heard back. We'll let you know if that changes.

But as the president's trial on this scandal gets under way in the Senate, a key question about the conduct of the trial is whether Secretary Pompeo will be called under oath to answer questions about what really is his very, very, murky role in all of this.

We'll be right back.

**LEV PARNAS, RUDY GIULIANI ASSOCIATE, IS INTERVIEWED ON MSNBC'S
"THE RACHEL MADDOW SHOW"**

JANUARY 15, 2020

SPEAKERS:

LEV PARNAS, RUDY GIULIANI ASSOCIATE

RACHEL MADDOW, MSNBC HOST

JOSEPH BONDY, ATTORNEY

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND
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RACHEL MADDOW, MSNBC HOST: Last night, on the eve of the impeachment articles against President Trump being conveyed from the House to the Senate for the start of the Senate trial that will decide whether or not President Trump is removed from office, last night, the committees that conducted the impeachment investigation added a bonus round to the materials that they planned to convey to the Senate.

Alongside the articles of impeachment, they added new evidence. These newly obtained documents and text messages from a man named Lev Parnas. Lev Parnas is a Soviet-born, Russian-speaking U.S. citizen who worked closely with President Trump's personal lawyer, Rudy Giuliani, on the scheme in Ukraine, for which the president has now been impeached.

The scheme to pressure Ukraine into announcing investigations of Vice President Joe Biden, and the concurrent use of U.S. military aid and visits with U.S. government officials, and other things that the Ukrainian government desperately wanted basically as cudgels to try -- try to force them into announcing those investigations about Biden.

Well, now, tonight, as the articles of impeachment have been walked over to the Senate by the impeachment managers, actually basically right as that was happening, the impeachment committees in the House, simultaneously to this moment, released some additional phone records from Mr. Parnas, which have revealed yet further information about who was involved in this scheme and how it worked.

Well, today in New York City, I met with Lev Parnas, and with his lawyer Joseph Bondy. And so, tonight, we're going to present this exclusive interview.

Mr. Parnas has never before spoken in a televised interview. He has not spoken to reporters at all since his name surfaced in conjunction with a scandal and since he was arrested on October 9th, with a one-way ticket out of the country at Dulles Airport. He was charged with federal felony counts for funneling illegal donations to Republican candidates and campaigns.

Now, Mr. Parnas is under indictment. He's awaiting trial in the Southern District of New York. He has pled not guilty.

He agreed to speak with me today on the condition that his lawyer, Joseph Bondy, would be seated alongside him throughout the interview. That's a condition that I agreed to.

To be honest, because I agreed to that condition, I fully expected that it would be Mr. Bondy, the lawyer, who did most of the talking in this interview, but it did not work out that way.

Mr. Parnas, as you will see here, is absolutely here to speak for himself, and he is more than capable of doing so. He and his attorney have made clear in recent days and weeks that Lev Parnas really does want to testify to the impeachment investigation.

That said, I can't stress enough that he right now is out on bond awaiting trial in federal court on serious felony charges. So, the decision for him to do this interview with me today is very unusual. People in that circumstance, in terms of federal felony charges, don't typically do media interviews, but they agreed to sit down with me today, and we did it. Let's get right to it.

I will tell you just in advance, to set the stage, that in this interview, you will hear Lev Parnas make some bombshell assertions about the involvement and knowledge of President Trump and Vice President Mike Pence in the Ukraine scandal. He will make a specific allegation about the president's unique role in holding up the U.S. aid to Ukraine as an additional lever of pressure against the Ukrainian government.

You will also hear fairly explicit allegations by Mr. Parnas about Attorney General William Barr. He also makes some allegations about several other members of the cabinet. We'll talk about some of those tonight, and we're saving some to talk about tomorrow so we can do some additional reporting around them.

But on top of all of that, as Mr. Parnas, you'll see, makes clear, right off the bat, right at the top of our interview, he knows that in addition to all of the things he's telling you tonight and that have been revealed in these documents, in conjunction with the impeachment investigation, in addition to all of that, he says he still has yet more to share.

All right. Here with go.

(BEGIN VIDEOTAPE)

MADDOW: Mr. Parnas, Mr. Bondy, thank you both for agreeing to do this. I know that this is a leap of trust to speak publicly in this way for the first time. Thanks to both of you for agreeing to do it.

JOSEPH BONDY, ATTORNEY: Thank you.

LEV PARNAS, RUDY GIULIANI ASSOCIATE: Thanks for having us here.

MADDOW: Lev, let me ask you first, Lev, did you know that these materials that you had handed over to the Intelligence Committee were going to be released publicly last night? It's landed with quite a splash. It's very provocative material.

Were you aware that it was going to be made public?

PARNAS: No, I didn't. It was -- yes, it was an incredible day. I mean, it was a godsend that we were able to -- with Joe's help and being able to get that in time, because we didn't think we're going to make it because we stayed up until I think 2:00 in the morning transferring over stuff to the House that night.

MADDOW: And what was the deadline in terms of the time pressure?

PARNAS: I mean, Joe --

BONDY: The deadline was trying to get these things to HPSCI, the Intelligence Committee, before the transmission of the articles of impeachment.

MADDOW: Uh-huh.

BONDY: As with the articles go -- goes the record, and we had reason to believe certain pieces of what we were turning over would be put into the public record. We just weren't sure when that would be, and we had no idea what it would be.

MADDOW: Let me ask you in terms of what we have seen and what they released publicly. Not everything was released publicly. Some was held back, but in terms of what we have seen publicly, is it all look authentic to you? Does any of it seem to be doctored? Does it -- is it all what you were expecting to see in terms of what you handed over?

PARNAS: Yes.

BONDY: Absolutely.

MADDOW: Are you still putting together more information to give to Congress, or do you essentially feel that the deadline has passed now that this information is going to the Senate?

BONDY: No, we're going to continue making productions, as we get materials from Southern District and anything that we can possibly continue to find on our own, through the cloud or whatever it may be.

MADDOW: Uh-huh.

BONDY: We're going to continue to provide things until we're told not to.

MADDOW: Lev, why do you want to testify to the impeachment investigation?

PARNAS: I want to get the truth out because I feel it's important for our country. I think it's important for me. I think it's important for the world to know exactly what transpired and what happened, because I think a lot -- there's a lot of things that are being said that are not accurate. And I just want to make sure that they're accurate because things happened that need to get out, and I think the world needs to know.

MADDOW: What do you think is the main inaccuracy or main lie that's being told that you feel like you can correct?

PARNAS: That the president didn't know what was going on. President Trump knew exactly what was going on. He was aware of all my movements. He -- I wouldn't do anything without the consent of Rudy Giuliani or the president.

I have no intent, I have no reason to speak to any of these officials. I mean, they have no reason to speak to me.

Why would President Zelensky's inner circle or Minister Avakov -- or all these people, or President Poroshenko meet with me? Who am I?

They were told to meet with me. And that's the secret that they were trying to keep. I was on the ground doing their work.

MADDOW: In terms of the president and what he has said about you, he said about you and Mr. Fruman, Igor Fruman: I don't know those gentlemen. I don't know about them. I don't know what they do.

You're saying that was not a true statement from the president?

PARNAS: He lied. I mean, we're not friends. I mean, when you say friends, I mean, me and him didn't watch football games together, we didn't eat hotdogs. But he know exactly who we were. He know exactly who I was especially because I interacted with him at a lot of events.

MADDOW: Uh-huh.

PARNAS: I had a lot of one-on-one conversations with him at gatherings or they have (ph) special like these roundtables, where there are only six people at the table. We have several of those.

And basically, I mean, I was with Rudy more than -- I mean, four or five days out of the week. I mean, I was in constant contact with him. So -- and I was with Rudy when he would speak to the president, plenty of times. I mean, so it's just ludicrous.

MADDOW: You've been with Mr. Giuliani when he was on the phone with the president?

PARNAS: Absolutely.

MADDOW: And how would you know that he was on the phone with the president? It would be on speakerphone? Or you would just hear him?

PARNAS: Well, several times, it would be on speakerphone, where he would like start the conversation on speakerphone and then take it off, and then go somewhere else to talk to him.

But a lot of times, it would be on the golf course when we were golfing together -- especially I remember during the Mueller times where Rudy I remember said something that he didn't appreciate -- was taking out of context and he was creaming at him so loud. That's when I watched the impeachment and I saw the testimony about the Sondland (ph), that I reiterate (ph) - - I could understand that you could hear President Trump talking next to -- like I heard him several times when he was with Rudy.

MADDOW: Because he speaks loudly on the phone?

PARNAS: Very loudly, yes.

MADDOW: When you say that the president knew about your movements and knew what you were doing, are you saying specifically -- and I want to sort of drill down on that -- that the president was aware you and Mr. Giuliani were working on this effort in Ukraine to basically try to hurt Joe Biden's political career? He was -- he knew about that?

PARNAS: Basically. Yes, it was all about Joe Biden, Hunter Biden, and, also, Rudy had a personal thing with the Manafort stuff, the black ledger.

MADDOW: Uh-huh.

PARNAS: And that was another thing they were looking into, but it was never about corruption. It was never -- it was strictly about Burisma, which included Hunter Biden and Joe

Biden.

(END VIDEOTAPE)

MADDOW: It's all about the Bidens. It was never about corruption. Strictly about Joe Biden, Hunter Biden.

In terms of the involvement of the president here, Mr. Parnas went out of his way to note, to assert, that not only was President Trump aware of what he and Mr. Giuliani were doing on his behalf in Ukraine, trying to gin up this investigation to hurt Joe Biden, Mr. Parnas says that the fact that he was working for President Trump is a point that was made explicitly over and over again in a very formal way, in his dealings in his meetings in Ukraine.

(BEGIN VIDEOTAPE)

MADDOW: Your attorney told the federal court in New York that you were both Rudy Giuliani's clients and you were working for Mr. Giuliani in his capacity as personal attorney to the president.

PARNAS: Correct.

MADDOW: Which, by the transitive property, makes it seem like you were working for the president of the United States as part of this legal defense.

PARNAS: Absolutely. Yes, absolutely.

MADDOW: And so, did anybody in the U.S. government or Mr. Giuliani actually conveyed to officials in Ukraine that you were there as a representative of President Trump?

PARNAS: Absolutely. To each one of those officials, that -- you know, the -- I put Rudy on the phone with Mr. Avakov, Minister Avakov several times, Ivan Bakanov, Yuri Lutsenko at the time was the attorney -- general.

The first thing I did is to introduce myself and tell them, I'm here on behalf of Rudy Giuliani and the president of the United States, and I'd like to put you on speakerphone for he'd know (ph) to confirm them, which we did. We put Rudy on the phone. Rudy relayed to him basically that we were there on behalf of the president of the United States.

MADDOW: That you were there to speak on President Trump's behalf.

PARNAS: Correct, exactly, those exact records.

(END VIDEOTAPE)

MADDOW: Mr. Parnas says that when he was taking meetings to advance this scheme, taking meetings with various government officials in Ukraine, he says it was a regular occurrence, it was the way those meetings started.

He would put Rudy Giuliani on phone, on the speakerphone in the room, and he would say explicitly, Mr. Giuliani would say explicitly that as the president's personal attorney, he could affirm that Lev Parnas was there at that meeting in Ukraine to speak on behalf of the president of the United States, Donald Trump.

In May of last year, May 2019, Mr. Giuliani started speaking with reporters about his plans to travel himself to Ukraine to try to enlist the Ukrainian government's assistance to help his client, President Trump, basically in his reelection effort. He said he was going to Ukraine to try to get them to announce investigations into Vice President Biden, because that would be very helpful to his client.

In the resulting firestorm of criticism, Mr. Giuliani's trip was called off in May. When he called off the trip, Mr. Giuliani made public statements criticizing the new government of Ukraine, saying that Ukraine's new president was surrounded by enemies of the United States.

And for Ukraine, that was a really big deal, right? Ukraine is at war with Russia, is a country very dependent on both of the reality and the perception of them having strong support from the United States government.

And so, when Mr. Giuliani, as the president's personal attorney, started making public claims that the new Ukrainian president was surrounded by enemies of the United States of America, that's why he wasn't going to Ukraine, at that point, the Ukrainian government kind of freaked out, right? That kind of criticism from the new U.S. administration for their new president in Ukraine, that's a potential death sentence for their country.

So, at the time that happened, Lev Parnas was in Ukraine, he was in Kiev at the time all that happened, and he told me today that he was tasked by Rudy Giuliani in that moment to crank up the pressure on the government of Ukraine, to make even more insistent and obvious, and even more onerous, this threat and this demand that Ukraine must announce investigations into Joe Biden or else.

(BEGIN VIDEOTAPE)

MADDOW: Did you meet with the Ukrainian official Sergey Shaffer (ph)?

PARNAS: Yes, I did.

MADDOW: Sergey Shaffer is a very senior aide to President Zelensky.

PARNAS: Correct.

MADDOW: It has been reported as far as we understand, from public reporting, that you conveyed to Mr. Shaffer the exact quid pro quo, that you wanted Zelensky to announce investigations into Joe Biden or military aid would not be released to Ukraine. Is that accurate?

PARNAS: It was a little bit more than that. Basically, the message that I was supposed -- that I gave Sergey Shaffer was a very harsh message. I was told to give it to him in a very harsh way, not in a pleasant way.

MADDOW: Who told you to give it to him a harsh way?

PARNAS: Mayor Giuliani, Rudy, told me after, you know, meeting with the president at the White House. He called me. The message was, it wasn't just military aid, it was all aid. Basically their relationships would be sour, that he would -- that we would stop giving them any kind of aid that --

MADDOW: Unless?

PARNAS: -- unless that there was announcement made -- it was several things. There were several demands at that point. A, the most important was the announcement of the Biden investigation.

MADDOW: Did you also convey to him that the U.S. government would stop showing support for Mr. Zelensky, that they wouldn't attend the inauguration? Or that --

PARNAS: That was -- that was the biggest thing, actually. That was -- that was the main -- it wasn't -- because at that time, you have to understand the way Ukraine is.

For President Zelensky, winning on that platform, being a young president, and not really having any experience, the number one thing -- and being at war with Russia at the time, the number one thing was not even aid, and I know it sounds crazy, but it was more support from the president.

MADDOW: Yes.

PARNAS: By having a White House visit, by having a big inauguration, by having all the dignitaries there. That was the key.

At that time, they were already aware because of their conversations with the -- I guess with the embassy that -- Vice President Pence was supposed to come to the inauguration. It was already discussed. And they were planning it out. They were just working on days that would be

good for him.

MADDOW: Uh-huh.

PARNAS: At our meeting, I was very, very stern. It was a heated conversation from our part to him, basically telling him what needs to be done. I mean, basically me.

And at the -- at -- in the conversation, I told him that if he doesn't -- the announcement was the key at that time because of the inauguration, that Pence would not show up. Nobody would show up to his inauguration.

MADDOW: Unless he announced an investigation into Joe Biden, no U.S. officials, particularly Vice President Pence would not come --

(CROSSTALK)

PARNAS: Particularly Vice President Mike Pence.

MADDOW: So, the day after that meeting that you had with Mr. Shaffer --

PARNAS: This was Sunday, Sunday the 12th.

MADDOW: I believe it was the following day that, in fact, Vice President Pence's visit to the inauguration was canceled.

PARNAS: It was after my phone call. The conversation I laid out to Mr. Shaffer was basically what I was told to do by Giuliani and the president. And then, afterwards, I relayed back to them saying that he's going to get back to me later that tonight and we're supposed to meet.

Then around 8:00, or 9:00 at night, I texted them back again saying, any word? What's the situation? And at that point, because on WhatsApp when a person like disconnects you, and he disconnected me, our conversation, he basically was --

(CROSSTALK)

MADDOW: He blocked you?

PARNAS: He blocked me. I understood that was a no. So, I called back and said no-go, and he -- I remember Rudy going, OK, they'll see.

Basically, the next day, Pence, to my awareness, Trump called up and said, to make sure Pence doesn't go there.

So --

MADDOW: So, you believe that Mr. Pence's trip to the inauguration was canceled because they didn't agree --

PARNAS: Oh, I know, 100 percent.

MADDOW: -- to announce an investigation into the Bidens?

PARNAS: Oh, because there's other -- the chain of events, that was key to where we are today, because after that, what left -- take a look at what transpires.

Next, within the next couple of days, all of a sudden, they realize that now they get word, because obviously, when Pence cancels, they get word that Pence is not coming. So, now, they realize that what I -- what I was telling them is true.

(END VIDEOTAPE)

MADDOW: Now they realize when I was threatening them on behalf of the White House, that if they didn't announce the Biden investigation, that Vice President Pence wouldn't come to the inauguration, they realize now when Pence, in fact, canceled his inauguration when I said he would, they knew I was legit. That's essentially what he's saying.

I love the line there that he quotes Mr. Giuliani saying, OK, they'll see. Like they'll see what they get for telling you no, when you demanded those investigations, they'll see.

And in fact, Vice President Pence does cancel his trip to the inauguration within 24 hours.

But for Mr. Parnas, that was a key moment for him in terms of being able to continue to work on this effort in Ukraine with credibility, because Mike Pence cancelling his trip to the inauguration was a validating moment. It made clear to the government of Ukraine at the highest level, this is a senior aide to the new president, this made clear to them at the highest levels that Lev Parnas was legitimately representing the president of the United States and the White House in this shakedown.

(BEGIN VIDEOTAPE)

MADDOW: So Vice President Mike Pence has his planned trip to the inauguration canceled after you were unable to get the Ukrainian government to commit to announcing investigations into Vice President Biden.

Do you know if Vice President Pence was aware that was the quid pro quo, that that was the trade, and that that in fact is why his inaugural visit was called off?

PARNAS: I'm going to use a famous quote by Mr. Sondland, everybody was in the loop.

MADDOW: You believe that Vice President Pence knew what he was -- knew that his trip to the inauguration was contingent on those investigations being announced?

PARNAS: Again, I mean, I know he went to Poland also to discuss this on Trump's behalf. So, he couldn't have not known, absolutely.

MADDOW: Let me -- let me ask you about it. So, that's -- after the inauguration, September 1st, Vice President Pence goes to Poland and actually takes a meeting with President Zelensky of Ukraine.

One of the unusual revelations we've had since the impeachment investigations was a Defense Department e-mail that was made public through a Freedom of Information Act lawsuit, that Defense Department emails from the chief of staff to the defense secretary. He tells someone else at the Pentagon, don't worry about it, this Ukraine aid -- I'm paraphrasing -- this Ukraine aid problem is all going to be sorted as soon as Vice President Pence meets President Zelensky in Poland on September 1st. That should clear this up.

PARNAS: Correct.

MADDOW: Do you understand why a Defense Department, somebody working in the secretary of defense's office might have believed that about that meeting?

PARNAS: Oh, I understand what was going on. So, it makes sense to me because what was transpiring was every time, like I said to you, at every meeting, either Giuliani or I would have, or somebody from the Trump's government would have with the Ukrainians, they would always agree that they were going to make some sort of -- that they were on board, that they're going to make an announcement, and then they would walk it back.

So, after certain instances, Trump was supposed to meet him -- President Trump was supposed to meet Zelensky in Poland himself. But then he used the excuse of the hurricane, but it wasn't because of the hurricane. It was because he was angry that Zelensky still didn't make any attempt or effort to make any announcement before he was going to meet him and he wasn't --

MADDOW: How do you know that was an excuse and that wasn't the real reason?

PARNAS: Because I spoke to Rudy. Rudy would talk to me to -- I mean, we spoke about this every day. I mean, everything that was going on was discussed between me, Victoria, Rudy, I mean, the team.

MADDOW: So, President -- President Trump is supposed to go, he decides not to go. Vice

President Pence will go instead --

(CROSSTALK)

PARNAS: He sends them instead, yes, and basically he was supposed to go there and get it straightened out that Zelensky was supposed to make another announcement. And that didn't happen.

That's when Bolton, Secretary Bolton, went over there. And I think he has a lot to say.

I'm not going to talk on this (ph) -- but I think he's a key witness to his conversation with Zelensky, and when he came back and why he left, or got fired, or however you want to look at that.

MADDOW: Let me make sure I understand what you're saying. When Vice President Pence went over there in September 1st, again in President Trump's stead, you believe -- you have reason to believe that Vice President Pence was tasked at that meeting with getting President Zelensky to announce investigation of Joe Biden specifically?

PARNAS: Yes.

MADDOW: And to tell him that they wouldn't get their aid until they --

PARNAS: I don't know exactly what he was -- but it was all --

(CROSSTALK)

MADDOW: To demand an investigation.

PARNAS: Like I said, the aid itself was something that I think the president decided to do -- what's it called? But it was I think a reaction that there was no announcement being made after so many attempts and so many promises.

MADDOW: So, holding the aid was the president's own sort of innovation to add to the leverage --

PARNAS: I think so.

MADDOW: -- to add to the pressure that people like you, and the vice president, and Mr. Giuliani --

PARNAS: Yes.

MADDOW: -- and everybody else involved in this effort was putting on Ukrainians.

PARNAS: Correct, correct.

MADDOW: When you say that Mr. Bolton may have something to say about this, did Mr. Bolton know that Vice President Pence was supposed to secure that agreement from Zelensky, that he'd announce these investigations?

PARNAS: I don't know exactly what Mr. Bolton know, but I know Mr. Bolton was definitely involved in the loop because of the firing of Maria Yovanovitch. Also, his interactions with Rudy Giuliani. They started butting heads, and he was not agreeing -- I mean, from Venezuela to Ukraine, Bolton didn't agree with Giuliani on the way of dealing with it.

So, there was tension there. There was -- there was definitely tension there.

MADDOW: But you believe he knows what the administration was pressuring Ukraine to do?

PARNAS: Bolton?

MADDOW: Yes.

PARNAS: A hundred percent. He knows what happened there.

(END VIDEOTAPE)

MADDOW: Lev Parnas in an exclusive interview with me today in New York City.

We've contacted Vice President Pence's office tonight on this allegation that his visit to the Zelensky inauguration was canceled because Ukrainian official wouldn't announce investigation into Joe Biden. Also, the allegations that Vice President Pence was tasked with getting that commitment about announcing these investigations in his follow-up visit where he did meet with President Zelensky on September 1st in Poland.

We have asked for comment from Mike Pence's office on those matters. We have not heard back. We'll let you know if that changes.

For his part, of course, national security advisor John Bolton has made clear that he would testify to the Senate impeachment trial if subpoenaed to do so. He has made public remarks to the effect that he has relevant information about the impeachment investigation, that he knows things that other people don't know.

In terms of the president and this allegation from Mr. Parnas that the president explicitly authorized Mr. Parnas to act in his behalf in Mr. Parnas' interactions with Ukrainian officials,

that Mr. Giuliani explicitly told Ukrainian officials, that on the authority of the president of the United States, they should listen to Mr. Parnas essentially as a spokesperson for the president, that he was conveying the full authority of the president's legal representation -- this allegation from Mr. Parnas in addition that the president was fully aware of and involved in all his efforts to push Ukraine to announce these investigations -- we have asked the White House for comment on Mr. Parnas' remarks tonight. We have not yet heard back. Again, we will let you know if that changes.

But next, here comes the part about them going after Ambassador Maria Yovanovitch. Stay with us.

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

MADDOW: There were notes that were released to the Intelligence Committee that were now released publicly, and I want to -- if you don't mind, I ask you about some of these.

PARNAS: Sure.

MADDOW: Were these notes that you took -- I'll show them to you here, obviously they're on Ritz Carlton Vienna letterhead -- this is your handwriting?

PARNAS: Yes.

MADDOW: Were these notes from a meeting in which other people were present? Or were these your notes taken from a conversation -- a phone conversation that you had with someone else?

PARNAS: This was a phone conversation I was having with Mr. Giuliani, and basically discussing certain things that -- because after that, I would have had a conversation with somebody in the Zelensky team.

I was making notes for myself what was important to get (ph).

MADDOW: And you were from Vienna at the time you were taking these notes?

PARNAS: Correct, correct.

MADDOW: So, this first note -- get Zelensky to announce that the Biden case will be investigated, that's Mr. Giuliani tasking you, that you should get that commitment from Zelensky?

PARNAS: That was always the main objective. Correct.

(END VIDEO CLIP)

MADDOW: That was always the main objective: get them to announce they were investigating Joe Biden. That's Lev Parnas speaking with me today in New York City.

One of the many dark hearts of this impeachment scandal is the virulent, and scurrilous and ultimately successful effort to get the U.S. ambassador to Ukraine fired. Ambassador Maria Yovanovitch.

Lev Parnas told me today a lot about that effort, including at one point, apologizing for it, expressing regret. But he also made crystal clear why Yovanovitch was targeted the way she was.

(BEGIN VIDEO CLIP)

MADDOW: Do you believe that part of the motivation to get rid of Ambassador Yovanovitch, to her out of post was she was in the way of this effort to get the government of Ukraine to announce investigation of Joe Biden?

PARNAS: That was the only motivation.

MADDOW: That was the only motivation?

PARNAS: There was no other motivation.

(END VIDEO CLIP)

MADDOW: If Ambassador Yovanovitch was, in fact, targeted by Lev Parnas and Rudy Giuliani and President Trump and others involved in this effort to get her out of post, to get her out of way of the bogus Joe Biden effort -- well, our public understanding of that campaign which conducted allegedly for that purpose, our public understanding of that campaign against her took a very dark turn last night, when information that Lev Parnas turned over to impeachment investigators revealed menacing text messages from a Republican congressional candidate named Robert Hyde, who happened in these texts to be reporting in to Lev Parnas about surveillance of Ambassador Yovanovitch, asking Lev if he wanted her out and purporting to have a contact inside her security team who could facilitate such a thing.

I asked Lev Parnas about those menacing text messages today. He told me he did not take Robert Hyde seriously, either in general or in relation to those messages. He agreed that the messages were disturbing, but says he never believed Mr. Hyde's assertions about this purported surveillance nor did he believe that Ambassador Yovanovitch was actually in danger.

Watch.

(BEGIN VIDEOTAPE)

MADDOW: Who is Robert Hyde?

PARNAS: He's a -- he's just -- I don't know how to explain him. He's --

MADDOW: You can say whatever you mean, I can bleep you if you need to swear.

PARNAS: He's a weird character. He's a weird individual.

MADDOW: You met him where?

PARNAS: I met at the -- I think at the Trump Hotel. Yes, at the Trump Hotel. He was a regular at the bar.

MADDOW: So we now have your text messages with Mr. Hyde that get into some dark territory when it comes to Ambassador Yovanovitch.

PARNAS: Yes.

MADDOW: Why did -- at least from the string of text messages that we've seen, it seems that is sort of starts, at least what we've got you texting him what appears to be anti-Yovanovitch information.

PARNAS: Correct.

MADDOW: Why were you sending him that text (ph)?

PARNAS: I saw the text, they did not go to the beginning of our texts. This was just some of the WhatsApp stuff, which is very little.

But Robert Hyde was like -- I don't want say, hang -- is somebody who would hang around, because he did know like all these -- he didn't know the president, and he didn't know Rudy Giuliani, but he did know like McCarthy, he know Roger Stone, he know like all these -- I mean -- because it was like a breeding ground at the Trump Hotel.

So, every event, we'll be there, so everybody would hang out there afterwards, everybody, while the meetings would be there. So, basically, you would see the same people every day, all the same congressmen that supported the president would be there, nobody else.

So he was a fixture on sight. He was always there, but he was always drunk.

MADDOW: You struck up enough of relationship with him to be texting with him.

PARNAS: Well, yes, it was more of -- Igor had more relation with him. Igor -- he just couldn't speak with Igor, so he would text him because they were like -- usually after we were done for the night, you know, the bar scene was happening, and I don't drink, but -- so they would hang out, have a drink at the bar.

MADDOW: Let me ask, I mean, the -- the text messages that he sends to you --

PARNAS: Yes.

MADDOW: -- about Ambassador Yovanovitch are disturbing.

PARNAS: Very dark (ph).

MADDOW: What is the context of these text exchanges? He appears to be giving you specific information about the ambassador's movement, about her location, about her security situation, calls her the B-word over and over again, very hostile to her and seems to be monitoring her whereabouts.

PARNAS: Correct.

MADDOW: What -- why did those exchanges happen? What was he trying to tell you?

PARNAS: Well, I don't believe it's true. I think he was either drunk or he was trying to make himself bigger than he was, so I didn't take it seriously, and I was trying to -- if you see, I didn't respond most of the time. If I did, it was something look, LOL, OK or great, or, you know, something like that, just to -- because I wouldn't respond for a long time, and I didn't want him to get rowdy if I saw him the next time, why didn't you text?

I would just amuse him until eventually as you could see, I cut him off because what happened is when he sent me those, I got disturbed. I was, like, oh, this is crazy. Like, is this guy off the wall?

So I called up I think it was Joe Ahern (ph), who was my contact at the super PAC America First --

MADDOW: OK.

PARNAS: -- that knew of him also, because he knew all the donors.

And I asked him, I said, well, is this guy off the loonies? He told me, stay away from him, because he's just got into something with Greg Pence, Mike Pence's brother, and thinking that the Secret Service is after him, and somebody wants to kill him.

And I don't know what happened, but that was my end of -- once he started texting me that, that was the end of our relationship.

MADDOW: But the texts where he was supposedly reporting on the whereabouts of the ambassador went on for a week. I mean, it wasn't like one drunken night.

PARNAS: Of course.

MADDOW: This went for seven days. He couldn't have been drunk the whole time.

PARNAS: He was drunk the whole time. He wakes up and he's drunk -- he starts at 6:00 -- I mean, I've never seen him not drunk.

MADDOW: So you thought this was him making it up. You didn't believe he actually had the ambassador under surveillance?

PARNAS: Absolutely not.

(END VIDEOTAPE)

MADDOW: I asked Mr. Parnas several times over the course of our interview if those text messages from Robert Hyde indicated a real threat to Ambassador Yovanovitch. I asked him about it with as many different angles I could come up with, I was insistent in asking, he was adamant in his response.

(BEGIN VIDEO CLIP)

MADDOW: So, it's clear that you didn't take Mr. Hyde seriously in terms of the factual (ph) claims that he was making. But are you clear on whether or not there was ever as an actual physical threat or a threat of personal intimidation against Ambassador Yovanovitch?

PARNAS: Never from my side or anybody I know.

MADDOW: You didn't worry that she was actually in physical danger.

PARNAS: No, never, never.

MADDOW: Because you didn't believe Mr. Hyde.

PARNAS: No, I didn't believe Mr. Hyde, no.

(END VIDEO CLIP)

MADDOW: We contacted attorneys for Ambassador Yovanovitch tonight to let them know about these statements from Mr. Parnas, about this possible threat to their client. They are not commenting tonight, but we've got more ahead, including what ends up being a very difficult conversation about the attorney general of the United States, William Barr.

(BEGIN VIDEO CLIP)

MADDOW: Did Rudy Giuliani tell you he had spoken to the attorney general specifically about Ukraine?

PARNAS: Not only Rudy Giuliani. I mean, Victoria and Joe, they were all best friends. I mean, Barr was -- Attorney General Barr was basically on the team.

(END VIDEO CLIP)

(COMMERCIA BREAK)

MADDOW: Small point of personal privilege. One of weird things for me over the past few moments is that right at the time the House announced impeachment proceedings against President Trump, I right then, that week, was publishing a book called "Blowout" about the oil and gas industry. And in the book, I used the story that I thought was an interesting sidebar up story about a natural gas tycoon named Dmytro Firtash. I used him in my book as the vehicle to tell one story about Russia was deliberately corrupting countries like Ukraine that they want to keep in their orbit and they were using energy to do so.

And then as the book was coming out, none other than Dmytro Firtash was revealed to be one of the forces at work in this corruption scheme in Ukraine to try to smear Vice President Joe Biden and fire the U.S. ambassador, and withhold U.S. aid to that country and hurt them in their fight against Russia and the whole thing.

It was just -- it was uncanny, it was totally unintentional on my part. It was like a little bit of an -- like academic news world car crash.

But now, today, the Dmytro Firtash factor has at least become a little less mysterious. Dmytro Firtash, like Lev Parnas, the man who interviewed today, is under federal indictment. Mr. Firtash's case is under indictment on multiple serious felony corruption charges. He's fighting extradition to the United States. He's currently under house arrest in Vienna.

Federal prosecutors in the Firtash case have called him an upper echelon associate of Russian

organized crime.

The reason I say this got a little less mysterious today is that in my interview with Lev Parnas this afternoon in New York City, he spelled out basically what this oligarch, Dmytro Firtash, was doing in the middle of this impeachment scandal, with Rudy Giuliani and the Fox News friendly attorneys, Victoria Toensing and Joe diGenova, and how it all ultimately brings us to the desk of the attorney general of the United States, William Barr.

(BEGIN VIDEO CLIP)

PARNAS: So, at some point we had a meeting at our -- in our BLT office on the second floor.

MADDOW: At the Trump hotel?

PARNAS: At the Trump hotel.

At that meeting with Rudy and Victoria and Joe, John brought up saying he had some incredible information from Firtash camp, which later we found out it was I think Lenny Davis gave it to him, but that it was -- basically what showed that Andrew Weissmann was doing some legal stuff, and offering a deal, and it could blow up the smaller investigation up the kazoo.

MADDOW: Can I stop you there for a second?

So, the allegation, as you understood it, was that Andrew Weissmann, one of the prosecutors working on the Mueller team, had made -- had had an interaction with Dmytro Firtash, who's under indictment by the Justice Department, who's fighting extradition here, and that interaction Mr. Solomon (ph) was saying would be something scandalous that would discredit the Mueller investigation.

PARNAS: Correct. So, we were tasked basically with trying to establish a relationship and --

MADDOW: Specifically to get information to try to discredit the Mueller investigation.

PARNAS: Absolutely, yes. And basically, we went to -- I was given certain documents by John Solomon that would validate to Dmytro Firtash that I was in the loop and that I knew what was going on, because Mr. Firtash is a gentleman that just doesn't see anybody, and that's -- you know, it's impossible to even to get to meet with him.

For us to be able to receive information from Firtash, we had to promise Firtash something.

MADDOW: Uh-huh.

PARNAS: So, for Firtash, it was basically telling him we knew his case is worthless here and

that he's being prosecuted for no reason and that basically it could get taken care of. That --

MADDOW: That was your offer to Mr. Firtash.

PARNAS: Correct, correct.

MADDOW: That we can get this prosecution of you dropped.

PARNAS: Your extradition case, correct, yes.

So, that was basically the situation at that point.

MADDOW: So the exchange with Mr. Firtash was going to be, you provide us information that would be detrimental to the public perception of the Mueller investigation, and we in turn will get your case dropped at the DOJ, so you won't get extradited to the United States anymore?

PARNAS: That's how it began.

MADDOW: Mr. DiGenova and Ms. Toensing were going to become lawyers to effectuate this trade?

PARNAS: Correct.

MADDOW: And you were supposed to broker this?

PARNAS: Correct.

MADDOW: And what's this \$100,000 a month?

PARNAS: That was expenses for them, because --

MADDOW: That's what you were supposed to negotiate that this is what they were getting paid?

PARNAS: Yes, correct.

MADDOW: Are you getting paid in these interactions?

PARNAS: Mine is not this there. That was -- they were getting a million dollars plus \$100,000 a month on expenses. Mine was \$200,000.

MADDOW: And what is this here? What's that next line? Is that the founder of Burisma?

PARNAS: Zlochevsky is a Ukraine -- and the Ukraine ledger (ph), yes. Zlochevsky and Burisma and (INAUDIBLE) --

MADDOW: What are you supposed to be getting from about Burisma and the Ukrainian ledger from Lanny Davis and Mr. Firtash?

PARNAS: Well, supposedly, John Solomon said there was stuff (ph), there's case about that.

MADDOW: Aha. So, that's why this was all one conversation with Mr. Rudy Giuliani.

PARNAS: Correct.

MADDOW: The -- announcing the Biden investigation and talking about getting Firtash off from this Department of Justice prosecution, these were connected?

PARNAS: It was all connected. I mean, it was all -- at the end of the day, it was all -- the agenda was to make sure that the Ukrainians announced the Biden investigation.

(END VIDEO CLIP)

MADDOW: So, a conservative journalist, John Solomon, and two Fox News lawyers, Joe diGenova and Victoria Toensing, and Rudy Giuliani and Lev Parnas are all involved, in Mr. Parnas telling, in an effort to enlist the help of a billionaire, Kremlin-connected, allegedly mobbed up oligarch, to help them pressure the Ukrainian government that they must announce investigations of Joe Biden.

And the oligarch and his team tells this motley crew that he can help with that, with getting that from the Ukrainian government. He can also help them discredit the Mueller investigation.

They say, that would be great. What we have to offer you in exchange is we can help stop you from being extradited to the United States to face felony corruption charges from the U.S. Department of Justice.

"The Washington Post" just this afternoon records that Mr. Giuliani's involved with Mr. Firtash, and Mr. Firtash's sort of team, appears to be an ongoing concern that appears to be live.

Lev Parnas said today that his group's advocacy to get the case dropped against Mr. Firtash did go all the way to Attorney General William Barr, and he says that Attorney General Barr was more widely read in on what they were doing.

(BEGIN VIDEO CLIP)

MADDOW: Did you ever meet with or speak with or have any interaction with Attorney

General William Barr?

PARNAS: I personally did not speak to him, but I was involved in lots of conversations that Joe diGenova had with him in front of me, Rudy had with him in front of me, and setting up meetings with Dmytro Firtash's team. I was involved in that.

MADDOW: Do you know if Rudy Giuliani was ever in contact with Mr. Barr, specifically about the fact that he was trying to get Ukraine to announce these investigations into Joe Biden?

PARNAS: Oh, absolutely.

MADDOW: Mr. Barr knew about it?

PARNAS: Mr. Barr had to have known everything. I mean, it's impossible.

MADDOW: Did Rudy Giuliani tell you he had spoken to the attorney general specifically about Ukraine?

PARNAS: Not only Rudy Giuliani. I mean, Victoria and Joe, they were all best friends. I mean, Barr -- Barr was -- Attorney General Barr was basically on the team.

MADDOW: When President Trump and President Zelensky spoke in July, we know from their White House notes of the call, that President Trump told Mr. Zelensky that he should contact William Barr about these investigations --

PARNAS: Correct.

MADDOW: -- that he wanted him to do, including into Joe Biden --

PARNAS: Correct.

MADDOW: -- that struck a lot of people as strange. Attorney General Barr was reportedly upset, and didn't know why he would be mentioned in this context, but it sounds like it makes sense to you that --

PARNAS: Absolutely, because we knew about the Durham investigation, and that was going to be part -- I mean, that Attorney General Barr wanted to get to the bottom of the Biden stuff and everything. I think he might have got upset that Trump talked -- the president ousted him, maybe, he didn't want to be in the public eye (ph) that he was doing it, but it was known internally that he was investigating the investigators.

MADDOW: Do you know if Attorney General William Barr every spoke with any Ukrainian officials?

PARNAS: I don't recall at this moment. I'd have to look at my text messages and see.

(END VIDEO CLIP)

MADDOW: We contacted the Justice Department for comment on Mr. Parnas' remarks tonight. Spokeswoman Kerri Kupec at the Justice Department did give us a response. It is a two-word response -- I guess technically one number and one word.

She told us, quote, 100 percent false. And we could attribute that to her. We appreciate the comment.

We'll be right back. Stay with us.

(COMMERCIAL BREAK)

MADDOW: Today, the impeachment articles were conveyed from the U.S. House to the U.S. Senate. Senate trial is due to formally start tomorrow. One of the awkward revelations in this saga is that while the Intelligence Committee in the House was leading the investigation of the impeachment scandal, it emerged that the top Republican member of Congress on that committee, Congressman Devin Nunes of California, appeared himself to have been connected to the people involved in the scandal and potentially to the scandal itself.

Because Congressman Nunes has been publicly very vague and defensive about whether he remembers any of his own communications with Lev Parnas during the time this Ukraine scheme was underway, I asked Mr. Parnas today if he remembers any interactions with Congressman Nunes.

(BEGIN VIDEO CLIP)

MADDOW: Do you know Congressman Devin Nunes?

PARNAS: Yes, I do.

MADDOW: What's been your relationship with him?

PARNAS: We don't have too much of a relationship. We met several times at the Trump hotel, but our relationship started getting basically where it expanded was when I was introduced to his aide, Derek Harvey, and the reason why Derek Harvey was more -- I understood, I was told at that time because Devin Nunes had an ethics, something to do with an ethics committee, and he couldn't be in a spotlight. He was kind of shunned a little bit and that he was looking into this Ukraine stuff also, wanted to help out. And Devin Nunes -- they gave me Derek Harvey to deal with.

MADDOW: You told Mr. Harvey what you and Mr. Giuliani were working on in Ukraine, trying to get Ukraine to announce this investigation?

PARNAS: He was aware of that already. He knew everything.

MADDOW: He already knew that by the time he talked to you.

PARNAS: He had a lot of information already.

MADDOW: Do you believe he'd gotten that information from Mr. Giuliani?

PARNAS: No. I think that they -- like I said, there was other people doing like this op research or whatever.

MADDOW: Oppo research.

PARNAS: I don't know what you call it, but it was coming from different sides, yeah.

MADDOW: Given that interaction that you just described with Congressman Nunes and his aide, Mr. Harvey, does it strike you as unusual or inappropriate that Devin Nunes would be one of the lead investigators into this scandal on the House Intelligence Committee? He's obviously the top Republican on that committee?

PARNAS: I was in shock when I was watching the hearings and when I saw Devin Nunes sitting up there, and then there was a picture where Derek Harvey was in back over there sitting. I texted my attorney I said I can't believe this is happening.

MADDOW: Because?

PARNAS: Because they were involved in getting all this stuff on Biden. I mean, Derek Harvey had several interviews -- Skype interviews I set up with different prosecutors like Haladitsky (ph), which the anti-corruption prosecutor of Ukraine, Kostiantyn Kulyk was one of the major guys that's had this whole Biden stuff.

So, it's hard to see them lie like that when you know it's like that scary because you know, he was sitting there and making all these statements and all that when he knew very well that he knew what was going on. He knew what's happening. He knows who I am.

(END VIDEO CLIP)

MADDOW: Again, Congressman Devin Nunes is the top Republican on the Intelligence Committee, which is the committee that investigated the Ukraine scandal. Lev Parnas says that

Mr. Nunes and his top staffer were actually involved in the Ukraine scandal in the sense that they were involved in the effort to try to gin up a corruption scandal for Joe Biden in Ukraine. Mr. Parnas says he helped them in that effort.

We contacted Congressman Nunes's office for comment tonight. We did not receive any reply before air time. We'll let you know if that changes before we're off the air. More ahead, stay with us.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

MADDOW: You raised the issue of Ambassador Yovanovitch to President Trump telling him that he should get rid of her?

PARNAS: Yes, well, I didn't say get rid of her. I don't know my exact words (INAUDIBLE) but I told him she's bad mouthing him and she's saying bad things about him.

MADDOW: Do you actually believe that she did bad-mouth him and say bad things about him, or do you think this was part of this disinformation campaign to make her look bad?

PARNAS: I don't believe it. That's why I want to apologize to her because, you know, at that point I believed it, but I don't believe it now after re-evaluating and seeing everything that transpired, looking at the documentation again.

(END VIDEO CLIP)

MADDOW: I did not expect that Lev Parnas wanted to use this interview today to apologize to Ambassador Marie Yovanovitch for his role in the effort to smear her and get her fired, but he did that.

The broader context Mr. Parnas was just talking about there is what he says was a personal interaction he had with President Trump in which he says he witnessed president Trump personally ordering the firing of Marie Yovanovitch. We will have more on that in part two of the Lev Parnas interview tomorrow night.

We'll also have more for you tomorrow night on what Mr. Parnas alleged about -- alleged today about former Energy Secretary Rick Perry and current Secretary of State Mike Pompeo. We're doing a little more reporting on those allegations and claims. We're looking, in fact, at some of the new information that bolsters Mr. Parnas's case which was just released tonight by the Intelligence Committee.

So again, more on that tomorrow in part two of this interview. I do just before I go want to

bring you some news we just got moments ago while we have been on the air tonight in the past couple of minutes, we got a response from former New York City Mayor Rudy Giuliani to something Mr. Parnas told us in today's interview.

You saw Mr. Parnas say on the air that Giuliani had made introductions for him with Ukraine officials in which he told the Ukrainian officials that Mr. Parnas spoke as a representative of President Trump. Mr. Giuliani denied to us that he ever did that. Asked whether Mr. Parnas was speaking on behalf of the president in Ukraine, Mayor Giuliani told us tonight, quote, never. He also called Mr. Parnas a, quote, sad situation.

This was one big day. Tomorrow will be another.

END

7067



January 17, 2020

**VIDEO: Lev Parnas on MSNBC's The Rachel Maddow Show,
January 15 and 16, 2020**

Part 1: <http://www.msnbc.com/rachel-maddow-show/episodes/watch/rachel-maddow-1-15-20-episode>

Part 2: <http://www.msnbc.com/rachel-maddow-show/episodes/watch/rachel-maddow-1-16-20-episode>

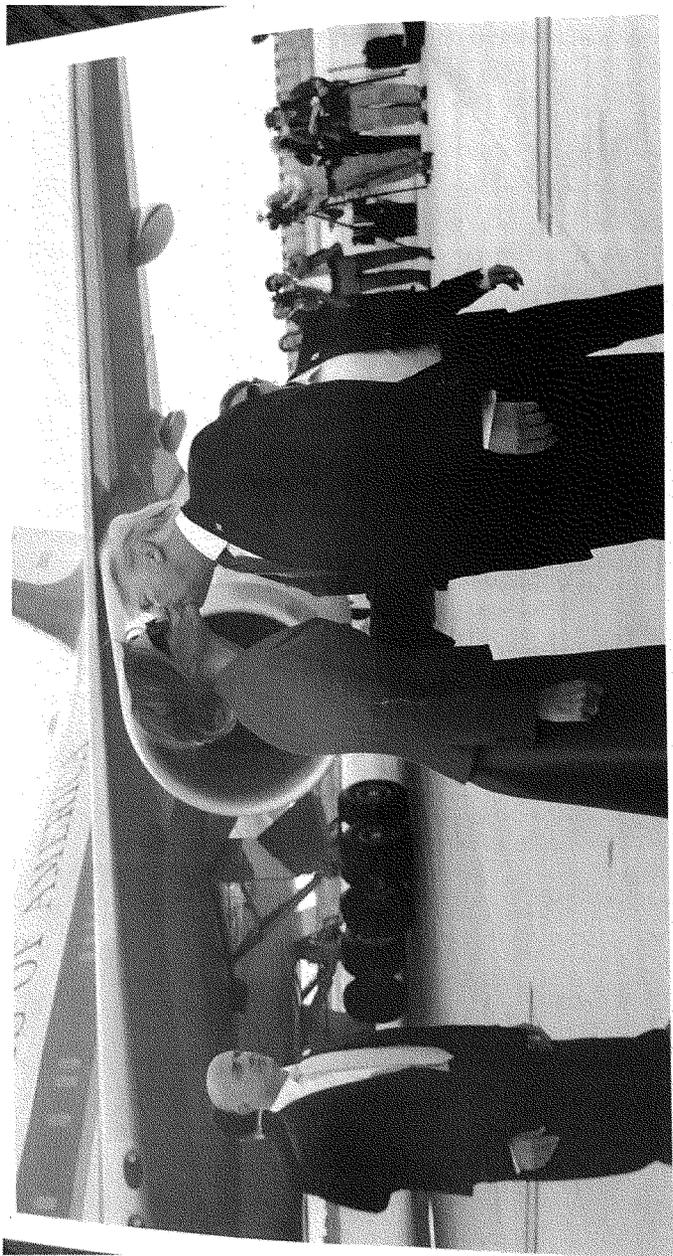


**President
Donald J. Trump**

Lev Parnas

Brian Ballard





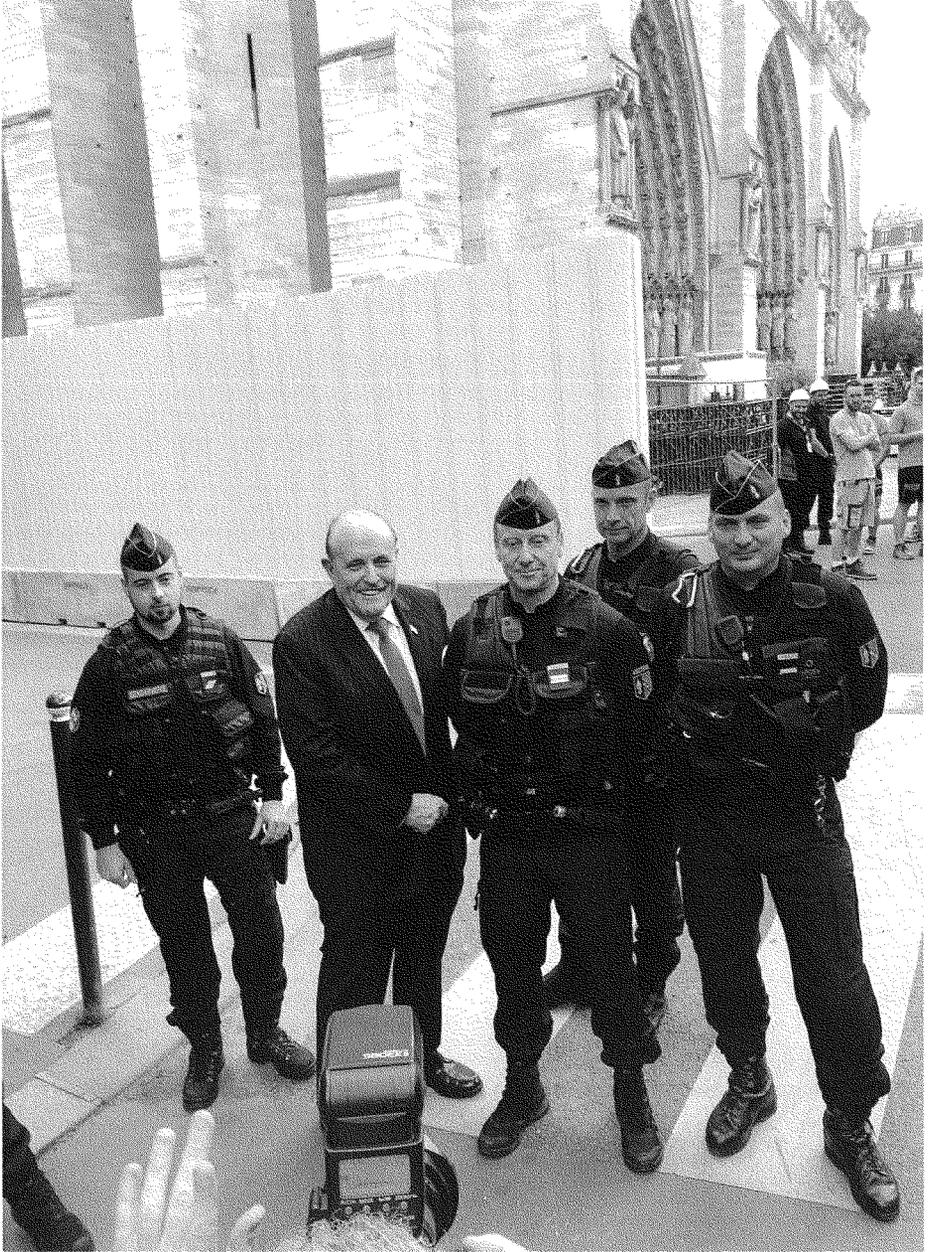
To: Lev Parnas,

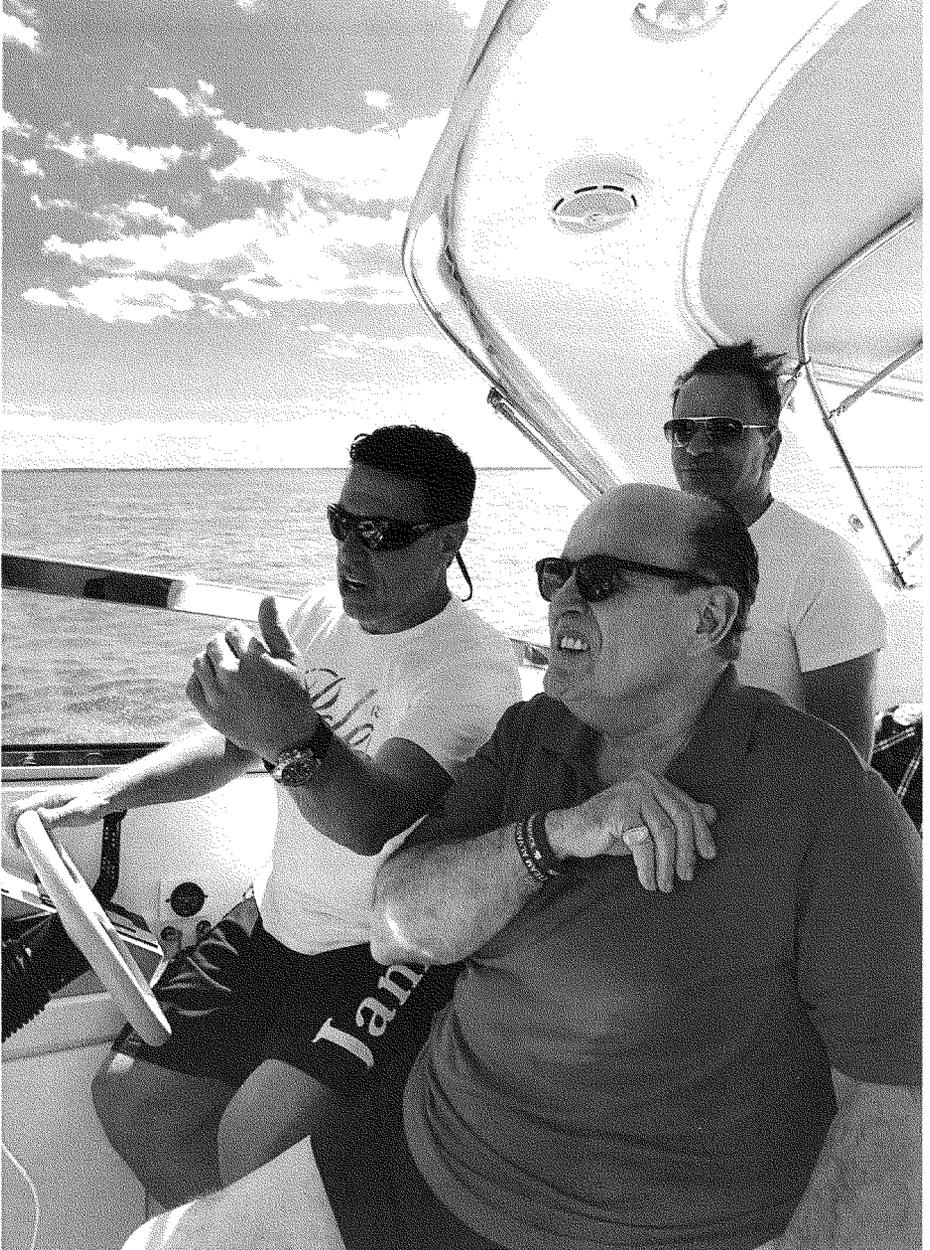
Thank you for your friendship and dedication to our cause. Leaders like you in Florida are the key to fulfilling our bold agenda to Make America Great Again!

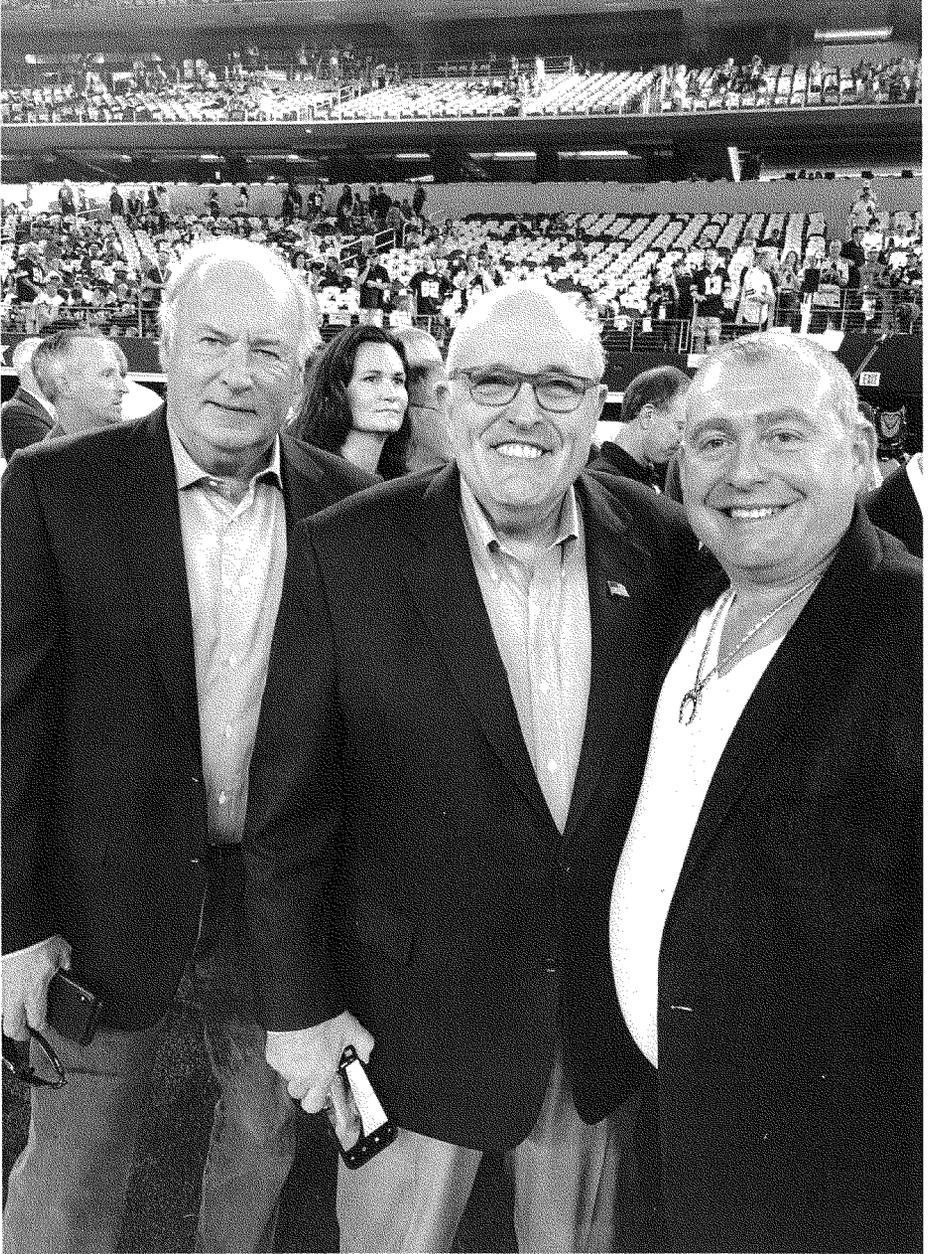
Best Wishes,

Donald Trump Melania Trump



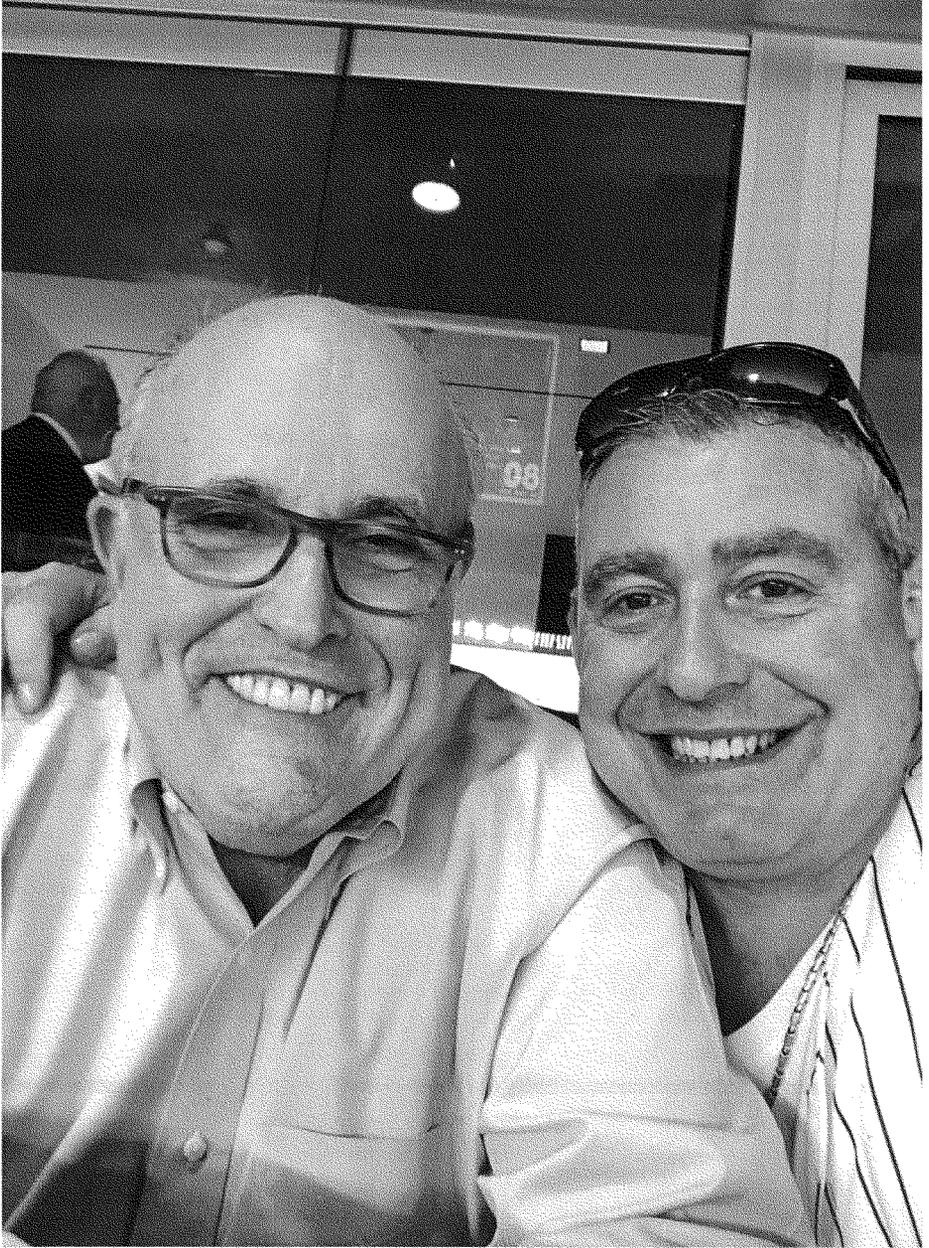


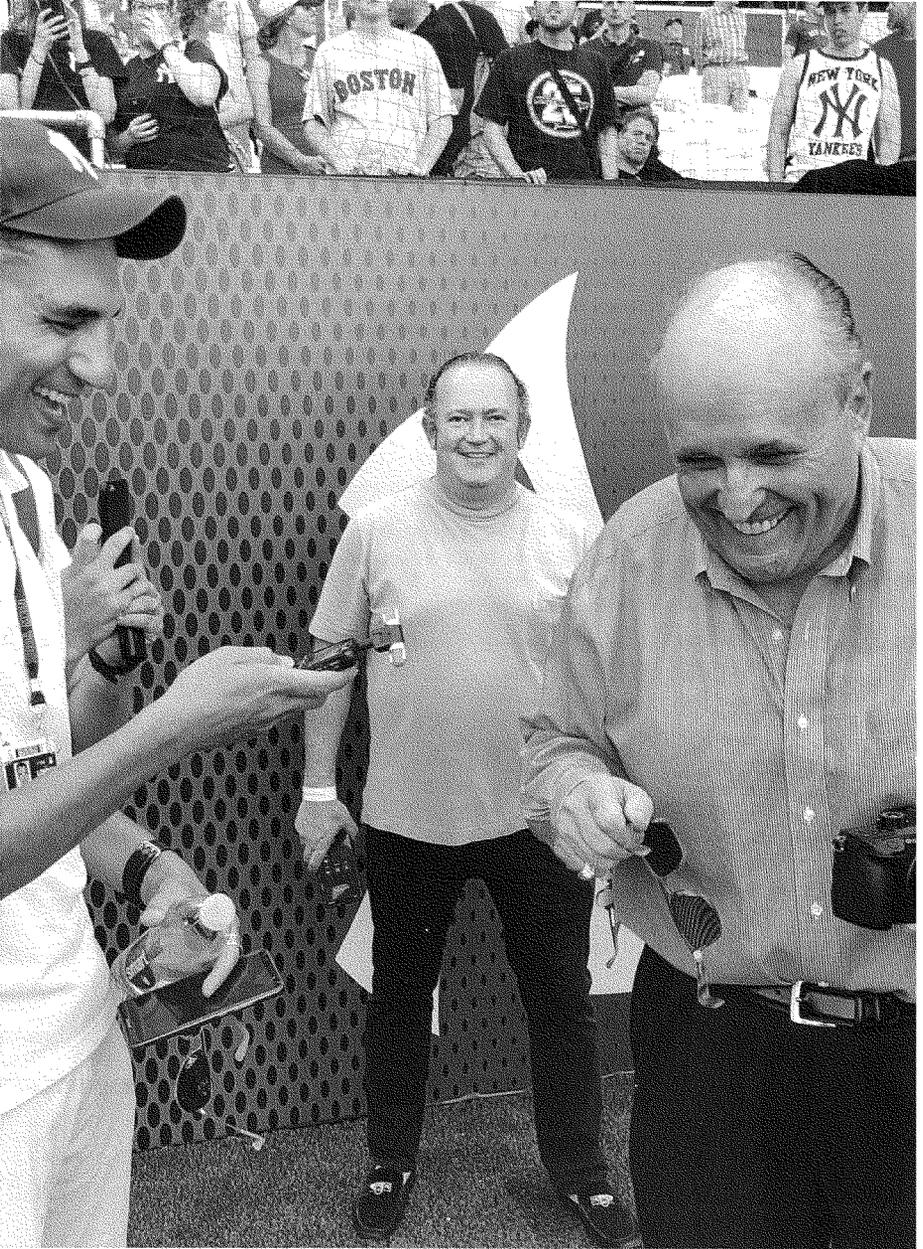




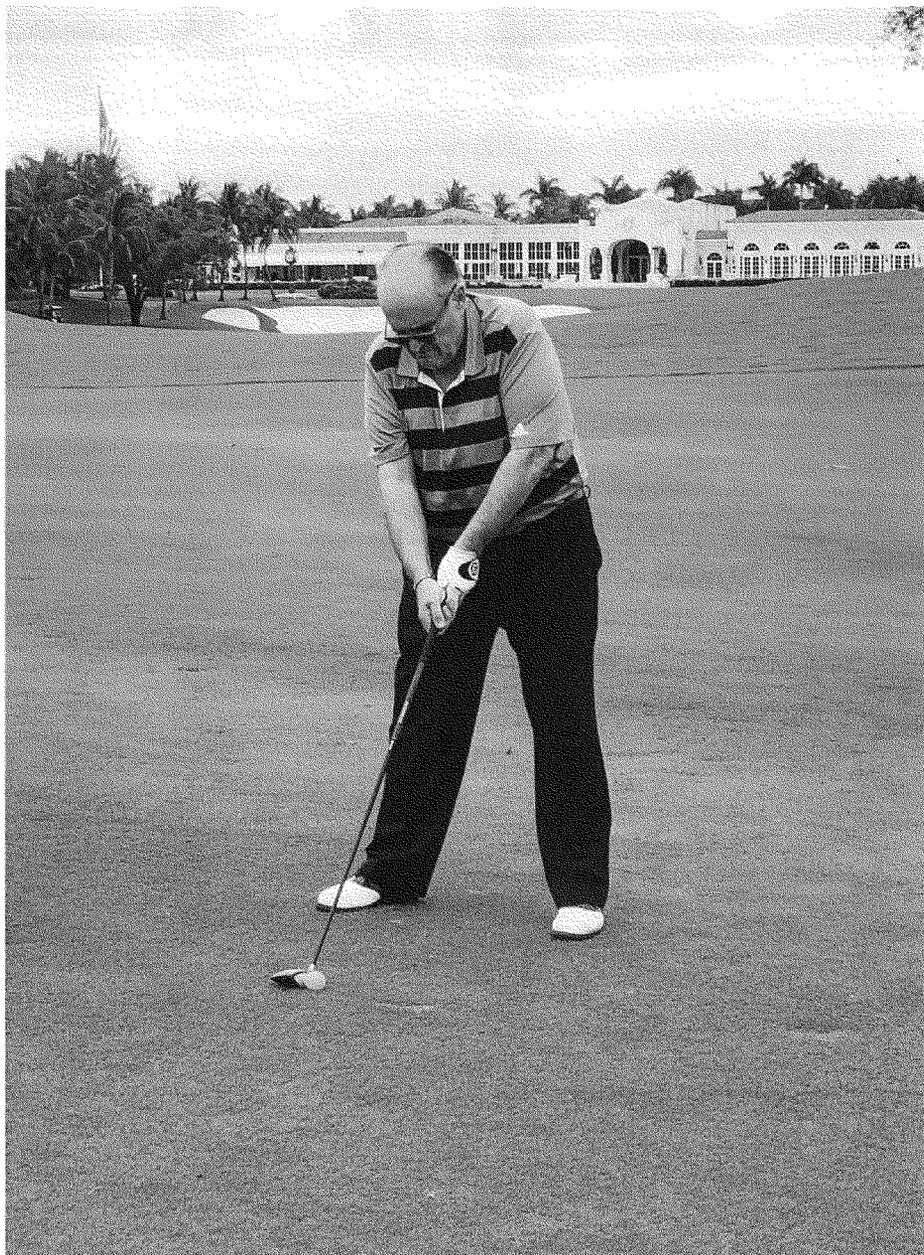




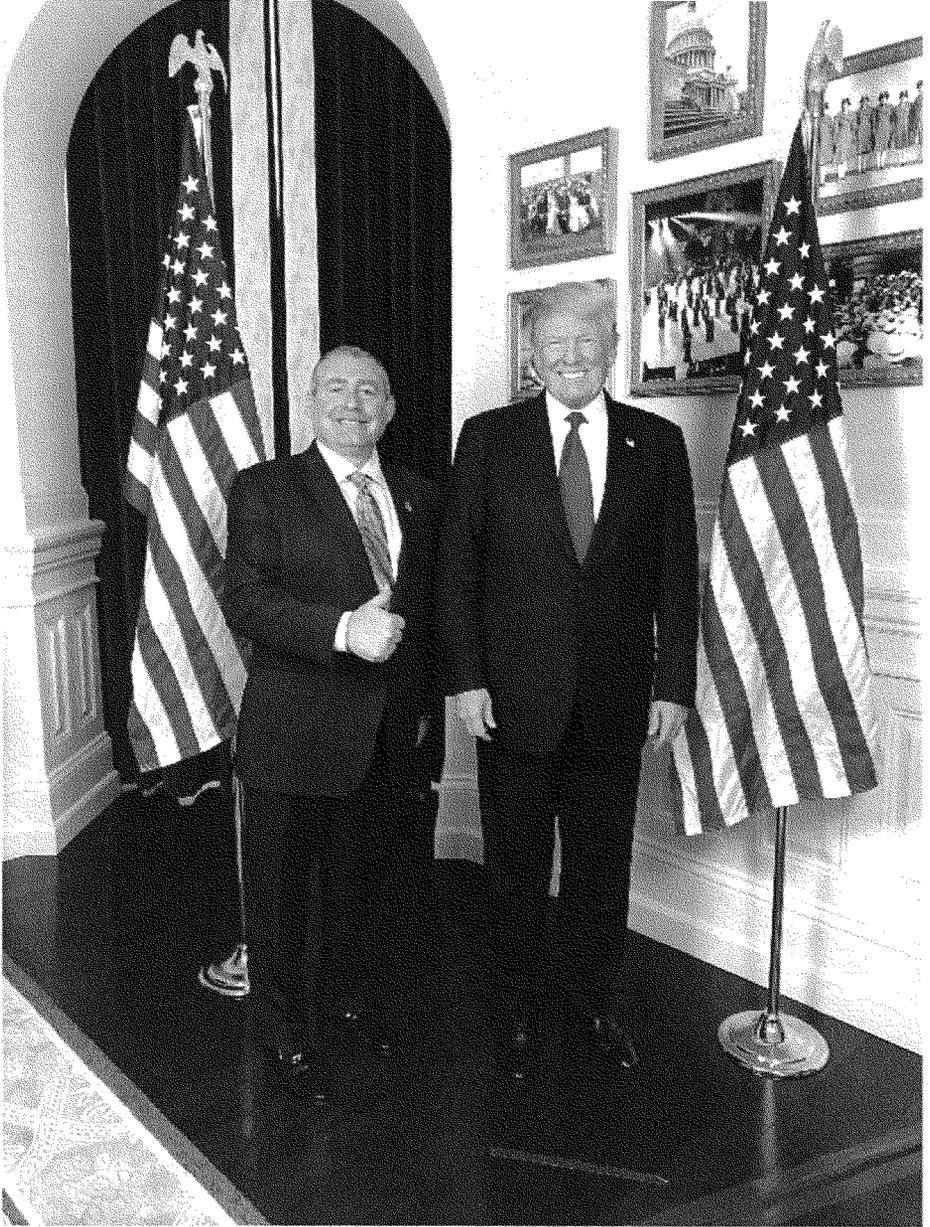














+32 483 [REDACTED]



three days ago. Complete US Downing failure. Send back @statedept @realdonaldtrump @usukraine #yourfired



My contacts are checking

4:01 PM



0:02

4:02 PM



I will give you the address next week

4:02 PM

Awesome

4:40 PM ✓✓



4:50

LTE



Tweet



Jack Posobiec
@JackPosobiec



"U.S. Ambassador to Ukraine, Maria Yovanovitch, an Obama holdover, has told U.S. Embassy employees and Ukrainian officials that they need not pay attention to Trump since he is going to be impeached."

4:48 PM · 3/22/19 · Twitter Web Client

17 Retweets 24 Likes



ScottPSchade @goldendeuce · 4s
Replying to @JackPosobiec

Looks like someone needs to get called home so daddy can have a chat with em.



John Koko @johnkokousa · 4s
Replying to @JackPosobiec

Tweet your reply





+32 483 [redacted]



Nothing has changed she is still not moving they check today again

07:03 PM

It's confirmed we have a person inside

2:07 PM

Hey broski tell me what we are doing what's the next step

6:58 PM

Today

Hi good morning buddy

8:22 AM

She had visitors

8:22 AM

Hey brother do we stand down??? Or you still need intel be safe

7:30 PM

Asked.

9:02 PM ✓✓



7086

Verizon

1:58 PM



+32 483 [REDACTED]



Stateside 2:48 PM ✓✓

How long are you there?

2:48 PM ✓✓

End of April 2:50 PM

Congratulations on your
new business development

2:53 PM

Sweet 4:28 PM ✓✓

UNREAD MESSAGES

Today

Вул Сікорського 4

11:10 AM

She been there since
Thursday never left the
embassy

11:10 AM







Extraction Report

Apple iPhone

Participants

@s.whatsapp.net
Dereck Harvey

@s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (3/3)

System Message System Message

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Platform: Mobile

2/4/2019 9:04:27 PM(UTC+0)

@s.whatsapp.net Lp

Hi Dereck it's lev I'm outside in front of the capitol club

Status: Sent

Platform: Mobile

2/4/2019 9:04:27 PM(UTC+0)

@s.whatsapp.net Lp

<https://www.c-span.org/video/?440141-2/vice-president-biden-warns-ongoing-russian-global-interference>

Attachments:



Title: Former Vice President Biden Warns Against Ongoing Russian Global Interference
Size: 0
(Empty File)

Status: Sent

Platform: Mobile

2/5/2019 6:30:04 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://twitter.com/jackposobiec/status/1093650488657092614?s=12>
Attachments:

Title: Jack Posobiec on Twitter
Size: 5623
File name: 78bab169-4e21-4ee2-8a1f-b1da3b52e57d.thumb
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Status: Sent
Platform: Mobile
 2/9/2019 7:11:05 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Hi Dereck call me
Status: Sent
Platform: Mobile
 3/1/2019 11:30:13 PM(UTC+0)

[Redacted] @s.whatsapp.net Dereck Harvey
 Can we get materials? Sources at State say that there was this push to spend US donor aid in Ukraine.
 It's appears the US foreign aid to Ukraine nearly doubled from FY 15 to FY 16 (around \$200mm to over \$500 million).
 Their hunch was that the \$ would get grafted by UKR officials, in exchange for \$ then given to Clinton Foundation or other special interest causes.
 (the rumors the UKR gov biased with Clinton camp & FBI to dig up dirt on Manafort in 2016 are also in play)
 If the increase in aid is accurate, then there's a thread to pull, look at TDY records to Kiev, cables from DC to post-et al, audit donor aid to UKR.
Status: Read
Platform: Mobile
 3/29/2019 2:54:54 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Yes ! Let me see how to get it to you
Status: Sent
Platform: Mobile
 3/29/2019 3:59:10 PM(UTC+0)

[Redacted] @s.whatsapp.net Dereck Harvey
 Thx
Status: Read
Platform: Mobile
 3/29/2019 4:03:51 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
<https://youtu.be/HzCmXWGIyo>
Attachment:

Title: John Solomon on the Ukranian Plot to Help Clinton
Size: 5908
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Status: Sent
Platform: Mobile
 3/30/2019 2:17:51 AM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
 Any documents for us or are you going to keep working through Solomon?
Status: Read
Platform: Mobile
 4/3/2019 3:45:48 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 I'm in Israel will call you when I get back and we can meet up
Status: Sent
Platform: Mobile
 4/9/2019 11:00:05 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Coming to dc tomorrow night
Status: Sent
Platform: Mobile
 4/8/2019 5:31:34 AM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
 Good
Status: Read
Platform: Mobile
 4/9/2019 10:22:05 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 I've landed I. My way to the trump Hotel
Status: Sent
Platform: Mobile
 4/10/2019 1:05:50 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Let Mcl ow if you would like to meet up today
Status: Sent
Platform: Mobile
 4/10/2019 1:05:03 AM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
Tomorrow mid day?
Status: Read
Platform: Mobile
4/10/2019 1:45:47 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Status: Read
Platform: Mobile
4/10/2019 1:41:15 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Please let me know what time we can meet thank you
Status: Sent
Platform: Mobile
4/11/2019 4:04:15 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
1:50??
Status: Read
Platform: Mobile
4/11/2019 4:42:30 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Perfect at trump
Status: Sent
Platform: Mobile
4/11/2019 4:43:13 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
Yes
Status: Read
Platform: Mobile
4/11/2019 4:52:56 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Taking off at 5 please call me before
Status: Sent
Platform: Mobile
4/12/2019 7:11:48 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
Sorry I missed this. I was off the net all afternoon
Status: Read
Platform: Mobile
4/12/2019 9:11:31 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Solomon needs to get me the material. And we need to set a time for Skype w your four people.

Status: Read
Platform: Mobile

4/12/2019 9:12:34 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Bad reception will call you back

Status: Sent
Platform: Mobile

4/13/2019 6:33:57 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Hi Derek please call me when you have a chance it looks like we can get all the interviews set up for Tuesday or Wednesday what ever works better for you

Status: Sent
Platform: Mobile

4/13/2019 7:44:45 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Wednesday would be best here. It allows me to prep a staff lawyer to assist. Any suggested list of questions? Full names of who we will interview?

Status: Read
Platform: Mobile

4/13/2019 8:44:30 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Sounds good will put together there names and questions that I recommend

Status: Sent
Platform: Mobile

4/13/2019 8:49:23 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Missed your call

Status: Read
Platform: Mobile

4/15/2019 2:29:49 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

My skype is: [REDACTED]

Status: Read
Platform: Mobile

4/15/2019 11:57:14 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Do a test Tuesday?

Status: Read
Platform: Mobile

4/15/2019 11:37:00 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

https://www.google.com/search?client=safari&channel=pad_fm&ei=h5W3XL7HLcumfIAP-oSv0Ao&q=yuri+Hutsenko&gs_sep=eJz4ITP1TcwlSLLTNgBAAUTQNA&og=yuri+tu&gs_l=mobile-gws-wr2-serp:1.0.4927546j0j246j0j3.178956.182701.185228...0.0.0.195.805.3H...0...1.....8.41j0i7j4i6j7j275.0zYegejUIE

Attachments:



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Status: Sent
 Platform: Mobile

4/17/2019 12:04:26 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Current general prosecutor

Status: Sent
 Platform: Mobile

4/17/2019 12:04:45 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

https://censor.net.ua/en/news/3115124/ambassador_yevanovitch_sap_chief_kholodnytskyi_must_be_replaced_over_lack_of_trust

Attachments:



Title: Ambassador Yevanovitch SAP chief Kholodnytskyi must be replaced over lack of trust
 Size: 0
 (Empty File)

Status: Sent
 Platform: Mobile

4/17/2019 12:08:45 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

This is head of the anti corruption bureau that that the us ambassador came out and said should get fired . He is also the one that heard Sytnik the head of nabu come out and say he leaked the Manafort ledger

Status: Sent
 Platform: Mobile

4/17/2019 12:13:24 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Let's set up a time that good for you and I can go over each one with you

Status: Sent
 Platform: Mobile

4/17/2019 12:14:07 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
 How about 2pm here. Should we test Skype?
 Status: Read
 Platform: Mobile

4/17/2019 12:27:14 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Sounds good
 Status: Sent
 Platform: Mobile

4/17/2019 12:32:18 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
 Are you up
 Status: Read
 Platform: Mobile

4/17/2019 6:10:51 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Yes trying to get my Skype to work
 Status: Sent
 Platform: Mobile

4/17/2019 6:12:09 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Will call you
 Status: Sent
 Platform: Mobile

4/17/2019 6:12:19 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Just tried you on FaceTime video and what's up video can't get my skype to work
 Status: Sent
 Platform: Mobile

4/17/2019 6:18:31 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 I think FaceTime video is perfect
 Status: Sent
 Platform: Mobile

4/17/2019 6:18:45 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey
 Okay. Let's do that then tomorrow
 Status: Read
 Platform: Mobile

4/17/2019 6:21:54 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
 Let's do our call at 12 and we can do the first prosecutor at 1 your time ?
 Status: Sent
 Platform: Mobile
 4/17/2019 9:23:37 PM(UTC+0)

[REDACTED]@s.whatsapp.net Dere K Harvey
 Okay
 Status: Read
 Platform: Mobile
 4/17/2019 6:48:02 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
 146432 (konin)
 Attachment:

 Size: 93983
 File name: f6f193d3-cff-463d-945d-2763f739c4be.xlsx
 Path: https://www.
 f6f193d3-cff-463d-945d-2763f739c4be.xlsx
 Status: Sent
 Platform: Mobile
 4/18/2019 2:10:50 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
 2844275
 Attachment:

 Size: 2844275
 File name: 502149e1-47f5-4e76-2073-3014ae3072c.pdf
 Path: https://www.
 f6f193d3-cff-463d-945d-2763f739c4be.xlsx
 Status: Sent
 Platform: Mobile
 4/18/2019 3:11:08 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derrick Harvey

Does tomorrow work?

Status: Read

Platform: Mobile

4/19/2019 12:47:45 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Yes

Status: Sent

Platform: Mobile

4/19/2019 12:48:00 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Text me in the morning what times work for you

Status: Sent

Platform: Mobile

4/19/2019 12:48:29 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

And I'll make it happen

Status: Sent

Platform: Mobile

4/19/2019 12:48:43 AM(UTC+0)

[REDACTED] @s.whatsapp.net Derrick Harvey

Levi, I think we are best served by sending the official letter and receiving documentation before any more interviews

Status: Read

Platform: Mobile

4/19/2019 2:59:08 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Sounds good

Status: Sent

Platform: Mobile

4/19/2019 3:00:05 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

<https://www.president.gov.ua/en/news/poroshenko-i-pampeo-obgovorni-zagrozi-renaacionalizaciyi-pri-54970>

Status: Sent

Platform: Mobile

4/20/2019 4:59:46 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derrick Harvey

Need address

Status: Read

Platform: Mobile

4/20/2019 1:16:36 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Attachments:



Size: 83558
File name: c278474b-43cc-4be0-918b-1aa72d990b6.jpg
Path: https://mmg-fna.whatsapp.net/d/Au-
 iurSIJ25uEIGud5g9QIQ0oGVP44ay/hfTsz_gC.enc
 c278474b-43cc-4be0-918b-1aa72d990b6.jpg

Status: Sent
Platform: Mobile

4/23/2019 10:49:54 AM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Send to the business address?

Status: Read
Platform: Mobile

4/23/2019 12:03:32 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Yes

Status: Sent
Platform: Mobile

4/23/2019 12:09:25 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Attachments:



Size: 64804
File name: 7d8a52d-5102-4a3e-a441-e1c3bd45f05.jpg
Path: https://mmg-fna.whatsapp.net/d/Av9-46-
 E-02y428A9a2fmWc0kOXcFhysPM7MPmRw.enc
 7d8a52d-5102-4a3e-a441-e1c3bd45f05.jpg

Status: Sent
Platform: Mobile

4/24/2019 5:40:10 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Fax is best

Status: Read
Platform: Mobile

4/24/2019 5:41:24 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

That's fine

Status: Sent
Platform: Mobile

4/24/2019 5:41:56 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Letter can't go til we get get back in session next week

Status: Read
Platform: Mobile

4/29/2019 4:14:10 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Status: Sent
Platform: Mobile

4/29/2019 4:14:30 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Hi Dereck I'll be in dc tonight and tomorrow lets meet up

Status: Sent
Platform: Mobile

4/29/2019 3:46:38 PM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Sure thing tomorrow... Trump?

Status: Read
Platform: Mobile

4/29/2019 6:45:01 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Sounds good

Status: Sent
Platform: Mobile

4/29/2019 6:47:24 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Tomorrow at 1 at the trump

Status: Sent
Platform: Mobile

4/30/2019 2:53:33 AM(UTC+0)

[REDACTED] @s.whatsapp.net Derek Harvey

Good

Status: Read
Platform: Mobile

4/30/2019 11:01:24 AM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

4/30/2019 4:26:20 PM(UTC+0)

[Redacted] @s.whatsapp.net Derek Harvey

I'll be a few minutes late

Status: Read
Platform: Mobile

4/30/2019 4:26:36 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp

Status: Sent
Platform: Mobile

4/30/2019 4:27:16 PM(UTC+0)

[Redacted] @s.whatsapp.net Derek Harvey

Here

Status: Read
Platform: Mobile

4/30/2019 5:05:46 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp

<https://thehill.com/opinion/white-house/441580-nellie-ohrs-hi-honey-emails-to-doj-about-russia-collusion-should-alarm-us>

Attachments:



Title: Nellie Ohr's 'Hi honey' emails to DOJ about Russia collusion should
Size: 4935
File name: c212ef3b-f9a-4d1c-89ef-7516762d7775.thumb

Status: Sent
Platform: Mobile

5/1/2019 8:49:46 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp

<https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>

Attachments:



Title: Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies
Size: 5631
File name: 0431fabf-5af6-4212-ac7c-d54046036263.thumb

Status: Sent
Platform: Mobile

5/2/2019 1:42:20 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
<https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>
 Attachments:

 Title: Ukrainian embassy confirms DNC contractor solicited Trump dirt in 2016
 Size: 46/0
 File name: 94435745-577-4ef-af5-f398037ed28.trump
 94435745-577-4ef-af5-f398037ed28.trump
 Status: Sent
 Platform: Mobile
 5/7/2019 11:24:11 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Hi Dereck I'm in DC let's please try to get together later today or sometime tomorrow I'm leaving tomorrow 3 o'clock to the airport thank you
 Status: Sent
 Platform: Mobile
 5/7/2019 7:42:20 PM(UTC+0)

[REDACTED] @s.whatsapp.net Dereck Harvey
 Tonight?
 Status: Read
 Platform: Mobile
 5/7/2019 9:25:34 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Status: Sent
 Platform: Mobile
 5/7/2019 9:36:24 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 We are at trump with Rudy and John Salomon and joe in private room
 Status: Sent
 Platform: Mobile
 5/7/2019 9:47:08 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Can you come now
 Status: Sent
 Platform: Mobile
 5/7/2019 9:47:19 PM(UTC+0)

[REDACTED] @s.whatsapp.net Dereck Harvey
 Yes
 Status: Read
 Platform: Mobile
 5/7/2019 9:56:48 PM(UTC+0)

 @s.whatsapp.net Lp
<https://www.breitbart.com/clips/2019/05/12/rand-paul-americans-will-be-shocked-to-know-what-bidens-son-was-up-to/>
Attachments:

Title: Rand Paul: Americans Will Be 'Shocked' to Know What Biden's Son Was Up To | Breitbart
Size: 411 KB
File name: 21b04335-6346-4a7d-852b-730e767d4606.thumb
21b04335-6346-4a7d-852b-730e767d4606.thumb
Status: Sent
Platform: Mobile
 5/13/2019 4:11:59 PM(UTC+0)

 @s.whatsapp.net Lp
 Hi Dereck , hope your good any news on the letter for the prosecutors
Status: Sent
Platform: Mobile
 5/14/2019 1:18:34 PM(UTC+0)

 @s.whatsapp.net Derrick Harvey
 Are you in dc
Status: Sent
Platform: Mobile
 5/17/2019 11:40:09 AM(UTC+0)

 @s.whatsapp.net Lp
 In Ukraine
Status: Sent
Platform: Mobile
 5/18/2019 11:52:09 AM(UTC+0)

PROSECUTOR GENERAL'S OFFICE OF UKRAINE
SPECIALIZED ANTI-CORRUPTION PROSECUTOR'S OFFICE



Nazar KHOLODNYTSKYI

*Deputy Prosecutor General of Ukraine –
Head of the Specialized Anti-Corruption
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Ph.D.*

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PERSONAL INFORMATION

Kostiantyn Hennadiiovych Kulyk



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Business address - [REDACTED] 01011, Ukraine

+38 044 596 [REDACTED]

[REDACTED] @pp.gov.ua

Sex: Male | Date of birth: [REDACTED] | Nationality: Ukraine

WORK EXPERIENCE

- April 2017 – till now
- Prosecutor General's Office of Ukraine
- providing of the procedural guidance in criminal proceedings;
 - the maintenance of public prosecution;
 - international cooperation in the criminal proceedings, including the matters of mutual legal assistance and extradition.
- August 2015 – April 2017
- Military prosecutor of the antiterrorist operation forces
- December 2014 - August 2015
- Head of the Department for providing the activity of the military prosecutor offices at the ATO districts
Main Military Prosecutor's Office, Prosecutor General's Office of Ukraine
- organization and providing of the procedural guidance and the pre-trial investigation in criminal proceedings;
 - the maintenance of public prosecution;
 - representation of the interests of the citizens and state in the courts;
 - supervision over observance of laws by the authorities carrying out detective operations, inquiries and pre-trial investigation.
- March 1999 – December 2014
- Different positions of the prosecutors and investigators at the prosecutor's offices of the Lugansk, Kharkiv, Kyiv, Mykolaiv regions and Prosecutor General's Office of Ukraine
- investigation and procedural guidance in criminal proceedings;
 - representation of the interests of the citizens and state in the courts;
 - the maintenance of public prosecution;
 - supervision over observance of laws by the authorities carrying out detective operations, inquiries and pre-trial investigation;
 - supervision of the observance of laws.

EDUCATION AND TRAINING

- June 2008
- PhD in Law
Interregional Academy of Personnel Management (IAPM)
- September 1994 – June 1999
- Master
National Yaroslav Mudry Law Academy

Mother tongue(s) Ukrainian, Russian

Curriculum Vitae

PERSONAL INFORMATION

Kostiantyn Hennadiiovych Kulyk



Home address – [REDACTED] Kyiv, 01033, Ukraine.

Business address – [REDACTED] Kyiv, 01011, Ukraine.

+38 044-590 [REDACTED]
[REDACTED]@qp.gov.ua

Sex Male | Date of birth [REDACTED] | Nationality Ukraine

WORK EXPERIENCE

April 2017 – till now

Deputy Head of the Department for International Legal Cooperation

Prosecutor General's Office of Ukraine

- providing of the procedural guidance in criminal proceedings;
- the maintenance of public prosecution;
- international cooperation in the criminal proceedings, including the matters of mutual legal assistance and extradition.

August 2015 – April 2017

Military prosecutor of the antiterrorist operation forces

December 2014 - August 2015

August 2015 – April 2017 Head of the Department for providing the activity of the military prosecutor offices at the ATO districts

Main Military Prosecutor's Office, Prosecutor General's Office of Ukraine

- organization and providing of the procedural guidance and the pre-trial investigation in criminal proceedings;
- the maintenance of public prosecution;
- representation of the interests of the citizens and state in the courts;
- supervision over observance of laws by the authorities carrying out detective operations, inquiries and pre-trial investigation;

March 1999 – December 2014

Different positions of the prosecutors and investigators at the prosecutor's offices of the Lugansk, Kharkiv, Kyiv, Mykolaiv regions and Prosecutor General's Office of Ukraine

- investigation and procedural guidance in criminal proceedings;
- representation of the interests of the citizens and state in the courts;
- the maintenance of public prosecution;
- supervision over observance of laws by the authorities carrying out detective operations, inquiries and pre-trial investigation;
- supervision of the observance of laws.

EDUCATION AND TRAINING

June 2008 Ph.D. in Law
Interregional Academy of Personnel Management (IAPM)

September 1994 – June 1999 Master
National Yaroslav Mudryi Law Academy

Mother tongue(s) Ukrainian, Russian

ADAM B. SCHIFF, CALIFORNIA
CHAIRMAN

THE HONORABLE DEVIN NUNES, STAFF DIRECTOR
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www.intelligence.house.gov



ONE HUNDRED SIXTEENTH CONGRESS

DEVIN NUNES, CALIFORNIA
RANKING MEMBER

ALLEN SQUA, MICHIGAN STAFF DIRECTOR

Permanent Select Committee
on Intelligence
U.S. House of Representatives
January 14, 2020

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Nadler:

Pursuant to Section 3 of H. Res. 660, following consultation with the Ranking Minority Member, I am transmitting to the House Committee on the Judiciary two flash drives containing additional records and other materials related to the impeachment inquiry. This evidence was produced to the House Permanent Select Committee on Intelligence pursuant to duly authorized subpoenas and shared with the Committee on Oversight and Reform and the Committee on Foreign Affairs.

One flash drive is in a sealed envelope marked “sensitive”—this flash drive contains call records with sensitive personal information that should be protected from public disclosure. The other flash drive includes some of the records recently produced by Lev Parnas, an associate of President Trump’s personal attorney, Rudy Giuliani, that are pertinent to the impeachment inquiry and some of which are described in more detail in the enclosure. Despite unprecedented obstruction by the President, the Committee continues to receive and review potentially relevant evidence and will make supplemental transmittals under H. Res. 660, as appropriate.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam B. Schiff", written in a cursive style.

Adam B. Schiff
Chairman

Enclosures

cc: The Honorable Doug Collins, Ranking Member
Committee on the Judiciary
The Honorable Devin Nunes, Ranking Member
Permanent Select Committee on Intelligence

**Enclosure: Certain Documents Produced by Lev Parnas
to the House Permanent Select Committee on Intelligence**

The House Permanent Select Committee on Intelligence (“Committee”) requested on September 30, 2019, that Lev Parnas, an associate of Rudy Giuliani, President Trump’s personal attorney, voluntarily produce records as part of the House of Representatives’ impeachment inquiry. On October 3, Mr. Parnas’ then-attorney, John Dowd, communicated to the Committee that Mr. Parnas would not comply with the request. On October 9, Mr. Parnas was detained pursuant to an arrest warrant from the Southern District of New York. The next day, on October 10, the Committee issued a duly-authorized subpoena to compel Mr. Parnas to produce records pertinent to the impeachment inquiry.

On October 30, after securing new counsel, Mr. Parnas informed the Committee that he intended to comply with the subpoena. Mr. Parnas recently received court authorization to share with the Committee materials that were seized from him by the U.S. Attorney’s Office for the Southern District of New York. He also produced to the Committee other material in his possession and continues to provide material responsive to the subpoena on a rolling basis.

A preliminary review of Mr. Parnas’ production, a voluminous record of data extracted primarily from one of his personal cell phones, further corroborates the findings and evidence related to the President’s scheme, which was laid out in the Trump-Ukraine Impeachment Inquiry Report, released by the Committee on December 3.

As an example of the relevancy to the impeachment inquiry of the evidence that you are receiving today, attached here are some documents pertinent to the President’s Ukraine effort that we identified in our initial review of Mr. Parnas’ production. Because some messages retrieved from Mr. Parnas’ device were written in Russian, the Committee is also providing a rough translation of a number of those messages, which is also included here. The evidence you are receiving today shows:

- Mr. Parnas produced handwritten notes on stationery from the Ritz-Carlton Hotel in Vienna, Austria that appear directly related to the President’s scheme to press Ukraine to announce investigations beneficial to his reelection campaign. Mr. Parnas’ attorney confirmed that the notes were written by his client. One hand-written note states:

** get Zelensky [sic] to Announce [sic] that the Biden case will Be Investigated
* start communicating] with Zelensky [sic] without (Pinchuk or Kolomoisky)*

Victor Pinchuk and Ihor Kolomoisky are prominent and politically-connected Ukrainian oligarchs. As described in the Committee’s impeachment report, Mr. Parnas unsuccessfully sought Mr. Kolomoisky’s assistance in facilitating a meeting between Mr. Giuliani and President Zelensky.

- In January of 2019, Mr. Parnas and Mr. Giuliani exchanged text messages about securing a visa for former Ukrainian Prosecutor General Viktor Shokin. When Mr. Parnas advised that the United States had denied Mr. Shokin’s visa, Mr. Giuliani responded “I can revive it.”

Mr. Giuliani later revealed, “It’s going to work I have no 1 in it.” He also gave Jay Sekulow, President Trump’s personal attorney, Mr. Parnas’ phone number.

- In March 2019, Mr. Parnas communicated by text message with Robert F. Hyde about former U.S. Ambassador to Ukraine Marie Yovanovitch. In response to some articles, tweets, and videos accusing the Ambassador of being disloyal to President Trump, Mr. Hyde wrote “Wow. Can’t believe Trumo [sic] hasn’t fired this bitch. I’ll get right in that.” Mr. Hyde then sent a series of text messages suggesting that he had Ambassador Yovanovitch under physical surveillance in Kyiv and that “They are willing to help if we/you would like a price.”
- Mr. Parnas communicated with Mr. Giuliani, Victoria Toensing and others about the removal of Ambassador Yovanovitch. For example, on April 23, the day before Ambassador Yovanovitch received a phone call from the State Department that she had to return to the United States because there were “concerns” from “up the street” at the White House, Mr. Giuliani texted Parnas, “He fired her again.” Mr. Parnas responded, “I pray it happens this time I’ll call you tomorrow my brother.”
- Mr. Parnas communicated extensively by phone and messaging applications with Mr. Giuliani about matters relevant to the House impeachment inquiry.

For example, Mr. Parnas’ phone included a screenshot of a previously-undisclosed May 10, 2019, letter from Mr. Giuliani to then-President-elect Zelensky. The one-page letter signed by Mr. Giuliani states, in part:

Dear President-Elect Zelensky:

I am private counsel to President Donald J. Trump. Just to be precise, I represent him as a private citizen, not as President of the United States. This is quite common under American law because the duties and privileges of a President and a private citizen are not the same. Separate representation is usual process.

[...]

However, I have a more specific request. In my capacity as personal counsel to President Trump and with his knowledge and consent, I request a meeting with you on this upcoming Monday, May 13th or Tuesday, May 14th. I will need no more than a half-hour of your time and I will be accompanied by my colleague Victoria Toensing, a distinguished American attorney who is very familiar with this matter.

Mr. Parnas texted a copy of the letter to a close aide to then-President-elect Zelensky shortly after it was drafted.

Mr. Giuliani’s letter makes clear that his trip, which he publicly described at the time as an effort to “meddle in an investigation,” was undertaken with the knowledge and support of President Trump.

Around the same time, Mr. Giuliani also sent Mr. Parnas a text message asking, “This guy is canceling meeting I think?” Approximately three hours later, Mr. Giuliani sent Mr. Parnas drafts of a public statement that claimed that “people advising the PRES ELECT are no friends of the President.”

As detailed in the Committee’s impeachment inquiry report, Mr. Giuliani cancelled his trip to Ukraine following public revelations that he was traveling there to manufacture dirt on President Trump’s political opponent, former Vice President Joe Biden.

Following his cancellation, Mr. Giuliani publicly criticized President-elect Zelensky and his aides, claiming that Mr. Zelensky was surrounded by “enemies of the President.”

- Mr. Parnas continued to try to arrange a meeting with President Zelensky. For example, on July 3, Mr. Parnas told Mr. Giuliani that he was traveling to Vienna. Mr. Giuliani responded, “Wow!”, and Mr. Parnas explained “trying to get us mr Z.”
- Mr. Parnas communicated via encrypted messaging applications, particularly WhatsApp, with senior Ukrainian officials and figures at key junctures in 2019 while President Trump’s scheme was underway. These communications, often in Russian, demonstrate that Mr. Parnas served as a direct channel between President Trump’s agent, Mr. Giuliani, and individuals close to President Volodymyr Zelensky.
 - In early May 2019, Mr. Parnas was in contact with senior aides to President Zelensky, including Ivan Bakanov, who serves as the head of Ukraine’s Security Service, and Serhiy Shefir, who is the chief aide to President Zelensky. Mr. Parnas sought their assistance in scheduling a meeting between Mr. Giuliani and President Zelensky.

Mr. Parnas also sent these aides several news articles promoting the same false allegations about former Vice President Biden and his son and Ukraine’s purported interference in the 2016 election that President Trump raised during his July 25, 2019, call with President Zelensky.

On May 2, Mr. Bakanov replied to Mr. Parnas: “I shared the information you provided with Mr. President via the established channel, but I have not yet received confirmation.” It appears that Mr. Bakanov provided the press articles to President-elect Zelensky, indicating that President Zelensky learned of the false allegations promoted by Mr. Giuliani and his associates at least as early as May of 2019.

- Mr. Parnas was also in contact with two former corrupt Prosecutors General of Ukraine, Viktor Shokin and Yuriy Lutsenko. Mr. Lutsenko in particular was Mr. Giuliani’s primary source for the same false allegations about Vice President Biden and the 2016 election. Mr. Parnas’ communications with Mr. Lutsenko included frequent reference to Ambassador Yovanovitch, often in deeply offensive terms. Ambassador Yovanovitch was ousted by President Trump after a smear campaign

launched against her by Mr. Lutsenko, Mr. Giuliani, and their associates in the United States and Ukraine.

- On October 2, 2019, Jay Sekulow, personal counsel to the President, informed President Trump's former attorney John Dowd that he had discussed with President Trump "the issue of representation" and that President Trump "consents to allowing your representation of Mr. Parnas and Mr. Fruman." This email was sent three days after the Committee sent Mr. Parnas and Mr. Fruman a request to voluntarily produce records and testify before the investigating Committees.

On October 3, the day after Mr. Sekulow's letter was sent to Mr. Dowd, Mr. Dowd wrote to the Committee to clarify that he represented Mr. Parnas and Mr. Fruman, advising that, "Messrs. Parnas and Fruman assisted Mr. Giuliani in connection with his representation of President Trump."

One week later, Mr. Parnas and Mr. Fruman were arrested. Mr. Parnas changed counsel thereafter and, on October 30, 2019, informed the Committee that he wanted to comply its request and subpoena.



**THE TRUMP-UKRAINE
IMPEACHMENT INQUIRY REPORT**

Report of the House Permanent Select Committee on Intelligence
Pursuant to H. Res. 660 in Consultation with the
House Committee on Oversight and Reform and the
House Committee on Foreign Affairs

December 2019

House Permanent Select Committee on Intelligence

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 Maher Bitar, General Counsel
 Rheanne Wirkkala, Deputy Director of Investigations
 Patrick M. Boland, Communications Director

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Nicolas A. Mitchell	

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 Wells C. Bennett, Deputy General Counsel

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Rep. Alexandria Ocasio-Cortez (NY)	
Rep. Ayanna Pressley (MA)	
Rep. Rashida Tlaib (MI)	

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Susanne Sachsman Grooms, Deputy Staff Director & Chief Counsel

Peter Kenny, Chief Investigative Counsel

Krista A. Boyd, General Counsel

Janet H. Kim, Chief Counsel for Investigations

Russell Anello, Chief Oversight Counsel

Aryele Bradford, Communications Director

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 Cassie Fields
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 Jessica L. Heller

Gina Kim
 Jason Powell
 Dan Rebnord
 Ricardo Brandon Rios
 Erinn L. Sauer, Detailee
 Amish A. Shah
 Laura Waters

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PREFACE

This report reflects the evidence gathered thus far by the House Permanent Select Committee on Intelligence, in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, as part of the House of Representatives' impeachment inquiry into Donald J. Trump, the 45th President of the United States.

The report is the culmination of an investigation that began in September 2019 and intensified over the past three months as new revelations and evidence of the President's misconduct towards Ukraine emerged. The Committees pursued the truth vigorously, but fairly, ensuring the full participation of both parties throughout the probe.

Sustained by the tireless work of more than three dozen dedicated staff across the three Committees, we issued dozens of subpoenas for documents and testimony and took more than 100 hours of deposition testimony from 17 witnesses. To provide the American people the opportunity to learn and evaluate the facts themselves, the Intelligence Committee held seven public hearings with 12 witnesses—including three requested by the Republican Minority—that totaled more than 30 hours.

At the outset, I want to recognize my late friend and colleague Elijah E. Cummings, whose grace and commitment to justice served as our North Star throughout this investigation. I would also like to thank my colleagues Eliot L. Engel and Carolyn B. Maloney, chairs respectively of the Foreign Affairs and Oversight and Reform Committees, as well as the Members of those Committees, many of whom provided invaluable contributions. Members of the Intelligence Committee, as well, worked selflessly and collaboratively throughout this investigation. Finally, I am grateful to Speaker Nancy Pelosi for the trust she placed in our Committees to conduct this work and for her wise counsel throughout.

I also want to thank the dedicated professional staff of the Intelligence Committee, who worked ceaselessly and with remarkable poise and ability. My deepest gratitude goes to Daniel Goldman, Rheanne Wirkkala, Maher Bitar, Timothy Bergreen, Patrick Boland, Daniel Noble, Nicolas Mitchell, Sean Misko, Patrick Fallon, Diana Pilipenko, William Evans, Ariana Rowberry, Wells Bennett, and William Wu. Additional Intelligence Committee staff members also assured that the important oversight work of the Committee continued, even as we were required to take on the additional responsibility of conducting a key part of the House impeachment inquiry. Finally, I would like to thank the devoted and outstanding staff of the Committee on Oversight and Reform, including but not limited to Dave Rapallo, Susanne Sachsman Grooms, Peter Kenny, Krista Boyd, and Janet Kim, as well as Laura Carey from the Committee on Foreign Affairs.

* * *

In his farewell address, President George Washington warned of a moment when “cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.”

The Framers of the Constitution well understood that an individual could one day occupy the Office of the President who would place his personal or political interests above those of the nation. Having just won hard-fought independence from a King with unbridled authority, they were attuned to the dangers of an executive who lacked fealty to the law and the Constitution.

In response, the Framers adopted a tool used by the British Parliament for several hundred years to constrain the Crown—the power of impeachment. Unlike in Britain, where impeachment was typically reserved for inferior officers but not the King himself, impeachment in our untested democracy was specifically intended to serve as the ultimate form of accountability for a duly-elected President. Rather than a mechanism to overturn an election, impeachment was explicitly contemplated as a remedy of last resort for a president who fails to faithfully execute his oath of office “to preserve, protect and defend the Constitution of the United States.”

Accordingly, the Constitution confers the power to impeach the president on Congress, stating that the president shall be removed from office upon conviction for “Treason, Bribery, or other high Crimes and Misdemeanors.” While the Constitutional standard for removal from office is justly a high one, it is nonetheless an essential check and balance on the authority of the occupant of the Office of the President, particularly when that occupant represents a continuing threat to our fundamental democratic norms, values, and laws.

Alexander Hamilton explained that impeachment was not designed to cover only criminal violations, but also crimes against the American people. “The subjects of its jurisdiction,” Hamilton wrote, “are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself.”

Similarly, future Associate Justice of the United States Supreme Court James Wilson, a delegate from Pennsylvania at the Constitutional Convention, distinguished impeachable offenses from those that reside “within the sphere of ordinary jurisprudence.” As he noted, “impeachments are confined to political characters, to political crimes and misdemeanors, and to political punishments.”

* * *

As this report details, the impeachment inquiry has found that President Trump, personally and acting through agents within and outside of the U.S. government, solicited the interference of a foreign government, Ukraine, to benefit his reelection. In furtherance of this scheme, President Trump conditioned official acts on a public announcement by the new Ukrainian President, Volodymyr Zelensky, of politically-motivated investigations, including one into President Trump’s domestic political opponent. In pressuring President Zelensky to carry out his demand, President Trump withheld a White House meeting desperately sought by the Ukrainian President and critical U.S. military assistance to fight Russian aggression in eastern Ukraine.

The President engaged in this course of conduct for the benefit of his own presidential reelection, to harm the election prospects of a political rival, and to influence our nation's upcoming presidential election to his advantage. In doing so, the President placed his own personal and political interests above the national interests of the United States, sought to undermine the integrity of the U.S. presidential election process, and endangered U.S. national security.

At the center of this investigation is the memorandum prepared following President Trump's July 25, 2019, phone call with Ukraine's President, which the White House declassified and released under significant public pressure. The call record alone is stark evidence of misconduct; a demonstration of the President's prioritization of his personal political benefit over the national interest. In response to President Zelensky's appreciation for vital U.S. military assistance, which President Trump froze without explanation, President Trump asked for "a favor though": two specific investigations designed to assist his reelection efforts.

Our investigation determined that this telephone call was neither the start nor the end of President Trump's efforts to bend U.S. foreign policy for his personal gain. Rather, it was a dramatic crescendo within a months-long campaign driven by President Trump in which senior U.S. officials, including the Vice President, the Secretary of State, the Acting Chief of Staff, the Secretary of Energy, and others were either knowledgeable of or active participants in an effort to extract from a foreign nation the personal political benefits sought by the President.

The investigation revealed the nature and extent of the President's misconduct, notwithstanding an unprecedented campaign of obstruction by the President and his Administration to prevent the Committees from obtaining documentary evidence and testimony. A dozen witnesses followed President Trump's orders, defying voluntary requests and lawful subpoenas, and refusing to testify. The White House, Department of State, Department of Defense, Office of Management and Budget, and Department of Energy refused to produce a single document in response to our subpoenas.

Ultimately, this sweeping effort to stonewall the House of Representatives' "sole Power of Impeachment" under the Constitution failed because witnesses courageously came forward and testified in response to lawful process. The report that follows was only possible because of their sense of duty and devotion to their country and its Constitution.

Nevertheless, there remain unanswered questions, and our investigation must continue, even as we transmit our report to the Judiciary Committee. Given the proximate threat of further presidential attempts to solicit foreign interference in our next election, we cannot wait to make a referral until our efforts to obtain additional testimony and documents wind their way through the courts. The evidence of the President's misconduct is overwhelming, and so too is the evidence of his obstruction of Congress. Indeed, it would be hard to imagine a stronger or more complete case of obstruction than that demonstrated by the President since the inquiry began.

The damage the President has done to our relationship with a key strategic partner will be remedied over time, and Ukraine continues to enjoy strong bipartisan support in Congress. But the damage to our system of checks and balances, and to the balance of power within our three

branches of government, will be long-lasting and potentially irrevocable if the President's ability to stonewall Congress goes unchecked. Any future President will feel empowered to resist an investigation into their own wrongdoing, malfeasance, or corruption, and the result will be a nation at far greater risk of all three.

* * *

The decision to move forward with an impeachment inquiry is not one we took lightly. Under the best of circumstances, impeachment is a wrenching process for the nation. I resisted calls to undertake an impeachment investigation for many months on that basis, notwithstanding the existence of presidential misconduct that I believed to be deeply unethical and damaging to our democracy. The alarming events and actions detailed in this report, however, left us with no choice but to proceed.

In making the decision to move forward, we were struck by the fact that the President's misconduct was not an isolated occurrence, nor was it the product of a naïve president. Instead, the efforts to involve Ukraine in our 2020 presidential election were undertaken by a President who himself was elected in 2016 with the benefit of an unprecedented and sweeping campaign of election interference undertaken by Russia in his favor, which the President welcomed and utilized.

Having witnessed the degree to which interference by a foreign power in 2016 harmed our democracy, President Trump cannot credibly claim ignorance to its pernicious effects. Even more pointedly, the President's July call with Ukrainian President Zelensky, in which he solicited an investigation to damage his most feared 2020 opponent, came the day after Special Counsel Robert Mueller testified to Congress about Russia's efforts to damage his 2016 opponent and his urgent warning of the dangers of further foreign interference in the next election. With this backdrop, the solicitation of new foreign intervention was the act of a president unbound, not one chastened by experience. It was the act of a president who viewed himself as unaccountable and determined to use his vast official powers to secure his reelection.

This repeated and pervasive threat to our democratic electoral process added urgency to our work. On October 3, 2019, even as our Committee was engaged in this inquiry, President Trump publicly declared anew that other countries should open investigations into his chief political rival, saying, "China should start an investigation into the Bidens," and "President Zelensky, if it were me, I would recommend that they start an investigation into the Bidens." When a reporter asked the President what he hoped Ukraine's President would do following the July 25 call, President Trump, seeking to dispel any doubt as to his continuing intention, responded: "Well, I would think that, if they were honest about it, they'd start a major investigation into the Bidens. It's a very simple answer."

By doubling down on his misconduct and declaring that his July 25 call with President Zelensky was "perfect," President Trump has shown a continued willingness to use the power of his office to seek foreign intervention in our next election. His Acting Chief of Staff, Mick Mulvaney, in the course of admitting that the President had linked security assistance to Ukraine to the announcement of one of his desired investigations, told the American people to "get over

it.” In these statements and actions, the President became the author of his own impeachment inquiry. The question presented by the set of facts enumerated in this report may be as simple as that posed by the President and his chief of staff’s brazenness: is the remedy of impeachment warranted for a president who would use the power of his office to coerce foreign interference in a U.S. election, or is that now a mere perk of the office that Americans must simply “get over”?

* * *

Those watching the impeachment hearings might have been struck by how little discrepancy there was between the witnesses called by the Majority and Minority. Indeed, most of the facts presented in the pages that follow are uncontested. The broad outlines, as well as many of the details of the President’s scheme, have been presented by the witnesses with remarkable consistency. There will always be some variation in the testimony of multiple people witnessing the same events, but few of the differences here go to the heart of the matter. And so, it may have been all the more surprising to the public to see very disparate reactions to the testimony by the Members of Congress from each party.

If there was one ill the Founders feared as much as that of an unfit president, it may have been that of excessive factionalism. Although the Framers viewed parties as necessary, they also endeavored to structure the new government in such a way as to minimize the “violence of faction.” As George Washington warned in his farewell address, “the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.”

Today, we may be witnessing a collision between the power of a remedy meant to curb presidential misconduct and the power of faction determined to defend against the use of that remedy on a president of the same party. But perhaps even more corrosive to our democratic system of governance, the President and his allies are making a comprehensive attack on the very idea of fact and truth. How can a democracy survive without acceptance of a common set of experiences?

America remains the beacon of democracy and opportunity for freedom-loving people around the world. From their homes and their jail cells, from their public squares and their refugee camps, from their waking hours until their last breath, individuals fighting human rights abuses, journalists uncovering and exposing corruption, persecuted minorities struggling to survive and preserve their faith, and countless others around the globe just hoping for a better life look to America. What we do will determine what they see, and whether America remains a nation committed to the rule of law.

As Benjamin Franklin departed the Constitutional Convention, he was asked, “what have we got? A Republic or a Monarchy?” He responded simply: “A Republic, if you can keep it.”

Adam B. Schiff
Chairman, House Permanent Select Committee on Intelligence

EXECUTIVE SUMMARY

The impeachment inquiry into Donald J. Trump, the 45th President of the United States, uncovered a months-long effort by President Trump to use the powers of his office to solicit foreign interference on his behalf in the 2020 election. As described in this executive summary and the report that follows, President Trump's scheme subverted U.S. foreign policy toward Ukraine and undermined our national security in favor of two politically motivated investigations that would help his presidential reelection campaign. The President demanded that the newly-elected Ukrainian president, Volodymyr Zelensky, publicly announce investigations into a political rival that he apparently feared the most, former Vice President Joe Biden, and into a discredited theory that it was Ukraine, not Russia, that interfered in the 2016 presidential election. To compel the Ukrainian President to do his political bidding, President Trump conditioned two official acts on the public announcement of the investigations: a coveted White House visit and critical U.S. military assistance Ukraine needed to fight its Russian adversary.

During a July 25, 2019, call between President Trump and President Zelensky, President Zelensky expressed gratitude for U.S. military assistance. President Trump immediately responded by asking President Zelensky to "do us a favor though" and openly pressed for Ukraine to investigate former Vice President Biden and the 2016 conspiracy theory. In turn, President Zelensky assured President Trump that he would pursue the investigation and reiterated his interest in the White House meeting. Although President Trump's scheme intentionally bypassed many career personnel, it was undertaken with the knowledge and approval of senior Administration officials, including the President's Acting Chief of Staff Mick Mulvaney, Secretary of State Mike Pompeo, and Secretary of Energy Rick Perry. In fact, at a press conference weeks after public revelations about the scheme, Mr. Mulvaney publicly acknowledged that the President directly tied the hold on military aid to his desire to get Ukraine to conduct a political investigation, telling Americans to "get over it."

President Trump and his senior officials may see nothing wrong with using the power of the Office of the President to pressure a foreign country to help the President's reelection campaign. Indeed, President Trump continues to encourage Ukraine and other foreign countries to engage in the same kind of election interference today. However, the Founding Fathers prescribed a remedy for a chief executive who places his personal interests above those of the country: impeachment. Accordingly, as part of the House of Representatives' impeachment inquiry, the Permanent Select Committee on Intelligence, in coordination with the Committees on Oversight and Reform and Foreign Affairs, was compelled to undertake a serious, sober, and expeditious investigation into whether the President's misconduct warrants that remedy.

In response, President Trump engaged in an unprecedented campaign of obstruction of this impeachment inquiry. Nevertheless, due in large measure to patriotic and courageous public servants who provided the Committees with direct evidence of the President's actions, the Committees uncovered significant misconduct on the part of the President of the United States. As required under House Resolution 660, the Intelligence Committee, in consultation with the Committees on Oversight and Reform and Foreign Affairs, has prepared this report to detail the evidence uncovered to date, which will now be transmitted to the Judiciary Committee for its consideration.

SECTION I—THE PRESIDENT’S MISCONDUCT**The President Conditioned a White House Meeting and Military Aid to Ukraine on a Public Announcement of Investigations Beneficial to his Reelection Campaign***The President’s Request for a Political Favor*

On the morning of July 25, 2019, President Donald Trump settled in to the White House Executive Residence to join a telephone call with President Volodymyr Zelensky of Ukraine. It had been more than three months since President Zelensky, a political neophyte, had been swept into office in a landslide victory on a platform of rooting out corruption and ending the war between his country and Russia. The day of his election, April 21, President Zelensky spoke briefly with President Trump, who had called to congratulate him and invite him to a visit at the White House. As of July 25, no White House meeting had materialized.

As is typical for telephone calls with other heads of state, staff members from the National Security Council (NSC) convened in the White House Situation Room to listen to the call and take notes, which would later be compiled into a memorandum that would constitute the U.S. government’s official record of the call. NSC staff had prepared a standard package of talking points for the President based on official U.S. policy. The talking points included recommendations to encourage President Zelensky to continue to promote anti-corruption reforms in Ukraine, a pillar of American foreign policy in the country as far back as its independence in the 1990s when Ukraine first rid itself of Kremlin control.

This call would deviate significantly from that script. Shortly before he was patched through to President Zelensky, President Trump spoke with Gordon Sondland, who had donated \$1 million to President Trump’s 2016 presidential inauguration and whom the President had appointed as the United States Ambassador to the European Union. Ambassador Sondland had helped lay the groundwork for a very different kind of call between the two Presidents.

Ambassador Sondland had relayed a message to President Zelensky six days earlier that “assurances to run a fully transparent investigation” and “turn over every stone” were necessary in his call with President Trump. Ambassador Sondland understood these phrases to refer to two investigations politically beneficial to the President’s reelection campaign: one into former Vice President Joe Biden and a Ukrainian gas company called Burisma, of which his son sat on the board, and the other into a discredited conspiracy theory alleging that Ukraine, not Russia, interfered in the 2016 U.S. election. The allegations about Vice President Biden were without evidence, and the U.S. Intelligence Community had unanimously determined that Russia, not Ukraine, interfered in the 2016 election to help the candidacy of Donald Trump. Despite the falsehoods, Ambassador Sondland would make it clear to Ukrainian officials that the public announcement of these investigations was a prerequisite for the coveted White House meeting with President Trump, an effort that would help the President’s reelection campaign.

The White House meeting was not the only official act that President Trump conditioned on the announcement of these investigations. Several weeks before his phone call with President Zelensky, President Trump ordered a hold on nearly \$400 million of congressionally-

appropriated security assistance to Ukraine that provided Kyiv essential support as it sought to repel Russian forces that were occupying Crimea and inflicting casualties in the eastern region of the country. The President's decision to freeze the aid, made without explanation, sent shock waves through the Department of Defense (DOD), the Department of State, and the NSC, which uniformly supported providing this assistance to our strategic partner. Although the suspension of aid had not been made public by the day of the call between the two Presidents, officials at the Ukrainian embassy in Washington had already asked American officials about the status of the vital military assistance.

At the outset of the conversation on July 25, President Zelensky thanked President Trump for the "great support in the area of defense" provided by the United States to date. He then indicated that Ukraine would soon be prepared to purchase additional Javelin anti-tank missiles from the United States as part of this defense cooperation. President Trump immediately responded with his own request: "I would like you to do us a favor though," which was "to find out what happened" with alleged Ukrainian interference in the 2016 election.

President Trump then asked President Zelensky "to look into" former Vice President Biden's role in encouraging Ukraine to remove a prosecutor widely viewed by the United States and numerous European partners to be corrupt. In so doing, President Trump gave currency to a baseless allegation that Vice President Biden wanted to remove the corrupt prosecutor because he was investigating Burisma, a company on whose board the Vice President's son sat at the time.

Over the course of the roughly thirty-minute call, President Trump repeated these false allegations and pressed the Ukrainian President to consult with his personal attorney, Rudy Giuliani, who had been publicly advocating for months for Ukraine to initiate these specific investigations. President Zelensky promised that he would "work on the investigation of the case." Later in the call, he thanked President Trump for his invitation to join him at the White House, following up immediately with a comment that, "[o]n the other hand," he would "ensure" that Ukraine pursued "the investigation" that President Trump had requested.

During the call, President Trump also disparaged Marie Yovanovitch, the former U.S. ambassador to Ukraine, who championed anti-corruption reforms in the country, and whom President Trump had unceremoniously removed months earlier following a smear campaign waged against her by Mr. Giuliani and others. President Trump claimed that she was "bad news" and was "going to go through some things." He praised the current prosecutor at the time, who was widely viewed as corrupt and who helped initiate the smear campaign against her, calling him "very good" and "very fair."

Hearing the call as it transpired, several White House staff members became alarmed. Far from giving the "full-throated endorsement of the Ukraine reform agenda" that had been hoped for, the President instead demanded a political investigation into an American—the presidential candidate he evidently feared most, Joe Biden.

Lieutenant Colonel Alexander Vindman, an NSC staff member responsible for Ukraine policy who listened to the call, immediately reported his concerns to NSC lawyers. His

supervisor, NSC Senior Director for Europe and Russia Timothy Morrison, also reported the call to the lawyers, worrying that the call would be “damaging” if leaked publicly. In response, the lawyers placed the memorandum summarizing the call onto a highly classified server, significantly limiting access to the materials.

The call record would not remain hidden forever. On September 25, 2019, facing immense public pressure to reveal the contents of the call and following the announcement the previous day of a formal impeachment inquiry in the House of Representatives into President Trump’s actions toward Ukraine, the White House publicly released the memorandum of the July 25 call.

The record of the call would help explain for those involved in Ukraine policy in the U.S. government, the Congress, and the public why President Trump, his personal attorney, Mr. Giuliani, his hand-picked appointees in charge of Ukraine issues, and various senior Administration officials would go to great lengths to withhold a coveted White House meeting and critical military aid from Ukraine at a time when it served as a bulwark against Russian aggression in Europe.

The answer was as simple as it was inimical to our national security and election integrity: the President was withholding officials acts while soliciting something of value to his reelection campaign—an investigation into his political rival.

The story of that scheme follows.

* * *

The President Removed Anti-Corruption Champion Ambassador Yovanovitch

On April 24, 2019, President Trump abruptly called back to Washington the United States Ambassador to Ukraine, Marie “Masha” Yovanovitch, after a ruthless smear campaign was waged against her. She was known throughout Ukraine and among her peers for aggressively advocating for anti-corruption reforms consistent with U.S. foreign policy and only recently had been asked to extend her stay in Ukraine. Her effectiveness in anti-corruption efforts earned her enemies in Kyiv and in Washington. As Deputy Assistant Secretary of State George Kent testified in praising Ambassador Yovanovitch: “You can’t promote principled anticorruption action without pissing off corrupt people.”

Beginning on March 20, *The Hill* newspaper published several op-eds attacking Ambassador Yovanovitch and former Vice President Joe Biden, relying on information from a Ukrainian prosecutor, Yuriy Lutsenko, who was widely viewed to be corrupt. Mr. Lutsenko had served as the chief prosecutor in Ukraine under the then-incumbent president who lost to Volodymyr Zelensky in April 2019. Although he would later recant many of his allegations, Mr. Lutsenko falsely accused Ambassador Yovanovitch of speaking negatively about President Trump and giving Mr. Lutsenko a “do-not-prosecute list.”

The attacks against Ambassador Yovanovitch were amplified by prominent, close allies of President Trump, including Mr. Giuliani and his associates, Sean Hannity, and Donald Trump Jr. President Trump tweeted the smears himself just a month before he recalled the Ambassador from Ukraine. In the face of attacks driven by Mr. Lutsenko and the President's allies, Ambassador Yovanovitch and other senior State Department officials asked Secretary of State Mike Pompeo to issue a statement of support for her and for the U.S. Embassy in Ukraine. The Secretary declined, fearing that President Trump might publicly undermine those efforts, possibly through a tweet.

Following a ceremony in which she presented an award of courage to the family of a young female anti-corruption activist killed in Ukraine for her work, Ambassador Yovanovitch received an urgent call from the State Department regarding her "security," and imploring her to take the first plane back to Washington. When she arrived, she was informed that she had done nothing wrong, but that the President had lost confidence in her. She was told to leave her post as soon as possible.

In her place, the President would designate three new agents to spearhead Ukraine policy, political appointees far more willing to engage in an improper "domestic political errand" than an ambassador known for her efforts to fight corruption.

The President's Hand-Picked Agents Began the Scheme

Just three days before Ambassador Yovanovitch's abrupt recall to Washington, President Trump had his first telephone call with President-elect Zelensky. During that conversation, President Trump congratulated the Ukrainian leader on his victory, complimented him on his country's Miss Universe Pageant contestants, and invited him to visit the White House. A White House meeting would help demonstrate the United States' strong support for Ukraine as it fought a hot war with Russia and attempted to negotiate an end to the conflict with Russian President Vladimir Putin, as well as to bolster President-elect Zelensky's standing with his own people as he sought to deliver on his promised anti-corruption agenda. Although the White House's public summary of the call included some discussion of a commitment to "root out corruption," President Trump did not mention corruption at all.

Shortly after the conversation, President Trump asked Vice President Mike Pence to attend President Zelensky's inauguration. Vice President Pence confirmed directly to President Zelensky his intention to attend during a phone conversation on April 23, and Vice President Pence's staff and the U.S. Embassy in Kyiv began preparations for the trip.

At the same time, President Trump's personal attorney, Mr. Giuliani, intensified his campaign to pressure Ukraine's newly-elected President to initiate investigations into Joe Biden, who had officially entered the race for the Democratic nomination on April 25, and the baseless conspiracy theory about Ukrainian interference in the 2016 election. On May 9, the *New York Times* published an article in which Mr. Giuliani declared that he intended to travel to Ukraine on behalf of his client, President Trump, in order to meddle in an investigation. After public backlash, Mr. Giuliani canceled the trip, blaming "some bad people" around President Zelensky. Days later, President Trump rescinded the plans for Vice President Pence to attend President

Zelensky's inauguration, which had not yet been scheduled. The staff member planning the trip was not provided an explanation for the about-face, but staff in the U.S. Embassy in Kyiv were disappointed that President Zelensky would not receive a "high level" show of support from the United States.

In Vice President Pence's stead, Secretary of Energy Rick Perry led the American delegation to the Ukrainian President's inauguration. Ambassador Sondland, Special Representative for Ukraine Negotiations Ambassador Kurt Volker, and Lt. Col. Vindman also attended. In comments that would foreshadow troubling events to come, Lt. Col. Vindman warned President Zelensky to stay out of U.S. domestic politics to avoid jeopardizing the bipartisan support Ukraine enjoyed in Congress.

The delegation returned to the United States impressed with President Zelensky, especially his focus on anti-corruption reforms. Ambassador Sondland quickly organized a meeting with President Trump in the Oval Office on May 23, attended by most of the other members of the delegation. The three political appointees, who would describe themselves as the "Three Amigos," relayed their positive impression of President Zelensky to President Trump and encouraged him to schedule the Oval Office meeting he promised in his April 21 phone call with the new leader.

President Trump reacted poorly to the suggestion, claiming that Ukraine "tried to take me down" in 2016. In order to schedule a White House visit for President Zelensky, President Trump told the delegation that they would have to "talk to Rudy." Ambassador Sondland testified that he understood the President's instruction to be a directive to work with Mr. Giuliani if they hoped to advance relations with Ukraine. President Trump directed the three senior U.S. government officials to assist Mr. Giuliani's efforts, which, it would soon become clear, were exclusively for the benefit of the President's reelection campaign.

As the Three Amigos were given responsibility over the U.S. government's Ukraine portfolio, Bill Taylor, a former Ambassador to Ukraine, was considering whether to come out of retirement to accept a request to succeed Ambassador Yovanovitch in Kyiv. As of May 26, Ambassador Taylor was "still struggling with the decision," and, in particular, whether anyone can "hope to succeed with the Giuliani-Biden issue swirling." After receiving assurances from Secretary Pompeo that U.S. policy toward Ukraine would not change, Ambassador Taylor accepted the position and arrived in Kyiv on June 17. Ambassador Taylor would quickly come to observe an "irregular channel" led by Mr. Giuliani that, over time, began to undermine the official channel of diplomatic relations with Ukraine. Mr. Giuliani would prove to be, as the President's National Security Advisor Ambassador John Bolton would tell a colleague, a "hand grenade that was going to blow everyone up."

The President Froze Vital Military Assistance

For fiscal year 2019, Congress appropriated and authorized \$391 million in security assistance to Ukraine: \$250 million in funds administered by DOD and \$141 million in funds administered by the State Department. On June 18, DOD issued a press release announcing its intention to provide \$250 million in taxpayer-funded security assistance to Ukraine following the

certification that all legitimate conditions on the aid, including anti-corruption reforms, had been met. Shortly after this announcement, however, both the Office of Management and Budget (OMB) and DOD received inquiries from the President related to the funds. At that time, and throughout the next few months, support for Ukraine security assistance was overwhelming and unanimous among all of the relevant agencies and within Congress.

By July 3, OMB blocked a Congressional notification which would have cleared the way for the release of \$141 million in State Department security assistance funds. By July 12, President Trump had placed a hold on all military support funding for Ukraine. On July 18, OMB announced the hold to all of the relevant agencies and indicated that it was directed by the President. No other reason was provided.

During a series of policy meetings involving increasingly senior officials, the uniform and consistent position of all policymaking agencies supported the release of funding. Ukraine experts at DOD, the State Department, and the NSC argued that it was in the national security interest of the United States to continue to support Ukraine. As Mr. Morrison testified, “The United States aids Ukraine and her people so that they can fight Russia over there, and we don’t have to fight Russia here.”

Agency officials also expressed concerns about the legality of President Trump’s direction to withhold assistance to Ukraine that Congress had already appropriated for this express purpose. Two OMB career officials, including one of its legal counsels, would resign, in part, over concerns regarding the hold.

By July 25, the date of President Trump’s call with President Zelensky, DOD was also receiving inquiries from Ukrainian officials about the status of the security assistance. Nevertheless, President Trump continued to withhold the funding to Ukraine without explanation, against the interests of U.S. national security, and over the objections of these career experts.

The President Conditioned a White House Meeting on Investigations

By the time Ukrainian officials were first learning about an issue with the anticipated military assistance, the President’s hand-picked representatives to Ukraine had already informed their Ukrainian counterparts that President Zelensky’s coveted White House meeting would only happen after Ukraine committed to pursuing the two political investigations that President Trump and Mr. Giuliani demanded.

Ambassador Sondland was unequivocal in describing this conditionality, testifying, “I know that members of this committee frequently frame these complicated issues in the form of a simple question: Was there a quid pro quo? As I testified previously with regard to the requested White House call and the White House meeting, the answer is yes.” Ambassadors Sondland and Volker worked to obtain the necessary assurance from President Zelensky that he would personally commit to initiate the investigations in order to secure both.

On July 2, in Toronto, Canada, Ambassador Volker conveyed the message directly to President Zelensky, specifically referencing the “Giuliani factor” in President Zelensky’s engagement with the United States. For his part, Mr. Giuliani made clear to Ambassadors Sondland and Volker, who were directly communicating with the Ukrainians, that a White House meeting would not occur until Ukraine announced its pursuit of the two political investigations. After observing Mr. Giuliani’s role in the ouster of a U.S. Ambassador and learning of his influence with the President, Ukrainian officials soon understood that “the key for many things is Rudi [sic].”

On July 10, Ambassador Bolton hosted a meeting in the White House with two senior Ukrainian officials, several American officials, including Ambassadors Sondland and Volker, Secretary Perry, Dr. Fiona Hill, Senior Director for Europe and Russia at the NSC, and Lt. Col. Vindman. As had become customary each time Ukrainian officials met with their American counterparts, the Ukrainians asked about the long-delayed White House meeting. Ambassador Bolton demurred, but Ambassador Sondland spoke up, revealing that he had worked out an arrangement with Acting Chief of Staff Mick Mulvaney to schedule the White House visit after Ukraine initiated the “investigations.” Ambassador Bolton “stiffened” and quickly ended the meeting.

Undaunted, Ambassador Sondland ushered many of the attendees to the Ward Room downstairs to continue their discussion. In the second meeting, Ambassador Sondland explained that he had an agreement with Mr. Mulvaney that the White House visit would come only after Ukraine announced the Burisma/Biden and 2016 Ukraine election interference investigations. At this second meeting, both Lt. Col. Vindman and Dr. Hill objected to intertwining a “domestic political errand” with official foreign policy, and they indicated that a White House meeting would have to go through proper channels.

Following these discussions, Dr. Hill reported back to Ambassador Bolton, who told her to “go and tell [the NSC Legal Advisor] that I am not part of whatever drug deal Sondland and Mulvaney are cooking up on this.” Both Dr. Hill and Lt. Col. Vindman separately reported the incident to the NSC Legal Advisor.

The President’s Agents Pursued a “Drug Deal”

Over the next two weeks, Ambassadors Sondland and Volker worked closely with Mr. Giuliani and senior Ukrainian and American officials to arrange a telephone call between President Trump and President Zelensky and to ensure that the Ukrainian President explicitly promised to undertake the political investigations required by President Trump to schedule the White House meeting. As Ambassador Sondland would later testify: “Mr. Giuliani was expressing the desires of the President of the United States, and we knew these investigations were important to the President.”

On July 19, Ambassador Volker had breakfast with Mr. Giuliani and his associate, Lev Parnas, at the Trump Hotel in Washington, D.C. Mr. Parnas would subsequently be indicted for campaign finance violations as part of an investigation that remains ongoing. During the conversation, Ambassador Volker stressed his belief that the attacks being leveled publicly

against Vice President Biden related to Ukraine were false and that the former Vice President was “a person of integrity.” He counseled Mr. Giuliani that the Ukrainian prosecutor pushing the false narrative, Mr. Lutsenko, was promoting “a self-serving narrative to preserve himself in power.” Mr. Giuliani agreed, but his promotion of Mr. Lutsenko’s false accusations for the benefit of President Trump did not cease. Ambassador Volker also offered to help arrange an in-person meeting between Mr. Giuliani and Andriy Yermak, one of President Zelensky’s most trusted advisors, which would later take place in Madrid, Spain in early August.

After the breakfast meeting at the Trump Hotel, Ambassador Volker reported back to Ambassadors Sondland and Taylor about his conversation with Mr. Giuliani, writing in a text message that, “Most imp[or]t [sic] is for Zelensky to say that he will help investigation—and address any specific personnel issues—if there are any,” likely referencing President Zelensky’s decision to remove Mr. Lutsenko as prosecutor general, a decision with which Mr. Giuliani disagreed. The same day, Ambassador Sondland spoke with President Zelensky and recommended that the Ukrainian leader tell President Trump that he “will leave no stone unturned” regarding the political investigations during the upcoming presidential phone call.

Ambassador Sondland emailed several top Administration officials, including Secretary of State Pompeo, Acting Chief of Staff Mulvaney, and Secretary Perry, stating that President Zelensky confirmed that he would “assure” President Trump that “he intends to run a fully transparent investigation and will ‘turn over every stone.’” According to Ambassador Sondland, he was referring in the email to the Burisma/Biden and 2016 election interference investigations. Secretary Perry and Mr. Mulvaney responded affirmatively that the call would soon take place, and Ambassador Sondland testified later that “everyone was in the loop” on plans to condition the White House meeting on the announcement of political investigations beneficial to President Trump. The arrangement troubled the Ukrainian President, who “did not want to be used as a pawn in a U.S. reelection campaign.”

The President Pressed President Zelensky to Do a Political Favor

On the morning of July 25, Ambassador Volker sent a text message to President Zelensky’s top aide, Mr. Yermak, less than 30 minutes before the presidential call. He stated: “Heard from White House—assuming President Z convinces trump he will investigate / ‘get to the bottom of what happened’ in 2016, we will nail down date for visit to Washington. Good luck!” Shortly before the call, Ambassador Sondland spoke directly with President Trump.

President Zelensky followed this advice during his conversation with President Trump. President Zelensky assured that he would pursue the investigations that President Trump had discussed—into the Bidens and 2016 election interference—and, in turn, pressed for the White House meeting that remained outstanding.

The following day, Ambassadors Volker, Sondland, and Taylor met with President Zelensky in Kyiv. The Ukrainian President told them that President Trump had mentioned “sensitive issues” three times during the previous day’s phone call. Following the meeting with the Ukrainian leader, Ambassador Sondland had a private, one-on-one conversation with Mr. Yermak in which they discussed “the issue of investigations.” He then retired to lunch at an

outdoor restaurant terrace with State Department aides where he called President Trump directly from his cellphone. The White House confirmed that the conversation lasted five minutes.

At the outset of the call, President Trump asked Ambassador Sondland whether President Zelensky “was going to do the investigation” that President Trump had raised with President Zelensky the day before. Ambassador Sondland stated that President Zelensky was “going to do it” and “would do anything you ask him to.” According to David Holmes, the State Department aide sitting closest to Ambassador Sondland and who overheard the President’s voice on the phone, Ambassador Sondland and President Trump spoke only about the investigation in their discussion about Ukraine. The President made no mention of other major issues of importance in Ukraine, including President Zelensky’s aggressive anti-corruption reforms and the ongoing war it was fighting against Russian-led forces in eastern Ukraine.

After hanging up the phone, Ambassador Sondland explained to Mr. Holmes that President Trump “did not give a shit about Ukraine.” Rather, the President cared only about “big stuff” that benefited him personally, like “the Biden investigation that Mr. Giuliani was pitching,” and that President Trump had pushed for in his July 25 call with the Ukrainian leader. Ambassador Sondland did not recall referencing Biden specifically, but he did not dispute Mr. Holmes’ recollection of the call with the President or Ambassador Sondland’s subsequent discussion with Mr. Holmes.

The President’s Representatives Ratcheted up Pressure on the Ukrainian President

In the weeks following the July 25 call, the President’s hand-picked representatives increased the President’s pressure campaign on Ukrainian government officials—in person, over the phone, and by text message—to secure a public announcement of the investigations beneficial to President Trump’s reelection campaign.

In discussions with Ukrainian officials, Ambassador Sondland understood that President Trump did not require that Ukraine *conduct* investigations as a prerequisite for the White House meeting so much as publicly *announce* the investigations—making clear that the goal was not the investigations, but the political benefit Trump would derive from their announcement and the cloud they might put over a political opponent.

On August 2, President Zelensky’s advisor, Mr. Yermak, traveled to Madrid to meet Mr. Giuliani in person. There, they agreed that Ukraine would issue a public statement, and they discussed potential dates for a White House meeting. A few days later, Ambassador Volker told Mr. Giuliani that it “would be good” if Mr. Giuliani would report to “the boss,” President Trump, about “the results” of his Madrid discussion so that President Trump would finally agree to a White House visit by President Zelensky.

On August 9, Ambassador Volker and Mr. Giuliani spoke twice by phone, and Ambassador Sondland spoke twice to the White House for a total of about 20 minutes. In a text message to Ambassador Volker later that day, Ambassador Sondland wrote, “I think potus [sic] really wants the deliverable,” which Ambassador Sondland acknowledged was the public

statement announcing the two political investigations sought by President Trump and Mr. Giuliani.

The following day, Ambassador Sondland briefed State Department Counselor Ulrich Brechbuhl, a top advisor to Secretary Pompeo, on these discussions about President Zelensky issuing a statement that would include an announcement of the two political investigations. Ambassador Sondland also emailed Secretary Pompeo directly, copying the State Department's executive secretary and Mr. Brechbuhl, to inform them about the agreement for President Zelensky to give the press conference. He expected to see a draft of the statement, which would be "delivered for our review in a day or two." Ambassador Sondland noted his hope that the draft statement would "make the boss happy enough to authorize an invitation."

On August 12, Mr. Yermak sent the proposed statement to Ambassador Volker, but it lacked specific references to the two investigations politically beneficial to President Trump's reelection campaign. The following morning, Ambassadors Sondland and Volker spoke with Mr. Giuliani, who made clear that if the statement "doesn't say Burisma and 2016, it's not credible." Ambassador Volker revised the statement following this direction to include those references and returned it to the Ukrainian President's aide.

Mr. Yermak balked at getting drawn into U.S. politics and asked Ambassador Volker whether the United States had inquired about investigations through any appropriate Department of Justice channels. The answer was no, and several witnesses testified that a request to a foreign country to investigate a U.S. citizen "for political reasons" goes "against everything" the United States sought to promote in eastern Europe, specifically the rule of law. Ambassador Volker eventually agreed with Mr. Yermak that the announcement of the Biden/Burisma and 2016 elections investigations would "look like it would play into our domestic politics," so the statement was temporarily "shelved."

Nevertheless, Ambassador Sondland, in accordance with President Trump's wishes, continued to pursue the statement into early September 2019.

Ukrainians Inquired about the President's Hold on Security Assistance

Once President Trump placed security assistance on hold in July, "it was inevitable that it was eventually going to come out." On July 25, DOD officials learned that diplomats at the Ukrainian Embassy in Washington had made multiple overtures to DOD and the State Department "asking about security assistance." Separately, two different contacts at the Ukrainian Embassy approached Ambassador Volker's special advisor, Catherine Croft, to ask her in confidence about the hold. Ms. Croft was surprised at the effectiveness of their "diplomatic tradecraft," noting that they "found out very early on" that the United States was withholding critical military aid to Ukraine. By mid-August, before the freeze on aid became public, Lt. Col. Vindman had also received inquiries from an official at the Ukrainian Embassy.

The hold remained in place throughout August against the unanimous judgment of American officials focused on Ukraine policy. Without an explanation for the hold, which ran contrary to the recommendation of all relevant agencies, and with President Trump already

conditioning a White House visit on the announcement of the political investigations, it became increasingly apparent to multiple witnesses that the military aid was also being withheld in exchange for the announcement of them. As both Ambassador Sondland and Mr. Holmes would later testify, it became as clear as “two plus two equals four.”

On August 22, Ambassador Sondland emailed Secretary Pompeo again, recommending a plan for a potential meeting between President Trump and President Zelensky in Warsaw, Poland on September 1. Ambassador Sondland noted that President Zelensky should “look him in the eye” and tell President Trump that once new prosecutorial officials were in place in Ukraine, “Zelensky should be able to move forward publicly and with confidence on those issues of importance to Potus and the U.S.” Ambassador Sondland testified that this was a reference to the political investigations that President Trump discussed on the July 25 call, which Secretary Pompeo had listened to. Ambassador Sondland hoped this would “break the logjam”—the hold on critical security assistance to Ukraine. Secretary Pompeo replied three minutes later: “Yes.”

The President’s Security Assistance Hold Became Public

On August 28, *Politico* published a story revealing President Trump’s weeks-long hold on U.S. military assistance to Ukraine. Senior Ukrainian officials expressed grave concern, deeply worried about the practical impact on their efforts to fight Russian aggression, but also about the public message it sent to the Russian government, which would almost certainly seek to exploit any real or perceived crack in U.S. resolve toward Ukraine.

On August 29, at the urging of National Security Advisor Bolton, Ambassador Taylor wrote a first-person cable to Secretary Pompeo. This was the only first-person cable the Ambassador had ever sent in his decades of government service. He explained the “folly” of withholding security assistance to Ukraine as it fought a hot war against Russia on its borders. He wrote that he “could not and would not defend such a policy.” Ambassador Taylor stated that Secretary Pompeo may have carried the cable with him to a meeting at the White House.

The same day that Ambassador Taylor sent his cable, President Trump cancelled his planned trip to Warsaw for a World War II commemoration event, where he was scheduled to meet with President Zelensky. Vice President Pence traveled in his place. Ambassador Sondland also traveled to Warsaw and, at a pre-briefing discussion with the Vice President before he met President Zelensky, Ambassador Sondland raised the issue of the hold on security assistance. He told Vice President Pence that he was concerned that the security assistance “had become tied to the issue of investigations” and that “everything is being held up until these statements get made.” Vice President Pence nodded in response, apparently expressing neither surprise nor dismay at the linkage between the two.

At the meeting, President Zelensky expressed concern that even an appearance of wavering support from the United States for Ukraine could embolden Russia. Vice President Pence reiterated U.S. support for Ukraine, but could not promise that the hold would be lifted. Vice President Pence said he would relay his support for lifting the hold to President Trump so a decision could be made on security assistance as soon as possible. Vice President Pence spoke with President Trump that evening, but the hold was not lifted.

Following this meeting, Ambassador Sondland pulled aside President Zelensky's advisor, Mr. Yermak, to explain that the hold on security assistance was conditioned on the public announcement of the Burisma/Biden and the 2016 election interference investigations. After learning of the conversation, Ambassador Taylor texted Ambassador Sondland: "Are we now saying that security assistance and WH meeting are conditioned on investigations?"

The two then spoke by phone. Ambassador Sondland explained that he had previously made a "mistake" in telling Ukrainian officials that only the White House meeting was conditioned on a public announcement of the political investigations beneficial to President Trump. He clarified that "everything"—the White House meeting and hundreds of millions of dollars of security assistance to Ukraine—was now conditioned on the announcement. President Trump wanted President Zelensky in a "public box," which Ambassador Taylor understood to mean that President Trump required that President Zelensky make a public announcement about the investigations and that a private commitment would not do.

On September 7, President Trump and Ambassador Sondland spoke. Ambassador Sondland stated to his colleagues that the President said, "there was no quid pro quo," but that President Zelensky would be required to announce the investigations in order for the hold on security assistance to be lifted, "and he should want to do it." Ambassador Sondland passed on a similar message directly to President Zelensky and Mr. Yermak that, "although this was not a quid pro quo, if President Zelensky did not clear things up in public, we would be at a stalemate," referring to the hold on security assistance. Arrangements were made for the Ukrainian President to make a public statement during an interview on CNN.

After speaking with Ambassador Sondland, Ambassador Taylor texted Ambassadors Sondland and Volker: "As I said on the phone, I think it's crazy to withhold security assistance for help with a political campaign." Notwithstanding his long-held understanding that the White House meeting was conditioned on the public announcement of two political investigations desired by President Trump—and not broader anti-corruption concerns—Ambassador Sondland responded hours later:

Bill, I believe you are incorrect about President Trump's intentions. The President has been crystal clear: no quid pro quo's of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign. I suggest we stop the back and forth by text. If you still have concerns, I recommend you give Lisa Kenna or [Secretary Pompeo] a call to discuss with them directly. Thanks.

Ambassador Sondland's subsequent testimony revealed this text to be a false exculpatory—an untruthful statement that can later be used to conceal incriminating information. In his public testimony, Ambassador Sondland testified that the President's direction to withhold a presidential telephone call and a White House meeting for President Zelensky were both quid pro quos designed to pressure Ukraine to announce the investigations. He also testified that he developed a clear understanding that the military aid was also conditioned on the investigations, that it was as simple as $2+2=4$. Sondland confirmed that

his clear understanding was unchanged after speaking with President Trump, which he then communicated to the Ukrainians—President Zelensky had to publicly announce the two investigations if he wanted to get the meeting or the military aid.

In Ambassador Sondland’s testimony, he was not clear on whether he had one conversation with the President in which the subject of a quid pro quo came up, or two, or on precisely which date the conversation took place during the period of September 6 through 9. In one version of the conversation, which Ambassador Sondland suggested may have taken place on September 9, he claimed that the President answered an open question about what he wanted from Ukraine with an immediate denial—“no quid pro quo.” In another, he admitted that the President told him that President Zelensky should go to a microphone and announce the investigations, and that he should want to do so—effectively confirming a quid pro quo.

Both Ambassador Taylor and Mr. Morrison, relying on their contemporaneous notes, testified that the call between Ambassador Sondland and President Trump occurred on September 7, which is further confirmed by Ambassador Sondland’s own text message on September 8, in which he wrote that he had “multiple convos” with President Zelensky and President Trump. A call on September 9, which would have occurred in the middle of the night, is at odds with the weight of the evidence and not backed up by any records the White House was willing to provide Ambassador Sondland. Regardless of the date, Ambassador Sondland did not contest telling both Mr. Morrison and Ambassador Taylor of a conversation he had with the President in which the President reaffirmed Ambassador Sondland’s understanding of the quid pro quo for the military aid.

As Ambassador Sondland acknowledged bluntly in his conversation with Mr. Holmes, President Trump’s sole interest with respect to Ukraine was the “big stuff” that benefited him personally, such as the investigations into former Vice President Biden, and not President Zelensky’s promises of transparency and reform.

The President’s Scheme Unraveled

By early September, President Zelensky was ready to make a public announcement of the two investigations to secure a White House meeting and the military assistance his country desperately needed. He proceeded to book an interview on CNN, during which he could make such an announcement, but other events soon intervened.

On September 9, the House Permanent Select Committee on Intelligence, the Committees on Oversight and Reform, and the Committee on Foreign Affairs announced an investigation into the scheme by President Trump and his personal attorney, Mr. Giuliani, “to improperly pressure the Ukrainian government to assist the President’s bid for reelection.” The Committees sent document production and preservation requests to the White House and the State Department related to the investigation. NSC staff members believed this investigation might have had “the effect of releasing the hold” on Ukraine military assistance because it would have been “potentially politically challenging” to “justify that hold.”

Later that day, the Inspector General of the Intelligence Community (ICIG) sent a letter to Chairman Schiff and Ranking Member Nunes notifying the Committee that a whistleblower had filed a complaint on August 12 that the ICIG had determined to be both an “urgent concern” and “credible.” Nevertheless, the Acting Director of National Intelligence (DNI) took the unprecedented step of withholding the complaint from the Congressional Intelligence Committees, in coordination with the White House and the Department of Justice.

The White House had been aware of the whistleblower complaint for several weeks, and press reports indicate that the President was briefed on it in late August. The ICIG’s notification to Congress of the complaint’s existence, and the announcement of a separate investigation into the same subject matter, telegraphed to the White House that attempts to condition the security assistance on the announcement of the political investigations beneficial to President Trump—and efforts to cover up that misconduct—would not last.

On September 11, in the face of growing public and Congressional scrutiny, President Trump lifted the hold on security assistance to Ukraine. As with the implementation of the hold, no clear reason was given. By the time the President ordered the release of security assistance to Ukraine, DOD was unable to spend approximately 14 percent of the funds appropriated by Congress for Fiscal Year 2019. Congress had to pass a new law to extend the funding in order to ensure the full amount could be used by Ukraine to defend itself.

Even after the hold was lifted, President Zelensky still intended to sit for an interview with CNN in order to announce the investigations—indeed, he still wanted the White House meeting. At the urging of Ambassador Taylor, President Zelensky cancelled the CNN interview on September 18 or 19. The White House meeting, however, still has not occurred.

The President’s Chief of Staff Confirmed Aid was Conditioned on Investigations

The conditioning of military aid to Ukraine on the investigations sought by the President was as clear to Ambassador Sondland as “two plus two equals four.” In fact, the President’s own Acting Chief of Staff, someone who meets with him daily, admitted that he had discussed security assistance with the President and that his decision to withhold it was directly tied to his desire to get Ukraine to conduct a political investigation.

On October 17, at a press briefing in the White House, Acting Chief of Staff Mick Mulvaney confirmed that President Trump withheld the essential military aid for Ukraine as leverage to pressure Ukraine to investigate the conspiracy theory that Ukraine had interfered in the 2016 U.S. election. As Dr. Hill made clear in her testimony, this false narrative has been promoted by President Putin to deflect away from Russia’s systemic interference in our election and to drive a wedge between the United States and a key partner.

According to Mr. Mulvaney, President Trump “[a]bsolutely” mentioned “corruption related to the DNC server” in connection with the security assistance during his July 25 call. Mr. Mulvaney also stated that the server was part of “why we held up the money.” After a reporter attempted to clarify this explicit acknowledgement of a quid pro quo, Mr. Mulvaney replied:

“We do that all the time with foreign policy.” He added, “I have news for everybody: get over it. There is going to be political influence in foreign policy.”

Ambassador Taylor testified that in his decades of military and diplomatic service, he had never seen another example of foreign aid conditioned on the personal or political interests of the President. Rather, “we condition assistance on issues that will improve our foreign policy, serve our foreign policy, ensure that taxpayers’ money is well-spent,” not specific investigations designed to benefit the political interests of the President of the United States.

In contrast, President Trump does not appear to believe there is any such limitation on his power to use White House meetings, military aid or other official acts to procure foreign help in his reelection. When asked by a reporter on October 3 what he had hoped President Zelensky would do following their July 25 call, President Trump responded: “Well, I would think that, if they were honest about it, they’d start a major investigation into the Bidens. It’s a very simple answer.”

SECTION II—THE PRESIDENT’S OBSTRUCTION OF THE HOUSE OF REPRESENTATIVES’ IMPEACHMENT INQUIRY

The President Obstructed the Impeachment Inquiry by Instructing Witnesses and Agencies to Ignore Subpoenas for Documents and Testimony

An Unprecedented Effort to Obstruct an Impeachment Inquiry

Donald Trump is the first President in the history of the United States to seek to completely obstruct an impeachment inquiry undertaken by the House of Representatives under Article I of the Constitution, which vests the House with the “sole Power of Impeachment.” He has publicly and repeatedly rejected the authority of Congress to conduct oversight of his actions and has directly challenged the authority of the House to conduct an impeachment inquiry into his actions regarding Ukraine.

President Trump ordered federal agencies and officials to disregard all voluntary requests for documents and defy all duly authorized subpoenas for records. He also directed all federal officials in the Executive Branch not to testify—even when compelled.

No other President has flouted the Constitution and power of Congress to conduct oversight to this extent. No President has claimed for himself the right to deny the House’s authority to conduct an impeachment proceeding, control the scope of a power exclusively vested in the House, and forbid any and all cooperation from the Executive Branch. Even President Richard Nixon—who obstructed Congress by refusing to turn over key evidence—accepted the authority of Congress to conduct an impeachment inquiry and permitted his aides and advisors to produce documents and testify to Congressional committees.

Despite President Trump’s unprecedented and categorical commands, the House gathered overwhelming evidence of his misconduct from courageous individuals who were willing to follow the law, comply with duly authorized subpoenas, and tell the truth. In response, the President engaged in a brazen effort to publicly attack and intimidate these witnesses.

If left unanswered, President Trump’s ongoing effort to thwart Congress’ impeachment power risks doing grave harm to the institution of Congress, the balance of power between our branches of government, and the Constitutional order that the President and every Member of Congress have sworn to protect and defend.

Constitutional Authority for Congressional Oversight and Impeachment

The House’s Constitutional and legal authority to conduct an impeachment inquiry is clear, as is the duty of the President to cooperate with the House’s exercise of this authority.

Article I of the U.S. Constitution gives the House of Representatives the “sole Power of Impeachment.” The Framers intended the impeachment power to be an essential check on a President who might engage in corruption or abuse of power. Congress is empowered to conduct oversight and investigations to carry out its authorities under Article I. Because the

impeachment power is a core component of the nation's Constitutional system of checks and balances, Congress' investigative authority is at its zenith during an impeachment inquiry.

The Supreme Court has made clear that Congress' authority to investigate includes the authority to compel the production of information by issuing subpoenas, a power the House has delegated to its committees pursuant to its Constitutional authority to "determine the Rules of its Proceedings."

Congress has also enacted statutes to support its power to investigate and oversee the Executive Branch. These laws impose criminal and other penalties on those who fail to comply with inquiries from Congress or block others from doing so, and they reflect the broader Constitutional requirement to cooperate with Congressional investigations.

Unlike President Trump, past Presidents who were the subject of impeachment inquiries—including Presidents Andrew Johnson, Richard Nixon, and Bill Clinton—recognized and, to varying degrees, complied with information requests and subpoenas.

President Nixon, for example, agreed to let his staff testify voluntarily in the Senate Watergate investigation, stating: "All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions." President Nixon also produced documents in response to the House's subpoenas as part of its impeachment inquiry, including more than 30 transcripts of White House recordings and notes from meetings with the President. When President Nixon withheld tape recordings and produced heavily edited and inaccurate records, the House Judiciary Committee approved an article of impeachment for obstruction.

The President's Categorical Refusal to Comply

Even before the House of Representatives launched its investigation regarding Ukraine, President Trump rejected the authority of Congress to investigate his actions, proclaiming, "We're fighting all the subpoenas," and "I have an Article II, where I have the right to do whatever I want as president."

When the Intelligence, Oversight and Reform, and Foreign Affairs Committees began reviewing the President's actions as part of the House's impeachment inquiry, the President repeatedly challenged the legitimacy of the investigation in word and deed. His rhetorical attacks appeared intended not only to dispute reports of his misconduct, but to persuade the American people that the House lacks authority to investigate the President.

On September 26, President Trump argued that Congress should not be "allowed" to impeach him under the Constitution and that there "should be a way of stopping it—maybe legally, through the courts." A common theme of his defiance has been his claims that Congress is acting in an unprecedented way and using unprecedented rules. However, the House has been following the same investigative rules that Republicans championed when they were in control.

On October 8, White House Counsel Pat Cipollone sent a letter to House Speaker Nancy Pelosi and the Chairmen of the investigating Committees confirming that President Trump directed his entire Administration not to cooperate with the House's impeachment inquiry. Mr. Cipollone wrote: "President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances."

Mr. Cipollone's letter advanced remarkably politicized arguments and legal theories unsupported by the Constitution, judicial precedent, and more than 200 years of history. If allowed to stand, the President's defiance, as justified by Mr. Cipollone, would represent an existential threat to the nation's Constitutional system of checks and balances, separation of powers, and rule of law.

The President's Refusal to Produce Any and All Subpoenaed Documents

Following President Trump's categorical order, not a single document has been produced by the White House, the Office of the Vice President, the Office of Management and Budget, the Department of State, the Department of Defense, or the Department of Energy in response to 71 specific, individualized requests or demands for records in their possession, custody, or control. These subpoenas remain in full force and effect. These agencies and offices also blocked many current and former officials from producing records directly to the Committees.

Certain witnesses defied the President's sweeping, categorical, and baseless order and identified the substance of key documents. For example, Ambassador Gordon Sondland attached ten exhibits to his written hearing testimony reflecting reproductions of certain communications with high-level Administration officials, including Acting White House Chief of Staff Mick Mulvaney, former National Security Advisor John Bolton, Secretary of State Mike Pompeo, and Secretary of Energy Rick Perry. Other witnesses identified numerous additional documents that the President and various agencies are withholding that are directly relevant to the impeachment inquiry.

Like the White House, the Department of State refused to produce a single document in response to its subpoena, even though there is no legal basis for the Department's actions. In fact, on November 22, the Department was forced to produce 99 pages of emails, letters, notes, timelines, and news articles to a non-partisan, nonprofit ethics watchdog organization pursuant to a court order in a lawsuit filed under the Freedom of Information Act (FOIA). Although limited in scope, this production affirms that the Department is withholding responsive documents from Congress without any valid legal basis.

The President's Refusal to Allow Top Aides to Testify

No other President in history has issued an order categorically directing the entire Executive Branch not to testify before Congress, including in the context of an impeachment inquiry. President Trump issued just such an order.

As reflected in Mr. Cipollone's letter, President Trump directed government witnesses to violate their legal obligations and defy House subpoenas—regardless of their offices or

positions. President Trump even extended his order to former officials no longer employed by the federal government. This Administration-wide effort to prevent all witnesses from providing testimony was coordinated and comprehensive.

At President Trump’s direction, twelve current or former Administration officials refused to testify as part of the House’s impeachment inquiry, ten of whom did so in defiance of duly authorized subpoenas:

- Mick Mulvaney, Acting White House Chief of Staff
- Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff
- Ambassador John Bolton, Former National Security Advisor
- John A. Eisenberg, Deputy Counsel to the President for National Security Affairs and Legal Advisor, National Security Council
- Michael Ellis, Senior Associate Counsel to the President and Deputy Legal Advisor, National Security Council
- Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council
- Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council
- Russell T. Vought, Acting Director, Office of Management and Budget
- Michael Duffey, Associate Director for National Security Programs, Office of Management and Budget
- Brian McCormack, Associate Director for Natural Resources, Energy, and Science, Office of Management and Budget
- T. Ulrich Brechbuhl, Counselor, Department of State
- Secretary Rick Perry, Department of Energy

These witnesses were warned that their refusal to testify “shall constitute evidence that may be used against you in a contempt proceeding” and “may be used as an adverse inference against you and the President.”

The President’s Unsuccessful Attempts to Block Other Key Witnesses

Despite President Trump’s orders that no Executive Branch employees should cooperate with the House’s impeachment inquiry, multiple key officials complied with duly authorized subpoenas and provided critical testimony at depositions and public hearings. These officials not only served their nation honorably, but they fulfilled their oath to support and defend the Constitution of the United States.

In addition to the President’s broad orders seeking to prohibit all Executive Branch employees from testifying, many of these witnesses were personally directed by senior political appointees not to cooperate with the House’s impeachment inquiry. These directives frequently cited or enclosed copies of Mr. Cipollone’s October 8 letter conveying the President’s order not to comply.

For example, the State Department, relying on President Trump's order, attempted to block Ambassador Marie Yovanovitch from testifying, but she fulfilled her legal obligations by appearing at a deposition on October 11 and a hearing on November 15. More than a dozen current and former officials followed her courageous example by testifying at depositions and public hearings over the course of the last two months. The testimony from these witnesses produced overwhelming and clear evidence of President Trump's misconduct, which is described in detail in the first section of this report.

The President's Intimidation of Witnesses

President Trump publicly attacked and intimidated witnesses who came forward to comply with duly authorized subpoenas and testify about his misconduct, raising grave concerns about potential violations of criminal laws intended to protect witnesses appearing before Congressional proceedings. For example, the President attacked:

- Ambassador Marie Yovanovitch, who served the United States honorably for decades as a U.S. diplomat and anti-corruption advocate in posts around the world under six different Presidents;
- Ambassador Bill Taylor, who graduated at the top of his class at West Point, served as an infantry commander in Vietnam, and earned a Bronze Star and an Air Medal with a V device for valor;
- Lieutenant Colonel Alexander Vindman, an active-duty Army officer for more than 20 years who earned a Purple Heart for wounds he sustained in an improvised explosive device attack in Iraq, as well as the Combat Infantryman Badge; and
- Jennifer Williams, who is Vice President Mike Pence's top advisor on Europe and Russia and has a distinguished record of public service under the Bush, Obama, and Trump Administrations.

The President engaged in this effort to intimidate these public servants to prevent them from cooperating with Congress' impeachment inquiry. He issued threats, openly discussed possible retaliation, made insinuations about their character and patriotism, and subjected them to mockery and derision—when they deserved the opposite. The President's attacks were broadcast to millions of Americans—including witnesses' families, friends, and coworkers.

It is a federal crime to intimidate or seek to intimidate any witness appearing before Congress. This prohibition applies to anyone who knowingly “uses intimidation, threatens, or corruptly persuades” another person in order to “influence, delay, or prevent the testimony of any person in an official proceeding.” Violations of this law can carry a criminal sentence of up to 20 years in prison.

In addition to his relentless attacks on witnesses who testified in connection with the House's impeachment inquiry, the President also repeatedly threatened and attacked a member of the Intelligence Community who filed an anonymous whistleblower complaint raising an

“urgent concern” that “appeared credible” regarding the President’s conduct. The whistleblower filed the complaint confidentially with the Inspector General of the Intelligence Community, as authorized by the relevant whistleblower law. Federal law prohibits the Inspector General from revealing the whistleblower’s identity. Federal law also protects the whistleblower from retaliation.

In more than 100 public statements about the whistleblower over a period of just two months, the President publicly questioned the whistleblower’s motives, disputed the accuracy of the whistleblower’s account, and encouraged others to reveal the whistleblower’s identity. Most chillingly, the President issued a threat against the whistleblower and those who provided information to the whistleblower regarding the President’s misconduct, suggesting that they could face the death penalty for treason.

The President’s campaign of intimidation risks discouraging witnesses from coming forward voluntarily, complying with mandatory subpoenas for documents and testimony, and disclosing potentially incriminating evidence in this inquiry and future Congressional investigations.

KEY FINDINGS OF FACT

Based on witness testimony and evidence collected during the impeachment inquiry, the Intelligence Committee has found that:

- I. Donald J. Trump, the 45th President of the United States—acting personally and through his agents within and outside of the U.S. government—solicited the interference of a foreign government, Ukraine, in the 2020 U.S. presidential election. The President engaged in this course of conduct for the benefit of his reelection, to harm the election prospects of a political opponent, and to influence our nation’s upcoming presidential election to his advantage. In so doing, the President placed his personal political interests above the national interests of the United States, sought to undermine the integrity of the U.S. presidential election process, and endangered U.S. national security.
- II. In furtherance of this scheme, President Trump—directly and acting through his agents within and outside the U.S. government—sought to pressure and induce Ukraine’s newly-elected president, Volodymyr Zelensky, to publicly announce unfounded investigations that would benefit President Trump’s personal political interests and reelection effort. To advance his personal political objectives, President Trump encouraged the President of Ukraine to work with his personal attorney, Rudy Giuliani.
- III. As part of this scheme, President Trump, acting in his official capacity and using his position of public trust, personally and directly requested from the President of Ukraine that the government of Ukraine publicly announce investigations into (1) the President’s political opponent, former Vice President Joseph R. Biden, Jr. and his son, Hunter Biden, and (2) a baseless theory promoted by Russia alleging that Ukraine—rather than Russia—interfered in the 2016 U.S. election. These investigations were intended to harm a potential political opponent of President Trump and benefit the President’s domestic political standing.
- IV. President Trump ordered the suspension of \$391 million in vital military assistance urgently needed by Ukraine, a strategic partner, to resist Russian aggression. Because the aid was appropriated by Congress, on a bipartisan basis, and signed into law by the President, its expenditure was required by law. Acting directly and through his subordinates within the U.S. government, the President withheld from Ukraine this military assistance without any legitimate foreign policy, national security, or anti-corruption justification. The President did so despite the longstanding bipartisan support of Congress, uniform support across federal departments and agencies for the provision to Ukraine of the military assistance, and his obligations under the Impoundment Control Act.
- V. President Trump used the power of the Office of the President and exercised his authority over the Executive Branch, including his control of the instruments of the federal government, to apply increasing pressure on the President of Ukraine and the Ukrainian government to announce the politically-motivated investigations desired by President Trump. Specifically, to advance and promote his scheme, the President withheld official

acts of value to Ukraine and conditioned their fulfillment on actions by Ukraine that would benefit his personal political interests:

- A. President Trump—acting through agents within and outside the U.S. government—conditioned a head of state meeting at the White House, which the President of Ukraine desperately sought to demonstrate continued United States support for Ukraine in the face of Russian aggression, on Ukraine publicly announcing the investigations that President Trump believed would aid his reelection campaign.
 - B. To increase leverage over the President of Ukraine, President Trump, acting through his agents and subordinates, conditioned release of the vital military assistance he had suspended to Ukraine on the President of Ukraine’s public announcement of the investigations that President Trump sought.
 - C. President Trump’s closest subordinates and advisors within the Executive Branch, including Acting Chief of Staff Mick Mulvaney, Secretary of State Mike Pompeo, Secretary of Energy J. Richard Perry, and other senior White House and Executive Branch officials had knowledge of, in some cases facilitated and furthered the President’s scheme, and withheld information about the scheme from the Congress and the American public.
- VI. In directing and orchestrating this scheme to advance his personal political interests, President Trump did not implement, promote, or advance U.S. anti-corruption policies. In fact, the President sought to pressure and induce the government of Ukraine to announce politically-motivated investigations lacking legitimate predication that the U.S. government otherwise discourages and opposes as a matter of policy in that country and around the world. In so doing, the President undermined U.S. policy supporting anti-corruption reform and the rule of law in Ukraine, and undermined U.S. national security.
 - VII. By withholding vital military assistance and diplomatic support from a strategic foreign partner government engaged in an ongoing military conflict illegally instigated by Russia, President Trump compromised national security to advance his personal political interests.
 - VIII. Faced with the revelation of his actions, President Trump publicly and repeatedly persisted in urging foreign governments, including Ukraine and China, to investigate his political opponent. This continued solicitation of foreign interference in a U.S. election presents a clear and present danger that the President will continue to use the power of his office for his personal political gain.
 - IX. Using the power of the Office of the President, and exercising his authority over the Executive Branch, President Trump ordered and implemented a campaign to conceal his conduct from the public and frustrate and obstruct the House of Representatives’ impeachment inquiry by:

- A. refusing to produce to the impeachment inquiry's investigating Committees information and records in the possession of the White House, in defiance of a lawful subpoena;
- B. directing Executive Branch agencies to defy lawful subpoenas and withhold the production of all documents and records from the investigating Committees;
- C. directing current and former Executive Branch officials not to cooperate with the Committees, including in defiance of lawful subpoenas for testimony; and
- D. intimidating, threatening, and tampering with prospective and actual witnesses in the impeachment inquiry in an effort to prevent, delay, or influence the testimony of those witnesses.

In so doing, and despite the fact that the Constitution vests in the House of Representatives the "sole Power of Impeachment," the President sought to arrogate to himself the right to determine the propriety, scope, and nature of an impeachment inquiry into his own misconduct, and the right to deny any and all information to the Congress in the conduct of its constitutional responsibilities.

SECTION I.
THE PRESIDENT'S MISCONDUCT

1. The President Forced Out the U.S. Ambassador to Ukraine

The President forced out the United States Ambassador to Ukraine, Marie Yovanovitch, following a baseless smear campaign promoted by President Trump's personal attorney, Rudy Giuliani, and others. The campaign publicized conspiracy theories that benefited the President's personal political interests and undermined official U.S. policy, some of which the President raised during his July 25 call with the President of Ukraine.

Overview

On April 24, 2019, President Donald J. Trump abruptly recalled the U.S. Ambassador to Ukraine, Marie Yovanovitch. Ambassador Yovanovitch, an award-winning 33-year veteran Foreign Service officer, aggressively advocated for anti-corruption reforms in Ukraine consistent with U.S. foreign policy. President Trump forced her out following a baseless smear campaign promoted by his personal attorney, Rudy Giuliani, associates of Mr. Giuliani, and corrupt Ukrainians.

Ambassador Yovanovitch was told by the State Department that President Trump had lost confidence in her, but she was never provided a substantive justification for her removal. Her ouster set the stage for other U.S. officials appointed by President Trump to work in cooperation with Mr. Giuliani to advance a scheme in support of the President's reelection.

Mr. Giuliani and his associates promoted false conspiracy theories about Ukraine colluding with Democrats to interfere in the 2016 U.S. election. This false claim was promoted by Russian President Vladimir Putin in February 2017—less than a month after the unanimous U.S. Intelligence Community assessment that Russia alone was responsible for a covert influence campaign aimed at helping President Trump during the 2016 election. Mr. Giuliani also made discredited public allegations about former Vice President Joe Biden and his son, Hunter, in an apparent effort to hurt President Trump's political rival in the 2020 presidential election. Mr. Giuliani's associates, with their own ties to President Trump, also worked to enter into arrangements with current and former corrupt Ukrainian officials to promote these false allegations—the same unfounded allegations President Trump requested that Ukraine investigate on his July 25 call with Ukrainian President Volodymyr Zelensky.

President Trump amplified these baseless allegations by tweeting them just a month before he recalled Ambassador Yovanovitch. Despite requests from Ambassador Yovanovitch and other senior State Department officials, Secretary of State Mike Pompeo refused to issue a statement of support for the Ambassador or the U.S. Embassy in Ukraine for fear of being undermined by a tweet by President Trump.

The removal of Ambassador Yovanovitch left a vacuum in the leadership of the U.S. Embassy in Ukraine at an important time. A new president had just been elected on an anti-corruption platform, and the country was in a period of transition as it continued to defend itself against Russia-led military aggression in the east.

Anti-Corruption Ceremony Interrupted to Recall Anti-Corruption Ambassador

Ambassador Yovanovitch represented the United States of America as the U.S. Ambassador to Ukraine from 2016 to 2019. She is a non-partisan career public servant, first selected for the American Foreign Service in 1986. President George W. Bush named her as an Ambassador twice, to the Kyrgyz Republic and Armenia, and President Barack Obama nominated her for the posting in Kyiv.¹

On the evening of April 24, Ambassador Yovanovitch approached a podium in front of gold drapes at the U.S. Ambassador's residence in Ukraine's capital city. She was hosting an event to present an award of courage to the father of Kateryna Handziuk, who was brutally murdered by people who opposed her efforts to expose and root out public corruption in Ukraine. In 2018, attackers threw sulfuric acid at Ms. Handziuk, burning more than 30 percent of her body. After months of suffering and nearly a dozen surgeries, she died at the age of 33.² Her attackers have still not been held to account.³

Ambassador Yovanovitch began her speech by noting that Ms. Handziuk "was a woman of courage who committed herself to speaking out against wrongdoing." She lamented how Ms. Handziuk had "paid the ultimate price for her fearlessness in fighting against corruption and for her determined efforts to build a democratic Ukraine." She pledged that the United States would "continue to stand with those engaged in the fight for a democratic Ukraine free of corruption, where people are held accountable" and commended Ukrainians who "have demonstrated to the world that they are willing to fight for a better system."⁴

Ambassador Yovanovitch concluded her remarks by holding Ms. Handziuk's story up as an inspiration to the many Ukrainians striving to chart a new course for their country in the face of Russian interference and aggression:

I think we can all see what a remarkable woman Kateryna Handziuk was, but she continues to inspire all of us to fight for justice. She was a courageous woman, who wanted to make Ukraine a better place. And she is continuing to do so. And I'll just leave you with one thought that was expressed in Washington at the ceremony—that courage is contagious. I think we saw that on the Maidan in 2014, we see that on the front lines every day in the Donbas, we see it in the work that Kateryna Handziuk did here in Ukraine. And we see it in the work of all of you—day in, day out—fighting for Ukraine and the future of Ukraine.⁵

Ambassador Yovanovitch's evening was interrupted around 10:00 p.m. by a telephone call from the State Department's headquarters in Washington, D.C.

Director General of the Foreign Service and Director of Human Resources Ambassador Carol Perez warned that the Department's leaders had "great concern" and "were worried" about her. Ambassador Yovanovitch testified that it is "hard to know how to react to something like that." Ambassador Perez said she did not know what the concerns were but pledged she would "try to find out more" and would try to call back "by midnight."⁶

Finally, at 1:00 a.m. in Kyiv, Ambassador Perez called again: The “concerns” were from “up the street” at the White House. Ambassador Perez said that Ambassador Yovanovitch needed to “come home immediately, get on the next plane to the U.S.” She warned that there were concerns about Ambassador Yovanovitch’s “security.” When Ambassador Yovanovitch asked if Ambassador Perez was referring to her physical safety, Ambassador Perez relayed that she “hadn’t gotten that impression that it was a physical security issue,” but that Ambassador Yovanovitch “needed to come home right away.”⁷

Ambassador Yovanovitch asked Ambassador Perez specifically whether this order had anything to do with President Trump’s personal attorney, Rudy Giuliani, who had been making unfounded allegations against her in the media. Ambassador Perez said she “didn’t know.”⁸ Ambassador Yovanovitch argued that this order to return to Washington, D.C. was “extremely irregular” and that no one had provided her a reason.⁹ In the end, however, Ambassador Yovanovitch swiftly returned to Washington.¹⁰

Rudy Giuliani, on Behalf of President Trump, Led a Smear Campaign to Oust Ambassador Yovanovitch

Ambassador Yovanovitch’s recall followed a concerted smear campaign by Mr. Giuliani and his associates, promoted by President Trump. The campaign was largely directed by Mr. Giuliani, President Trump’s personal attorney since early 2018.¹¹ A cast of supporting characters, which included corrupt Ukrainian prosecutors, now-indicted middlemen, conservative media pundits, and attorneys close to President Trump, assisted Mr. Giuliani. Among those associates were two U.S. citizens, Lev Parnas and Igor Fruman. Mr. Parnas and Mr. Fruman were Florida-based businessmen who were represented by Mr. Giuliani “in connection with their personal and business affairs” and who also “assisted Mr. Giuliani in connection with his representation of President Trump.”¹² Both Mr. Parnas and Mr. Fruman were criminally indicted in the Southern District of New York in October and face charges of conspiring to violate the federal ban on foreign donations and contributions in connection with federal and state elections.¹³ Dr. Fiona Hill, former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (NSC), learned from her colleagues that “these guys were notorious in Florida and that they were bad news.”¹⁴

The campaign was also propelled by individuals in Ukraine, including two prosecutors general. Yuriy Lutsenko served as the Prosecutor General of Ukraine under former Ukrainian President Petro Poroshenko—the incumbent who lost to President Zelensky in April 2019—and previously was the head of President Poroshenko’s faction in the Ukrainian parliament.¹⁵ Viktor Shokin was Mr. Lutsenko’s predecessor and was removed from office in 2016.¹⁶ Mr. Shokin has been described as “a typical Ukraine prosecutor who lived a lifestyle far in excess of his government salary, who never prosecuted anybody known for having committed a crime,” and “covered up crimes that were known to have been committed.”¹⁷

In late 2018, Ukrainian officials informed Ambassador Yovanovitch about Mr. Giuliani’s and Mr. Lutsenko’s plans to target her. They told her that Mr. Lutsenko “was in communication with Mayor Giuliani” and that “they were going to, you know, do things, including to me.”¹⁸

Soon thereafter, Ambassador Yovanovitch learned that “there had been a number of meetings” between Mr. Giuliani and Mr. Lutsenko, who was looking to “hurt” her “in the U.S.”¹⁹

The allegations against Ambassador Yovanovitch, which later surfaced publicly, concerned false claims that she had provided a “do-not-prosecute list” to Mr. Lutsenko and made disparaging comments about President Trump.²⁰

Ambassador Yovanovitch inferred that Mr. Lutsenko was spreading “falsehoods” about her because she was “effective at helping Ukrainians who wanted reform, Ukrainians who wanted to fight against corruption, and . . . that was not in his interest.”²¹ Anti-corruption reform was not in Mr. Lutsenko’s interest because he himself was known to be corrupt.²² David Holmes, Counselor for Political Affairs at the U.S. Embassy in Kyiv, Ukraine, explained that:

In mid-March 2019, an Embassy colleague learned from a Ukrainian contact that Mr. Lutsenko had complained that Ambassador Yovanovitch had, quote, unquote, destroyed him, with her refusal to support him until he followed through with his reform commitments and ceased using his position for personal gain.²³

Deputy Assistant Secretary of State George Kent similarly summarized Mr. Lutsenko’s smear campaign against Ambassador Yovanovitch, which was facilitated by Mr. Giuliani and his associates, as motivated by revenge:

Over the course of 2018 and 2019, I became increasingly aware of an effort by Rudy Giuliani and others, including his associates Lev Parnas and Igor Fruman, to run a campaign to smear Ambassador Yovanovitch and other officials at the U.S. Embassy in Kyiv. The chief agitators on the Ukrainian side of this effort were some of those same corrupt former prosecutors I had encountered, particularly Yuriy Lutsenko and Viktor Shokin. They were now peddling false information in order to extract revenge against those who had exposed their misconduct, including U.S. diplomats, Ukrainian anticorruption officials, and reform-minded civil society groups in Ukraine.²⁴

Mr. Kent succinctly summarized, “[y]ou can’t promote principled anti-corruption efforts without pissing off corrupt people.”²⁵ By doing her job, Ambassador Yovanovitch drew Mr. Lutsenko’s ire.

In late 2018 and early 2019, Mr. Lutsenko also risked losing his job as Prosecutor General, and risked possible criminal investigation, if then-candidate Volodymyr Zelensky won the presidency. Special Representative for Ukraine Negotiations, Ambassador Kurt Volker, explained:

As is often the case in Ukraine, a change in power would mean change in prosecutorial powers as well, and there have been efforts in the past at prosecuting the previous government. I think Mr. Lutsenko, in my estimation, and I said this to Mayor Giuliani when I met with him, was interested in preserving his own position. He wanted to avoid being fired by a new government in order to prevent prosecution of himself, possible prosecution of himself.²⁶

Officials in Ukraine have also speculated that Mr. Lutsenko cultivated his relationship with Mr. Giuliani in an effort to hold on to his position.²⁷ Ambassador Yovanovitch described Mr. Lutsenko as an “opportunist” who “will ally himself, sometimes simultaneously ... with whatever political or economic forces he believes will suit his interests best at the time.”²⁸

Mr. Lutsenko promoted debunked conspiracy theories that had gained traction with President Trump and Mr. Giuliani. Those debunked conspiracy theories alleged that the Ukrainian government—not Russia—was behind the hack of the Democratic National Committee (DNC) server in 2016, and that former Vice President Biden had petitioned for the removal of Mr. Shokin to prevent an investigation into Burisma Holdings, a Ukrainian energy company for which Vice President Biden’s son, Hunter, served as a board member.

Both conspiracy theories served the personal political interests of President Trump because they would help him in his campaign for reelection in 2020. The first would serve to undercut Special Counsel Robert Mueller’s investigation, which was still underway when Mr. Giuliani began his activities in Ukraine and was denounced as a “witch hunt” by the President and his supporters.²⁹ The second would serve to damage Democratic presidential candidate Vice President Biden.

These conspiracies lacked any basis in fact. The Intelligence Community, the Senate Select Committee on Intelligence, both the Majority and Minority of the House Permanent Committee on Intelligence, and the investigation undertaken by Special Counsel Robert Mueller concluded that Russia was responsible for interfering in the 2016 election.³⁰ President Trump’s former Homeland Security Advisor, Tom Bossert, said that the idea of Ukraine hacking the DNC server was “not only a conspiracy theory, it is completely debunked.”³¹

Russia has pushed the false theory that Ukraine was involved in the 2016 election to distract from its own involvement.³² Mr. Holmes testified that it was to President Putin’s advantage to promote the theory of Ukrainian interference in the 2016 U.S. elections for several reasons:

First of all, to deflect from the allegations of Russian interference. Second of all, to drive a wedge between the United States and Ukraine which Russia wants to essentially get back into its sphere of influence. Thirdly, to besmirch Ukraine and its political leadership, [and] to degrade and erode support for Ukraine from other key partners in Europe and elsewhere.³³

The allegations that Vice President Biden inappropriately pressured the Ukrainians to remove Mr. Shokin also are without merit. Mr. Shokin was widely considered to be ineffective and corrupt.³⁴ When he urged the Ukrainian government to remove Mr. Shokin, Vice President Biden was advocating for anti-corruption reform and pursuing official U.S. policy.³⁵ Moreover, Mr. Shokin’s removal was supported by other countries, the International Monetary Fund, and the World Bank, and was “widely understood internationally to be the right policy.”³⁶ In May 2019, even Mr. Lutsenko himself admitted that there was no credible evidence of wrongdoing by Hunter Biden or Vice President Biden.³⁷

Nevertheless, Mr. Giuliani engaged with both Mr. Lutsenko and Mr. Shokin regarding these baseless allegations. According to documents provided to the State Department Office of Inspector General, in January 23, 2019, Mr. Giuliani, Mr. Parnas, and Mr. Fruman participated in a conference call with Mr. Shokin. According to notes of the call, Mr. Shokin made allegations about Vice President Biden and Burisma. Mr. Shokin also claimed that Ambassador Yovanovitch had improperly denied him a U.S. visa and that she was close to Vice President Biden.³⁸

Mr. Giuliani separately met with Mr. Lutsenko in New York.³⁹ Over the course of two days, on January 25 and 26, Mr. Giuliani, Mr. Lutsenko, Mr. Parnas, and Mr. Fruman, reportedly discussed whether Ambassador Yovanovitch was “loyal to President Trump,” as well as investigations into Burisma and the Bidens.⁴⁰ For his part, Mr. Lutsenko later said he “understood very well” that Mr. Giuliani wanted Mr. Lutsenko to investigate former Vice President Biden and his son, Hunter. “I have 23 years in politics,” Mr. Lutsenko said. “I knew. ... I’m a political animal.”⁴¹

Mr. Giuliani later publicly acknowledged that he was seeking information from Ukrainians on behalf of his client, President Trump. On October 23, Mr. Giuliani tweeted “everything I did was to discover evidence to defend my client against false charges.”⁴² Then, in a series of tweets on October 30, Mr. Giuliani stated:

All of the information I obtained came from interviews conducted as ... private defense counsel to POTUS, to defend him against false allegations. I began obtaining this information while Mueller was still investigating his witch hunt and a full 5 months before Biden even announced his run for Pres.⁴³

President Trump and Mr. Giuliani’s efforts to investigate alleged Ukrainian interference in the 2016 U.S. election and Vice President Biden negatively impacted the U.S. Embassy in Kyiv. Mr. Holmes testified:

Beginning in March 2019, the situation at the Embassy and in Ukraine changed dramatically. Specifically, the three priorities of security, economy, and justice and our support for Ukrainian democratic resistance to Russian aggression became overshadowed by a political agenda promoted by former New York City Mayor Rudy Giuliani and a cadre of officials operating with a direct channel to the White House.⁴⁴

U.S. national interests in Ukraine were undermined and subordinated to the personal, political interests of President Trump.

The Smear Campaign Accelerated in Late March 2019

The smear campaign entered a more public phase in the United States in late March 2019 with the publication of a series of opinion pieces in *The Hill*.

On March 20, 2019, John Solomon penned an opinion piece quoting a false claim by Mr. Lutsenko that Ambassador Yovanovitch had given him a do-not-prosecute list.⁴⁵ Mr. Lutsenko

later retracted the claim.⁴⁶ Mr. Solomon's work also included false allegations that Ambassador Yovanovitch had "made disparaging statements about President Trump."⁴⁷ Ambassador Yovanovitch called this allegation "fictitious," and the State Department issued a statement describing the allegations as a "fabrication."⁴⁸

The Committees uncovered evidence of close ties and frequent contacts between Mr. Solomon and Mr. Parnas, who was assisting Mr. Giuliani in connection with his representation of the President. Phone records show that in the 48 hours before publication of *The Hill* opinion piece, Mr. Parnas spoke with Mr. Solomon.⁴⁹ In addition, *The Hill* piece cited a letter dated May 9, 2018, from Representative Pete Sessions (R-Texas) to Secretary Pompeo, in which Rep. Sessions accused Ambassador Yovanovitch of speaking "privately and repeatedly about her disdain for the current administration."⁵⁰ A federal criminal indictment alleges that in or about May 2018, Mr. Parnas sought a congressman's assistance to remove Ambassador Yovanovitch, at the request of one or more Ukrainian government officials.⁵¹

On March 20, 2019, the day *The Hill* opinion piece was published, Mr. Parnas again spoke with Mr. Solomon for 11 minutes.⁵² Shortly after that phone call, President Trump promoted Mr. Solomon's article in a tweet.⁵³

Following President Trump's tweet, the public attacks against Ambassador Yovanovitch were further amplified on social media and were merged with the conspiracy theories regarding both Ukrainian interference in the 2016 U.S. election and the Bidens. On March 22, 2019, Mr. Giuliani tweeted: "Hillary, Kerry, and Biden people colluding with Ukrainian operatives to make money and affect 2016 election." He also gave an interview to *Fox News* in which he raised Hunter Biden and called for an investigation.⁵⁴ Then, on March 24, Donald Trump, Jr. called Ambassador Yovanovitch a "joker" on Twitter and called for her removal.⁵⁵

This campaign reverberated in Ukraine. Mr. Kent testified that "starting in mid-March" Mr. Giuliani was "almost unmissable" during this "campaign of slander" against Ambassador Yovanovitch.⁵⁶ According to Mr. Kent, Mr. Lutsenko's press spokeswoman retweeted Donald Trump, Jr.'s tweet attacking the Ambassador.⁵⁷

Concerns About President Trump Kept State Department from Issuing Statement of Support

At the end of March, as this smear campaign intensified, Ambassador Yovanovitch sent Under Secretary of State for Political Affairs David Hale an email identifying her concerns with the false allegations about her and asking for a strong statement of support from the State Department. She explained that, otherwise, "it makes it hard to be a credible ambassador in a country."⁵⁸ Ambassador Hale had been briefed on the smears in a series of emails from Mr. Kent.⁵⁹ Ambassador Hale agreed that the allegations were without merit.⁶⁰

Ambassador Yovanovitch was told that State Department officials were concerned that if they issued a public statement supporting her, "it could be undermined" by "[t]he President."⁶¹ Ambassador Hale explained that a statement of support "would only fuel further negative reaction" and that "it might even provoke a public reaction from the President himself about the

Ambassador.”⁶² In short, State Department officials were concerned “that the rug would be pulled out from underneath the State Department.”⁶³

Ambassador Yovanovitch turned to the U.S. Ambassador to the European Union, Gordon Sondland, for advice. According to Ambassador Yovanovitch, Ambassador Sondland suggested that, in response to the smear campaign, she make a public statement in support of President Trump. She said Ambassador Sondland told her, “you need to go big or go home” and “tweet out there that you support the President, and that all these are lies and everything else.”⁶⁴ Ambassador Yovanovitch said she felt that this “was advice that I did not see how I could implement in my role as an Ambassador, and as a Foreign Service officer.”⁶⁵

Ultimately, Secretary Pompeo refused to issue a public statement of support for Ambassador Yovanovitch. At the same time Secretary Pompeo was refusing to issue a statement, he was communicating with one of the individuals involved in the smear campaign against her. Records and witness testimony indicate that Secretary Pompeo spoke to Mr. Giuliani on March 26, 28, and 29, not long after Mr. Solomon’s first article in *The Hill*.⁶⁶

***The Smear Campaign was a Coordinated Effort by Mr. Giuliani, His Associates,
and One or More Individuals at the White House***

In April, Mr. Solomon continued to publish opinion pieces about Ambassador Yovanovitch and other conspiracy theories being pursued by Mr. Giuliani on behalf of President Trump. Mr. Solomon was not working alone. As further described below, there was a coordinated effort by associates of President Trump to push these false narratives publicly, as evidenced by public statements, phone records, and contractual agreements.

On April 1, Mr. Solomon published an opinion piece in *The Hill* alleging that Vice President Biden had inappropriately petitioned for the removal of Mr. Shokin to protect his son, Hunter.⁶⁷ The opinion piece was entitled, “Joe Biden’s 2020 Ukrainian Nightmare: A Closed Probe is Revived.” Many of the allegations in the piece were based on information provided by Mr. Lutsenko. The following day, Donald Trump, Jr. retweeted the article.⁶⁸

Phone records obtained by the Committees show frequent communication between key players during this phase of the scheme. Between April 1 and April 7, Mr. Parnas exchanged approximately 16 calls with Mr. Giuliani (longest duration approximately seven minutes) and approximately 10 calls with Mr. Solomon (longest duration approximately nine minutes).⁶⁹

On April 7, Mr. Solomon followed up with another opinion piece. The piece accused Ambassador Yovanovitch of preventing the issuance of U.S. visas for Ukrainian officials who wished to travel to the United States to provide purported evidence of wrongdoing by “American Democrats and their allies in Kiev.”⁷⁰ One of those Ukrainian officials allegedly denied a visa was Kostiantyn Kulyk, a deputy to Mr. Lutesenko. Mr. Kulyk participated in a “wide-ranging interview” with Mr. Solomon and was extensively quoted.⁷¹

These Ukrainian officials claimed to have evidence of wrongdoing about Vice President Biden’s efforts in 2015 to remove Mr. Shokin, Hunter Biden’s role as a Burisma board member,

Ukrainian interference in the 2016 U.S. election in favor of Hillary Clinton, and the misappropriation and transfer of Ukrainian funds abroad.⁷² The opinion piece also made clear that Mr. Giuliani was pursuing these very same theories on behalf of the President:

More recently, President Trump’s private attorney Rudy Giuliani—former mayor and former U.S. attorney in New York City—learned about some of the allegations while, on behalf of the Trump legal team, he looked into Ukrainian involvement in the 2016 election.

According to Mr. Solomon’s piece, Mr. Lutsenko was reported to have sufficient evidence, “particularly involving Biden, his family and money spirited out of Ukraine—to warrant a meeting with U.S. Attorney General William Barr.”⁷³

On the same day that Mr. Solomon published these allegations, Mr. Giuliani appeared on *Fox News*. Mr. Giuliani discussed how he learned about alleged Ukrainian interference in the 2016 U.S. elections and the Bidens’ purported misconduct in Ukraine:

Let me tell you my interest in that. I got information about three or four months ago that a lot of the explanations for how this whole phony investigation started will be in the Ukraine, that there were a group of people in the Ukraine that were working to help Hillary Clinton and were colluding really—[LAUGHTER]—with the Clinton campaign. And it stems around the ambassador and the embassy, being used for political purposes. So I began getting some people that were coming forward and telling me about that. And then all of a sudden, they revealed the story about Burisma and Biden’s son ... [Vice President Biden] bragged about pressuring Ukraine’s president to firing [sic] a top prosecutor who was being criticized on a whole bunch of areas but was conducting investigation of this gas company which Hunter Biden served as a director.⁷⁴

The next day, April 8, Mr. Giuliani tweeted about Mr. Solomon’s opinion piece.⁷⁵

Over the course of the four days following the April 7 article, phone records show contacts between Mr. Giuliani, Mr. Parnas, Ranking Member Nunes, and Mr. Solomon. Specifically, Mr. Giuliani and Mr. Parnas were in contact with one another, as well as with Mr. Solomon.⁷⁶ Phone records also show contacts on April 10 between Mr. Giuliani and Ranking Member Nunes, consisting of three short calls in rapid succession, followed by a nearly three-minute call.⁷⁷ Later that same day, Mr. Parnas and Mr. Solomon had a four minute, 39 second call.⁷⁸

Victoria Toensing, a lawyer who, along with her partner Joseph diGenova, once briefly represented President Trump in connection with Special Counsel Robert Mueller’s investigation,⁷⁹ also was in phone contact with Mr. Giuliani and Mr. Parnas at the beginning of April.⁸⁰

Beginning in mid-April, Ms. Toensing signed retainer agreements between diGenova & Toensing LLP and Mr. Lutsenko, Mr. Kulyk, and Mr. Shokin—all of whom feature in Mr. Solomon’s opinion pieces.⁸¹ In these retainer agreements, the firm agreed to represent Mr.

Lutsenko and Mr. Kulyk in meetings with U.S. officials regarding alleged “evidence” of Ukrainian interference in the 2016 U.S. elections, and to represent Mr. Shokin “for the purpose of collecting evidence regarding his March 2016 firing as Prosecutor General of Ukraine and the role of Vice President Biden in such firing, and presenting such evidence to U.S. and foreign authorities.”⁸² On July 25, President Trump would personally press President Zelensky to investigate these very same matters.

On April 23, Mr. Parnas had a call with Mr. Solomon, and multiple phone contacts with Mr. Giuliani.⁸³ On that same day, Mr. Giuliani had a series of short phone calls (ranging from 11 to 18 seconds) with a phone number associated with the White House, followed shortly thereafter by an eight minute, 28-second call with an unidentified number that called him.⁸⁴ Approximately half an hour later, Mr. Giuliani had a 48-second call with a phone number associated with Ambassador John Bolton, National Security Advisor to the President.⁸⁵

That same day, Mr. Giuliani tweeted:

Hillary is correct the report is the end of the beginning for the second time...NO COLLUSION. Now Ukraine is investigating Hillary campaign and DNC conspiracy with foreign operatives including Ukrainian and others to affect 2016 election. And there's no Comey to fix the result.⁸⁶

The next day, on the morning of April 24, Mr. Giuliani appeared on *Fox and Friends*, lambasting the Mueller investigation. Mr. Giuliani also promoted the false conspiracy theories about Ukraine and Vice President Biden:

And I ask you to keep your eye on Ukraine, because in Ukraine, a lot of the dirty work was done in digging up the information. American officials were used, Ukrainian officials were used. That's like collusion with the Ukrainians. And, or actually in this case, conspiracy with the Ukrainians. I think you'd get some interesting information about Joe Biden from Ukraine. About his son, Hunter Biden. About a company he was on the board of for years, which may be one of the most crooked companies in Ukraine. ... And Biden bragged about the fact that he got the prosecutor general fired. The prosecutor general was investigating his son and then the investigation went south.⁸⁷

Later that day, Mr. Giuliani had three phone calls with a number associated with OMB, and eight calls with a White House phone number.⁸⁸ One of the calls with the White House was four minutes, 53 seconds, and another was three minutes, 15 seconds.

Later that evening, the State Department phoned Ambassador Yovanovitch and abruptly called her home because of “concerns” from “up the street” at the White House.⁸⁹

Ambassador Yovanovitch Was Informed That the President “Lost Confidence” in Her

When Ambassador Yovanovitch returned to the United States at the end of April, Deputy Secretary of State John Sullivan informed her that she had “done nothing wrong,” but “there had been a concerted campaign” against her and that President Trump had “lost confidence” in her

leadership.⁹⁰ He also told her that “the President no longer wished me to serve as Ambassador to Ukraine, and that, in fact, the President had been pushing for my removal since the prior summer.”⁹¹ Ambassador Philip T. Reeker, Acting Assistant Secretary of State for the Bureau of European and Eurasian Affairs, offered a similar assessment. He explained to Ambassador Yovanovitch that Secretary Pompeo had tried to “protect” her, but “was no longer able to do that.”⁹²

Counselor of the Department of State T. Ulrich Brechbuhl, who had been handling Ambassador Yovanovitch’s recall, refused to meet with her.⁹³

Ambassador Yovanovitch’s final day as U.S. Ambassador to Ukraine was May 20, 2019. This was the same day as President Zelensky’s inauguration, which was attended by Secretary of Energy Rick Perry, Ambassador Sondland, and Ambassador Volker.⁹⁴ Rather than joining the official delegation at the inaugural festivities, she finished packing her personal belongings and boarded an airplane for her final flight home. Three days later, President Trump met in the Oval Office with his hand-picked delegation and gave them the “directive” to “talk with Rudy [Giuliani]” about Ukraine.⁹⁵

The President Provided No Rationale for the Recall of Ambassador Yovanovitch

Ambassador Yovanovitch testified that she was never provided a justification for why President Trump recalled her.⁹⁶ Only two months earlier, in early March 2019, Ambassador Yovanovitch had been asked by Ambassador Hale to extend her assignment as Ambassador to Ukraine until 2020.⁹⁷

Ambassador Hale testified that Ambassador Yovanovitch was “an exceptional officer doing exceptional work at a very critical embassy in Kyiv.”⁹⁸ He added, “I believe that she should’ve been able to stay at post and continue to do the outstanding work that she was doing.”⁹⁹

During her more than three-decade career, Ambassador Yovanovitch received a number of awards, including: the Presidential Distinguished Service Award, the Secretary’s Diplomacy in Human Rights Award, the Senior Foreign Service Performance Award six times, and the State Department’s Superior Honor Award five times.¹⁰⁰

Career foreign service officer Ambassador P. Michael McKinley, former Senior Advisor to Secretary Pompeo, testified that Ambassador Yovanovitch’s reputation was “excellent, serious, committed.”¹⁰¹ Ambassador Reeker described her as an “[o]utstanding diplomat,” “very precise, very—very professional,” “an excellent mentor,” and “a good leader.”¹⁰²

Ambassador Yovanovitch Strongly Advocated for the U.S. Policy to Combat Corruption

Throughout the course of her career, and while posted to Kyiv, Ambassador Yovanovitch was a champion of the United States’ longstanding priority of combatting corruption.

Mr. Kent described U.S. foreign policy in Ukraine as encompassing the priorities of “promoting the rule of law, energy independence, defense sector reform, and the ability to stand up to Russia.”¹⁰³ Ambassador Yovanovitch testified that it “was—and remains—a top U.S. priority to help Ukraine fight corruption” because corruption makes Ukraine more “vulnerable to Russia.”¹⁰⁴ Additionally, she testified that an honest and accountable Ukrainian leadership makes a U.S.-Ukrainian partnership more reliable and more valuable to the United States.¹⁰⁵

Mr. Holmes testified that Ambassador Yovanovitch was successful in implementing anti-corruption reforms in Ukraine by achieving, for example, “the hard-fought passage of a law establishing an independent court to try corruption cases.”¹⁰⁶ Mr. Holmes said Ambassador Yovanovitch was “[a]s good as anyone known for” combatting corruption.¹⁰⁷ The reforms achieved by Ambassador Yovanovitch helped reduce the problem faced by many post-Soviet countries of selective corruption prosecutions to target political opponents.¹⁰⁸

There was a broad consensus that Ambassador Yovanovitch was successful in helping Ukraine combat pervasive and endemic corruption.

The President’s Authority Does Not Explain Removal of Ambassador Yovanovitch

While ambassadors serve at the pleasure of the president, the manner and circumstances of Ambassador Yovanovitch’s removal were unusual and raise questions of motive.¹⁰⁹

Ambassador Yovanovitch queried “why it was necessary to smear my reputation falsely.”¹¹⁰ She found it difficult to comprehend how individuals “who apparently felt stymied by our efforts to promote stated U.S. policy against corruption” were “able to successfully conduct a campaign of disinformation against a sitting ambassador using unofficial back channels.”¹¹¹

Dr. Hill similarly testified that while the President has the authority to remove an ambassador, she was concerned “about the circumstances in which [Ambassador Yovanovitch’s] reputation had been maligned, repeatedly, on television and in all kinds of exchanges.” Dr. Hill “felt that that was completely unnecessary.”¹¹²

The Recall of Ambassador Yovanovitch Threatened U.S.-Ukraine Policy

The smear campaign questioning Ambassador Yovanovitch’s loyalty undermined U.S. diplomatic efforts in Ukraine, a key U.S. partner and a bulwark against Russia’s expansion into Europe. As Ambassador Yovanovitch explained:

Ukrainians were wondering whether I was going to be leaving, whether we really represented the President, U.S. policy, et cetera. And so I think it was—you know, it really kind of cut the ground out from underneath us.¹¹³

Summarizing the cumulative impact of the attacks, she emphasized: “If our chief representative is kneecapped it limits our effectiveness to safeguard the vital national security interests of the United States.”¹¹⁴

President Trump's recall of Ambassador Yovanovitch left the U.S. Embassy in Ukraine without an ambassador at a time of electoral change in Ukraine and when the Embassy was also without a deputy chief of mission. Mr. Kent explained:

During the late spring and summer of 2019, I became alarmed as those efforts bore fruit. They led to the ouster [ouster] of Ambassador Yovanovitch and hampered U.S. efforts to establish rapport with the new Zelensky administration in Ukraine.¹¹⁵

...

One of the unfortunate elements of the timing was that we were also undergoing a transition in my old job as deputy chief of mission. The person who replaced me had already been moved early to be our DCM and Charge in Sweden, and so we had a temporary acting deputy chief of mission. So that left the embassy not only without—the early withdrawal of Ambassador Yovanovitch left us not only without an Ambassador but without somebody who had been selected to be deputy chief of mission.¹¹⁶

It was not until late May that Secretary Pompeo asked Ambassador Bill Taylor, who had previously served as Ambassador to Ukraine, to return to Kyiv as Chargé d'Affaires to lead the embassy while it awaited a confirmed Ambassador. Ambassador Taylor did not arrive in Kyiv until June 17, more than a month after Ambassador Yovanovitch officially left Kyiv.¹¹⁷ His mission to carry out U.S. objectives there would prove challenging in the face of ongoing efforts by Mr. Giuliani and others—at the direction of the President—to secure investigations demanded by the President to help his reelection.

2. The President Put Giuliani and the Three Amigos in Charge of Ukraine Issues

After President Trump recalled Ambassador Yovanovitch, his personal agent, Rudy Giuliani, intensified the President's campaign to pressure Ukraine's newly-elected president to interfere in the 2020 U.S. election. President Trump directed his own political appointees to coordinate with Mr. Giuliani on Ukraine, while National Security Council officials expressed alarm over the efforts to pursue a "domestic political errand" for the political benefit of the President. Officials at the highest levels of the White House and Trump Administration were aware of the President's scheme.

Overview

On April 21, 2019, the day that Ukrainian President Volodymyr Zelensky was elected as president of Ukraine, President Trump called to congratulate him. After a positive call—in which Mr. Zelensky complimented President Trump and requested that President Trump attend his inauguration—President Trump instructed Vice President Mike Pence to lead the U.S. delegation to the inauguration. However, on May 13—before the inauguration date was even set—President Trump instructed Vice President Pence not to attend.

Rudy Giuliani also announced a plan to visit Ukraine in mid-May 2019—not on official U.S. government business, but instead to pursue on behalf of his client, President Trump, the debunked conspiracy theories about alleged Ukrainian interference in the 2016 election and discredited claims about the Bidens. After public scrutiny in response to his announced visit, Mr. Giuliani cancelled his trip and alleged that President-elect Zelensky was surrounded by “enemies of the President.”

Secretary of Energy Rick Perry, Ambassador to the European Union Gordon Sondland, and Ambassador Kurt Volker, Special Representative for Ukraine Negotiations, ultimately led the U.S. delegation to President Zelensky's inauguration. Upon returning to Washington, D.C., the three U.S. officials—who dubbed themselves the “Three Amigos”—debriefed the President in the Oval Office and encouraged him to engage with President Zelensky. Instead of accepting their advice, President Trump complained that Ukraine is “a terrible place, all corrupt, terrible people,” and asserted that Ukraine “tried to take me down in 2016.” The President instructed the “Three Amigos” to “talk to Rudy” and coordinate with him on Ukraine matters. They followed the President's orders.

Dr. Fiona Hill, Deputy Assistant to the President and Senior Director for Europe and Russia at the National Security Council, would later observe that Ambassador Sondland “was being involved in a domestic political errand, and we [the NSC staff] were being involved in national security foreign policy, and those two things had just diverged.”

A Political Newcomer Won Ukraine's Presidential Election on an Anti-Corruption Platform

On April 21, popular comedian and television actor, Volodymyr Zelensky, won a landslide victory in Ukraine's presidential election, earning the support of 73 percent of voters and unseating the incumbent Petro Poroshenko. Mr. Zelensky, who had no prior political experience, told voters a week before his victory: "I'm not a politician. I'm just a simple person who came to break the system."¹¹⁸ Five years earlier, in late 2013, Ukrainians had gathered in Kyiv and rallied against the corrupt government of former President Viktor Yanukovich, eventually forcing him to flee to the safety of Vladimir Putin's Russia. Mr. Zelensky's victory in April 2019 reaffirmed the Ukrainian people's strong desire to overcome an entrenched system of corruption and pursue closer partnership with the West.¹¹⁹

Following the election results, at 4:29 p.m. Eastern Time, President Trump was connected by telephone to President-elect Zelensky and congratulated him "on a job well done ... a fantastic election." He declared, "I have no doubt you will be a fantastic president."¹²⁰

According to a call record released publicly by the White House, President Trump did not openly express doubts about the newly-elected leader.¹²¹ And contrary to a public readout of the call originally issued by the White House, President Trump did not mention corruption in Ukraine, despite the NSC staff preparing talking points on that topic.¹²² Indeed, "corruption" was not mentioned once during the April 21 conversation, according to the official call record.¹²³

In the call, President-elect Zelensky lauded President Trump as "a great example" and invited him to visit Ukraine for his upcoming inauguration—a gesture that President Trump called "very nice."¹²⁴ President Trump told Mr. Zelensky:

I'll look into that, and well—give us the date and, at a very minimum, we'll have a great representative. Or more than one from the United States will be with you on that great day. So, we will have somebody, at a minimum, at a very, very high level, and they will be with you.¹²⁵

Mr. Zelensky persisted. "Words cannot describe our country," he went on, "so it would be best for you to see it yourself. So, if you can come, that would be great. So again, I invite you to come."¹²⁶ President Trump responded, "Well, I agree with you about your country and I look forward to it."¹²⁷ In a nod to his past experience working with Ukraine as a businessman, President Trump added, "When I owned Miss Universe ... Ukraine was always very well represented."¹²⁸

President Trump then invited Mr. Zelensky to the White House to meet, saying: "When you're settled in and ready, I'd like to invite you to the White House. We'll have a lot of things to talk about, but we're with you all the way." Mr. Zelensky promptly accepted the President's invitation, adding that the "whole team and I are looking forward to that visit."¹²⁹

Mr. Zelensky then reiterated his interest in President Trump attending his inauguration, saying, "it will be absolutely fantastic if you could come and be with us." President Trump

promised to let the Ukrainian leader know “very soon” and added that he would see Mr. Zelensky “very soon, regardless.”¹³⁰

Shortly after the April 21 call, Jennifer Williams, Special Advisor to the Vice President for Europe and Russia, learned that President Trump asked Vice President Pence to attend Mr. Zelensky’s inauguration.¹³¹ Ms. Williams testified that in a separate phone call between Vice President Pence and President-elect Zelensky two days later, “the Vice President accepted that invitation from President Zelensky, and looked forward to being able to attend ... if the dates worked out.”¹³² Ms. Williams and her colleagues began planning for the Vice President’s trip to Kyiv.¹³³

Rudy Giuliani and his Associates Coordinated Efforts to Secure and Promote the Investigations with Ukrainian President Zelensky

As previously explained in Chapter 1, Mr. Giuliani, acting on behalf of President Trump, had for months engaged corrupt current and former Ukrainian officials, including Ukrainian Prosecutor General Yuriy Lutsenko. The April election of Mr. Zelensky, however, raised the possibility that Mr. Lutsenko might lose his job as Prosecutor General once Mr. Zelensky took power.

In the immediate aftermath of President-elect Zelensky’s election, Mr. Giuliani continued publicly to project confidence that Ukraine would deliver on investigations related to the Bidens. On April 24—before Ambassador Yovanovitch received calls abruptly summoning her back to Washington—Mr. Giuliani stated in an interview on *Fox and Friends* that viewers should,

[K]eep your eye on Ukraine... I think you’d get some interesting information about Joe Biden from Ukraine. About his son, Hunter Biden. About a company he was on the board of for years, which may be one of the most crooked companies in Ukraine.¹³⁴

Behind the scenes, however, Mr. Giuliani was taking steps to engage the new Ukrainian leader and his aides.

The day before, on April 23, the same day that Vice President Pence confirmed his plans to attend President-elect Zelensky’s inauguration, Mr. Giuliani dispatched his own delegation—consisting of Lev Parnas and Igor Fruman—to meet with Ihor Kolomoisky, a wealthy Ukrainian with ties to President-elect Zelensky. Instead of going to Kyiv, they booked tickets to Israel, where they met with Mr. Kolomoisky.¹³⁵ Mr. Kolomoisky owned Ukraine’s largest bank until 2016, when Ukrainian authorities nationalized the failing financial institution. Although he denied allegations of committing any crimes, Mr. Kolomoisky subsequently left Ukraine for Israel, where he remained until President Zelensky assumed power.¹³⁶

Mr. Kolomoisky confirmed to the *New York Times* that he met with Mr. Parnas and Mr. Fruman in late April 2019. He claimed they sought his assistance in facilitating a meeting between Mr. Giuliani and President-elect Zelensky, and he told them, “you’ve ended up in the wrong place,” and declined to arrange the requested meeting.¹³⁷

Mr. Giuliani was not deterred.

During the time surrounding Ambassador Yovanovitch’s recall, Mr. Giuliani and Mr. Parnas connected over a flurry of calls around a planned trip to Ukraine by Mr. Giuliani, which he would eventually cancel after growing public scrutiny. As previously described in Chapter 1, call records obtained by the Committees show a series of contacts on April 23 and 24 between Mr. Giuliani, the White House, Mr. Parnas, and John Solomon, among others.¹³⁸

On April 25, 2019, former Vice President Biden publicly announced his campaign for the Democratic nomination for President of the United States and launched his effort to unseat President Trump in the 2020 election.¹³⁹

That evening, Mr. Solomon published a new opinion piece in *The Hill* entitled, “How the Obama White House Engaged Ukraine to Give Russia Collusion Narrative an Early Boost.” Like Mr. Solomon’s previous work, this April 25 piece repeated unsubstantiated conspiracy theories about alleged Ukrainian interference in the 2016 U.S. presidential election.¹⁴⁰

Meanwhile, in Kyiv, David Holmes, Counselor for Political Affairs at the U.S. Embassy, learned on April 25 that Mr. Giuliani had reached out to Mr. Zelensky’s campaign chair, Ivan Bakanov, seeking a channel to the newly-elected leader. Mr. Bakanov told Mr. Holmes “that he had been contacted by, quote, someone named Giuliani, who said he was an advisor to the Vice President, unquote.”¹⁴¹ Mr. Holmes clarified that Mr. Bakanov was “speaking in Russian” and that he did not “know what he [Bakanov] meant” by his reference to the Vice President, “but that’s what he [Bakanov] said.”¹⁴² Regardless of Mr. Bakanov’s apparent confusion as to who Mr. Giuliani represented, Mr. Holmes explained that by this point in time, Ukrainian officials seemed to think that Mr. Giuliani “was a significant person in terms of managing their relationship with the United States.”¹⁴³

At 7:14 p.m. Eastern Time on April 25, Mr. Giuliani once again received a call from an unknown “-1” number, which lasted four minutes and 40 seconds.¹⁴⁴ Minutes later, Mr. Giuliani held a brief 36 second call with Sean Hannity, a *Fox News* opinion host.¹⁴⁵

On the night of April 25, President Trump called into Mr. Hannity’s prime time *Fox News* show. In response to a question about Mr. Solomon’s recent publication, President Trump said:

It sounds like big stuff. It sounds very interesting with Ukraine. I just spoke to the new president a little while ago, two days ago, and congratulated him on an incredible race. Incredible run. A big surprise victory. That’s 75 percent of the vote. But that sounds like big, big stuff. I’m not surprised.¹⁴⁶

As Mr. Holmes later learned on July 26 from Ambassador Sondland, President Trump did not care about Ukraine, he cared about this “big stuff”—such as the investigation into Vice President Biden.¹⁴⁷

In the same *Fox News* interview, Mr. Hannity asked President Trump whether America needed to see the purported evidence possessed by the unnamed Ukrainians noted in Mr. Solomon's piece. The President replied, invoking Attorney General William P. Barr:

Well, I think we do. And, frankly, we have a great new attorney general who has done an unbelievable job in a very short period of time. And he is very smart and tough and I would certainly defer to him. I would imagine he would want to see this. People have been saying this whole—the concept of Ukraine, they have been talking about it actually for a long time. You know that, and I would certainly defer to the attorney general. And we'll see what he says about it. He calls them straight. That's one thing I can tell you.¹⁴⁸

Ukraine's current Prosecutor General Ruslan Ryaboshapka, who assumed his new position in late August 2019, told the *Financial Times* in late November 2019 that Attorney General Barr had made no contact regarding a potential investigation into allegations of wrongdoing by former Vice President Biden.¹⁴⁹ In an apparent reference to President Trump's demand for Ukrainian interference in U.S. elections, Mr. Ryaboshapka stated: "It's critically important for the west not to pull us into some conflicts between their ruling elites, but to continue to support so that we can cross the point of no return."¹⁵⁰

President Trump Promoted False Information About Former Vice President Joe Biden

In early May, Mr. Giuliani continued his outreach to President-elect Zelensky and promoted the need for Ukrainian investigations into former Vice President Biden that served President Trump's political needs.

On May 2, at 6:21 a.m. Eastern Time, President Trump retweeted a link to an article in the *New York Times*, which assessed that Mr. Giuliani's efforts underscored "the Trump campaign's concern about the electoral threat from the former vice president's presidential campaign" and noted that "Mr. Giuliani's involvement raises questions about whether Mr. Trump is endorsing an effort to push a foreign government to proceed with a case that could hurt a political opponent at home."¹⁵¹

Later that evening, in an interview with *Fox News* at the White House, President Trump referenced the false allegations about the firing of a corrupt former Ukrainian prosecutor, Viktor Shokin, that Mr. Giuliani had been promoting. He was asked, "Should the former vice president explain himself on his feeling in Ukraine and whether there was a conflict ... with his son's business interests?"¹⁵² President Trump replied:

I'm hearing it's a major scandal, major problem. Very bad things happened, and we'll see what that is. They even have him on tape, talking about it. They have Joe Biden on tape talking about the prosecutor. And I've seen that tape. A lot of people are talking about that tape, but that's up to them. They have to solve that problem.¹⁵³

"The tape" President Trump referenced in his interview was a publicly available video of former Vice President Biden speaking in January 2018 at an event hosted by the Council on Foreign Relations (CFR), a nonpartisan think-tank focused on foreign policy matters. During an

interview with the CFR president, Vice President Biden detailed how the United States—consistent with the policy of its European allies and the International Monetary Fund (IMF)—withheld \$1 billion in loan guarantees until the Ukrainian government acceded to uniform American and international demands to fire the corrupt prosecutor.¹⁵⁴

By late 2015, Ukrainians were agitating for Mr. Shokin’s removal, and in March 2016, Ukraine’s parliament voted to dismiss the prosecutor general.¹⁵⁵ Multiple witnesses testified that Mr. Shokin’s dismissal in 2016 made it *more*—not less—likely that Ukrainian authorities might investigate any allegations or wrongdoing at Burisma or other allegedly corrupt companies.¹⁵⁶ Nonetheless, President Trump and his supporters sought to perpetuate the false narrative that Mr. Shokin should not have been removed from office and that Vice President Biden had acted corruptly in carrying out U.S. policy.

Rudy Giuliani Was “Meddling in an Investigation” on Behalf of President Trump

On May 7, 2019, Christopher Wray, the Director of the Federal Bureau of Investigation, testified before the U.S. Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies regarding foreign interference in U.S. elections:

My view is that, if any public official or member of any campaign is contacted by any nation-state or anybody acting on behalf of a nation-state about influencing or interfering with our election, then that is something that the FBI would want to know about.¹⁵⁷

Mr. Giuliani nonetheless pressed forward with his plan to personally convey to President-elect Zelensky, on behalf of his client President Trump, the importance of opening investigations that would assist President Trump’s reelection campaign.

On the morning of May 8, Mr. Giuliani called the White House Switchboard and connected for six minutes and 26 seconds with someone at the White House.¹⁵⁸ That same day, Mr. Giuliani also connected with Mr. Solomon for almost six minutes and separately with Mr. Parnas. Mr. Parnas connected for one minute 13 seconds and with Derek Harvey, a member of Ranking Member Nunes’ staff on the Intelligence Committee, on the same day.¹⁵⁹

During a meeting that same day, Ukraine Minister of Interior Arsen Avakov disclosed to Deputy Assistant Secretary of State George Kent that Mr. Parnas and Mr. Fruman would soon visit Kyiv “and that they were coming with their associate, the Mayor Giuliani.”¹⁶⁰ Minister Avakov confided to Mr. Kent that “Mayor Giuliani had reached out to him and invited him to come and meet the group of them in Florida” in February 2019.¹⁶¹ Although he declined that offer, Minister Avakov indicated that he intended to accept their new invitation to meet in Kyiv.¹⁶²

The next day, on May 9, the *New York Times* publicized Mr. Giuliani’s plan to visit Ukraine.¹⁶³ Mr. Giuliani confirmed that he planned to meet with President Zelensky and press the Ukrainians to pursue investigations that President Trump promoted only days earlier on *Fox News*.¹⁶⁴ The *New York Times* described Mr. Giuliani’s planned trip as:

[P]art of a monthslong effort by the former New York mayor and a small group of Trump allies working to build interest in the Ukrainian inquiries. Their motivation is to...undermine the case against Paul Manafort, Mr. Trump's imprisoned former campaign chairman; and potentially to damage Mr. Biden, the early front-runner for the 2020 Democratic presidential nomination.¹⁶⁵

Mr. Giuliani claimed, "We're not meddling in an election, we're meddling in an investigation, which we have a right to do."¹⁶⁶

Only a few days after Director Wray's public comments about foreign interference in U.S. elections, Mr. Giuliani acknowledged that "[s]omebody could say it's improper" to pressure Ukraine to open investigations that would benefit President Trump. But, Mr. Giuliani argued:

[T]his isn't foreign policy—I'm asking them to do an investigation that they're doing already, and that other people are telling them to stop. And I'm going to give them reasons why they shouldn't stop it because that information will be very, very helpful to my client, and may turn out to be helpful to my government.¹⁶⁷

Mr. Giuliani's "client" was President Trump, as Mr. Giuliani repeatedly stated publicly. According to Mr. Giuliani, the President fully supported putting pressure on Ukraine to open investigations that would benefit his 2020 reelection campaign.¹⁶⁸ Mr. Giuliani emphasized that President Trump "basically knows what I'm doing, sure, as his lawyer."¹⁶⁹ Underscoring his commitment to pressuring Ukraine until it opened the investigations President Trump promoted on *Fox News*, Mr. Giuliani told the *Washington Post* that he would "make sure that nothing scuttles the investigation that I want."¹⁷⁰

On May 9, following public revelation of his trip by the *New York Times*, Mr. Giuliani connected in quick succession with Mr. Solomon and then Mr. Parnas for several minutes at a time.¹⁷¹ Mr. Giuliani then made brief connections with the White House Switchboard and Situation Room several times, before connecting at 1:43 p.m. Eastern Time with someone at the White House for over four minutes.¹⁷² He connected, separately, thereafter with Mr. Parnas several times in the afternoon and into the evening.¹⁷³

That evening, Mr. Giuliani tweeted:

If you doubt there is media bias and corruption then when Democrats conspiring with Ukrainian officials comes out remember much of the press, except for Fox, the Hill, and NYT, has suppressed it. If it involved @realDonaldTrump or his son it would have been front page news for weeks.¹⁷⁴

Shortly thereafter, on the night of May 9, he made an appearance on *Fox News* and reiterated that his trip to Ukraine was intended to further the President's personal and political interests by pressuring the Ukrainian government to investigate the Bidens:

It's a big story. It's a dramatic story. And I guarantee you, Joe Biden will not get to election day without this being investigated, not because I want to see him investigated. This is collateral to what I was doing.¹⁷⁵

The next morning, on May 10, amidst the press coverage of his trip, Mr. Giuliani tweeted:

Explain to me why Biden shouldn't be investigated if his son got millions from a Russian loving crooked Ukrainian oligarch while He was VP and point man for Ukraine. Ukrainians are investigating and your fellow Dems are interfering. Election is 17 months away. Let's answer it now!¹⁷⁶

He then had another flurry of calls with Mr. Parnas. Shortly after 2:00 p.m., Eastern Time, Mr. Giuliani also spoke with Ambassador Volker on the phone.¹⁷⁷ Ambassador Volker had learned that Mr. Giuliani intended to travel to Ukraine “to pursue these allegations that Lutsenko had made, and he was going to investigate these things”—specifically, the debunked story that Vice President Biden had improperly pressured Ukraine to fire a corrupt prosecutor general, as well as the Russian-backed conspiracy that the Ukrainians interfered in the 2016 U.S. election.¹⁷⁸ Ambassador Volker testified that he had a simple warning for Mr. Giuliani: Prosecutor General Lutsenko “is not credible. Don't listen to what he is saying.”¹⁷⁹ Call records obtained by the Committees reveal that their call lasted more than 30 minutes.¹⁸⁰

Call records also show that around midday on May 10, Mr. Giuliani began trading aborted calls with Kashyap “Kash” Patel, an official at the National Security Council who previously served on Ranking Member Nunes' staff on the Intelligence Committee. Mr. Patel successfully connected with Mr. Giuliani less than an hour after Mr. Giuliani's call with Ambassador Volker. Beginning at 3:23 p.m., Eastern Time, Mr. Patel and Mr. Giuliani spoke for over 25 minutes.¹⁸¹ Five minutes after Mr. Patel and Mr. Giuliani disconnected, an unidentified “-1” number connected with Mr. Giuliani for over 17 minutes.¹⁸² Shortly thereafter, Mr. Giuliani spoke with Mr. Parnas for approximately 12 minutes.¹⁸³

That same afternoon, President Trump conducted a 15-minute long phone interview with *Politico*. In response to a question about Mr. Giuliani's upcoming visit to Kyiv, the President replied, “I have not spoken to him at any great length, but I will ... I will speak to him about it before he leaves.”¹⁸⁴

Recently, when asked what Mr. Giuliani was doing in Ukraine on his behalf, the President responded: “Well, you have to ask that to Rudy, but Rudy, I don't, I don't even know. I know he was going to go to Ukraine, and I think he canceled a trip.”¹⁸⁵ Prior to that, on October 2, the President publicly stated: “And just so you know, we've been investigating, on a personal basis—through Rudy and others, lawyers—corruption in the 2016 election.”¹⁸⁶ On October 4, the President publicly stated: “If we feel there's corruption, like I feel there was in the 2016 campaign—there was tremendous corruption against me—if we feel there's corruption, we have a right to go to a foreign country.”¹⁸⁷

By the evening of May 10, Mr. Giuliani appeared to have concerns about the incoming Ukrainian President. He appeared on *Fox News* and announced, “I’m not going to go” to Ukraine “because I think I’m walking into a group of people that are enemies of the President.”¹⁸⁸ In a text message to *Politico*, Mr. Giuliani alleged the original offer for a meeting with President-elect Zelensky was a “set up” orchestrated by “several vocal critics” of President Trump who were advising President-elect Zelensky.¹⁸⁹ Mr. Giuliani declared that President-elect Zelensky “is in [the] hands of avowed enemies of Pres[ident] Trump.”¹⁹⁰

Like Mr. Giuliani, President Trump would express hostility toward Ukraine in the days and weeks to come.

***Russian President Putin and Hungarian Prime Minister Orban
Counseled President Trump on Ukraine***

In early May, Mr. Giuliani was not the only person who conveyed his skepticism of Ukraine to President Trump. The President reportedly discussed Ukraine with Russian President Vladimir Putin when they spoke by phone on May 3. President Trump posted on Twitter that he “[h]ad a long and very good conversation with President Putin of Russia” and discussed “even the ‘Russian Hoax’”—an apparent reference to the unanimous finding by the U.S. Intelligence Community that Russia interfered in the 2016 election with the aim of assisting President Trump’s candidacy.¹⁹¹ Mr. Kent subsequently heard from Dr. Hill, the NSC’s Senior Director for Europe and Russia, that President Putin also expressed negative views about Ukraine to President Trump. He testified that President Putin’s motivation in undercutting President-elect Zelensky was “very clear”:

He denies the existence of Ukraine as a nation and a country, as he told President Bush in Bucharest in 2008. He invaded and occupied 7 percent of Ukraine’s territory and he’s led to the death of 13,000 Ukrainians on Ukrainian territory since 2014 as a result of aggression. So that’s his agenda, the agenda of creating a greater Russia and ensuring that Ukraine does not survive independently.¹⁹²

On May 13, President Trump met one-on-one for an hour with Hungarian Prime Minister Viktor Orban. President Trump offered the leader a warm reception in the Oval Office and claimed Prime Minister Orban had “done a tremendous job in so many different ways. Highly respected. Respected all over Europe.”¹⁹³ The European Union and many European leaders, however, have widely condemned Prime Minister Orban for undermining Hungary’s democratic institutions and promoting anti-Semitism and xenophobia.¹⁹⁴

Mr. Kent explained to the Committees that Prime Minister Orban’s “animus towards Ukraine is well-known, documented, and has lasted now two years.” Due to a dispute over the rights of 130,000 ethnic Hungarians who live in Ukraine, Mr. Kent noted that Prime Minister Orban “blocked all meetings in NATO with Ukraine at the ministerial level or above,” undercutting U.S. and European efforts to support Ukraine in its war against Russia.¹⁹⁵ Nonetheless, President Trump told reporters prior to his meeting with Prime Minister Orban to not “forget they’re a member of NATO, and a very good member of NATO.”¹⁹⁶

Commenting on what Dr. Hill shared with him following the May 3 call and May 13 meeting, Mr. Kent said he understood President Trump's discussions about Ukraine with President Putin and Prime Minister Orban "as being similar in tone and approach." He explained that "both leaders" had "extensively talked Ukraine down, said it was corrupt, said Zelensky was in the thrall of oligarchs" the effect of which was "negatively shaping a picture of Ukraine, and even President Zelensky personally."¹⁹⁷ The veteran State Department diplomat concluded, "[T]hose two world leaders [Putin and Orban], along with former Mayor Giuliani, their communications with President Trump shaped the President's view of Ukraine and Zelensky, and would account for the change from a very positive first call on April 21 to his negative assessment of Ukraine."¹⁹⁸

***President Trump Instructs Vice President Pence Not to Attend
President Zelensky's Inauguration***

On Monday, May 13, at approximately 11:00 a.m. Eastern Time, Ms. Williams received a call from an assistant to the Vice President's Chief of Staff.¹⁹⁹ President Trump, the assistant relayed, had "decided that the Vice President would not attend the inauguration in Ukraine," despite the fact that Vice President Pence previously had accepted the invitation.²⁰⁰ Ms. Williams was never given a reason for the change in President Trump's decision.²⁰¹

Mr. Holmes later testified that:

[The U.S. Embassy in Kyiv had] gone back and forth with NSC staff about proposing a list of potential members of the delegation. It was initially quite a long list. We had asked who would be the senior [U.S.] member of that delegation. We were told that Vice President Pence was likely to be that senior member, it was not yet fully agreed to. And so we were anticipating that to be the case. And then the Giuliani event happened, and then we heard that he was not going to play that role.²⁰²

Asked to clarify what he meant by "the Giuliani event," Mr. Holmes replied, "the interview basically saying that he had planned to travel to Ukraine, but he canceled his trip because there were, quote, unquote, enemies of the U.S. President in Zelensky's orbit."²⁰³

One of the individuals around President-elect Zelensky whom Mr. Giuliani publicly criticized was the oligarch Mr. Kolomoisky, who had refused to set up a meeting between Mr. Giuliani and President Zelensky. On May 18, Mr. Giuliani complained on Twitter that the oligarch "returned from a long exile and immediately threatened and defamed two Americans, Lev Parnas and Igor Fruman. They are my clients and I have advised them to press charges."²⁰⁴

Mr. Kolomoisky responded to Mr. Giuliani in a televised interview and declared, "Look, there is Giuliani, and two clowns, Lev Parnas and Igor Fruman, who were engaging in nonsense. They are Giuliani's clients." He added: "They came here and told us that they would organize a meeting with Zelensky. They allegedly struck a deal with [Prosecutor-General Yuriy] Lutsenko about the fate of this criminal case—Burisma, [former Vice President] Biden, meddling in the U.S. election and so on."²⁰⁵ He warned that a "big scandal may break out, and not only in

Ukraine, but in the United States. That is, it may turn out to be a clear conspiracy against Biden.”²⁰⁶

Despite Ukraine’s significance to U.S. national security as a bulwark against Russian aggression and the renewed opportunity that President Zelensky’s administration offered for bringing Ukraine closer to the United States and Europe, President Trump did not ask Secretary of State Michael Pompeo, Acting Secretary of Defense Patrick Shanahan, or National Security Advisor John Bolton to lead the delegation to President Zelensky’s inauguration. Instead, according to Mr. Holmes, the White House “ultimately whittled back an initial proposed list for the official delegation to the inauguration from over a dozen individuals to just five.”²⁰⁷

Topping that list was Secretary Perry. Accompanying him were Ambassador Sondland, U.S. Special Representative for Ukraine Negotiations Ambassador Volker, and NSC Director for Ukraine Lt. Col. Alexander Vindman.²⁰⁸ Acting Deputy Chief of Mission (Chargé d’ Affaires) of U.S. Embassy Kyiv Joseph Pennington joined the delegation, in place of outgoing U.S. Ambassador to Ukraine Marie Yovanovitch. U.S. Senator Ron Johnson also attended the inauguration and joined several meetings with the presidential delegation. When asked if this delegation was “a good group,” Mr. Holmes replied that it “was not as senior a delegation as we [the U.S. embassy] might have expected.”²⁰⁹

Secretary Perry, Ambassador Volker, and Ambassador Sondland subsequently began to refer to themselves as the “Three Amigos.” During the delegation’s meeting with President Zelensky, Mr. Holmes recounted that “Secretary Perry passed President Zelensky a list of, quote, ‘people he trusts’ from whom Zelensky could seek advice on energy sector reform, which was the topic of subsequent meetings between Secretary Perry and key Ukrainian energy sector contacts, from which Embassy personnel were excluded by Secretary Perry’s staff.”²¹⁰

Mr. Holmes assessed that the delegation’s visit proceeded smoothly, although “at one point during a preliminary meeting of the inaugural delegation, someone in the group wondered aloud about why Mr. Giuliani was so active in the media with respect to Ukraine.”²¹¹ Ambassador Sondland responded: “Dammit, Rudy. Every time Rudy gets involved he goes and effs everything up.”²¹² Mr. Holmes added: “He used the ‘F’ word.”²¹³

By the time of the inauguration, Mr. Holmes assessed that President Zelensky and the Ukrainians were already starting to feel pressure to conduct political investigations related to former Vice President Biden.²¹⁴ Lt. Col. Vindman also was concerned about the potentially negative consequences of Mr. Giuliani’s political efforts on behalf of President Trump—both for U.S. national security and also Ukraine’s longstanding history of bipartisan support in the U.S. Congress.²¹⁵

During the U.S. delegation’s meeting with President Zelensky on the margins of the inauguration, Lt. Col. Vindman was the last person to speak.²¹⁶ He “offered two pieces of advice” to President Zelensky. First, he advised the new leader, “be particularly cautious with regards to Russia, and its desire to provoke Ukraine.”²¹⁷ And second, Lt. Col. Vindman warned, “stay out of U.S. domestic ... politics.”²¹⁸ Referencing the activities of Mr. Giuliani, Lt. Col. Vindman explained:

[I]n the March and April timeframe, it became clear that there were—there were actors in the U.S., public actors, nongovernmental actors that were promoting the idea of investigations and 2016 Ukrainian interference. And it was consistent with U.S. policy to advise any country, all the countries in my portfolio, any country in the world, to not participate in U.S. domestic politics. So I was passing the same advice consistent with U.S. policy.²¹⁹

U.S. Officials Briefed President Trump About their Positive Impressions of Ukraine

Ambassadors Volker and Sondland left Kyiv with “a very favorable impression” of the new Ukrainian leader.²²⁰ They believed it was important that President Trump “personally engage with the President of Ukraine in order to demonstrate full U.S. support for him,” including by inviting him to Washington for a meeting in the Oval Office.²²¹ It was agreed that the delegation would request a meeting with President Trump and personally convey their advice. They were granted time with President Trump on May 23.

According to Mr. Kent, the delegation was able to secure the Oval Office meeting shortly after the return from Kyiv because of Ambassador Sondland’s “connections” to Acting White House Chief of Staff Mick Mulvaney and President Trump.²²² Christopher Anderson, Special Advisor to Ambassador Kurt Volker, also attributed the delegation’s ability to quickly confirm a meeting with President Trump to Ambassador Sondland’s “connections to the White House.”²²³

At the May 23 meeting, Ambassadors Sondland and Volker were joined by Secretary Perry, Senator Johnson, and Dr. Charles M. Kupperman, the Deputy National Security Advisor. Mr. Mulvaney may have also participated.²²⁴

Lt. Col. Vindman, who had represented the White House at President Zelensky’s inauguration, did not participate in the meeting. Dr. Hill directed him not to join, because she had learned that “there was some confusion” from the President “over who the director for Ukraine is.”²²⁵ Specifically, Dr. Hill testified that around the time of the May 23 debriefing in the Oval Office, she “became aware by chance and accident” that President Trump had requested to speak with the NSC’s Ukraine director about unspecified “materials.”²²⁶ A member of the NSC executive secretary’s staff stated that in response to the President’s request, “we might be reaching out to Kash.”²²⁷

Dr. Hill testified that she understood the staff to be referring to Mr. Patel, who then served as a director in the NSC’s directorate of International Organizations and Alliances, not the directorate of Europe and Russia.²²⁸ She subsequently consulted with Dr. Kupperman and sought to clarify if Mr. Patel “had some special ... Ambassador Sondland-like representational role on Ukraine” that she had not been informed about, but “couldn’t elicit any information about that.”²²⁹ All Dr. Kupperman said was that he would look into the matter.²³⁰ Dr. Hill also testified that she never saw or learned more about the Ukraine-related “materials” that the President believed he had received from Mr. Patel, who maintained a close relationship with Ranking Member Nunes after leaving his staff to join the NSC.²³¹

President Trump Put the Three Amigos in Charge of the United States' Ukraine Relationship and Directed Them to "Talk to Rudy" About Ukraine

According to witness testimony, the May 23 debriefing with the President in the Oval Office proved consequential for two reasons. President Trump authorized Ambassador Sondland, Secretary Perry, and Ambassador Volker to lead engagement with President Zelensky's new administration in Ukraine. He instructed them, however, to talk to and coordinate with his personal attorney, Mr. Giuliani.

Ambassador Sondland, Ambassador Volker, Secretary Perry, and Senator Johnson "took turns" making their case "that this is a new crowd, it's a new President" in Ukraine who was "committed to doing the right things," including fighting corruption.²³² According to Ambassador Sondland, the group "emphasized the strategic importance of Ukraine" and the value to the United States of strengthening the relationship with President Zelensky.²³³ They recommended that President Trump once again call President Zelensky and follow through on his April 21 invitation for President Zelensky to meet with him in the Oval Office.²³⁴

President Trump reacted negatively to the positive assessment of Ukraine. Ambassador Volker recalled that President Trump said Ukraine is "a terrible place, all corrupt, terrible people" and was "just dumping on Ukraine."²³⁵ This echoed Mr. Giuliani's public statements about Ukraine during early May.

According to both Ambassadors Volker and Sondland, President Trump also alleged, without offering any evidence, that Ukraine "tried to take me down" in the 2016 election.²³⁶ The President emphasized that he "didn't believe" the delegation's positive assessment of the new Ukrainian President, and added "that's not what I hear" from Mr. Giuliani.²³⁷ President Trump said that Mr. Giuliani "knows all of these things" and knows that President Zelensky has "some bad people around him."²³⁸ Rather than committing to an Oval Office meeting with the Ukrainian leader, President Trump directed the delegation to "[t]alk to Rudy, talk to Rudy."²³⁹

Ambassador Sondland testified that the "Three Amigos" saw the writing on the wall and concluded "that if we did not talk to Rudy, nothing would move forward on Ukraine."²⁴⁰ He continued:

[B]ased on the President's direction we were faced with a choice. We could abandon the goal of a White House meeting for President Zelensky, which we all believed was crucial to strengthening U.S.-Ukrainian ties ... or we could do as President Trump directed and talk to Mr. Giuliani to address the President's concerns. We chose the latter path.²⁴¹

Ambassador Volker reached a similar conclusion. He believed "that the messages being conveyed by Mr. Giuliani were a problem, because they were at variance with what our official message to the President was, and not conveying that positive assessment that we all had. And so, I thought it was important to try to step in and fix the problem."²⁴² Ultimately, however, the "problem" posed by the President's instruction to coordinate regarding Ukraine with his personal attorney persisted and would become more acute.

After the May 23 meeting, Ambassador Sondland stayed behind with President Trump and personally confirmed that the Three Amigos “would be working on the Ukraine file.”²⁴³

Multiple witnesses testified about this shift in personnel in charge of the Ukraine relationship.²⁴⁴ Mr. Kent recalled that, after the Oval Office meeting, Secretary Perry, Ambassador Sondland, and Ambassador Volker began “asserting that, going forward, they would be the drivers of the relationship with Ukraine.”²⁴⁵ Catherine Croft, Special Advisor to Ambassador Kurt Volker, recalled that “Sondland, Volker, and sort of Perry, as a troika, or as the Three Amigos, had been sort of tasked with Ukraine policy” by President Trump.²⁴⁶ Under Secretary of State for Political Affairs David Hale testified about his understanding of the meeting, “[I]t was clear that the President, from the readout I had received, the President had tasked that group, members of that delegation to pursue these objectives: the meeting, and the policy goals that I outlined earlier. So I was, you know, knowing I was aware that Ambassador Volker and Ambassador Sondland would be doing that.”²⁴⁷

On a June 10 conference call with the Three Amigos, “Secretary Perry laid out for Ambassador Bolton the notion that” they “would assist Ambassador Taylor on Ukraine and be there to support” him as the U.S.-Ukraine relationship “move[ed] forward.”²⁴⁸

This *de facto* change in authority was never officially communicated to other officials, including Dr. Hill, who had responsibility for Ukraine at the National Security Council.²⁴⁹

U.S. Officials Collaborated with Rudy Giuliani to Advance the President’s Political Agenda

Ambassador Sondland testified that in the weeks and months after the May 23 Oval Office meeting, “everyone was in the loop” regarding Mr. Giuliani’s role in advancing the President’s scheme regarding Ukraine.²⁵⁰ The “Three Amigos” did as the President ordered and began communicating with Mr. Giuliani. E-mail messages described to the Committees by Ambassador Sondland showed that he informed Mr. Mulvaney, Ambassador Bolton, and Secretaries Pompeo and Perry, as well as their immediate staffs, of his Ukraine-related efforts on behalf of the President.²⁵¹

According to Ambassador Sondland, Secretary Perry agreed to reach out to Mr. Giuliani first “given their prior relationship.”²⁵² Secretary Perry discussed with Mr. Giuliani the political concerns that President Trump articulated in the May 23 meeting.²⁵³

Dr. Hill testified that Ambassador Volker, Ambassador Sondland, and Secretary Perry “gave us every impression that they were meeting with Rudy Giuliani at this point, and Rudy Giuliani was also saying on the television, and indeed has said subsequently, that he was closely coordinating with the State Department.”²⁵⁴ These meetings ran counter to Ambassador Bolton’s repeated declarations that “nobody should be meeting with Giuliani.”²⁵⁵

Like Dr. Hill, Ambassador Bolton also closely tracked Mr. Giuliani’s activities on behalf of the President. According to Dr. Hill, Ambassador Bolton closely monitored Mr. Giuliani’s public statements and repeatedly referred to Mr. Giuliani as a “hand grenade that was going to blow everyone up.”²⁵⁶ During a meeting on June 13, Ambassador Bolton made clear that he

supported more engagement with Ukraine by senior White House officials but warned that “Mr. Giuliani was a key voice with the President on Ukraine.”²⁵⁷ According to Ambassador Bolton, Mr. Giuliani’s influence “could be an obstacle to increased White House engagement.”²⁵⁸ Ambassador Bolton joked that “every time Ukraine is mentioned, Giuliani pops up.”²⁵⁹

Ambassador Bolton also reportedly joined Dr. Hill in warning Ambassador Volker against contacting Mr. Giuliani.²⁶⁰ Dr. Hill was particularly concerned about engagement with Mr. Giuliani because “the more you engage with someone who is spreading untruths, the more validity you give to those untruths.”²⁶¹ She further testified that she also discussed Mr. Giuliani’s activities with Dr. Kupperman, specifically her concern that “Ukraine was going to be played by Giuliani in some way as part of the campaign.”²⁶²

On June 18, Ambassador Volker, Acting Assistant Secretary of State Ambassador Philip T. Reeker, Secretary Perry, Ambassador Sondland, and State Department Counselor T. Ulrich Brechbuhl participated in a meeting at the Department of Energy to follow up to the May 23 Oval Office meeting.²⁶³ Ambassador William Taylor, Chargé d’Affaires for U.S. Embassy in Kyiv, who had arrived in Ukraine just the day before, participated by phone from Kyiv.²⁶⁴ The group agreed that a meeting between President Trump and President Zelensky would be valuable.²⁶⁵ However, Ambassadors Volker and Sondland subsequently relayed to Ambassador Taylor that President Trump “wanted to hear from Zelensky before scheduling the meeting in the Oval Office.”²⁶⁶ Ambassador Taylor testified that he did not understand, at that time, what the President wanted to hear from his Ukrainian counterpart.²⁶⁷ However, Ambassador Volker’s assistant, Mr. Anderson, recalled “vague discussions” about addressing “Mr. Giuliani’s continued calls for a corruption investigation.”²⁶⁸

The quid pro quo—conditioning the Oval Office meeting that President Trump first offered the Ukrainian leader during their April 21 call on the Ukrainians’ pursuit of investigations that would benefit President Trump politically—was beginning to take shape. As Ambassador Sondland testified, the conditions put on the White House meeting and on Ukraine’s continued engagement with the White House would get “more insidious” with the passage of time.²⁶⁹

President Trump Invited Foreign Interference in the 2020 Election

As U.S. officials debated how to meet the President’s demands as articulated by Mr. Giuliani, President Trump publicly disclosed on June 12 in an Oval Office interview with *ABC News* anchor George Stephanopoulos that there was “nothing wrong with listening” to a foreign power who offered political dirt on an opponent. The President added, “I think I’d want to hear it.”

Mr. Stephanopoulos then pressed the President directly, “You want that kind of interference in our elections?” to which President Trump replied, “It’s not an interference, they have information. I think I’d take it.”²⁷⁰ President Trump also made clear that he did not think a foreign power offering damaging information on an opponent was necessarily wrong, and said only that he would “maybe” contact the FBI “if I thought there was something wrong.”²⁷¹

President Trump’s willingness to accept foreign interference in a U.S. election during his interview with Mr. Stephanopoulos was consistent with tweets and interviews by Mr. Giuliani at this time. For example, on June 21, Mr. Giuliani tweeted:

New Pres of Ukraine still silent on investigation of Ukrainian interference in 2016 election and alleged Biden bribery of Pres Poroshenko. Time for leadership and investigate both if you want to purge how Ukraine was abused by Hillary and Obama people.²⁷²

On June 18, Dr. Hill met with Ambassador Sondland at the White House. She “asked him quite bluntly” what his role was in Ukraine. Ambassador Sondland replied that “he was in charge of Ukraine.”²⁷³ Dr. Hill was taken aback and a bit irritated. She prodded Ambassador Sondland again and asked, “Who put you in charge of Ukraine?” Dr. Hill testified: “And, you know, I’ll admit, I was a bit rude. And that’s when he told me the President, which shut me up.”²⁷⁴

Dr. Hill tried to impress upon Ambassador Sondland the “importance of coordinating” with other national security officials in the conduct of Ukraine policy, including the NSC staff and the State Department. Ambassador Sondland “retorted” that he was “coordinating with the President” and Mr. Mulvaney, “filling in” Ambassador Bolton, and talking to State Department Counselor T. Ulrich Brechbuhl. Ambassador Sondland asked: “Who else did he have to inform?”²⁷⁵

Dr. Hill stated that, in hindsight, with the benefit of the sworn testimony by others during the impeachment inquiry and seeing documents displayed by witnesses, she realized that she and Ambassador Sondland were working on two fundamentally different tasks. Dr. Hill testified:

But it struck me when yesterday, when you put up on the screen Ambassador Sondland’s emails and who was on these emails, and he said, These are the people who need to know, that he was absolutely right. Because he was being involved in a domestic political errand, and we were being involved in national security foreign policy, and those two things had just diverged. So he was correct. And I had not put my finger on that at the moment, but I was irritated with him and angry with him that he wasn’t fully coordinating. And I did say to him, Ambassador Sondland, Gordon, I think this is all going to blow up. And here we are.²⁷⁶

Reflecting on her June 18 conversation with Ambassador Sondland, Dr. Hill concluded:

Ambassador Sondland is not wrong that he had been given a different remit than we had been. And it was at that moment that I started to realize how those things had diverged. And I realized, in fact, that I wasn’t really being fair to Ambassador Sondland, because he was carrying out what he thought he had been instructed to carry out, and we were doing something that we thought was just as—or perhaps even more important, but it wasn’t in the same channel.²⁷⁷

3. The President Froze Military Assistance to Ukraine

The President froze military assistance to Ukraine against U.S. national security interests and over the objections of career experts.

Overview

Since 2014, the United States has maintained a bipartisan policy of delivering hundreds of millions of dollars in security assistance to Ukraine each year. These funds benefit the security of the United States and Europe by ensuring that Ukraine is equipped to defend itself against Russian aggression. In 2019, that bipartisan policy was undermined when President Trump ordered, without justification, a freeze on military assistance to Ukraine.

For fiscal year 2019, Congress authorized and appropriated \$391 million in security assistance: \$250 million through the Department of Defense's (DOD) Ukraine Security Assistance Initiative and \$141 million through the State Department's Foreign Military Financing program. In July 2019, however, President Trump ordered the Office of Management and Budget (OMB) to put a hold on all \$391 million in security assistance to Ukraine.

The hold surprised experts from DOD and the State Department. DOD had already announced its intent to deliver security assistance to Ukraine after certifying that the country had implemented sufficient anti-corruption reforms, and the State Department was in the process of notifying Congress of its intent to deliver foreign military financing to Ukraine. In a series of interagency meetings, every represented agency other than OMB (which is headed by Mick Mulvaney, who is also the President's Acting Chief of Staff) supported the provision of assistance to Ukraine and objected to President Trump's hold. Ukraine experts at DOD, the State Department, and the National Security Council (NSC) argued that it was in the national security interest of the United States to continue to support Ukraine. Agency experts also expressed concerns about the legality of President Trump withholding assistance to Ukraine that Congress had already appropriated for this express purpose.

Despite these concerns, OMB devised a plan to implement President Trump's hold on the assistance. On July 25, 2019, OMB began using a series of footnotes in funding documents to notify DOD that the assistance funds were temporarily on hold to allow for interagency review. Throughout August and September, OMB continued to use this method and rationale to maintain the hold, long after the final interagency meeting on Ukraine assistance occurred on July 31. The hold continued despite concerns from DOD that the hold would threaten its ability to fully spend the money before the end of the fiscal year, as legally required.

On July 25—the same day as President Trump's call with President Zelensky—officials at Ukraine's embassy emailed DOD to ask about the status of the hold. By mid-August, officials at DOD, the State Department, and the NSC received numerous questions from Ukrainian officials about the hold. President Trump's hold on the Ukraine assistance was publicly reported on August 28, 2019.

Security Assistance to Ukraine is Important to U.S. National Security Interests

The United States has an interest in providing security assistance to Ukraine to support the country in its longstanding battle against Russian aggression and to shore it up as an independent and democratic country that can deter Kremlin influence in both Ukraine and other European countries. In early 2014, in what became known as the Revolution of Dignity, Ukrainian citizens demanded democratic reforms and an end to corruption, thereby forcing the ouster of pro-Kremlin Viktor Yanukovich as Ukraine's President. Shortly thereafter, Russian military forces and their proxies began an incursion into Ukraine that led to Russia's illegal annexation of the Crimean Peninsula of Ukraine, as well as the ongoing, Russian-led armed conflict in the Donbass region of eastern Ukraine. Approximately 13,000 people have been killed as a result of the conflict and over 1.4 million people have been displaced.²⁷⁸

Former U.S. Ambassador to the United Nations, Nikki Haley, noted that "militants in eastern Ukraine report directly to the Russian military, which arms them, trains them, leads them, and fights alongside them."²⁷⁹ Similarly, then-Secretary of Defense James Mattis, during a visit to Ukraine in 2017, chided Russia, stating that "despite Russia's denials, we know they are seeking to redraw international borders by force, undermining the sovereign and free nations of Europe."²⁸⁰

In response to Russia's aggression, the international community imposed financial and visa sanctions on Russian individuals and entities, and committed to providing billions of dollars in economic, humanitarian, and security assistance to Ukraine to continue to support its sovereignty and democratic development.

The European Union is the single largest contributor of total foreign assistance to Ukraine, having provided €15 billion in grants and loans since 2014.²⁸¹ In addition to economic and humanitarian assistance, the United States has contributed a substantial amount of security assistance, mostly lethal and non-lethal military equipment and training, to Ukraine. In fact, the United States is the largest contributor of security assistance to Ukraine. Since 2014, the United States has delivered approximately \$1.5 billion in security assistance to Ukraine.²⁸²

Multiple witnesses—including Ambassador William Taylor, Deputy Assistant Secretary of State George Kent, Lt. Col. Alexander Vindman, and Deputy Assistant Secretary of Defense Laura Cooper—testified that this security assistance to Ukraine is vital to the national security of the United States and Europe.²⁸³ As Ambassador Taylor noted:

[R]adar and weapons and sniper rifles, communication, that saves lives. It makes the Ukrainians more effective. It might even shorten the war. That's what our hope is, to show that the Ukrainians can defend themselves and the Russians, in the end, will say "Okay, we're going to stop."²⁸⁴

State Department Special Advisor for Ukraine, Catherine Croft, further emphasized that Ukrainians currently "face casualties nearly every day in defense of their own territory against Russian aggression."²⁸⁵ Ambassador Taylor testified that American aid is a concrete demonstration of the United States' "commitment to resist aggression and defend freedom."²⁸⁶

Witnesses also testified that it is in the interest of the United States for Russian aggression to be halted in Ukraine. In the 20th century, the United States fought two bloody wars to resist the aggression of a hostile power that tried to change the borders of Europe by force. As Ambassador Taylor put it, Russian aggression in Ukraine “dismissed all the principles that have kept the peace and contributed to prosperity in Europe since World War II.”²⁸⁷

Timothy Morrison, former Senior Director for Europe and Russia at the NSC, put the importance of U.S. assistance in stark terms:

Russia is a failing power, but it is still a dangerous one. The United States aids Ukraine and her people so that they can fight Russia over there, and we don’t have to fight Russia here.²⁸⁸

Bipartisan Support for Security Assistance to Ukraine

Congressional support for security assistance to Ukraine has been overwhelming and bipartisan. Congress provided \$391 million in security assistance to Ukraine for fiscal year 2019: \$250 million through the DOD-administered Ukraine Security Assistance Initiative (USAI) and \$141 million through the State Department-administered Foreign Military Financing program.

On September 26, 2018, Congress appropriated \$250 million for the Ukraine Security Assistance Initiative, which is funded through DOD. The funding law made clear that the funding was only “available until September 30, 2019.” President Trump signed the bill into law on September 28, 2018.²⁸⁹

The Ukraine Security Assistance Initiative—a Congressionally-mandated program codifying portions of the European Reassurance Initiative, which was originally launched by the Obama Administration in 2015—authorizes DOD to provide “security assistance and intelligence support, including training, equipment, and logistics support, supplies and services, to military and other security forces of the Government of Ukraine.”²⁹⁰ Recognizing that strengthening Ukraine’s institutions, in addition to its military, is vital to helping it break free of Russia’s influence, Congress imposed conditions upon DOD before it could spend a portion of the security assistance funds. Half of the money was held in reserve until the Secretary of Defense, in coordination with the Secretary of State, certified to Congress that Ukraine had undertaken sufficient anti-corruption reforms, such as in civilian control of the military and increased transparency and accountability.²⁹¹

On February 28, 2019, John C. Rood, Under Secretary of Defense for Policy, notified Congress that DOD intended to deliver the first half (\$125 million) of assistance appropriated in September 2018 to Ukraine, including “more than \$50 million of assistance to deliver counter-artillery radars and defensive lethal assistance.”²⁹² Congress cleared the Congressional notification, which enabled DOD to begin obligating (spending) funds.²⁹³

For Ukraine to qualify to receive the remaining \$125 million of assistance, Congress required that the Secretary of Defense, in coordination with the Secretary of State, certify that the

Government of Ukraine had taken substantial anticorruption reform actions.²⁹⁴ Ms. Cooper and others at DOD conducted a review to evaluate whether Ukraine had met the required benchmarks.²⁹⁵ Ms. Cooper explained that the review involved “pulling in all the views of the key experts on Ukraine defense, and coming up with a consensus view,” which was then run “up the chain in the Defense Department, to ensure we have approval.”²⁹⁶

On May 23, 2019, Under Secretary Rood certified to Congress that Ukraine had completed the requisite defense institutional reforms to qualify for the remaining \$125 million in funds. He wrote:

On behalf of the Secretary of Defense, and in coordination with the Secretary of State, I have certified that the Government of Ukraine has taken substantial actions to make defense institutional reforms for the purposes of decreasing corruption, increasing accountability, and sustaining improvements of combat capability enabled by U.S. assistance.²⁹⁷

Congress then cleared the related Congressional notification, which enabled DOD to begin obligating the remaining \$125 million in funds.²⁹⁸

On June 18, 2019, DOD issued a press release announcing its intention to provide \$250 million in security assistance funds to Ukraine “for additional training, equipment, and advisory efforts to build the capacity of Ukraine’s armed forces.” DOD announced that the security assistance would provide Ukraine with sniper rifles, rocket-propelled grenade launchers, and counter-artillery radars, command and control, electronic warfare detection and secure communications, military mobility, night vision, and military medical treatment.²⁹⁹

On February 15, 2019, Congress also appropriated \$115 million for Ukraine through the State Department-administered Foreign Military Financing Program (FMF).³⁰⁰ The Foreign Military Financing Program is administered by the State Department and provides grants or loans to foreign countries to help them purchase military services or equipment manufactured by U.S. companies in the United States. In addition to the \$115 million appropriated for fiscal year 2019, approximately \$26 million carried over from fiscal year 2018.³⁰¹ Thus, the total amount of foreign military financing available for Ukraine was approximately \$141 million.

Before a country receives foreign military financing, the State Department must first seek Congressional approval through a notification to Congress.³⁰² The State Department never sent the required Congressional notification to Congress in the spring or summer of 2019. As described below, OMB blocked the notification.³⁰³

President Trump Had Questions About Ukraine Security Assistance

The day after DOD issued its June 18 press release announcing \$250 million in security assistance funds for Ukraine, President Trump started asking OMB questions about the funding for Ukraine. On June 19, Mark Sandy, Deputy Associate Director for National Security Programs at OMB, was copied on an email from his boss, Michael Duffey, Associate Director for National Security Programs at OMB, to Elaine McCusker, Deputy Under Secretary of

Defense (Comptroller) that said that “the President had questions about the press report and that he was seeking additional information.”³⁰⁴ Notably, the same day, President Trump gave an interview on *Fox News* where he raised the so-called “Crowdstrike” conspiracy theory that Ukraine, rather than Russia, had interfered in the 2016 election, a line he would repeat during his July 25 call with the Ukrainian president.³⁰⁵

On June 20, in response to the President’s inquiry, Ms. McCusker responded to President Trump’s inquiry by providing Mr. Sandy information on the security assistance program.³⁰⁶ Mr. Sandy shared the document with Mr. Duffey, who had follow-up questions about the “financial resources associated with the program, in particular,” the “history of the appropriations, [and] any more details about the intent of the program.”³⁰⁷ Mr. Sandy said that his staff provided the relevant information to Mr. Duffey, but he did not know whether Mr. Duffey shared the information with the White House.³⁰⁸

Ms. Cooper also recalled receiving an email inquiring about DOD-administered Ukraine security assistance a “few days” after DOD’s June 18, 2019, press release.³⁰⁹ The email was from the Secretary of Defense’s Chief of Staff, “asking for follow-up on a meeting with the President.” The email contained three questions:

And the one question was related to U.S. industry. Did U.S.—is U.S. industry providing any of this equipment? The second question that I recall was related to international contributions. It asked, what are other countries doing, something to that effect. And then the third question, I don’t recall—I mean, with any of these I don’t recall the exact wording, but it was something to the effect of, you know, who gave this money, or who gave this funding?³¹⁰

Like Mr. Sandy, Ms. Cooper believed that the President’s inquiries were spurred by DOD’s June 18 press release. She testified, “we did get that series of questions just within a few days after the press release and after that one article that had the headline.”³¹¹ Ms. Cooper noted that it was “relatively unusual” to receive questions from the President, and that she and her staff at the DOD responded “as quickly” as they could.³¹² According to Ms. Cooper, DOD officials included in their answers that security assistance funding “has strong bipartisan support,” but never received a response.³¹³

President Trump Froze Military Assistance

Despite the fact that DOD experts demonstrated that the security assistance was crucial for both Ukraine and U.S. national security and had strong bipartisan support in Congress, President Trump ordered OMB to freeze the funds in July.

On July 3, the State Department notified DOD and NSC staff that OMB was blocking the State Department from transmitting a Congressional notification for the provision of State Department-administered security assistance to Ukraine (the \$141 million in foreign military financing).³¹⁴ Because the State Department is legally required to transmit such a notification to Congress before spending funds, blocking the Congressional notification effectively barred the State Department from spending the funding.³¹⁵ Ms. Williams testified that she saw the news in

a draft email that was being prepared as part of the nightly update for the National Security Advisor.³¹⁶ She agreed that the hold came “out of the blue” because it had not been discussed previously by OMB or the NSC.³¹⁷

On or about July 12, 2019, President Trump directed that a hold be placed on security assistance funding for Ukraine. That day, Robert Blair, Assistant to the President and Senior Advisor to the Chief of Staff, sent an email to Mr. Duffey at OMB about Ukraine security assistance.³¹⁸ Mr. Sandy, who was on personal leave at the time but later received a copy of the email from Mr. Duffey, testified that in the July 12 email, Mr. Blair communicated “that the President is directing a hold on military support funding for Ukraine.”³¹⁹ The email mentioned no concerns about any other country, security assistance package, or aid of any sort.³²⁰

On or about July 15, Mr. Morrison learned from Deputy National Security Advisor Charles Kupperman “that it was the President’s direction to hold the assistance.”³²¹ On or about July 17 or 18, 2019, Mr. Duffey and Mr. Blair again exchanged emails about Ukraine security assistance.³²² Mr. Sandy later received a copy of the emails, which showed that when Mr. Duffey asked Mr. Blair about the reason for the hold, Mr. Blair provided no explanation and instead said, “we need to let the hold take place” and then “revisit” the issue with the President.³²³

On July 18 or 19, when he returned from two weeks of personal leave, Mr. Sandy learned for the first time that the President had placed a hold on Ukraine security assistance from Mr. Duffey.³²⁴ According to Mr. Sandy, Mr. Duffey was not aware of the reason but “there was certainly a desire to learn more about the rationale” for the hold.³²⁵

Agency Experts Repeatedly Objected to the Hold on Security Assistance

Between July 18 and July 31, 2019, the NSC staff convened a series of interagency meetings, at which the hold on security assistance was discussed in varying degrees of detail. Over the course of these meetings, it became evident that:

- the President directed the hold through OMB;
- no justification was provided for the hold;
- with the exception of OMB, all represented agencies supported Ukraine security assistance because it was in the national security interests of the United States; and
- there were concerns about the legality of the hold.

The first interagency meeting was held on July 18 at the Deputy Assistant Secretary level (i. e., a “sub-Policy Coordination Committee”). It was supposed to be a “routine Ukraine policy meeting.”³²⁶ Ambassador Taylor, Lt. Col. Vindman, Ms. Croft, and Mr. Kent were among the attendees. Witnesses testified that OMB announced at the meeting that President Trump had directed a hold on Ukraine security assistance. Mr. Kent testified that at the meeting, an OMB staff person announced that Acting White House Chief of Staff Mick Mulvaney “at the direction

of the President had put a hold on all security assistance to the Ukraine.³²⁷ Ambassador Taylor testified that the “directive had come from the President to the Chief of Staff to OMB” and that when he learned of the hold on military assistance, he “realized that one of the key pillars of our strong support for Ukraine was threatened.”³²⁸

According to Ms. Croft, when Mr. Kent raised the issue of security assistance, it “blew up the meeting.”³²⁹ Ambassador Taylor testified that he and others on the call “sat in astonishment” when they learned about the hold.³³⁰ David Holmes, Political Counselor at the U.S. Embassy in Kyiv, was also on the call. He testified he was “shocked” and thought the hold was “extremely significant.”³³¹ He thought the hold undermined what he had understood to be longstanding U.S. policy in Ukraine.³³²

Ms. Croft testified that “the only reason given was that the order came at the direction of the President.”³³³ Ms. Cooper, who did not participate but received a readout of the meeting, testified that the fact that the hold was announced without explanation was “unusual.”³³⁴ Mr. Kent testified that “[t]here was great confusion among the rest of us because we didn’t understand why that had happened.”³³⁵ He explained that “[s]ince there was unanimity that this [security assistance to Ukraine] was in our national interest, it just surprised all of us.”³³⁶

With the exception of OMB, all agencies present at the July 18 meeting advocated for the lifting of the hold.³³⁷

There was also a lack of clarity as to whether the hold applied only to the State Department-administered Foreign Military Financing to Ukraine or whether it also applied to the DOD-administered Ukraine Security Assistance Initiative funding.³³⁸ Ms. Cooper and her colleagues at the DOD were “concerned” about the hold.³³⁹ After the meeting, DOD sought further clarification from the NSC and State Department about its impact on the DOD-administered funding.³⁴⁰ However, there was no “specific guidance for DOD at the time.”³⁴¹

The second interagency meeting to discuss the hold on Ukraine security assistance was held at the Assistant Secretary level (i.e., a “Policy Coordination Committee”) on July 23, 2019.³⁴² The meeting was chaired by Mr. Morrison.³⁴³ Ms. Cooper, who participated via secure video teleconference, testified that “the White House chief of staff ha[d] conveyed that the President has concerns about Ukraine and Ukraine security assistance.”³⁴⁴ Jennifer Williams, Special Advisor to Vice President Pence for Europe and Eurasia, who also attended the meeting on behalf of the Vice President, testified that the “OMB representative conveyed that they had been directed by the Chief of Staff, the White House Chief of Staff, to continue holding it [the Ukraine security assistance] until further notice.”³⁴⁵ Similar to the July 18 meeting, the July 23 meeting did not provide clarity about whether the President’s hold applied to the DOD-administered funding or only to the funds administered by the State Department.³⁴⁶

Again, no reason was provided for the hold.³⁴⁷ Mr. Sandy did not attend the July 23 meeting as the representative for OMB, but he received a readout that other agencies expressed concerns about the hold. Specifically, the concerns related to the lack of rationale for the hold, the hold’s implications on U.S. assistance and “overall policy toward Ukraine,” and “similar legal questions.”³⁴⁸

Mr. Morrison also testified that there was a discussion at the July 23 meeting about the legality of the hold, and specifically whether it is “actually legally permissible for the President to not allow for the disbursement of the funding.”³⁴⁹ Mr. Morrison recalled that DOD raised concerns about possible violations of the Impoundment Control Act.³⁵⁰ The Impoundment Control Act gives the President the authority to delay spending, or not spend, funds *only* if Congress is notified of those intentions and approves the proposed action (see below for further discussion of the act).³⁵¹

With the exception of OMB, all agencies present at the July 23rd meeting advocated for the lifting of the hold.³⁵² Ambassador Taylor explained that the State Department “made a strong statement about the importance of this assistance” and that Ms. Cooper, on behalf of DOD, “made a very strong case and continued to make a very strong case for the effectiveness” of the security assistance.³⁵³ Lt. Col. Vindman, who also attended the meeting, testified that there was agreement that the issue should be elevated to the Agency deputies “as quickly as possible to recommend a release of security assistance.”³⁵⁴

The third interagency meeting, a Deputies Small Group meeting at the Cabinet Deputies level, was held on July 26, 2019. Mr. Duffey was the OMB representative, and Mr. Sandy prepared Mr. Duffey for the meeting.³⁵⁵ Mr. Sandy explained that he prepared Mr. Duffey to get policy guidance on six critical issues: (1) the reason for the hold; (2) the extent of the hold; (3) the duration of the hold; (4) the Congressional affairs approach; (5) the public affairs approach; and (6) the diplomatic approach.³⁵⁶ Mr. Sandy testified that on July 26, OMB still did not have an understanding of the reason for the hold.³⁵⁷ According to Mr. Sandy, at that time, there was no discussion within OMB about the amount of money that was being contributed to Ukraine by other countries, or whether that topic was the reason for the President’s hold.³⁵⁸

Mr. Morrison, Lt. Col. Vindman, Ms. Cooper, Under Secretary of State for Political Affairs David Hale, and Mr. Duffey attended the July 26 meeting. At the meeting, OMB stated that “they had guidance from the President and from Acting Chief of Staff Mulvaney to freeze the assistance.”³⁵⁹ It also was “stated very clearly” that the hold applied to both the State Department and Defense Department security assistance funds.³⁶⁰ Ambassador Hale, as the representative for the Department of State, “advocated strongly for resuming the assistance,” as did representatives from all agencies other than OMB.³⁶¹

Mr. Morrison testified that, at the meeting, “OMB represented that—and the Chief of Staff’s Office was present—that the President was concerned about corruption in Ukraine, and he wanted to make sure that Ukraine was doing enough to manage that corruption.”³⁶² Ms. Cooper had a similar recollection but received no further understanding of what OMB meant by “corruption.”³⁶³ Ms. Cooper recalled that the deputies did not consider corruption to be a legitimate reason for the hold because they unanimously agreed that Ukraine was making sufficient progress on anti-corruption reforms, as had been certified by DOD on May 23.³⁶⁴

President Trump Continued the Hold Despite Agency Concerns About Legality

Prior to the passage of the Impoundment Control Act, presidents had frequently impounded—i.e., refused to spend—Congressionally-appropriated funds to enforce their policy

priorities when they diverged from Congress'. However, most of these impoundments were small (i.e., no more than a few percent of the total program budget) or temporary (i.e., funds were released in time for them to be spent before the end of the fiscal year) and rooted in policy, rather than political interests of the President. It was not until President Richard Nixon that presidential impoundment of funds would prompt Congress to take action citing constitutional concerns.³⁶⁵

Unlike his predecessors, President Nixon undertook impoundments that were both substantial and, in some cases, permanent, which raised concerns for Congress over its Article I powers. In fact, between 1969 and 1972, President Nixon impounded between 15% and 20% of Congressionally-appropriated funds in various accounts.³⁶⁶

To reassert Congressional authority over the budget, in 1973, Congress established the Joint Study Committee on Budget Control, which held a series of hearings and produced more than 4,600 pages of testimony and reports. The Joint Study Committee's findings ultimately led to the overwhelmingly bipartisan passage—over President Nixon's veto—of the Impoundment Control Act of 1974, one of a series of reform bills designed to reign in presidential power. Looking back at that moment in history, Rep. Bill Archer (R-TX), a fiscal conservative who served 30 years in the House of Representatives, including as the Chairman of the Ways and Means Committee, remarked, “the culture then was that the president had too much power... the president is abusing his power.”³⁶⁷

In addition to establishing the Congressional Budget Committees and the independent Congressional Budget Office, the Impoundment Control Act also limits the circumstances under which a president can *legally* impound Congressionally-appropriated funds. According to the Act, although the President may request authority from Congress to withhold or permanently cancel the availability of budget authority, such an action is not allowed without Congressional approval. Any amount of budget authority proposed to be deferred (i.e., temporarily withheld) or rescinded (i.e., permanently withheld) must be made available for obligation unless Congress, within 45 legislative days, completes action on a bill rescinding all or part of the amount proposed for rescission.³⁶⁸ The Impoundment Control Act does not permit the withholding of funds through their date of expiration, which would be a *de facto* rescission without Congressional approval.³⁶⁹

At the July 26 interagency meeting, senior agency officials raised serious concerns about the legality of the hold under the Impoundment Control Act. Ms. Cooper testified:

- A: Well, I'm not an expert on the law, but in that meeting immediately deputies began to raise concerns about how this could be done in a legal fashion because there was broad understanding in the meeting that the funding—the State Department funding related to an earmark for Ukraine and that the DOD funding was specific to Ukraine security assistance. So the comments in the room at the deputies' level reflected a sense that there was not an understanding of how this could legally play out. And at that meeting the deputies agreed to look into the legalities and to look at what was possible.

- Q: Okay. So is it fair to say the deputies thought the President was not authorized to place a hold on these funds?
- A: They did not use that term, but the expression in the room that I recall was a sense that there was not an available mechanism to simply not spend money that has been in the case of USAI [DOD security assistance] already notified to Congress.³⁷⁰

Lt. Col. Vindman testified that the issue needed to be “elevated to a PC [Principals Committee] as quickly as possible to release the hold on security assistance” so that the funds could be obligated before the end of the fiscal year.³⁷¹

A Principals Committee meeting was never convened.³⁷² According to Mr. Morrison, National Security Advisor John Bolton “believed that it was unnecessary, that he already had a reasonable idea of where the principals were, and he wanted to get directly to the President as early as possible in the most effective way.”³⁷³ Ambassador Bolton understood that the principals “were all supportive of the continued disbursement of the aid.”³⁷⁴ As had been clear since the very first interagency meeting on July 18, the lifting of the hold was “the unanimous position of the entire interagency.”³⁷⁵ At this point, it remained unclear to many officials why the President continued to hold the funds.

On July 31, 2019, a fourth and final interagency meeting was held at the Policy Coordination Committee level. Ms. Cooper attended the meeting on behalf of DOD. According to Ms. Cooper, the agenda “was largely focused on just routine Ukraine business, postelection follow up,” and “security assistance was not actually an explicit agenda item.”³⁷⁶ Ms. Cooper nevertheless raised security assistance and expressed her understanding, after consulting with DOD counsel, that there were only two legally available options to implement the hold: a Presidential rescission notice to Congress (i.e., requesting that Congress “take back” funds it had already appropriated) or for the Defense Department to do a reprogramming action (i.e., use Congressionally-appropriated funds for a different purpose).³⁷⁷ In either case, the law requires that the Executive Branch notify, and seek approval from, Congress before taking any action.³⁷⁸

At the July 31 meeting, Ms. Cooper emphasized to the participants that because “there are only two legally available options and we do not have direction to pursue either,” DOD would have to start obligating the funds on or about August 6.³⁷⁹ She explained at her deposition that DOD would have had to begin obligating the funds by that date or risk violation of the Impoundment Control Act.³⁸⁰

The Administration, however, never proposed a rescission or reprogramming of funds for Ukraine security assistance and never notified Congress of its intent to withhold funds.³⁸¹

OMB Used Unusual Process to Implement President’s Hold, Skirting Legal Concerns

OMB plays a critical role in the release of security assistance funding. The Antideficiency Act requires that, before any department or agency may spend Congressionally-appropriated funding, the Director of OMB or his delegates must “apportion” (i.e., make available to spend) the funds in writing.³⁸² Through this mechanism, OMB has the ability to

directly impact security assistance funding or funding of any kind that is appropriated by Congress.

In parallel with the interagency meetings that occurred during the latter half of July 2019, OMB devised a way to implement the President's hold on security assistance to Ukraine, notwithstanding DOD's Congressional notifications of February 28 and May 23. Over the course of his twelve-year career at OMB, Mr. Sandy could not recall any other time when a hold had been placed on security assistance after a Congressional notification had been sent.³⁸³

When speaking with Mr. Duffey on or about July 18 or 19, Mr. Sandy immediately raised concerns about how to implement the hold without violating the Impoundment Control Act, which required that the funds be obligated (i.e., spent) before they expired at the end of the fiscal year, on September 30.³⁸⁴ In light of that legal requirement, the hold would have to be temporary.³⁸⁵ An additional hurdle was the fact that OMB had already authorized DOD to spend the security assistance funds DOD administered for fiscal year 2019.³⁸⁶ Therefore, when President Trump directed the hold in July, OMB scrambled to reverse that prior authorization.

From July 19 through July 24, Mr. Sandy consulted with the OMB Office of General Counsel as well as Ms. McCusker at DOD on how to legally implement a hold on the funds.³⁸⁷ Mr. Sandy's staff at OMB also conferred with OMB's Budget Review Division.³⁸⁸ Based on these consultations, OMB decided to implement the hold through a series of nine funding documents, known legally as "apportionments."³⁸⁹ Apportionments typically are used to convey authority to an agency to spend funds, not to withhold funds; thus, in order to bar DOD from spending money, these particular apportionments included footnotes that would impose the holds while using creative language to skirt legal concerns. Mr. Sandy testified that "the purpose of the footnote was to preclude obligation for a limited period of time but enable planning and casework to continue."³⁹⁰ He also testified that this use of footnotes was unusual and that in his 12 years of OMB experience, he could "not recall another event like it."³⁹¹

On July 25, OMB issued the first funding document implementing the hold. In this document, the relevant footnote notified DOD that the Ukraine Security Assistance Initiative funds "are not available for obligation until August 5, 2019, to allow for an interagency process to determine the best use of such funds." The footnote also stated that:

Based on OMB's communication with DOD on July 25, 2019, OMB understands from the Department that this brief pause in obligations will not preclude DOD's timely execution of the final policy direction. DOD may continue its planning and casework for the Initiative during this period.³⁹²

Mr. Sandy explained that the "interagency process" referenced in the footnote referred to the NSC-led interagency meetings convened during the latter half of July, and that the August 5 date provided a "reasonable timeframe for an interagency process" to produce "clear guidance" on the hold.³⁹³ The August 5 date was determined in consultation with Mr. Duffey at OMB and Ms. McCusker at DOD.³⁹⁴

Mr. Sandy further testified that the second sentence in the footnote—which states, in relevant part, that "OMB understands from the Department that this brief pause in obligations

will not preclude DOD’s timely execution of the final policy direction”—was critical to the implementation of the hold:

Well, that gets to the heart of that issue about ensuring that we don’t run afoul of the Impoundment Control Act, which means that you have to allow for the timely execution. And this reflects my conversation with—conversations plural with Elaine McCusker that they can confirm that, during this brief period, they would not foresee any problem fully executing the program by the end of the fiscal year.³⁹⁵

The sentence, in effect, affirmed that if the hold remained in place only until August 5, DOD would still have sufficient time to spend all security assistance funds by September 30, 2019. President Trump, however, would continue the hold long past August 5.

Trump Appointee Took Over Signing Authority from Career Budget Expert

Since becoming Deputy Associate Director for National Security in 2013, Mr. Sandy was responsible for approving release of the funding for programs within his portfolio, including the Ukraine Security Assistance Initiative.³⁹⁶ Mr. Sandy approved and signed the July 25 funding document.³⁹⁷ On July 29, however, Mr. Duffey—a political appointee of President Trump whose prior position had been as Executive Director of the Republican Party of Wisconsin—told Mr. Sandy—a career civil servant with decades of experience in this area—that he would no longer be responsible for approving the release of funding for Ukraine Security Assistance Initiative.³⁹⁸ Mr. Duffey also revoked the authority for approving the release of funding for Foreign Military Financing from Mr. Sandy’s colleague at OMB.³⁹⁹ Instead, Mr. Duffey would himself assume authority for the \$250 million in DOD-administered Ukraine security assistance and authority for approving the release of funding for the \$141 million in State Department-administered Foreign Military Financing to Ukraine.⁴⁰⁰

Mr. Duffey did not tell Mr. Sandy whether he requested this change in authority but did say that “it was in essence a joint decision reflecting both guidance from the Acting Director and also his support.”⁴⁰¹ Over the course of several days, Mr. Duffey explained to Mr. Sandy and others in the National Security Division that “there was interest among the leadership in tracking the uses of moneys [sic] closely.”⁴⁰² Mr. Duffey expressed an “interest in being more involved in daily operations” and “regarded this responsibility as a way for him to learn more about specific accounts within his area.”⁴⁰³

Mr. Sandy testified that prior to July 29, he had never heard Mr. Duffey state any interest in approving the release of funding.⁴⁰⁴ Furthermore, when they learned that Mr. Duffey was taking on this new responsibility, Mr. Sandy and other staff relayed their concerns to Mr. Duffey that it was a substantial workload.⁴⁰⁵ Mr. Sandy also testified that “people were curious what he thought he would learn from apportionments about the accounts as opposed to the other, you know, sources of information.”⁴⁰⁶ Mr. Sandy agreed that there are more efficient ways of learning about accounts and programs, and that “I can think of other ways—other materials that I personally would find more informative.”⁴⁰⁷

Mr. Sandy was not aware of any prior instance when a political appointee assumed this kind of funding approval authority.⁴⁰⁸

After the July 31 interagency meeting at which Ms. Cooper announced that DOD would have to start obligating the funds on or about August 6, Mr. Duffey sought clarification.⁴⁰⁹ Ms. Cooper explained to Mr. Duffey that at a certain point DOD would not have sufficient time to fully obligate the funds before they expired at the end of the fiscal year. In response, Mr. Duffey “wanted more information on the precise nature of how long does it take to obligate, and how many cases, and that sort of thing.”⁴¹⁰ Ms. Cooper referred Mr. Duffey to the DOD comptroller and to the Defense Security Cooperation Agency.⁴¹¹ During the month of August, Mr. Duffey and Ms. McCusker communicated about the implementation of the hold on the Ukraine Security Assistance Initiative funds.⁴¹²

On August 6 and August 15, Mr. Duffey approved two more funding documents that contained footnotes with language nearly identical to the footnote in the July 25 funding document that initiated the hold; the only difference was that the date funds would become available for spending was changed from August 5 to August 12.⁴¹³

The August 6 and 15 footnotes, and all subsequent footnotes through September 10, continued to state that the hold was in place “to allow for an interagency process to determine the best use of such funds,” even though the final interagency meeting regarding Ukraine security assistance occurred on July 31.⁴¹⁴ Not only was there no active interagency process after July, but Ms. Cooper also was not aware of any review of the funding conducted by DOD in July, August, or September.⁴¹⁵ In fact, Ms. Cooper noted that months before, DOD had completed its review of whether Ukraine “had made sufficient progress in meeting defense reform and anticorruption goals consistent with the NDAA,” and certified to Congress in May 2019 that Ukraine had met the requirements to receive funding.⁴¹⁶ Similarly, Mr. Kent testified that the State Department did not conduct, and was never asked to conduct, a review of the security assistance funding administered by the State Department.⁴¹⁷

At the same time that OMB was implementing the President’s hold through the funding footnotes, officials inside OMB were advocating for release of the funds. On August 7, the National Security Division, International Affairs Division, and Office of Legal Counsel of OMB drafted and transmitted a memo on Ukraine security assistance to OMB Acting Director Vought “in anticipation of a principals-level discussion to address the topic.”⁴¹⁸ The National Security Division’s portion of the memorandum recommended to remove the hold because (1) the assistance was consistent with the national security strategy in terms of supporting a stable, peaceful Europe; (2) the aid countered Russian aggression; and (3) there was bipartisan support for the program.⁴¹⁹ Mr. Duffey approved the memorandum and agreed with the policy recommendation.⁴²⁰

Sometime in mid-August, DOD raised concerns that it might not be able to fully obligate the Defense Department-administered funds before the end of the fiscal year.⁴²¹ Ms. Cooper testified that the Defense Security Cooperation Agency estimated that \$100 million of aid might not be obligated in time and was at risk.⁴²²

Because of this, DOD concluded that it could no longer support OMB’s claim in the footnote that “this brief pause in obligations will not preclude DOD’s timely execution of the

final policy direction.”⁴²³ As mentioned above, Mr. Sandy testified that this sentence was at “the heart of that issue about ensuring that we don’t run afoul of the Impoundment Control Act.”⁴²⁴

As a result of DOD’s concerns, all of the subsequent footnotes issued by OMB during the pendency of the hold—approved by Mr. Duffey on August 20, 27, and 31, and September 5, 6, and 10—removed the sentence regarding DOD’s ability to fully obligate by the end of the fiscal year.⁴²⁵ Each footnote extended the hold for a period of two to six days.⁴²⁶

Mr. Sandy and his staff “continued to express concerns [to Mr. Duffey] about the potential implications vis-à-vis the Impoundment Control Act,”⁴²⁷ and advised Mr. Duffey to consult with OMB’s Office of General Counsel “on every single footnote.”⁴²⁸ Mr. Sandy was copied on emails with the Office of General Counsel on these topics.⁴²⁹ Although Mr. Sandy understood that the Office of General Counsel supported the footnotes, he noted that there were dissenting opinions within the Office of General Counsel.⁴³⁰ Concerns about whether the Administration was bending, if not breaking, the law by holding back this vital assistance contributed to at least two OMB officials resigning, including one attorney in the Office of General Counsel.⁴³¹ Mr. Sandy testified that the resignation was motivated in part by concerns about the way OMB was handling the hold on Ukraine security assistance.⁴³² According to Mr. Sandy, the colleague disagreed with the Office of General Counsel about the application of the Impoundment Control Act to the hold on Ukraine security assistance.⁴³³

Nevertheless, at the direction of the President, OMB continued to implement the hold through September 11.

Senior Officials Failed to Convince President Trump to Release the Aid in August

Sometime prior to August 16, Ambassador Bolton had a one-on-one meeting with President Trump about the aid.⁴³⁴ According to Mr. Morrison, at that meeting the President “was not yet ready to approve the release of the assistance.”⁴³⁵ Following the meeting, Ambassador Bolton instructed Mr. Morrison to look for opportunities to get the principals together “to have the direct, in-person conversation with the President about this topic.”⁴³⁶

On or about August 13 or 14, Lt. Col. Vindman was directed to draft a Presidential Decision Memorandum for Ambassador Bolton and the other principals to present to President Trump for a decision on Ukraine security assistance.⁴³⁷ The memorandum, finalized on August 15, recommended that the hold should be lifted, explained why, and included the consensus views from the July 26 meeting that the funds should be released.⁴³⁸ Lt. Col. Vindman received conflicting accounts about whether the memorandum was presented to the President.⁴³⁹

Mr. Morrison, who was Lt. Col. Vindman’s supervisor at the NSC and agreed with the recommendation to lift the hold, testified that the memorandum was never provided to the President.⁴⁴⁰ Mr. Morrison explained that Ambassador Bolton intended to present the memorandum to the President during an unrelated meeting in Bedminster, New Jersey, on August 15, but the “other subject matter of that meeting consumed all the time.”⁴⁴¹ However, while at Bedminster, the principals “all represented to Ambassador Bolton that they were prepared to tell the President they endorsed the swift release and disbursement of the funding.”⁴⁴²

Mr. Morrison testified that he attempted to gather the “the right group of principals” to meet with the President but was unable to do so because of scheduling issues.⁴⁴³ According to Mr. Morrison, the next possible opportunity was during a trip to Warsaw, Poland at the beginning of September, but President Trump did not end up making that trip.⁴⁴⁴

Ms. Cooper recalled receiving an email at the end of August from Secretary of Defense Esper referencing a meeting or discussion with the President, and that there was “no decision on Ukraine.”⁴⁴⁵

Ukrainian Officials Learned About the Hold in July 2019

Witnesses testified that officials in the Ukraine government knew of President Trump’s hold on security assistance before it was publicly reported in the press on August 28, 2019. Ms. Croft testified that after July 18—when the hold was announced by OMB at the interagency meeting—it was “inevitable that it was eventually going to come out.”⁴⁴⁶

Two individuals from the Ukrainian Embassy in Washington, D.C., approached Ms. Croft approximately a week apart “quietly and in confidence to ask me about an OMB hold on Ukraine security assistance.”⁴⁴⁷ Ms. Croft could not precisely recall the dates of these conversations, but testified that she was “very surprised at the effectiveness of my Ukrainian counterparts’ diplomatic tradecraft, as in to say they found out very early on or much earlier than I expected them to.”⁴⁴⁸

Ms. Croft explained that the Ukrainian officials came to her quietly because they would not want the hold to become public:

I think that if this were public in Ukraine it would be seen as a reversal of our policy and would, just to say sort of candidly and colloquially, this would be a really big deal, it would be a really big deal in Ukraine, and an expression of declining U.S. support for Ukraine.⁴⁴⁹

DOD also received questions from the Ukraine Embassy about the status of the military assistance. Ms. Cooper testified that those occurred on July 25, 2019—the same day as President Trump’s call with President Zelensky:

On July 25th, a member of my staff got a question from a Ukraine Embassy contact asking what was going on with Ukraine security assistance, because at that time, we did not know what the guidance was on USAI [DOD-administered funds]. The OMB notice of apportionment arrived that day, but this staff member did not find out about it until later. I was informed that the staff member told the Ukrainian official that we were moving forward on USAI, but recommended that the Ukraine Embassy check in with State regarding the FMF [State Department-administered funds].⁴⁵⁰

On July 25, Ms. Cooper’s staff received two emails from the State Department revealing that the Ukrainian Embassy was “asking about security assistance” and that “the Hill knows about the FMF situation to an extent, and so does the Ukrainian Embassy.”⁴⁵¹

One of Ms. Cooper's staff members reported that sometime during the week of August 6, a Ukrainian Embassy officer stated that "a Ukrainian official might raise concerns about security assistance in an upcoming meeting," but that the issue was "not, in fact, raised."⁴⁵² Ms. Cooper's staff further reported that Ukrainian officials were aware of the hold on security assistance in August.⁴⁵³

Lt. Col. Vindman testified that, by mid-August, he too was getting questions from Ukrainians about the status of the hold on security assistance:

So to the best of my knowledge, the Ukrainians, first of all, are in general pretty sophisticated, they have their network of, you know, Ukrainian interest groups and so forth. They have bipartisan support in Congress. And certainly there are—it was no secret, at least within government and official channels, that security assistance was on hold. And to the best of my recollection, I believe there were some of these light inquiries in the mid-August timeframe.⁴⁵⁴

While numerous individuals, including Ukrainians, were aware of the hold, it did not become publicly known until a *Politico* report on August 28, 2019.⁴⁵⁵

4. The President’s Meeting with the Ukrainian President Was Conditioned on An Announcement of Investigations

President Trump demanded the public announcement by President Zelensky of investigations into President Trump’s political rival and alleged Ukrainian interference in the 2016 U.S. election in exchange for an Oval Office meeting. The President’s representatives made that quid pro quo clear to Ukrainian officials.

Overview

After ordering the hold on security assistance to Ukraine against the unanimous advice of the relevant U.S. government agencies, President Trump used his hand-picked representatives to demand that Ukrainian leaders publicly announce investigations into his political rival, former Vice President Joe Biden, and into the debunked conspiracy theory that Ukraine, not Russia, interfered in the 2016 U.S. election. President Trump, through his agents, made clear that his demand needed to be met before a coveted White House meeting with Ukrainian President Volodymyr Zelensky would be scheduled. A face-to-face meeting with President Trump in the Oval Office would have conferred on the new Ukrainian leader much-sought prestige and would have signaled to Russia that Ukraine could continue to count on the support of the President of the United States, which was particularly important as Russia continued to wage war in eastern Ukraine.

To date, the White House meeting for President Zelensky has not occurred. Following the May 23 meeting in the Oval Office, President Trump’s hand-picked representatives—the so-called “Three Amigos”—worked with the President’s personal attorney, Rudy Giuliani, to pressure Ukrainian leaders to announce publicly investigations that would benefit the President’s reelection campaign. Testimony of multiple witnesses and contemporaneous text messages exchanged between and among President Trump’s representatives confirm that the White House meeting—and later the release of security assistance for Ukraine—was conditioned on Ukraine acquiescing to the President’s demands.

In the weeks leading up to the July 25 call between President Trump and President Zelensky, President Trump’s representatives repeatedly relayed the message of conditionality to Ukrainian government officials—including to President Zelensky himself—in meetings in Kyiv, Toronto, and Washington, D.C. President Zelensky and his advisors struggled to navigate these demands, recognizing that President Trump’s desire that Ukraine announce these political investigations threatened to render Ukraine a “pawn” in U.S. domestic reelection politics.

An Oval Office Meeting for President Zelensky Was Important to Ukraine and U.S. National Security

A face-to-face meeting with the President of the United States in the Oval Office was critical to President Zelensky as the newly-elected Ukrainian leader sought U.S. support for his ambitious anti-corruption agenda and to repel Russian aggression. A White House meeting was

also important for U.S. national security because it would have served to bolster Ukraine's negotiating position in peace talks with Russia. It also would have supported Ukraine as a bulwark against further Russian advances in Europe.

Multiple witnesses unanimously attested to the importance of a White House meeting for Ukraine and the United States. For example, David Holmes, the Political Counselor at the U.S. Embassy in Kyiv, testified that a White House meeting was "critical" to President Zelensky's ability to "encourage Russian President Putin to take seriously President Zelensky's peace efforts."⁴⁵⁶ Likewise, Deputy Assistant Secretary George Kent explained that a White House meeting was "very important" for Ukrainians to demonstrate the strength of their relationship with "Ukraine's strongest supporter." He also said that it "makes sense" for the United States to meet with the Ukrainians as they were on "the front lines of Russian malign influence and aggression."⁴⁵⁷

Dr. Fiona Hill, Deputy Assistant to the President and Senior Director of Europe and Russia at the NSC, explained that a White House meeting would supply the new Ukrainian Government with "the legitimacy that it needed, especially vis-à-vis the Russians,"—and that the Ukrainians viewed a White House meeting as "a recognition of their legitimacy as a sovereign state."⁴⁵⁸ Lt. Col. Alexander Vindman, the NSC Director for Ukraine, testified that a White House meeting would provide a "show of support" from "the most powerful country in the world and Ukraine's most significant benefactor," which would help the Ukrainian President "establish his bona fides" and "implement his agenda."⁴⁵⁹

Ambassador Kurt Volker, Special Representative for Ukraine Negotiations, also recognized that it was "a tremendous symbol of support" to have President Zelensky visit the White House.⁴⁶⁰ He explained that a meeting "enhances [President Zelensky's] stature, that he is accepted, that he is seen at the highest level. The imagery you get from being at the White House is the best in the world, in terms of how it enhances someone's image."⁴⁶¹

President Trump "Wanted to Hear from Zelensky" Before Scheduling Oval Office Meeting

Ambassador William B. Taylor, Jr. arrived in Ukraine as the new Chargé d'Affaires at the U.S. Embassy in Kyiv on June 17, 2019. After arriving, Ambassador Taylor worked to secure an Oval Office meeting between President Trump and President Zelensky. This was "an agreed-upon goal" of policymakers in both Ukraine and the United States.⁴⁶²

Ambassador Taylor worked with Ambassador Volker and Ambassador to the European Union Gordon Sondland—two of the Three Amigos—to try to schedule this meeting. Just days after beginning his new position, Ambassador Taylor learned that President Trump "wanted to hear from Zelensky" before scheduling the Oval Office meeting, but Ambassador Taylor did not understand what that meant at the time.⁴⁶³ On June 27, Ambassador Sondland informed Ambassador Taylor that President Zelensky needed to "make clear" to President Trump that he, President Zelensky, was not "standing in the way of investigations."⁴⁶⁴ Ambassador Taylor relayed this conversation to Mr. Holmes, who testified that he understood "investigations" in that context to mean the "Burisma-Biden investigations that Mr. Giuliani and his associates had been speaking about" publicly.⁴⁶⁵

On June 28, Secretary of Energy Rick Perry—the third of the Three Amigos—and Ambassadors Sondland, Volker, and Taylor participated in a conference call to prepare for a discussion later that day with President Zelensky. During this preparatory call, Ambassador Volker explained that he planned to be “explicit” with President Zelensky in an upcoming one-on-one meeting in Toronto, Canada. Specifically, Ambassador Volker intended to inform President Zelensky that President Trump would require Ukraine to address “rule of law, transparency, but also, specifically, cooperation on investigations to get to the bottom of things” in order to “get the meeting in the White House.”⁴⁶⁶

For the subsequent call with President Zelensky on June 28, Ambassador Sondland sought to limit the number of U.S. government personnel listening in. According to Ambassador Taylor, Ambassador Sondland stated that he did not want to include “most of the regular interagency participants” and that “he wanted to make sure no one was transcribing or monitoring” the call when President Zelensky was patched in. Ambassador Taylor testified that he considered Ambassador Sondland’s requests to be “odd.”⁴⁶⁷ During that call, President Zelensky and the U.S. officials discussed energy policy and the conflict with Russia in eastern Ukraine. The Ukrainian president also noted that he looked forward to the White House visit that President Trump had offered in a letter dated May 29.⁴⁶⁸

The exclusion of State Department staff and notetakers from the June 28 call was an early indication to Ambassador Taylor that separate channels of diplomacy related to Ukraine policy—an official channel and an irregular channel—were “diverging.” Ambassador Taylor testified:

This suggested to me that there were the two channels. This suggested to me that the normal channel, where you would have staff on the phone call, was being cut out, and the other channel, of people who were working, again, toward a goal which I supported, which was having a meeting to further U.S.-Ukrainian relations, I supported, but that irregular channel didn’t have a respect for or an interest in having the normal staff participate in this call with the head of state.⁴⁶⁹

Given Ambassador Sondland’s efforts to exclude staff on the June 28 call with President Zelensky, Ambassador Taylor asked Ambassadors Sondland and Volker by text message how they planned to handle informing other U.S. officials about the contents of the call. Ambassador Volker responded: “I think we just keep it among ourselves to try to build working relationship and just get the d*** date for the meeting!”⁴⁷⁰ Ambassador Sondland then texted: “Agree with KV. Very close hold.”⁴⁷¹ Nevertheless, Ambassador Taylor informed Mr. Kent about the call and wrote a memo for the record dated June 30 that summarized the conversation with President Zelensky.⁴⁷²

Ambassador Volker Pressed “Investigations” with President Zelensky in Toronto

On July 2, Ambassador Volker met with President Zelensky and his chief of staff on the sidelines of the Ukraine Reform Conference in Toronto. As he later texted to Ambassador Taylor, Ambassador Volker “pulled the two of them aside at the end and explained the Giuliani factor.”⁴⁷³ Ambassador Volker clarified that by “the Giuliani factor,” he meant “a negative

narrative about Ukraine” that was “being amplified by Rudy Giuliani” and was unfavorably impacting “Ukraine’s image in the United States and our ability to advance the bilateral relationship.”⁴⁷⁴ Ambassador Volker later informed Ukraine’s incoming Minister of Foreign Affairs, Vadym Prystaiko, about his pull-aside with President Zelensky in Toronto via text message: “I talked to him privately about Giuliani and impact on president T[rump].”⁴⁷⁵

On July 3, the day after his pull-aside with President Zelensky in Toronto, Ambassador Volker sent a message to Ambassador Taylor emphasizing that “The key thing is to tee up a phone call w potus and then get visit nailed down.”⁴⁷⁶ Ambassador Volker told Ambassador Taylor that during the Toronto conference, he counseled the Ukrainian president about how he could “prepare for the phone call with President Trump.” Specifically, Ambassador Volker told the Ukrainian leader that President Trump “would like to hear about the investigations.”⁴⁷⁷ In his public testimony, Ambassador Volker confirmed that he mentioned “investigations” to President Zelensky in Toronto, explaining that he was “thinking of Burisma and 2016” in raising the subject, and that his “assumption” was that Ukrainian officials also understood his reference to “investigations” to be “Burisma/2016.”⁴⁷⁸

Ambassador Volker’s efforts to prepare President Zelensky for his phone call with President Trump appear to have borne fruit. As discussed further in Chapter 5, during the July 25 call, President Zelensky expressed his openness to pursuing investigations into President Trump’s political rival, former Vice President Biden, and the conspiracy theory that Ukraine, rather than Russia, interfered in the 2016 U.S. election. President Zelensky also specifically referenced “Burisma” during the call.

Ambassadors Volker and Sondland Worked to Get Mr. Giuliani What He Needed

According to Ambassador Sondland, President Zelensky’s commitment to make a public announcement about investigations into Burisma and the 2016 election was a “prerequisite[.]” for the White House meeting.⁴⁷⁹ In fact, Ambassador Sondland testified that the *announcement* of the investigations—and not the investigations themselves—was the price President Trump sought in exchange for a White House meeting with Ukrainian President Zelensky:

- Q: But he had to get those two investigations if that official act was going to take place, correct?
- A: He had to announce the investigations. He didn't actually have to do them, as I understood it.
- Q: Okay. President Zelensky had to announce the two investigations the President wanted, make a public announcement, correct?
- A: Correct.⁴⁸⁰

Ambassadors Sondland and Volker understood that they needed to work with Mr. Giuliani, who was publicly pressing for the announcement of investigations that would benefit President Trump politically. As discussed in Chapter 2, Ambassador Sondland testified that the key to overcoming President Trump’s skepticism about Ukraine was satisfying the President’s personal attorney. Sondland said, “Nonetheless, based on the President’s direction, we were faced with a choice: We could abandon the efforts to schedule the White House phone call and a

White House visit” or “do as President Trump had directed and ‘talk with Rudy’” because “it was the only constructive path open to us.”⁴⁸¹

Ambassador Volker discussed his intention to contact Mr. Giuliani with Mr. Kent. Ambassador Volker explained that he intended to reach out to Mr. Giuliani because it was clear that the former mayor “had influence” with President Trump “in terms of the way the President thought of Ukraine.”⁴⁸² Ukrainian officials also understood the importance of working through Mr. Giuliani, something that was underscored by his successful effort to smear and remove Ambassador Marie Yovanovitch from Kyiv in late April.⁴⁸³

In response to Ambassador Volker’s stated intention to reach out to Mr. Giuliani, Mr. Kent raised concerns about Mr. Giuliani’s “track record,” including “asking for a visa for a corrupt former prosecutor,” attacking Ambassador Yovanovitch, and “tweeting that the new President needs to investigate Biden and the 2016 campaign.” Mr. Kent also warned Ambassador Volker that “asking another country to investigate a prosecution for political reasons undermines our advocacy of the rule of law.”⁴⁸⁴

On July 10, Ambassador Taylor met with Ukrainian officials in Kyiv, before their Ukrainian colleagues were scheduled to meet with National Security Advisor John Bolton at the White House later that day. At the meeting in Kyiv, the Ukrainian officials expressed that they were “very concerned” because they had heard from former Prosecutor General Yuriy Lutsenko, who had learned from Mr. Giuliani, that President Trump had decided not to meet with President Zelensky.⁴⁸⁵

Ambassador Taylor texted Ambassador Volker to explain the situation and advised that he had also informed T. Ulrich Brechbuhl, Counselor of the Department of State:

Volker: Good grief. Please tell Vadym to let the official USG representatives speak for the U.S. lutsenko has his own self-Interest here...

Taylor: Exactly what I told them.

Taylor: And I said that RG is a private citizen.

Taylor: I briefed Ulrich this afternoon on this.⁴⁸⁶

Despite his text message to Ambassador Taylor that official U.S. government representatives should be allowed to “speak for the U.S.,” and notwithstanding Mr. Kent’s warnings about engaging with Mr. Giuliani, Ambassador Volker almost immediately reached out to Mr. Giuliani. Four minutes after sending the text message above, Ambassador Volker texted Mr. Giuliani to request a meeting to “update you on my conversations about Ukraine.” He told Mr. Giuliani that he believed he had “an opportunity to get you what you need.”⁴⁸⁷

One hour later, around 9:00 a.m. Eastern Time, Ambassador Volker met Ukrainian presidential aide Andriy Yermak for coffee at the Trump Hotel before they traveled down Pennsylvania Avenue to their afternoon meetings at the White House.⁴⁸⁸ Over coffee, Mr. Yermak asked Ambassador Volker to connect him to Mr. Giuliani, thus further demonstrating the Ukrainians’ understanding that satisfying Mr. Giuliani’s demands was a key to getting what they wanted from President Trump, namely the Oval Office meeting.⁴⁸⁹

***July 10 White House Meetings: Ambassador Sondland
Explicitly Communicated the “Prerequisite of Investigations” to Ukrainians***

On July 10, during two separate meetings at the White House, Ambassador Sondland informed senior Ukrainian officials that there was a “prerequisite of investigations” before an Oval Office meeting between President Trump and President Zelensky would be scheduled.⁴⁹⁰

The first meeting took place in Ambassador Bolton’s office. NSC officials, including Ambassador Bolton’s staff responsible for Ukraine—Dr. Hill and Lt. Col. Vindman—attended, as did the Three Amigos: Secretary Perry, Ambassador Sondland, and Ambassador Volker. The Ukrainian delegation included Mr. Yermak, a senior aide to President Zelensky, and Oleksandr “Sasha” Danyliuk, the incoming Ukrainian National Security Advisor.⁴⁹¹ The purpose of the meeting was twofold. The Ukrainians were seeking advice and assistance from Ambassador Bolton about how to “revamp” the Ukrainian National Security Council, and they were also “very anxious to set up a meeting, a first meeting between President Zelensky and our President.”⁴⁹²

Near the end of the meeting, the Ukrainian officials raised the scheduling of the Oval Office meeting for President Zelensky. According to Dr. Hill, Ambassador Sondland, who is “a fairly big guy, kind of leaned over” and then “blurted out: Well, we have an agreement with the [White House] Chief of Staff for a meeting if these investigations in the energy sector start.” Dr. Hill described that others in the room looked up from their notes, thinking the comment was “somewhat odd.” Ambassador Bolton “immediately stiffened” and ended the meeting. Dr. Hill recounted that Ambassador Bolton was polite but was “very abrupt. I mean, he looked at the clock as if he had, you know, suddenly another meeting and his time was up, but it was obvious he ended the meeting,” she added.⁴⁹³

Lt. Col. Vindman similarly testified that the meeting in Ambassador Bolton’s office “proceeded well” until Ukrainian officials raised the meeting between President Trump and President Zelensky. The Ukrainians stated that they considered the Oval Office meeting to be “critically important in order to solidify the support for their most important international partner.” When Ambassador Sondland mentioned Ukraine “delivering specific investigations in order to secure the meeting with the President,” Ambassador Bolton cut the meeting short.⁴⁹⁴

Although Ambassador Volker did not recall any mention of “investigations” during the July 10 meeting at his deposition,⁴⁹⁵ he later testified at his public hearing, “As I remember, the meeting [in Ambassador Bolton’s office] was essentially over when Ambassador Sondland made a general comment about investigations. I think all of us thought it was inappropriate” and “not what we should be talking about.”⁴⁹⁶

After Ambassador Bolton ended the meeting in his office, Ambassador Sondland “went out into the office in front of Ambassador Bolton” and made “unusual” arrangements for the Ukrainians, Ambassador Volker, Secretary Perry, and others to go to a second meeting in the Ward Room of the White House, located near the secure spaces of the White House Situation Room. As Dr. Hill described it, the purpose of the Ward Room meeting was “to talk to the

Ukrainians about next steps” regarding the Oval Office meeting for President Zelensky.⁴⁹⁷ As Dr. Hill was leaving Ambassador Bolton’s office, he pulled her aside and directed her to attend the Ward Room meeting to “find out what they’re talking about and come back” and report to him. Dr. Hill followed his instruction.⁴⁹⁸

During the Ward Room meeting, which occurred after a brief photo opportunity outside the West Wing, Ambassador Sondland was more explicit in pressing the Ukrainians to undertake the investigations in order to secure an Oval Office meeting for President Zelensky. Lt. Col. Vindman testified that when the group entered the Ward Room, Ambassador Sondland began to “review what the deliverable would be in order to get the meeting,” and that “to the best of my recollection, he did specifically say ‘investigation of the Bidens.’” Lt. Col. Vindman said the request “was explicit. There was no ambiguity” and that Ambassador Sondland also mentioned “Burisma.”⁴⁹⁹

Dr. Hill entered the Ward Room as the discussion was underway. She testified that “Ambassador Sondland, in front of the Ukrainians, as I came in, was talking about how he had an agreement with Chief of Staff Mulvaney for a meeting with the Ukrainians if they were going to go forward with investigations. And my director for Ukraine [Lt. Col. Vindman] was looking completely alarmed.”⁵⁰⁰ Dr. Hill recalled that Ambassador Sondland mentioned “Burisma” in the presence of the Ukrainians, in response to which Mr. Danyliuk also appeared “very alarmed” and as if he did not know what was happening.⁵⁰¹

Dr. Hill confronted Ambassador Sondland, informing him that Ambassador Bolton had sent her there to ensure that the U.S. officials did not commit “at this particular juncture” to a meeting between President Trump and President Zelensky. Ambassador Sondland responded that he and the Ukrainians already had an agreement that the meeting would go forward.⁵⁰² At Dr. Hill’s urging, however, Ambassador Sondland excused the Ukrainian officials, who moved into the corridor near the White House Situation Room.

Dr. Hill then told Ambassador Sondland: “Look, I don’t know what’s going on here, but Ambassador Bolton wants to make it very clear that we have to talk about, you know, how are we going to set up this meeting. It has to go through proper procedures.” Lt. Col. Vindman relayed his own concerns to Ambassador Sondland in the Ward Room.⁵⁰³ He explained that “the request to investigate the Bidens and his son had nothing to do with national security, and that such investigations were not something that the NSC was going to get involved in or push.”⁵⁰⁴

Ambassador Sondland responded that he had had conversations with Mr. Mulvaney and he also mentioned Mr. Giuliani. Lt. Col. Vindman confirmed that Ambassador Sondland described an agreement he had with Mr. Mulvaney about the Oval Office meeting: “I heard him say that this had been coordinated with White House Chief of Staff Mr. Mick Mulvaney ... He just said that he had had a conversation with Mr. Mulvaney, and this is what was required in order to get a meeting.”⁵⁰⁵ Dr. Hill then cut the conversation short because she “didn’t want to get further into this discussion at all.” She testified that Ambassador Sondland “was clearly annoyed with this, but then, you know, he moved off. He said he had other meetings.”⁵⁰⁶

Later on July 10, when Ambassador Taylor asked Ambassador Volker how the meetings went with the Ukrainian officials and whether they had resulted in a decision on a presidential call, Ambassador Volker replied: “Not good—lets talk.”⁵⁰⁷

Following the July 10 White House meetings, Mr. Yermak followed up with Ambassador Volker by text message: “Thank you for meeting and your clear and very logical position. Will be great meet with you before my departure and discuss. I feel that the key for many things is Rudi and I ready to talk with him at any time.”⁵⁰⁸

Concerned Officials Reported Details of This “Drug Deal” to White House Lawyers

After the Ward Room meeting, Dr. Hill returned to Ambassador Bolton’s office and relayed what she had just witnessed. Ambassador Bolton was “very angry” and instructed her to report the conversation to John Eisenberg, Deputy Counsel to the President for National Security Affairs and the Legal Advisor to the National Security Council:

And he told me, and this is a direct quote from Ambassador Bolton: You go and tell Eisenberg that I am not part of whatever drug deal Sondland and Mulvaney are cooking up on this, and you go and tell him what you’ve heard and what I’ve said.⁵⁰⁹

Dr. Hill explained that “drug deal” referred to Ambassador Sondland’s and Mr. Mulvaney’s conditioning of a White House meeting on investigations.⁵¹⁰ By this point, Dr. Hill explained, it was clear that investigations were “code, at least, for Burisma. Because that had been mentioned, you know, in the course of Mr. Giuliani’s appearances on television.”⁵¹¹ Numerous U.S. officials, including Ambassadors Sondland, Volker, and Bolton, as well as Lt. Col. Vindman and others, were well aware of Mr. Giuliani’s efforts to push Ukraine to pursue these political investigations.

Following the meeting with Ambassador Bolton, Dr. Hill reported what had occurred to Mr. Eisenberg. She conveyed to Mr. Eisenberg the details of the two meetings, including Ambassador Sondland’s agreement with Mr. Mulvaney to provide the White House meeting if Ukraine agreed to pursue the investigations.⁵¹² The initial conversation between Dr. Hill and Mr. Eisenberg was brief, and they scheduled a longer discussion for the next day.⁵¹³

On July 11, Dr. Hill enlisted another NSC official who attended the July 10 meetings, Senior Director for International Energy and Environment P. Wells Griffith, to attend the longer discussion with Mr. Eisenberg.⁵¹⁴ Dr. Hill and Mr. Griffith went over the events of July 10 and further explained that Ambassador Sondland said that he had been communicating with Mr. Giuliani. Mr. Eisenberg was “very concerned” and stated that he would follow up. Dr. Hill understood that Mr. Eisenberg later discussed the issue with his “reporting authority,” specifically, White House Counsel Pat Cipollone.⁵¹⁵

Lt. Col. Vindman separately reported his concerns about the July 10 meetings to Mr. Eisenberg. He told Mr. Eisenberg that Ambassador Sondland had asked for investigations into “Bidens and Burisma,” which he thought was “inappropriate.”⁵¹⁶ Lt. Col. Vindman also reported that the investigation “Mr. Giuliani was pushing was now being pulled into a, you know, national

security dialogue.”⁵¹⁷ Mr. Eisenberg said that he would look into it and invited Lt. Col. Vindman to return if any further concerns arose. No one from the of the White House Counsel’s Office, however, followed up with Lt. Col. Vindman on this issue.⁵¹⁸

Dr. Hill and Lt. Col. Vindman discussed their reactions and alarm about the July 10 discussions with each other. They both believed that Ambassador Sondland’s statements were inappropriate and “had nothing to do with national security,” and that they would not get involved with the scheme.⁵¹⁹ On July 19, they also shared their concerns about Ambassador Sondland’s comments during the July 10 meetings with Ambassador Taylor.⁵²⁰

Ambassador Sondland Coached President Zelensky on Investigations and Kept Senior White House and State Department Officials “In the Loop”

In mid-July, Dr. Hill was preparing to depart the NSC and transitioning her role to Timothy Morrison, who had been serving in another role at the NSC.⁵²¹ On July 13, Ambassador Sondland emailed Mr. Morrison, explaining that the “[s]ole purpose” of a presidential call was for President Zelensky to assure President Trump that, “Corruption ending, unbundling moving forward and any hampered investigations will be allowed to move forward transparently.” In exchange, Ambassador Sondland wrote, the “Goal is for Potus to invite him to Oval. Volker, Perry, Bolton and I strongly recommend.”⁵²² Later that evening, Mr. Morrison responded, “Thank you. Tracking.”⁵²³

On July 19, a little over a week after the July 10 meetings at the White House, Ambassador Sondland spoke directly to President Zelensky about the upcoming call between the two presidents: “It was a short call. I think I said: It looks like your call is finally on, and I think it’s important that you, you know, give President Trump—he wanted this—some kind of a statement about corruption.”⁵²⁴

Following his call with President Zelensky, Ambassador Sondland emailed several senior Trump Administration officials, including Mr. Mulvaney, Secretary of State Michael Pompeo, Secretary Perry, and their staffs. The subject line of the July 19 email read: “I Talked to Zelensky just now.” Ambassador Sondland wrote:

He is prepared to receive Potus’ call. Will assure him that he intends to run a fully transparent investigation and will “turn over every stone”. He would greatly appreciate a call prior to Sunday so that he can put out some media about a “friendly and productive call” (no details) prior to Ukraine election on Sunday.⁵²⁵

Secretary Perry responded that Mr. Mulvaney had confirmed a call would be set up “for tomorrow by NSC,”⁵²⁶ and Mr. Mulvaney also responded to confirm that he had asked the NSC to set up the call between the presidents for the following day, July 20.⁵²⁷

Ambassador Sondland explained that this email chain showed that “[e]veryone was in the loop” regarding his discussions with Ukrainian officials about the need for the Ukrainian leader to confirm to President Trump that he would announce the investigations. As Ambassador Sondland further testified:

It was no secret. Everyone was informed via email on July 19th, days before the Presidential call. As I communicated to the team, I told President Zelensky in advance that assurances to run a fully transparent investigation and turn over every stone were necessary in his call with President Trump.⁵²⁸

Call records reviewed by the Committees show repeated contact between Ambassador Sondland and the White House around this time. For example, on July 19, at 10:43 a.m. Eastern Time, a number associated with the White House dialed Ambassador Sondland. Four minutes later, at 10:47 a.m., Ambassador Sondland called a White House phone number and connected for approximately seven minutes.⁵²⁹

Later in the afternoon of July 19, Ambassador Sondland texted Ambassadors Volker and Taylor: “Looks like Potus call tomorrow. I spike [sic] directly to Zelensky and gave him a full briefing. He’s got it.”⁵³⁰ Ambassador Volker replied: “Good. Had breakfast with Rudy this morning—teeing up call w Yermak Monday. Must have helped. Most imp’t is for Zelensky to say that he will help investigation—and address any specific personnel issues—if there are any.”⁵³¹

Mr. Giuliani Met with State Department Officials and Ukrainian Government Officials

As Ambassador Volker informed Ambassador Sondland in the above text message, on July 19, Ambassador Volker met Mr. Giuliani and his now-indicted associate Lev Parnas for breakfast at the Trump Hotel in Washington, D.C.⁵³² Ambassador Volker also texted Mr. Yermak to inform him that he and Mr. Giuliani were meeting that day: “Having our long anticipated breakfast today—will let you know and try to connect you directly.”⁵³³

During the breakfast, Mr. Giuliani and Ambassador Volker discussed the discredited allegations against former Vice President Biden relating to Ukraine. Ambassador Volker testified that he pushed back against the allegations during his breakfast with Mr. Giuliani:

One of the things that I said in that breakfast that I had with Mr. Giuliani, the only time Vice President Biden was ever discussed with me, and he was repeating—he wasn’t making an accusation and he wasn’t seeking an investigation—but he was repeating all of the things that were in the media that we talked about earlier about, you know, firing the prosecutor general and his son being on the company and all that.

And I said to Rudy in that breakfast the first time we sat down to talk that it is simply not credible to me that Joe Biden would be influenced in his duties as Vice President by money or things for his son or anything like that. I’ve known him a long time, he’s a person of integrity, and that’s not credible.⁵³⁴

Ambassador Volker further advised Mr. Giuliani during the breakfast that the then-Ukrainian Prosecutor General, Yuriy Lutsenko, was promoting a “self-serving narrative to preserve himself in power.” Mr. Giuliani agreed with Ambassador Volker and stated that he had come to that conclusion as well.⁵³⁵

Following the breakfast, Ambassador Volker connected Mr. Giuliani with Mr. Yermak by text message:

Volker: Mr Mayor—really enjoyed breakfast this morning. As discussed, connecting you here with Andrey Yermak, who is very close to President Zelensky. I suggest we schedule a call together on Monday—maybe 10am or 11am Washington time? Kurt

Giuliani: Monday 10 to 11

Yermak: Ok, thank you

Volker: I will set up call—10 am—thanks - Kurt

Yermak:  ⁵³⁶

On the morning of July 22, Mr. Yermak texted Ambassador Volker about the upcoming call with Mr. Giuliani, writing that it was “very good” that their discussion would take place before the call between President Trump and President Zelensky.⁵³⁷ Later that day, the three men spoke by phone. Ambassador Volker described the July 22 discussion as merely an “introductory phone call,”⁵³⁸ although phone records indicate that the call lasted for approximately 38 minutes.⁵³⁹

Ambassador Volker testified that during the call, Mr. Giuliani and Mr. Yermak discussed plans for an in-person meeting in Madrid in early August.⁵⁴⁰ Afterward, Ambassador Volker texted Mr. Yermak that he thought the call had been “very useful” and recommended that Mr. Yermak send Mr. Giuliani a text message to schedule a date for the Madrid meeting.⁵⁴¹ Mr. Yermak texted Mr. Giuliani later that day about a plan to “take this relationship to a new level” and to meet in person as soon as possible.⁵⁴²

Later on July 22, Ambassador Volker updated Ambassador Sondland on the “great call” he “[o]rchestrated” between Mr. Giuliani and Mr. Yermak, noting that “Rudy is now advocating for phone call,” an apparent reference to the call between President Trump and President Zelensky that would occur on July 25. Ambassador Volker also recommended that Ambassador Sondland inform Mr. Mulvaney that “Rudy agrees,” and that he planned to convey the same information to Ambassador Bolton. Ambassador Sondland replied that Mr. Morrison of the White House NSC was also in support of the call.⁵⁴³ Ambassador Volker also told Ambassador Sondland that Mr. Giuliani and Mr. Yermak would meet in person in Madrid within a couple of weeks.⁵⁴⁴

President Zelensky Feared Becoming “A Pawn” in U.S. Reelection Campaign

Around this time, senior Ukrainian officials informed U.S. officials that the new Ukrainian president did not want Ukraine to become enmeshed in U.S. domestic reelection politics.

On July 20, Ambassador Taylor spoke with Mr. Danyliuk, the Ukrainian national security advisor, who conveyed that President Zelensky “did not want to be used as a pawn in a U.S. reelection campaign.”⁵⁴⁵ Ambassador Taylor discussed President Zelensky’s concern with Ambassador Volker and, the next day, texted Ambassador Sondland:

Taylor: Gordon, one thing Kurt and I talked about yesterday was Sasha Danyliuk’s point that President Zelenskyy is sensitive about Ukraine being taken seriously, not merely as an instrument in Washington domestic, reelection politics.

Sondland: Absolutely, but we need to get the conversation started and the relationship built, irrespective of the pretext. I am worried about the alternative.⁵⁴⁶

Ambassador Taylor explained that his reference to “Washington domestic reelection politics” was “a reference to the investigations that Mr. Giuliani wanted to pursue.”⁵⁴⁷ According to Ambassador Taylor, President Zelensky understood what President Trump and Mr. Giuliani meant by “investigations,” and “he did not want to get involved.” Specifically, the Ukrainians understood that the “investigations were pursuant to Mr. Giuliani’s request to develop information, to find information about Burisma and the Bidens. This was very well known in public. Mr. Giuliani had made this point clear in several instances in the beginning—in the springtime.”⁵⁴⁸ Ambassador Taylor also testified that the “whole thrust” of the activities undertaken by Mr. Giuliani and Ambassador Sondland “was to get these investigations, which Danyliuk and presumably Zelensky were resisting because they didn’t want to be seen to be interfering but also to be a pawn.”⁵⁴⁹

Despite the Ukrainian resistance, Ambassador Sondland said he believed that the public announcement of investigations would “fix” an impasse between the Ukrainian government and President Trump. When asked what he meant by “irrespective of the pretext” in his July 21 text message to Ambassador Taylor, Ambassador Sondland explained, “Well, the pretext being the agreed-upon interview or the agreed-upon press statement. We just need to get by it so that the two can meet, because, again, it was back to once they meet, all of this will be fixed.”⁵⁵⁰

Witnesses Confirmed the President Conditioned an Oval Office Meeting on Investigations

Multiple witnesses testified that the conditioning of an Oval Office meeting on President Zelensky’s announcement of investigations to benefit the President’s reelection campaign came from the very top: President Trump.

Ambassador Sondland testified that he, Secretary Perry, and Ambassador Volker worked with Mr. Giuliani “at the express direction of the President of the United States.”⁵⁵¹ Ambassador Sondland stated that “Mr. Giuliani was expressing the desires of the President of the United States, and we knew these investigations were important to the President.”⁵⁵² Ambassador Sondland explained that he “followed the directions of the President” and that “we followed the President’s orders.”⁵⁵³

Ambassador Sondland further testified that President Trump expressed—both directly and through Mr. Giuliani—that he wanted “a public statement from President Zelensky committing to the investigations of Burisma and the 2016 election” as “prerequisites for the White House call and the White House meeting.”⁵⁵⁴ Ambassador Sondland explained:

I know that members of this committee frequently frame these complicated issues in the form of a simple question: Was there a quid pro quo? As I testified previously with regard to the requested White House call and the White House meeting, the answer is yes.⁵⁵⁵

Ambassador Sondland also testified that knowledge of this quid pro quo was widespread among the President’s advisers: “Everyone was in the loop” about the President’s expectation that President Zelensky had to announce these specific investigations to secure an Oval Office meeting. As an example, Ambassador Sondland cited an email—copying Senior Advisor to the White House Chief of Staff Robert Blair, State Department Executive Secretary Lisa Kenna, Chief of Staff to the Secretary of Energy Brian McCormack, Mr. Mulvaney, Secretary Perry, and Secretary Pompeo—where “[e]veryone was informed.”⁵⁵⁶

Other U.S. government officials also understood this scheme as a quid pro quo. Ambassador Taylor testified that as early as mid-July, it was “becoming clear” to him that “the meeting President Zelensky wanted was conditioned on investigations of Burisma and alleged Ukrainian influence in the 2016 elections” and that “this condition was driven by the irregular policy channel I had come to understand was guided by Mr. Giuliani.”⁵⁵⁷ Mr. Holmes similarly understood that by July, “it was made clear that some action on a Burisma/Biden investigation was a precondition for an Oval Office visit.”⁵⁵⁸ Dr. Hill testified that this quid pro quo was readily apparent after reading the July 25 call summary, explaining that it revealed that the White House meeting was used as “some kind of asset” that was “dangled out to the Ukrainian Government” to secure a political benefit.⁵⁵⁹

Final Preparation for Trump-Zelensky Call: Ambassador Volker Counseled Ukrainians and Ambassador Sondland Prepped President Trump

Ambassador Taylor testified that the call between President Trump and President Zelensky that ultimately occurred on July 25 was not confirmed until the last minute: “We were trying to schedule it for about a week in advance, that whole week. As I say, back and forth, yes, no, this time, that time. . . . it may have been about the day before that it was actually locked down, so about the 24th.”⁵⁶⁰ According to Ambassador Taylor, at least one person had prescient concerns about the call before it occurred: “Ambassador Bolton was not interested in having—

did not want to have the call because he thought it was going to be a disaster. He thought that there could be some talk of investigations or worse on the call.”⁵⁶¹

Before the call took place on July 25, Ambassador Volker had lunch with Mr. Yermak in Kyiv. Ambassador Volker followed up with a text message to Mr. Yermak approximately 30 minutes before the call, noting that a White House visit was still on the table if, during the call, President Zelensky convinced President Trump that Ukraine would “investigate” and “get to the bottom of what happened” in 2016:

Volker: Good lunch – thanks. Heard from White House—assuming President Z convinces trump he will investigate / “get to the bottom of what happened” in 2016, we will nail down date for visit to Washington. Good luck! See you tomorrow - kurt

Ambassador Volker later informed Ambassador Sondland that he had relayed this “message” to Mr. Yermak, which Ambassador Sondland had conveyed to Ambassador Volker earlier that day:

Volker: Hi Gordon - got your message. Had a great lunch w Yermak and then passed your message to him. He will see you tomorrow. Think everything in place⁵⁶²

Ambassador Sondland testified that the “message” that Ambassador Volker conveyed to Mr. Yermak in advance of the July 25 call likely originated from an earlier conversation that Ambassador Sondland had with President Trump:

- Q: So is it fair to say that this message is what you received from President Trump on that phone call that morning?
- A: Again, if he testified to that, to refresh my own memory, then, yes, likely I would have received that from President Trump.
- Q: But the sequence certainly makes sense, right?
- A: Yeah, it does.
- Q: You talked to President Trump.
- A: Yeah.
- Q: You told Kurt Volker to call you. You left a message for Kurt Volker. Kurt Volker sent this text message to Andriy Yermak to prepare President Zelensky and then President Trump had a phone call where President Zelensky spoke very similar to what was in this text message, right?
- A: Right.
- Q: And you would agree that the message in this—that is expressed here is that President Zelensky needs to convince Trump that he will do the investigations in order to nail down the date for a visit to Washington, D.C. Is that correct?
- A: That’s correct.⁵⁶³

Ambassador Sondland testified that he spoke with President Trump before the call with President Zelensky.⁵⁶⁴ Mr. Morrison also confirmed that President Trump and Ambassador

Sondland spoke before President Trump's call with President Zelensky.⁵⁶⁵ Mr. Morrison stated that Ambassador Sondland emailed him on the morning of the call and listed "three topics that he was working on, the first of which was 'I spoke to the President this morning to brief him on the call.'"⁵⁶⁶ According to Mr. Morrison, Ambassador Sondland "believed" that he helped to facilitate the July 25 call between President Trump and President Zelensky.⁵⁶⁷

On July 26, the day after the call between President Trump and President Zelensky, Ambassador Volker acknowledged his role in prepping President Zelensky for the call with President Trump in a text to Mr. Giuliani: "Hi Mr Mayor – you may have heard—the President has [sic] a great phone call with the Ukrainian President yesterday. Exactly the right messages as we discussed."⁵⁶⁸

5. The President Asked the Ukrainian President to Interfere in the 2020 U.S. Election by Investigating the Bidens and 2016 Election Interference

During a call on July 25, President Trump asked President Zelensky of Ukraine to “do us a favor though” and investigate his political opponent, former Vice President Joe Biden, and a debunked conspiracy theory that Ukraine interfered in the 2016 U.S. election. The next day, Ambassador Gordon Sondland informed President Trump that President Zelensky “was gonna do the investigation” and “anything” President Trump asked of him.

Overview

During a telephone call on July 25, 2019, President Donald J. Trump asked Ukrainian President Volodymyr Zelensky to investigate his political rival, former Vice President Joseph Biden, and a debunked conspiracy theory that Ukraine interfered in the 2016 U.S. election. President Trump also discussed the removal of Ambassador Marie Yovanovitch, former U.S. Ambassador to Ukraine, said that she was “bad news,” and warned that she would “go through some things.” Two witnesses who listened to the call testified that they immediately reported the details of the call to senior White House lawyers.

When asked by a reporter on October 3, 2019, what he had hoped President Zelensky would do following the call, President Trump responded: “Well, I would think that, if they were honest about it, they’d start a major investigation into the Bidens. It’s a very simple answer.”

Witnesses unanimously testified that President Trump’s claims about former Vice President Biden and alleged Ukrainian interference in the 2016 U.S. election have been discredited. The witnesses reaffirmed that in late 2015 and early 2016, when former Vice President Biden advocated for the removal of a corrupt Ukrainian prosecutor, he acted in accordance with a “broad-based consensus” and the official policy of the United States, the European Union, and major international financial institutions. Witnesses also unanimously testified that the removal of that prosecutor made it more likely that Ukraine would investigate corruption, not less likely.

Dr. Fiona Hill, former Deputy Assistant to the President and Senior Director for Europe and Russia at the National Security Council, testified that the conspiracy theories about Ukrainian interference in the 2016 U.S. election touted by President Trump are a “fictional narrative that is being perpetrated and propagated by the Russian security services.” She noted that President Trump’s former Homeland Security Advisor Tom Bossert and former National Security Advisor H.R. McMaster repeatedly advised the President that the so-called “CrowdStrike” conspiracy theory that President Trump raised in the July 25 call is completely “debunked,” and that allegations Ukraine interfered in the 2016 U.S. election are false.

Nonetheless, on July 26, 2019, U.S. Ambassador to the European Union Gordon Sondland met with senior Ukrainian officials in Kyiv and then informed President Trump that President Zelensky “was gonna do the investigation” into former Vice President Biden and

alleged Ukrainian interference in the 2016 U.S. election. Ambassador Sondland added that President Zelensky would “do anything” President Trump asked of him. After the call, Ambassador Sondland told David Holmes, Counselor for Political Affairs at the U.S. Embassy in Kyiv, that President Trump “did not give a shit about Ukraine” and that he only cared about the “big stuff” that benefited his personal interests, like the “Biden investigation.”

President Trump’s Call with President Zelensky on July 25, 2019

On July 25, 2019, President Zelensky finally had a long-awaited phone call with Ukraine’s most important international partner: The President of the United States.

It had been over three months since the two leaders first spoke. Despite a warm but largely non-substantive call on April 21, President Trump had since declined President Zelensky’s invitation to attend his inauguration and directed Vice President Mike Pence not to attend either.⁵⁶⁹ Ukrainian efforts to set a date for a promised Oval Office meeting with President Trump were stalled. As Mr. Holmes explained, following the April 21 call:

President Zelensky’s team immediately began pressing to set a date for that visit. President Zelensky and senior members of his team made clear that they wanted President Zelensky’s first overseas trip to be to Washington, to send a strong signal of American support, and requested a call with President Trump as soon as possible.⁵⁷⁰

Before scheduling the July 25 call or a White House visit, President Trump met on June 28 with Russian President Vladimir Putin—whose armed forces were engaged in a war of attrition against U.S.-backed Ukrainian forces—on the sidelines of the G20 summit in Osaka, Japan.⁵⁷¹ During their meeting, President Trump and President Putin shared a joke about Russia’s meddling in the 2016 U.S. election.⁵⁷²

On July 25, President Trump joined the call with President Zelensky from the Executive Residence at the White House, away from a small group of senior national security aides who would normally join him in the Oval Office for a conversation with a foreign head of state. President Trump and President Zelensky began to speak at 9:03 a.m. Washington time—4:03 p.m. in Kyiv. According to Tim Morrison, the newly-installed Senior Director for Europe and Russia on the NSC, President Zelensky spoke in Ukrainian and occasionally in “chopped English.”⁵⁷³ Translators interpreted the call on both sides.⁵⁷⁴ American aides listening to the call from the White House Situation Room hoped that what was said over the next 30 minutes would provide President Zelensky with the strong U.S. endorsement he needed in order to successfully negotiate an end to the five-year-old war with Russia that had killed over 13,000 Ukrainian soldiers and to advance President Zelensky’s ambitious anti-corruption initiatives in Ukraine.⁵⁷⁵

The Trump Administration’s subject-matter experts, NSC Director for Ukraine Lt. Col. Alexander Vindman and Mr. Morrison, were both on the call.⁵⁷⁶ They had prepared talking points for President Trump and were taking detailed notes of what both leaders said, so that they could promptly implement any agreed-upon actions.⁵⁷⁷ They were joined by Lt. Gen. Keith Kellogg, National Security Advisor to the Vice President, and Jennifer Williams, Special Advisor to the Vice President for Europe and Russia. Assistant to the President Robert Blair, a

senior aide to Acting Chief of Staff Mick Mulvaney, was also present, along with an NSC press officer.⁵⁷⁸ Secretary of State Mike Pompeo listened from a different location, as did Dr. Charles M. Kupperman, the Deputy National Security Advisor.⁵⁷⁹

Notably, Secretary Pompeo did not reveal that he listened to the July 25 call when asked directly about it on *This Week* on September 22.⁵⁸⁰ Neither Secretary Pompeo nor the State Department corrected the record until September 30, when “a senior State Department official” disclosed the Secretary of State’s participation in the July 25 call.⁵⁸¹

The two presidents first exchanged pleasantries. President Trump congratulated the Ukrainian leader on his party’s parliamentary victory. In a nod to their shared experience as political outsiders, President Zelensky called President Trump “a great teacher” who informed his own efforts to involve “many many new people” in Ukraine’s politics and “drain the swamp here in our country.”⁵⁸²

The discussion turned to U.S. support for Ukraine. President Trump contrasted U.S. assistance to that of America’s closest European allies, stating: “We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are.” The call then took a more ominous turn. President Trump stated that with respect to U.S. support for Ukraine, “I wouldn’t say that it’s reciprocal necessarily because things are happening that are not good but the United States has been very very good to Ukraine.”⁵⁸³

President Zelensky, whose government receives billions of dollars in financial support from the European Union and its member states, responded that European nations were “not working as much as they should work for Ukraine,” including in the area of enforcing sanctions against Russia.⁵⁸⁴ He noted that “the United States is a much bigger partner than the European Union” and stated that he was “very grateful” because “the United States is doing quite a lot for Ukraine.”⁵⁸⁵

President Zelensky then raised the issue of U.S. military assistance for Ukraine with President Trump: “I also would like to thank you for your great support in the area of defense”—an area where U.S. support is vital.⁵⁸⁶ President Zelensky continued: “We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.”⁵⁸⁷ The Javelin anti-tank missiles, first transferred to Ukraine by the United States in 2018, were widely viewed by U.S. officials as a deterrent against further Russian encroachment into Ukrainian territory.⁵⁸⁸

Immediately after the Ukrainian leader raised the issue of U.S. military assistance to Ukraine, President Trump replied: “I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it.”⁵⁸⁹

Request to Investigate 2016 Election

President Trump then explained the “favor” he wanted President Zelensky to do. He first requested that Ukraine investigate a discredited conspiracy theory aimed at undercutting the U.S. Intelligence Community’s unanimous conclusion that the Russian government interfered in the 2016 U.S. election.⁵⁹⁰ Specifically, President Trump stated:

I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike... I guess you have one of your wealthy people... The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you’re surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it’s very important that you do it if that’s possible.⁵⁹¹

President Trump was referencing the widely debunked conspiracy theory that the Ukrainian government—and not Russia—was behind the hack of Democratic National Committee (DNC) servers in 2016, and that the American cybersecurity firm CrowdStrike moved the DNC’s servers to Ukraine to prevent U.S. law enforcement from examining them. This theory is often referred to in shorthand as “CrowdStrike” and has been promoted by the Russian government.⁵⁹²

For example, during a press conference in February 2017, just weeks after the U.S. Intelligence Community unanimously assessed in a public report that Russia interfered in the 2016 U.S. election to benefit the candidacy of Donald J. Trump, President Putin falsely asserted that “the Ukrainian government adopted a unilateral position in favour of one candidate. More than that, certain oligarchs, certainly with the approval of the political leadership, funded this candidate, or female candidate, to be more precise.”⁵⁹³ President Trump’s reference in his July 25 telephone call to “one of your wealthy people” tracked closely with President Putin’s accusations that “certain oligarchs” in Ukraine meddled in the 2016 U.S. election to support Democratic candidate Hillary Clinton.

Dr. Hill, an expert on Russia and President Putin, testified that the claim that “Russia and its security services did not conduct a campaign against our country and that perhaps, somehow for some reason, Ukraine did” is “a fictional narrative that is being perpetrated and propagated by the Russian security services themselves.” Dr. Hill reaffirmed that the U.S. Intelligence Community’s January 2017 conclusion that Russia interfered in the 2016 U.S. election is “beyond dispute, even if some of the underlying details must remain classified.”⁵⁹⁴

Tom Bossert, President Trump’s former Homeland Security Advisor, stated publicly that the CrowdStrike theory is “not only a conspiracy theory, it is completely debunked.”⁵⁹⁵ Dr. Hill testified that White House officials—including Mr. Bossert and former National Security Advisor H.R. McMaster—“spent a lot of time” refuting the CrowdStrike conspiracy theory to President Trump. Dr. Hill explained that Mr. Bossert and others “who were working on cybersecurity laid out to the President the facts about the interference.” She affirmed that

President Trump was advised that “the alternative theory that Ukraine had interfered in the election was false.”⁵⁹⁶

President Zelensky did not directly address President Trump’s reference to CrowdStrike during the July 25 call, but he tried to assure President Trump that “it is very important for me and everything that you just mentioned earlier.”⁵⁹⁷ President Zelensky committed to proceed with an investigation, telling President Trump that he had “nobody but friends” in the new Ukrainian presidential administration, possibly attempting to rebut Rudy Giuliani’s earlier claims that President Zelensky was surrounded by “enemies” of President Trump. President Zelensky then specifically noted that one of his assistants “spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine.”⁵⁹⁸

Significantly, President Zelensky referenced Mr. Giuliani even before President Trump had mentioned him, demonstrating the Ukrainian leader’s understanding that Mr. Giuliani represented President Trump’s interests in Ukraine. The Ukrainian leader then reassured President Trump, “I also plan to surround myself with great people and in addition to that investigation” into the CrowdStrike conspiracy theory. He said, “I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.”⁵⁹⁹ President Trump replied, “Rudy very much knows what’s happening and he is a very capable guy. If you could speak to him that would be great.”⁶⁰⁰

Request to Investigate Bidens

President Trump then returned to his requested “favor,” asking President Zelensky about the “[t]he other thing”: that Ukraine investigate President Trump’s U.S. political rival, former Vice President Biden, for allegedly ending an investigation into the Ukrainian energy company Burisma Holdings. Vice President Biden’s son, Hunter Biden, served as a member of Burisma’s board of directors. President Trump told President Zelensky:

The other thing, There’s a lot of talk about Biden’s son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.⁶⁰¹

President Trump later continued, “I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I’m sure you will figure it out.”⁶⁰²

In public remarks on October 3, 2019, a reporter asked President Trump, “what exactly did you hope Zelensky would do about the Bidens after your phone call? Exactly.” President Trump responded: “Well, I would think that, if they were honest about it, they’d start a major investigation into the Bidens. It’s a very simple answer.”⁶⁰³

When President Trump asserted to President Zelensky during the July 25 call that former Vice President “Biden went around bragging that he stopped the prosecution,” President Trump

was apparently referring to Vice President Biden’s involvement in the removal of the corrupt former Ukrainian prosecutor general, Viktor Shokin.

Multiple witnesses—including Dr. Hill, former U.S. Ambassador to Ukraine Marie Yovanovitch, Mr. Holmes, and Deputy Assistant Secretary of State George Kent—testified that they were not aware of any credible evidence to support the claim that former Vice President Biden acted inappropriately when he advocated for the removal of Mr. Shokin.⁶⁰⁴ To the contrary, those witnesses confirmed that it was the official policy of the United States, the European Union, and major international financial institutions, to demand Mr. Shokin’s dismissal. As Mr. Kent testified, there was “a broad-based consensus” that Mr. Shokin was “a typical Ukraine prosecutor who lived a lifestyle far in excess of his government salary, who never prosecuted anybody known for having committed a crime” and who “covered up crimes that were known to have been committed.”⁶⁰⁵ Mr. Kent further explained:

What former Vice President Biden requested of former President of Ukraine Poroshenko was the removal of a corrupt prosecutor general, Viktor Shokin, who had undermined a program of assistance that we had spent, again, U.S. taxpayer money to try to build an independent investigator unit to go after corrupt prosecutors.⁶⁰⁶

As Ambassador Yovanovitch testified, the removal of a corrupt Ukrainian prosecutor general, who was not prosecuting enough corruption, increased the chance that alleged corruption in companies in Ukraine could be investigated.⁶⁰⁷

Mr. Shokin was a known associate of Mr. Giuliani. As described in Chapter 1, Mr. Giuliani had been communicating with Mr. Shokin since at least 2018.⁶⁰⁸ Mr. Giuliani also lobbied the White House on behalf of Mr. Shokin to intervene earlier in 2019 when the State Department rejected a visa application for Mr. Shokin to visit the United States based upon Mr. Shokin’s notorious corrupt conduct.⁶⁰⁹ Ambassador Kurt Volker, U.S. Special Representative for Ukraine Negotiations, testified that he explicitly warned Mr. Giuliani—to no avail—against pursuing “the conspiracy theory that Vice President Biden would have been influenced in his duties as Vice President by money paid to his son.”⁶¹⁰ Ambassador Volker affirmed that former Vice President Biden is “an honorable man, and I hold him in the highest regard.”⁶¹¹

Attacks Against Ambassador Yovanovitch

During the July 25 call, President Trump also attacked Ambassador Yovanovitch, whom he had ousted as the U.S. Ambassador to Ukraine three months earlier after a concerted smear campaign perpetuated by Mr. Giuliani. As described in Chapter 1, Mr. Giuliani viewed Ambassador Yovanovitch—a decorated diplomat who had championed Ukrainian anti-corruption officials and activists—as an impediment to his activities in Ukraine.⁶¹² President Trump told President Zelensky: “The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that.” He later added: “Well, she’s going to go through some things.”⁶¹³

Ambassador Yovanovitch described her visceral reaction when she first read the call record, after the White House released it publicly on September 25, 2019. She testified, “I was

shocked. I mean, I was very surprised that President Trump would—first of all, that I would feature repeatedly in a Presidential phone call, but secondly, that the President would speak about me or any ambassador in that way to a foreign counterpart.”⁶¹⁴ When asked whether she felt “threatened” by President Trump’s statement that “she’s going to go through some things,” Ambassador Yovanovitch answered that she did.⁶¹⁵

Praise of Corrupt Former Ukrainian Prosecutor

After disparaging Ambassador Yovanovitch, who had an extensive record of combatting corruption, President Trump praised an unnamed former Ukrainian prosecutor general—referring to Yuriy Lutsenko—who was widely considered to be corrupt and had promoted false allegations against Ambassador Yovanovitch.⁶¹⁶ President Trump told President Zelensky: “Good because I heard you had a prosecutor who was very good and he was shut down and that’s really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved.”⁶¹⁷ He later added, “I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything.”⁶¹⁸

At the time of the July 25 call, Mr. Lutsenko—who was collaborating with Mr. Giuliani to smear Ambassador Yovanovitch and the Bidens—was still the Ukrainian prosecutor general. Mr. Holmes testified that Mr. Lutsenko “was not a good partner. He had failed to deliver on the promised reforms that he had committed to when he took office, and he was using his office to insulate and protect political allies while presumably enriching himself.”⁶¹⁹ By July 2019, Mr. Holmes assessed that Mr. Lutsenko was “trying to angle to keep his job” under the new Zelensky Administration and that part of his strategy was “appealing to Rudy Giuliani and Donald Trump by pushing out these false theories about the Bidens and the 2016 election.”⁶²⁰

Multiple witnesses testified that another former Ukrainian prosecutor, Mr. Shokin, was also considered to be corrupt. For example, Mr. Kent testified during his deposition that Mr. Lutsenko and Mr. Shokin were “corrupt former prosecutors” who were “peddling false information in order to extract revenge against those who had exposed their misconduct, including U.S. diplomats, Ukrainian anticorruption officials, and reform-minded civil society groups in Ukraine.”⁶²¹ Ambassador Volker testified at his public hearing that Mr. Lutsenko was “not credible, and was acting in a self-serving capacity.”⁶²² Mr. Holmes further noted that Mr. Lutsenko “resisted fully empowering truly independent anticorruption institutions that would help ensure that no Ukrainians, however powerful, were above the law.”⁶²³

After the call, the White House press office issued a short and incomplete summary of the call, omitting major elements of the conversation. The press statement read:

Today, President Donald J. Trump spoke by telephone with President Volodymyr Zelenskyy of Ukraine to congratulate him on his recent election. President Trump and President Zelenskyy discussed ways to strengthen the relationship between the United States and Ukraine, including energy and economic cooperation. Both leaders also expressed that they look forward to the opportunity to meet.⁶²⁴

Concerns Raised by Lieutenant Colonel Alexander Vindman

Prior to President Trump’s July 25 call with President Zelensky, Lt. Col. Vindman had prepared—with Mr. Morrison’s review and approval—a call briefing package, including talking points for President Trump’s use. This was consistent with the NSC’s regular process of preparing for the President’s phone calls with foreign leaders.⁶²⁵ The NSC-drafted talking points did not include any reference to Biden, Burisma, CrowdStrike, or alleged Ukrainian interference in the 2016 U.S. election.⁶²⁶

Lt. Col. Vindman testified during his deposition that, prior to the July 25 call, he was aware of concerns from former National Security Advisor John Bolton and other U.S. officials that President Trump might raise these discredited issues with President Zelensky.⁶²⁷ Indeed, Ambassador Bolton had resisted scheduling the call because he believed it might be a “disaster.”⁶²⁸

As he sat in the White House Situation Room listening to the leaders, Lt. Col. Vindman quickly recognized that the President’s conversation was diverging from the talking points he helped prepare based on the interagency policy process, and “straying” into an “unproductive narrative” promoted by Mr. Giuliani and other “external and nongovernmental influencers”⁶²⁹—topics that Lt. Col. Vindman dubbed “stray voltage.”⁶³⁰

Lt. Col. Vindman knew immediately that he had a duty to report the contents of the call to the White House lawyers. He explained, “I had concerns, and it was my duty to report my concerns to the proper—proper people in the chain of command.”⁶³¹ Lt. Col. Vindman testified that President Trump’s request that a foreign leader dependent on the United States open an investigation into his U.S. political opponent constituted a “demand” that President Zelensky had to meet in order to secure a White House meeting:

So, Congressman, the power disparity between the President of the United States and the President of Ukraine is vast, and, you know, in the President asking for something, it became—there was—in return for a White House meeting, because that’s what this was about. This was about getting a White House meeting. It was a demand for him to fulfill his—fulfill this particular prerequisite in order to get the meeting.⁶³²

Lt. Col. Vindman further testified that President Trump’s demand of the Ukrainian leader was “inappropriate” and “improper,” and that it would undermine U.S. national security:

Chairman, as I said in my statement, it was inappropriate. It was improper for the President to request—to demand an investigation into a political opponent, especially a foreign power where there’s, at best, dubious belief that this would be a completely impartial investigation, and that this would have significant implications if it became public knowledge, and it would be perceived as a partisan play. It would undermine our Ukraine policy, and it would undermine our national security.⁶³³

Within an hour of the call ending, Lt. Col. Vindman reported his concerns to John A. Eisenberg, the Deputy Counsel to the President for National Security Affairs and the Legal

Advisor to the NSC, and Michael Ellis, a Senior Associate Counsel to the President and the Deputy Legal Advisor to the NSC.⁶³⁴ Lt. Col. Vindman recounted the content of the call based on his handwritten notes and told the lawyers that he believed it was “wrong” for President Trump to ask President Zelensky to investigate Vice President Biden.⁶³⁵

Concerns Raised by Timothy Morrison

After 17 years as a Republican Congressional staffer and approximately a year serving elsewhere on the NSC staff, Mr. Morrison assumed his position as the NSC’s Senior Director for Europe and Russia on July 15, 2019, only 10 days before President Trump’s call with President Zelensky.⁶³⁶

Before he transitioned into his new role, Mr. Morrison met with his predecessor, Dr. Hill. She advised him to stay away from efforts orchestrated by Mr. Giuliani and Ambassador Sondland to pressure Ukraine into investigating a “bucket of issues” that included “Burisma the company,” and “Hunter Biden on the board.”⁶³⁷ Dr. Hill also warned Mr. Morrison before the July 25 call about the President’s interest in alleged Ukrainian interference in the 2016 U.S. election related to the DNC server.⁶³⁸

Mr. Morrison testified that he had no knowledge of any investigations at the time, but after performing a Google search of “what is Burisma?” and seeing the name Hunter Biden, Mr. Morrison decided to “stay away.”⁶³⁹ Even though he was new to the portfolio, Mr. Morrison promptly concluded that because “Burisma” involved Hunter Biden, and because former Vice President Biden was running for President, such investigations could be a “problematic” area.⁶⁴⁰ Mr. Morrison further explained that he tried to stay away from requests related to Burisma and the 2016 U.S. election because these investigations were not related to “the proper policy process that I was involved in on Ukraine,” and “had nothing to do with the issues that the interagency was working on.”⁶⁴¹

With that background in mind, Mr. Morrison admitted he was “concerned” when, while listening to the call on July 25, he heard President Trump raise “issues related to the [DNC] server.” Ultimately, Mr. Morrison said, “the call was not the full-throated endorsement of the Ukraine reform agenda that I was hoping to hear.”⁶⁴²

In “fairly short order,” Mr. Morrison reported the contents of the call to Mr. Eisenberg and Mr. Ellis, the NSC lawyers. He asked them to review the call, which he feared would be “damaging” if leaked.⁶⁴³ Mr. Morrison stated that at the time of the call, he “did not have a view” on whether the call was “appropriate and proper.”⁶⁴⁴ He also stated that he “was not concerned that anything illegal was discussed.”⁶⁴⁵ During his deposition, however, Mr. Morrison clarified, “I did not then and I do not now opine ... as to the legality” of what happened on the call.⁶⁴⁶

In a second meeting with Mr. Eisenberg, Mr. Morrison requested that access to the electronic files of the call record be restricted. This was an unusual request. Mr. Morrison confirmed to the Committee that he had never before asked the NSC Legal Advisor to restrict access to a presidential call record.⁶⁴⁷ It was also unusual because Mr. Morrison raised

restricting access with Mr. Eisenberg despite the fact that Mr. Morrison himself had the authority, as an NSC senior director, to recommend restrictions on the relevant files to the NSC's Executive Secretariat.

Lt. Col. Vindman also discussed restricting access to the July 25 call summary with Mr. Eisenberg and Mr. Ellis. At some point after the call, Lt. Col. Vindman discussed with the NSC lawyers the "sensitivity" of the matters raised on the call and "the fact that ... there are constant leaks."⁶⁴⁸ Lt. Col. Vindman explained that "[f]rom a foreign policy professional perspective, all of these types of calls would inherently be sensitive."⁶⁴⁹ But the July 25 call was particularly sensitive because it could "undermine our relationship with the Ukrainians" given that it "would implicate a partisan play."⁶⁵⁰ The NSC lawyers, therefore, believed that it was "appropriate to restrict access for the purpose of the leaks" and "to preserv[e] the integrity" of the transcript.⁶⁵¹ Lt. Col. Vindman recalled that Mr. Ellis raised the idea of placing the call summary on the NSC's server for highly classified information and Mr. Eisenberg "gave the go-ahead."⁶⁵²

Some weeks after his discussions with the NSC attorneys, Mr. Morrison could not locate the call record. He contacted the staff of the NSC's Executive Secretariat in search of an explanation and was informed that "John Eisenberg had directed it to be moved to a different server" utilized by the NSC staff for highly classified information.⁶⁵³ This transfer occurred despite Mr. Morrison's view that the call record did not meet the requirements to be placed on the highly classified system.⁶⁵⁴

Mr. Eisenberg later told Mr. Morrison that the call record had been placed on the highly classified system by "mistake."⁶⁵⁵ Even after Mr. Eisenberg stated that the call record was moved to the highly classified system by "mistake," it nevertheless remained on that system until at least the third week of September 2019, shortly before its declassification and public release by the White House.⁶⁵⁶

Concerns Raised by Jennifer Williams

Vice President Pence's advisor, Ms. Williams, had listened to nearly a dozen phone calls between President Trump and other heads of state prior to July 25, 2019, as well as Vice President Pence's April 23 call with President Zelensky.⁶⁵⁷ As she sat listening to President Trump's July 25 call, she was struck by his requests relating to Vice President Biden. She stated that she believed that President Trump's comments were "unusual and inappropriate."⁶⁵⁸

Ms. Williams testified that she thought that "references to specific individuals and investigations, such as former Vice President Biden and his son" were "political in nature, given that the former Vice President is a political opponent of the President."⁶⁵⁹ The comments struck her as "more specific to the President in nature, to his personal political agenda," as opposed to "a broader foreign policy objective of the United States."⁶⁶⁰ She added, "it was the first time I had heard internally the President reference particular investigations that previously I had only heard about through Mr. Giuliani's press interviews and press reporting."⁶⁶¹

Significantly, Ms. Williams, who had learned about the hold on security assistance for Ukraine on July 3, also said that the Trump-Zelensky call “shed some light on possible other motivations behind a security assistance hold.”⁶⁶²

“Burisma” Omitted from Call Record

Mr. Morrison, Lt. Col. Vindman, and Ms. Williams all agreed that the publicly released record of the call was substantially accurate, but Lt. Col. Vindman and Ms. Williams both testified that President Zelensky made an explicit reference to “Burisma” that was not included in the call record. Specifically, Lt. Col. Vindman testified that his notes indicated President Zelensky used the word “Burisma”—instead of generically referring to “the company”—when discussing President Trump’s request to investigate the Bidens.⁶⁶³ Ms. Williams’ notes also reflected that President Zelensky had said “Burisma” later in the call when referring to a “case.”⁶⁶⁴

Lt. Col. Vindman indicated that President Zelensky’s mention of “Burisma” was notable because it suggested that the Ukrainian leader was “prepped for this call.” He explained that “frankly, the President of Ukraine would not necessarily know anything about this company Burisma.” Lt. Col. Vindman continued, “he would certainly understand some of this—some of these elements because the story had been developing for some time, but the fact that he mentioned specifically Burisma seemed to suggest to me that he was prepped for this call.”⁶⁶⁵

The Substance of the Call Remained Tightly Controlled

Ms. Williams testified that staff in the Office of the Vice President placed the draft call record in the Vice President’s nightly briefing book on July 25.⁶⁶⁶

Separately, and following established protocols for coordinating U.S. government activities toward Ukraine, Lt. Col. Vindman provided Mr. Kent at the State Department with a readout. Because Mr. Kent had worked on Ukraine policy for many years, Lt. Col. Vindman sought Mr. Kent’s “expert view” on the investigations requested by the President. Mr. Kent informed him that “there was no substance” behind the CrowdStrike conspiracy theory and “took note of the fact that there was a call to investigate the Bidens.”⁶⁶⁷ Recalling this conversation, Mr. Kent testified that Lt. Col. Vindman said “he could not share the majority of what was discussed [on the July 25 call] because of the very sensitive nature of what was discussed,” but that Lt. Col. Vindman noted that the call “went into the direction of some of the most extreme narratives that have been discussed publicly.”⁶⁶⁸

Ambassador Sondland Followed Up on President Trump’s Request for Investigations

Soon after arriving in Kyiv from Brussels on July 25, Ambassador Sondland asked the U.S. Embassy to arrange a meeting the next day with Ukrainian presidential aide Andriy Yermak.⁶⁶⁹

On the morning of July 26, Ambassadors Sondland, Volker and Taylor—accompanied by Mr. Holmes, who acted as their official notetaker—went to the Presidential Administration

Building in central Kyiv for meetings with Ukrainian officials.⁶⁷⁰ Contrary to standard procedure, Mr. Holmes and Ambassador Taylor did not receive readouts of the July 25 call, so they were unaware of what President Trump and President Zelensky had discussed.⁶⁷¹ Ambassador Volker also did not receive an official readout of the July 25 call from the NSC staff. He testified that Andriy Yermak, a senior aide to President Zelensky, simply characterized it as a “good call” in which “President Zelensky did reiterate his commitment to reform and fighting corruption in Ukraine.”⁶⁷²

The first meeting on July 26 was with Chief of Staff to President Zelensky Andriy Bohdan.⁶⁷³ Regarding the July 25 call, Mr. Holmes recalled Mr. Bohdan sharing that “President Trump had expressed interest ... in President Zelensky’s personnel decisions related to the Prosecutor General’s office [PGO].”⁶⁷⁴ Mr. Holmes further testified that Mr. Bohdan then “started asking ... about individuals I’ve since come to understand they were considering appointing to different roles in the PGO.”⁶⁷⁵ Mr. Holmes explained that he “didn’t understand it,” and that “[i]t wasn’t until I read the July 25th phone call transcript that I realized that the President [Trump] had mentioned Mr. Lutsenko in the call.”⁶⁷⁶

Subsequently, Ambassadors Sondland, Taylor, and Volker met with President Zelensky and other senior officials. Mr. Holmes once again took notes.⁶⁷⁷ He testified “During the meeting, President Zelensky stated that, during the July 25th call, President Trump had, quote, ‘three times raised some very sensitive issues’ and that he would have to follow up—he, Zelensky—would have to follow up on those issues when he and President Trump met in person.”⁶⁷⁸ After he read the transcript of the July 25 call, Mr. Holmes determined that President Zelensky’s mention of “sensitive issues” was a reference to President Trump’s demands for a “Burisma Biden investigation.”⁶⁷⁹

Catherine Croft, Special Advisor to Ambassador Kurt Volker, was also in Kyiv on July 26. Although she did not attend the meeting with President Zelensky, she received a readout from Ambassadors Volker and Taylor later that day, as they were traveling in an embassy vehicle. Ms. Croft testified that her handwritten notes from that readout indicate “the President [Trump] had raised investigations multiple times” in his July 25 call with President Zelensky.⁶⁸⁰ Ambassadors Sondland and Taylor told the Committee that they did not recall President Zelensky’s comments about investigations.⁶⁸¹ Ambassador Volker similarly did not recall that the issue of investigations was discussed, but testified that he did not dispute the validity of “notes taken contemporaneously at the meeting.”⁶⁸²

Ambassador Sondland Met One-on-One with Ukrainian Presidential Aide

The meeting with President Zelensky ended around noon.⁶⁸³ After the meeting, Ambassadors Taylor and Volker departed the Presidential Administration building for a visit to the front lines of the war with Russia in eastern Ukraine.⁶⁸⁴ Ambassador Sondland separately headed for Mr. Yermak’s office. Mr. Holmes testified that, at the last minute, he received instruction from his leadership at the U.S. Embassy to join Ambassador Sondland.⁶⁸⁵ By that point, Mr. Holmes recalled, he “was a flight of stairs behind Ambassador Sondland as he headed to meet with Mr. Yermak.”⁶⁸⁶ Mr. Holmes continued, “When I reached Mr. Yermak’s office, Ambassador Sondland had already gone in to the meeting.”⁶⁸⁷ Mr. Holmes then “explained to

Mr. Yermak’s assistant that I was supposed to join the meeting as the Embassy’s representative and strongly urged her to let me in, but she told me that Ambassador Sondland and Mr. Yermak had insisted that the meeting be one on one with no note taker.”⁶⁸⁸ Mr. Holmes “then waited in the anteroom until the meeting ended, along with a member of Ambassador Sondland’s staff and a member of the U.S. Embassy Kyiv staff.”⁶⁸⁹

Ambassador Sondland’s meeting with Mr. Yermak lasted approximately 30 minutes.⁶⁹⁰ When it ended, Ambassador Sondland did not provide Mr. Holmes an explanation of what they discussed.⁶⁹¹ Ambassador Sondland later testified that he did not “recall the specifics” of his conversation with Mr. Yermak, but he believed “the issue of investigations was probably a part of that agenda or meeting.”⁶⁹²

Call Between President Trump and Ambassador Sondland on July 26, 2019

After a busy morning of meetings with Ukrainian officials on July 26, Ambassador Sondland indicated that he wanted to get lunch. Mr. Holmes interjected that he would “be happy to join” Ambassador Sondland and two other State Department colleagues accompanying him “if he wanted to brief me out on his meeting with Mr. Yermak or discuss other issues.”⁶⁹³ Ambassador Sondland accepted the offer. The diplomats proceeded “to a nearby restaurant and sat on an outdoor terrace.”⁶⁹⁴ Mr. Holmes “sat directly across from Ambassador Sondland,” close enough that they could “share an appetizer.”⁶⁹⁵

Mr. Holmes recounted that “at first, the lunch was largely social. Ambassador Sondland selected a bottle of wine that he shared among the four of us, and we discussed topics such as marketing strategies for his hotel business.”⁶⁹⁶ Later during the meal, Ambassador Sondland “said that he was going to call President Trump to give him an update.”⁶⁹⁷ Ambassador Sondland then placed a call on his unsecured mobile phone. Mr. Holmes was taken aback. He told the Committee, “it was, like, a really extraordinary thing, it doesn’t happen very often”—a U.S. Ambassador picking up his mobile phone at an outdoor cafe and dialing the President of the United States.⁶⁹⁸

Mr. Holmes, who was sitting directly opposite from Ambassador Sondland, said he “heard him announce himself several times, along the lines of, ‘Gordon Sondland, holding for the President.’ It appeared that he was being transferred through several layers of switchboards and assistants, and I then noticed Ambassador Sondland’s demeanor changed and understood that he had been connected to President Trump.”⁶⁹⁹

Mr. Holmes stated he was able to hear the first part of Ambassador Sondland’s conversation with President Trump because it was “quite loud” and “quite distinctive” when the President began speaking. When President Trump started speaking, Ambassador Sondland “sort of winced and held the phone away from his ear,” and “did that for the first couple exchanges.”⁷⁰⁰

Recounting the conversation that followed, Mr. Holmes testified:

I heard Ambassador Sondland greet the President and explain he was calling from Kyiv. I heard President Trump then clarify that Ambassador Sondland was in Ukraine. Ambassador Sondland replied, yes, he was in Ukraine, and went on to state that President Zelensky, quote, “loves your ass.” I then heard President Trump ask, “So he’s going to do the investigation?” Ambassador Sondland replied that he is going to do it, adding that President Zelensky will do “anything you ask him to do.”⁷⁰¹

President Trump has denied that he spoke to Ambassador Sondland on July 26 and told reporters, “I know nothing about that.”⁷⁰² But in his public testimony before the Committee, Ambassador Sondland noted that White House call records made available to his legal counsel confirmed that the July 26 call in fact occurred.⁷⁰³ Ambassador Sondland further explained that Mr. Holmes’s testimony—specifically, a “reference to A\$AP Rocky”—refreshed his recollection about the July 26 call, which Ambassador Sondland had not originally disclosed to the Committee.⁷⁰⁴

Although Ambassador Sondland did not believe he mentioned the Bidens by name, he testified that with regard to the substance of his July 26 conversation with President Trump: “I have no reason to doubt that this conversation included the subject of investigations.”⁷⁰⁵ He added that he had “no reason” to doubt Mr. Holmes’ testimony about the contents of the call, and that he would “have been more surprised if President Trump had not mentioned investigations, particularly given what we were hearing from Mr. Giuliani about the President’s concerns.”⁷⁰⁶ Asked about his statement to President Trump that President Zelensky “loves your ass,” Ambassador Sondland replied: “That sounds like something I would say. That’s how President Trump and I communicate, a lot of four-letter words, in this case three letter.”⁷⁰⁷

After the call between Ambassador Sondland and President Trump ended, Ambassador Sondland remarked to Mr. Holmes that “the President was in a bad mood,” as “was often the case early in the morning.”⁷⁰⁸ Mr. Holmes, who had learned about the freeze on U.S. security assistance days earlier, was attempting to clarify the President’s thinking, and said he “took the opportunity to ask Ambassador Sondland for his candid impression of the President’s views on Ukraine”:

In particular, I asked Ambassador Sondland if it was true that the President did not give a shit about Ukraine. Ambassador Sondland agreed that the President did not give a shit about Ukraine. I asked, why not, and Ambassador Sondland stated, the President only cares about, quote, unquote, “big stuff.” I noted there was, quote, unquote, big stuff going on in Ukraine, like a war with Russia. And Ambassador Sondland replied that he meant, quote, unquote, “big stuff” that benefits the President, like the, quote, unquote, “Biden investigation” that Mr. Giuliani was pushing. The conversation then moved on to other topics.⁷⁰⁹

Ambassador Sondland did not dispute the substance of Mr. Holmes’ recollection of this discussion. He stated, “I don’t recall my exact words, but clearly the President, beginning on May 23, when we met with him in the Oval Office, was not a big fan” of Ukraine. Asked whether President Trump “was a big fan of the investigations,” Ambassador Sondland replied: “Apparently so.”⁷¹⁰ Asked to clarify if, during his July 26 conversation with Mr. Holmes, he

recalled “at least referring to an investigation that Rudy Giuliani was pushing,” Ambassador Sondland replied, “I would have, yes.”⁷¹¹

***Mr. Holmes Informed U.S. Embassy Leadership about
President Trump’s Call with Ambassador Sondland***

After the lunch, Mr. Holmes dropped off Ambassador Sondland at his hotel, the Hyatt Regency Kyiv. Mr. Holmes then returned to the U.S. Embassy.⁷¹² Ambassador Taylor, the acting Ambassador in Kyiv, was still visiting the front line. So when he arrived at the Embassy, Mr. Holmes briefed his immediate supervisor, Kristina Kvien, Deputy Chief of Mission at U.S. Embassy Kyiv, about the President’s call with Ambassador Sondland and Ambassador Sondland’s subsequent description of President Trump’s priorities for Ukraine.⁷¹³

After taking a long-planned vacation from July 27 to August 5, Mr. Holmes told Ambassador Taylor about his lunch with Ambassador Sondland on the first day he returned to work, August 6.⁷¹⁴ Mr. Holmes told the Committee that he did not brief the call in detail to Ambassador Taylor because “it was obvious what the President was pressing for”:

Of course that’s what’s going on. Of course the President is pressing for a Biden investigation before he’ll do these things the Ukrainians want. There was nodding agreement. So did I go through every single word in the call? No, because everyone by that point agreed, it was obvious what the President was pressing for.⁷¹⁵

In October 2019, following the public release of testimony by several witnesses pursuant to the Committee’s impeachment inquiry, Mr. Holmes reminded Ambassador Taylor about Ambassador Sondland’s July 26 conversation with President Trump. Ambassador Taylor was preparing to return to Washington and testify publicly before the Committee. Mr. Holmes had been following news coverage of the inquiry and realized he had unique, firsthand evidence that “potentially bore on the question of whether the President did, in fact, have knowledge” of efforts to press the Ukrainian President to publicly announce investigations:

I came to realize that I had firsthand knowledge regarding certain events on July 26 that had not otherwise been reported and that those events potentially bore on the question of whether the President did, in fact, have knowledge that those senior officials were using the levers of diplomatic power to influence the new Ukrainian President to announce the opening of a criminal investigation against President Trump’s political opponent. It is at that point that I made the observation to Ambassador Taylor that the incident I had witnessed on July 26th had acquired greater significance, which is what he reported in his testimony last week and is what led to the subpoena for me to appear here today.⁷¹⁶

Mr. Holmes testified that the July 26 call became “sort of a touchstone piece of information” for diplomats at the U.S. Embassy in Kyiv who “were trying to understand why we weren’t able to get the meeting” between President Trump and President Zelensky and “what was going on with the security hold.”⁷¹⁷ He elaborated:

I would refer back to it repeatedly in our, you know, morning staff meetings. We'd talk about what we're trying to do. We're trying to achieve this, that. Maybe it will convince the President to have the meeting. And I would say, 'Well, as we know, he doesn't really care about Ukraine. He cares about some other things. And we're trying to keep Ukraine out of our politics and so, you know, that's what we're up against.' And I would refer—use that repeatedly as a refrain.⁷¹⁸

6. The President Wanted Ukraine to Announce the Investigations Publicly

In the weeks following the July 25 call, President Trump's hand-picked representatives carried out his wishes to condition a coveted White House meeting for the Ukrainian President on the public announcement of investigations beneficial to President Trump. Top U.S. officials, including the Secretary of State and Secretary of Energy, were "in the loop."

Overview

In the weeks following the July 25 call, during which President Trump had pressed Ukrainian President Volodymyr Zelensky to “do us a favor though,” the President’s representatives worked to secure from the Ukrainian President a public announcement about the requested investigations as a condition for the White House meeting.

That meeting would have conferred vital support on a new president who relied on the United States to help defend his nation militarily, diplomatically, and politically against Russian aggression. U.S. Ambassador to the European Union Gordon Sondland provided testimony and quoted from documents demonstrating that he kept everyone “in the loop” about the plan, including the Secretaries of State and Energy.

Ambassadors Sondland and Volker worked closely with Mr. Giuliani, the President’s personal lawyer, to help draft Ukraine’s public statement. They sought to ensure that President Zelensky explicitly used the words “Burisma”—a reference to allegations about former Vice President Biden and his son—and “2016 elections.”

Ukrainian officials were “very uncomfortable” with the provision of this statement, which they understood to be a requirement and a “deliverable” demanded by President Trump. The Ukrainian President was elected on a platform of rooting out public corruption, and so he resisted issuing the statement. Instead, President Zelensky’s aides asked whether an official request for legal assistance with investigations had been made through appropriate channels at the U.S. Department of Justice. No such formal request was ever made. Consequently, Ukrainian officials made clear to Ambassador Volker that they did not support issuing a public statement because it could “play into” U.S. domestic politics. Nevertheless, U.S. efforts to secure a public statement continued.

Giuliani Met with Ukrainian Presidential Aide Andriy Yermak in Madrid and Discussed a White House Meeting

On July 26, the day after the call between President Trump and President Zelensky, Ambassador Volker wrote to Mr. Giuliani to confirm that he would soon be meeting with Andriy Yermak, a Ukrainian presidential aide, to “help” efforts.⁷¹⁹

Ambassador Volker texted: “Please send dates when you will be in Madrid. I am seeing Yermak tomorrow morning. He will come to you in Madrid. Thanks for your help! Kurt.”⁷²⁰

Mr. Giuliani replied that he would travel to Spain from August 1 to 5, and Ambassador Volker affirmed that he would tell the Ukrainian presidential aide to “visit with you there.”⁷²¹ Ambassador Volker kept himself apprised of plans, texting Mr. Yermak on August 1 to ensure that everything was “on track” for the meeting in Spain’s capital. He also asked whether Mr. Yermak planned to visit Washington.⁷²²

On August 2, Mr. Yermak and Mr. Giuliani met in Madrid.⁷²³ Ambassador Volker received a meeting summary from Mr. Yermak the same day: “My meeting with Mr. Mayor was very good.” Mr. Yermak added: “We asked for White House meeting during week start [sic] 16 Sept. Waiting for confirmation. Maybe you know the date?”⁷²⁴

The Madrid meeting set off a “series of discussions” among Mr. Giuliani, Ambassador Volker, and Ambassador Sondland about the need for President Zelensky to issue a public statement about the investigations into Burisma and the 2016 election conspiracy theory in order to secure a White House meeting with President Trump.⁷²⁵ Ambassador Volker first spoke to Mr. Giuliani, who said that he thought Ukraine “should issue a statement.”⁷²⁶ Ambassador Volker then spoke to Mr. Yermak, who affirmed that the Ukrainian leader was “prepared to make a statement” that “would reference Burisma and 2016 in a wider context of bilateral relations and rooting out corruption anyway.”⁷²⁷

Mr. Giuliani, acting as President Trump’s personal attorney, exerted significant influence in the process. On August 4, Mr. Yermak inquired again about the presidential meeting. Ambassador Volker replied that he would speak with Mr. Giuliani later that day and would call the Ukrainian aide afterward.⁷²⁸ Ambassador Volker texted the former mayor about the Madrid meeting and asked for a phone call. Mr. Giuliani replied: “It was excellent I can call a little later.”⁷²⁹

Phone records obtained by the Committees show a 16 minute call on August 5 between Ambassador Volker and Mr. Giuliani.⁷³⁰ Ambassador Volker texted Mr. Yermak: “Hi Andrey—had a good long talk w Rudy—call anytime—Kurt.”⁷³¹ During the same period, Ambassador Volker informed Ambassador Sondland that “Giuliani was happy with that meeting,” and “it looks like things are turning around.”⁷³²

***“Potus Really Wants the Deliverable” Before Scheduling a
White House Visit for President Zelensky***

Things had not turned around by August 7. Ambassador Volker texted Mr. Giuliani to recommend that he report to “the boss”—President Trump—about his meeting with Mr. Yermak in Madrid. He wrote:

Hi Rudy—hope you made it back safely. Let’s meet if you are coming to DC. And would be good if you could convey results of your meeting in Madrid to the boss so we can get a firm date for a visit.⁷³³

The Committees did not find evidence that Mr. Giuliani responded to Ambassador Volker’s text message.

However, call records show that the next day, on August 8, Mr. Giuliani connected with the White House Situation Room switchboard in the early afternoon, Eastern Time, for 42 seconds, and then again for one minute, 25 seconds.⁷³⁴

The same day, Mr. Giuliani texted several times with a number associated with the White House. The Committees were unable to identify the official associated with the phone number. In the mid-afternoon, someone using a telephone number associated with the Office of Management and Budget (OMB) called Mr. Giuliani, and the call lasted for nearly 13 minutes. Mr. Giuliani called the OMB number and the White House Situation Room several more times that evening, but each time connected for only a few seconds or not at all.

Rudy Giuliani Call History, August 8

Date	Connecting Time (EDT)	Duration of Call	Caller	Recipient
08/08/19	12:44:56	0:42	Giuliani, Rudy	White House Switchboard (Situation Room) ⁷³⁵
08/08/19	12:45:38	1:25	Giuliani, Rudy	White House Switchboard (Situation Room) ⁷³⁶
08/08/19	13:02:37	TEXT	Giuliani, Rudy	White House Number ⁷³⁷
08/08/19	13:02:37	TEXT	Giuliani, Rudy	White House Number ⁷³⁸
08/08/19	13:02:57	TEXT	Giuliani, Rudy	White House Number ⁷³⁹
08/08/19	14:14:53	TEXT	White House Number	Giuliani, Rudy ⁷⁴⁰
08/08/19	14:15:17	TEXT	Giuliani, Rudy	White House Number ⁷⁴¹
08/08/19	14:21:13	TEXT	Giuliani, Rudy	White House Number ⁷⁴²
08/08/19	15:13:05	12:56	OMB Number	Giuliani, Rudy ⁷⁴³
08/08/19	15:56:44	0:00	Giuliani, Rudy	OMB-Associated Number ⁷⁴⁴
08/08/19	15:56:51	0:00	Giuliani, Rudy	OMB-Associated Number ⁷⁴⁵
08/08/19	15:57:05	0:00	Giuliani, Rudy	OMB-Associated Number ⁷⁴⁶
08/08/19	15:57:21	0:22	Giuliani, Rudy	White House Switchboard (Situation Room) ⁷⁴⁷
08/08/19	17:20:33	0:17	Giuliani, Rudy	White House Switchboard (Situation Room) ⁷⁴⁸
08/08/19	19:14:48	0:00	Giuliani, Rudy	White House Switchboard (Situation Room) ⁷⁴⁹

Approximately 30 minutes after his text to Mr. Giuliani on August 7, Ambassador Volker received a text message from Mr. Yermak: “Do you have some news about White House meeting date?”⁷⁵⁰ Ambassador Volker responded that he had asked Mr. Giuliani to “weigh in,” presumably with the President, “following your meeting,” and that Ambassador Sondland would be speaking with President Trump on Friday, August 9. Ambassador Volker added: “We are pressing this.”⁷⁵¹ The next day, on August 8, Mr. Yermak texted Ambassador Volker to report that he had “some news.”⁷⁵² Ambassador Volker replied that he was available to speak at that time.⁷⁵³

Later on the evening of August 8, Eastern Time, Mr. Giuliani sent a text message to a phone number associated with the White House. Approximately one hour 15 minutes later, someone using an unidentified number (“-1”) dialed Mr. Giuliani three times in rapid succession. Less than three minutes later, Mr. Giuliani dialed the White House switchboard for the White House Situation Room. When the call did not connect, Mr. Giuliani immediately dialed another general number for the White House switchboard and connected for 47 seconds. Approximately 16 minutes later, someone using the “-1” number called Mr. Giuliani and connected for just over four minutes.⁷⁵⁴

Rudy Giuliani Call History, August 8, cont.

Date	Connecting Time (EDT)	Duration of Call	Caller	Recipient
08/08/19	20:53:13	TEXT	Giuliani, Rudy	White House Number ⁷⁵⁵
08/08/19	22:09:31	0:00	“-1”	Giuliani, Rudy ⁷⁵⁶
08/08/19	22:09:32	0:05	“-1”	Giuliani, Rudy ⁷⁵⁷
08/08/19	22:09:46	0:00	“-1”	Giuliani, Rudy (Cell 2) ⁷⁵⁸
08/08/19	22:09:47	0:02	“-1”	Giuliani, Rudy (Cell 2) ⁷⁵⁹
08/08/19	22:10:08	0:05	“-1”	Giuliani, Rudy ⁷⁶⁰
08/08/19	22:11:52	0:00	Giuliani, Rudy	OMB-Associated Number ⁷⁶¹
08/08/19	22:12:16	0:00	Giuliani, Rudy	White House Switchboard (Situation Room) ⁷⁶²
08/08/19	22:12:25	0:47	Giuliani, Rudy	White House Switchboard ⁷⁶³
08/08/19	22:28:51	4:06	“-1”	Giuliani, Rudy ⁷⁶⁴

Late the next morning Washington time, on August 9, Ambassador Volker texted Mr. Giuliani and Ambassador Sondland:

Hi Mr. Mayor! Had a good chat with Yermak last night. He was pleased with your phone call. Mentioned Z [President Zelensky] making a statement. Can we all get on the phone to make sure I advise Z [President Zelensky] correctly as to what he should be saying? Want to make sure we get this done right. Thanks!⁷⁶⁵

It is unclear which “phone call” Ambassador Volker was referencing.

Text messages and call records obtained by the Committees show that Ambassador Volker and Mr. Giuliani connected by phone twice around noon Eastern Time on August 9 for several minutes each.⁷⁶⁶ Following the calls with Mr. Giuliani, Ambassador Volker created a three-way group chat using WhatsApp that included Ambassador Volker, Ambassador Sondland, and Mr. Yermak.⁷⁶⁷

At 2:24 p.m. Eastern Time on August 9, Ambassador Volker texted the group: “Hi Andrey—we have all consulted here, including with Rudy. Can you do a call later today or tomorrow your afternoon time?”⁷⁶⁸ Ambassador Sondland texted that he had a call scheduled for 3 p.m. Eastern Time “for the three of us. [State Department] Ops will call.”⁷⁶⁹

Call records obtained by the Committees show that on August 9, Ambassador Sondland twice called numbers associated with the White House, once in early afternoon for approximately 18 minutes, and once in late afternoon for two minutes, 25 seconds with a number associated with OMB.⁷⁷⁰

By early evening, minutes after his second call with the OMB-associated number, Ambassador Volker and Ambassador Sondland discussed a breakthrough they had reached in obtaining a date for a White House visit, noting that President Trump really wanted “the deliverable”:

Sondland: [Tim] Morrison ready to get dates as soon as Yermak confirms.
 Volker: Excellent!! How did you sway him? :)
 Sondland: Not sure i did. I think potus really wants the deliverable
 Volker: But does he know that?
 Sondland: Yep
 Sondland: Clearly lots of convos going on
 Volker: Ok—then that’s good it’s coming from two separate sources⁷⁷¹

Ambassador Sondland told the Committees that the “deliverable” required by President Trump was a press statement from President Zelensky committing to “do the investigations” pushed by President Trump and Mr. Giuliani.⁷⁷²

To ensure progress, immediately after their text exchange, Ambassador Sondland recommended to Ambassador Volker that Mr. Yermak share a draft of the press statement to

“avoid misunderstandings” and so they would know “exactly what they propose to cover.” Ambassador Sondland explained: “Even though Ze [President Zelensky] does a live presser [press event] they can still summarize in a brief statement.” Ambassador Volker agreed.⁷⁷³

As they were negotiating the language that would appear in a press statement, “there was talk about having a live interview or a live broadcast” during which President Zelensky would make the agreed-upon statement.⁷⁷⁴ Ambassador Sondland suggested reviewing a written summary of the statement because he was “concerned” that President Zelensky would “say whatever he would say on live television and it still wouldn’t be good enough for Rudy, slash, the President [Trump].”⁷⁷⁵

“Everyone Was in the Loop” About Plan for Ukrainians to Deliver a Public Statement about Investigations in Exchange for a White House Visit

As negotiations continued, on August 10, Mr. Yermak texted Ambassador Volker in an attempt to schedule a White House meeting *before* the Ukrainian president made a public statement in support of investigations into Burisma and the 2016 election. He wrote:

I think it’s possible to make this declaration and mention all these things. Which we discussed yesterday. But it will be logic [sic] to do after we receive a confirmation of date. We inform about date of visit about our expectations and our guarantees for future visit. Let [sic] discuss it.⁷⁷⁶

Ambassador Volker responded that he agreed, but that first they would have to “iron out [a] statement and use that to get [a] date,” after which point President Zelensky would go forward with making the statement.⁷⁷⁷ They agreed to have a call the next day, and to include Ambassador Sondland. Mr. Yermak texted:

Excellent. Once we have a date, will call for a press briefing, announcing upcoming visit and outlining vision for the reboot of the US-UKRAINE relationship, including, among other things, Burisma and election meddling in investigations.⁷⁷⁸

Ambassador Volker forwarded the message to Ambassador Sondland, and they agreed to speak with Mr. Yermak the next day.⁷⁷⁹

Ambassador Sondland testified that “everyone was in the loop” regarding this plan.⁷⁸⁰ Also on August 10, Ambassador Sondland informed Ambassador Volker that he briefed T. Ulrich Brechbuhl, Counselor of the Department of State, noting: “I briefed Ulrich. All good.”⁷⁸¹ Ambassador Sondland testified that he “may have walked [Mr. Brechbuhl] through where we were.”⁷⁸² When asked if Mr. Brechbuhl briefed Secretary Pompeo, Ambassador Sondland noted that it was Mr. Brechbuhl’s “habit” to “consult with Secretary Pompeo frequently.”⁷⁸³

Secretary of Energy Rick Perry was also made aware of efforts to pressure Ukraine to issue a public statement about political investigations in exchange for a White House meeting. Ambassador Sondland testified:

Mr. Giuliani conveyed to Secretary Perry, Ambassador Volker, and others that President Trump wanted a public statement from President Zelensky committing to investigations of Burisma and the 2016 election. Mr. Giuliani expressed those requests directly to the Ukrainians. Mr. Giuliani also expressed those requests directly to us. We all understood that these prerequisites for the White House call and the White House meeting reflected President Trump's desires and requirements.⁷⁸⁴

On August 11, Ambassador Volker requested a phone call with Ambassador Sondland and Mr. Giuliani, noting that he had heard from Mr. Yermak that the Ukrainians were "writing the statement now and will send to us."⁷⁸⁵ According to call records obtained by the Committees, Ambassador Volker and Mr. Giuliani connected for 34 seconds.⁷⁸⁶

The same day, Ambassador Sondland updated Mr. Brechbuhl and Lisa Kenna, Executive Secretary of the State Department, about efforts to secure a public statement and a "big presser" from President Zelensky, which he hoped might "make the boss happy enough to authorize an invitation." He addressed the email to Secretary Pompeo:

Mike,

Kurt [Volker] and I negotiated a statement from Zelensky to be delivered for our review in a day or two. The contents will hopefully make the boss happy enough to authorize an invitation. Zelensky plans to have a big presser on the openness subject (including specifics) next week.⁷⁸⁷

Ambassador Sondland made clear in his hearing testimony that by "specifics," he meant the "2016 and the Burisma" investigations; "the boss" referred to "President Trump;" and "the invitation" referred to "the White House meeting."⁷⁸⁸ Ms. Kenna replied to Ambassador Sondland that she would "pass to S [Secretary Pompeo]. Thank you."⁷⁸⁹ Ambassador Sondland cited the email as evidence that "everyone was in the loop" on plans to condition a White House meeting on a public statement about political investigations.⁷⁹⁰

President Trump's Agents Negotiated a Draft Statement about the Investigations

In the evening of the next day, August 12, Mr. Yermak texted Ambassador Volker an initial version of the draft statement, which read:

Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, which in turn will prevent the recurrence of this problem in the future.⁷⁹¹

The draft statement did not explicitly mention Burisma or 2016 election interference, as expected.

On August 13, around 10 a.m. Eastern Time, Ambassador Volker texted Mr. Giuliani: "Mr mayor—trying to set up call in 5 min via state Dept. If now is not convenient, is there a time later today?"⁷⁹² Phone records show that, shortly thereafter, someone using a State

Department number called Mr. Giuliani and connected for more than nine minutes.⁷⁹³ Ambassador Volker told the Committees that, during the call, Mr. Giuliani stated: “If [the statement] doesn’t say Burisma and 2016, it’s not credible, because what are they hiding?”⁷⁹⁴ Ambassador Volker asked whether inserting references to “Burisma and 2016” at the end of the statement would make it “more credible.” Mr. Giuliani confirmed that it would.⁷⁹⁵

Two minutes after the call ended, Ambassador Volker sent a WhatsApp message to Ambassador Sondland and Mr. Yermak: “Hi Andrey—we spoke with Rudy. When is good to call you?”⁷⁹⁶ Ambassador Sondland replied that it was, “Important. Do you have 5 mins.”⁷⁹⁷ They agreed to a call approximately 10 minutes later.⁷⁹⁸ When Ambassador Sondland suggested having his “operator” in Brussels dial in the group, Ambassador Volker asked if they could “do this one on what’s App?”⁷⁹⁹ Text messages and calls in the WhatsApp cell phone application are encrypted from end-to-end, ensuring that WhatsApp employees and third parties cannot listen in or retrieve deleted communications.⁸⁰⁰

Shortly before the call, Ambassador Volker sent a revised draft of the proposed statement to Ambassador Sondland. It had been edited to include reference to Burisma and the 2016 elections:

Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes **including those involving Burisma and the 2016 US elections**, which in turn will prevent the recurrence of this problem in the future.⁸⁰¹

Ambassador Sondland replied: “Perfect. Lets send to Andrey after our call.”⁸⁰²

Following the call, Ambassador Volker texted Ambassador Sondland and Mr. Yermak: “Andrey—good talking—following is text with insert at the end for the 2 key items.”⁸⁰³ Ambassador Volker then sent to them the revised statement that included the explicit references to “Burisma and 2016 elections.”⁸⁰⁴

Comparison of Draft Statements

Yermak Draft August 12	Giuliani-Volker-Sondland Draft August 13
Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, which in turn will prevent the recurrence of this problem in the future.	Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, <u>including those involving Burisma and the 2016 US elections</u> , which in turn will prevent the recurrence of this problem in the future.

A “Quid Pro Quo” from “the President of the United States”

Ambassador Volker testified that the language reflected what Mr. Giuliani deemed necessary for the statement to be “credible.”⁸⁰⁵ Ambassador Sondland noted the language was “proposed by Giuliani.”⁸⁰⁶ Ambassador Sondland explained that the language was a clear quid pro quo that expressed “the desire of the President of the United States”:

Mr. Giuliani’s requests were a quid pro quo for arranging a White House visit for President Zelensky. Mr. Giuliani demanded that Ukraine make a public statement announcing investigations of the 2016 election/DNC server and Burisma. Mr. Giuliani was expressing the desires of the President of the United States, and we knew that these investigations were important to the President.⁸⁰⁷

Shortly after Ambassador Volker sent the revised statement to Mr. Yermak on August 13, Ambassador Sondland called Mr. Giuliani and connected for nearly four minutes.

Ukrainian Officials and Career State Department Became Increasingly Concerned

On August 13—while Ambassador Volker, Ambassador Sondland, and Mr. Yermak were negotiating the draft statement about investigations—Mr. Yermak asked Ambassador Volker “whether any request had ever been made by the U.S. to investigate election interference in 2016.” He appeared interested in knowing whether the U.S. Department of Justice had made an official request to Ukraine’s law enforcement agency for legal assistance in such a matter.⁸⁰⁸ When Ambassador Volker sent Mr. Giuliani’s approved draft statement to Mr. Yermak, he stated that he would “work on official request.”⁸⁰⁹

Ambassador Volker testified: “When I say official request, I mean law enforcement channels, Department of Justice to law enforcement in Ukraine, please investigate was there any effort to interfere in the U.S. elections.”⁸¹⁰ Ambassador Volker explained:

He [Yermak] said, and I think quite appropriately, that if they [Ukraine] are responding to an official request, that’s one thing. If there’s no official request, that’s different. And I agree with that.⁸¹¹

According to Ambassador Volker, he was merely trying to “find out” if there was ever an official request made by the Department of Justice: “As I found out the answer that we had not, I said, well, let’s just not go there.”⁸¹²

On September 25, within hours of the White House’s public release of the record of the July 25 call between President Trump and President Zelensky, a Justice Department spokesperson issued a statement, apparently confirming that no such formal request had been made:

The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine—on this or any other matter. The Attorney General has not communicated with Ukraine—on this or any other subject.⁸¹³

Ukraine’s current Prosecutor General Ruslan Ryaboshapka, who assumed his new position in late August 2019, confirmed the Justice Department’s account. He told the *Financial Times* in late November 2019 that Attorney General Barr had made no formal request regarding a potential investigation into allegations of wrongdoing by former Vice President Biden.⁸¹⁴ In an apparent reference to President Trump’s demand that Ukraine interfere in U.S. elections, Mr. Ryaboshapka added: “It’s critically important for the west not to pull us into some conflicts between their ruling elites, but to continue to support so that we can cross the point of no return.”⁸¹⁵

Neither Ambassador Taylor in Ukraine nor Deputy Assistant Secretary George Kent in Washington were aware of the efforts by Ambassadors Sondland and Volker, in coordination with Mr. Giuliani, to convince Ukrainian officials to issue a statement in real time. Ambassador Taylor told the Committees that, on August 16, in a text message exchange with Ambassador Volker, he “learned that Mr. Yermak had asked that the United States submit an official request for an investigation into Burisma’s alleged violations of Ukrainian law, if that is what the United States desired.”⁸¹⁶ Ambassador Taylor noted that “a formal U.S. request to the Ukrainians to conduct an investigation based on violations of their own law” was “improper” and advised Ambassador Volker to “stay clear.”⁸¹⁷

Nevertheless, Ambassador Volker requested Ambassador Taylor’s help with the matter.⁸¹⁸ “To find out the legal aspects of the question,” Ambassador Taylor gave Ambassador Volker the name of an official at the Department of Justice “whom I thought would be the proper point of contact for seeking a U.S. referral for a foreign investigation.”⁸¹⁹

On August 15, Ambassador Volker texted Ambassador Sondland that Mr. Yermak wanted to “know our status on asking them to investigate.”⁸²⁰ Two days later, Ambassador Volker wrote: “Bill [Taylor] had no info on requesting an investigation—calling a friend at DOJ.” Ambassador Volker testified that he was not able to connect with his contact at the Department of Justice.⁸²¹

Mr. Kent testified that on August 15, Catherine Croft, Ambassador Volker’s special assistant, approached him to ask whether there was any precedent for the United States asking Ukraine to conduct investigations on its behalf. Mr. Kent advised Ms. Croft:

[I]f you’re asking me have we ever gone to the Ukrainians and asked them to investigate or prosecute individuals for political reasons, the answer is, I hope we haven’t, and we shouldn’t because that goes against everything that we are trying to promote in post-Soviet states for the last 28 years, which is the promotion of the rule of law.⁸²²

Mr. Kent testified that the day after his conversation with Ms. Croft, he spoke with Ambassador Taylor, who “amplified the same theme” and told Mr. Kent that “Yermak was very uncomfortable” with the idea of investigations and suggested that “it should be done officially and put in writing.” As a result, it became clear to Mr. Kent in mid-August that Ukraine was being pressured to conduct politically-motivated investigations. Mr. Kent told Ambassador Taylor “that’s wrong, and we shouldn’t be doing that as a matter of U.S. policy.”⁸²³

After speaking to Ms. Croft and Ambassador Taylor, Mr. Kent wrote a memo to file on August 16 documenting his “concerns that there was an effort to initiate politically motivated prosecutions that were injurious to the rule of law, both in Ukraine and U.S.”⁸²⁴ Mr. Kent testified:

At the time, I had no knowledge of the specifics of the [July 25] call record, but based on Bill Taylor’s account of the engagements with Andriy Yermak that were engagements of Yermak with Kurt Volker, at that point it was clear that the investigations that were being suggested were the ones that Rudy Giuliani had been tweeting about, meaning Biden, Burisma, and 2016.⁸²⁵

On August 17, Mr. Yermak reached out to both Ambassador Sondland and Ambassador Volker.⁸²⁶ Ambassador Sondland texted Ambassador Volker that “Yermak just tapped on me about dates. Havent responded. Any updates?”⁸²⁷ Ambassador Volker responded that “I’ve got nothing” and stated that he was contacting the Department of Justice to find out about requesting an investigation.⁸²⁸

Ambassador Sondland then asked: “Do we still want Ze [Zelensky] to give us an unequivocal draft with 2016 and Boesma [sic]?” Ambassador Volker replied: “That’s the clear message so far” Ambassador Sondland said that he would ask that Mr. Yermak “send us a clean draft,” to which Ambassador Volker replied that he had spoken to Mr. Yermak and suggested that he and Ambassador Sondland speak the following day, August 18, to discuss “all the latest.”⁸²⁹

Ambassador Volker claimed that he “stopped pursuing” the statement from the Ukrainians around this time because of concerns raised by Mr. Yermak that Yuriy Lutsenko was still the Prosecutor General. Mr. Lutsenko was likely to be replaced by President Zelensky, and because Mr. Lutsenko was alleging the same false claims that President Trump and Mr. Giuliani were demanding of President Zelensky, Ukrainian officials “did not want to mention Burisma or 2016.”⁸³⁰ Ambassador Volker testified that he “agreed” and advised Mr. Yermak that “making those specific references was not a good idea” because making those statements might “look like it would play into our domestic politics.”⁸³¹

Mr. Yermak agreed and, according to Ambassador Volker, plans to put out a statement were “shelved.”⁸³² Ambassador Volker reasoned that the plan for a public statement did not materialize partly because of “the sense that Rudy was not going to be convinced that it meant anything, and, therefore, convey a positive message to the President if it didn’t say Burisma and 2016.”⁸³³ He added:

I agreed with the Ukrainians they shouldn’t do it, and in fact told them just drop it, wait till you have your own prosecutor general in place. Let’s work on substantive issues like this, security assistance and all. Let’s just do that. So we dropped it.⁸³⁴

Ambassador Volker testified that, “From that point on, I didn’t have any further conversations about this statement.”⁸³⁵ Nevertheless, efforts to secure a presidential statement announcing the two investigations into the Bidens and the 2016 U.S. election interference continued well into September.

On August 19, Ambassador Sondland told Ambassador Volker that he “drove the ‘larger issue’ home” with Mr. Yermak: that this was bigger than just a White House meeting and was about “the relationship per se.”⁸³⁶ Ambassador Volker told the Committees that he understood this referred to “the level of trust that the President has with President Zelensky. He has this general negative assumption about everything Ukraine, and that’s the larger issue.”⁸³⁷ That negative assumption would prove difficult to overcome as Ukrainian and U.S. officials sought to finally obtain a White House meeting and shake free from the White House hundreds of millions of dollars in Congressionally-approved security assistance for Ukraine.

7. The President's Conditioning of Military Assistance and a White House Meeting on Announcement of Investigations Raised Alarm

Following the public disclosure in late August 2019 of a hold on U.S. security assistance to Ukraine, President Trump made clear that “everything”—an Oval Office meeting and the release of taxpayer-funded U.S. security assistance—was contingent on the Ukrainian president announcing investigations into former Vice President Joe Biden and a debunked conspiracy theory about Ukrainian interference in the 2016 U.S. election. President Trump wanted the Ukrainian leader “in a public box,” even as Ambassador Bill Taylor warned that it was “crazy to withhold security assistance for help with a political campaign.”

Overview

On August 28, 2019, *Politico* first reported that President Trump was withholding hundreds of millions of dollars of Congressionally-appropriated U.S. security assistance from Ukraine, a fact that had been previously suspected by Ukrainian officials in July. Public revelations about the freeze raised questions about the U.S. commitment to Ukraine and harming efforts to deter Russian influence and aggression in Europe.

Around this time, American officials made clear to Ukrainians that a public announcement about investigations into Ukrainian interference in the 2016 election and former Vice President Joe Biden was a pre-condition—not only to obtain a White House meeting for President Zelensky, but also to end the freeze on military and other security assistance for Ukraine.

In early September, Ambassador Gordon Sondland conveyed President Trump's demands to both U.S. and Ukrainian officials. On September 1, he informed a senior Ukrainian official that the military aid would be released if the “prosecutor general would to go the mike [sic]” and announce the investigations. Later, on September 7, President Trump informed Ambassador Sondland that he wanted President Zelensky—not the Prosecutor General—in a “public box” and demanded that the Ukrainian president personally announce the investigations to “clear things up.” Only then would Ukraine end the “stalemate” with the White House related to security assistance. President Zelensky proceeded to schedule an interview on CNN in order to announce the investigations and satisfy President Trump.

The President's efforts to withhold vital military and security assistance in exchange for political investigations troubled U.S. officials. NSC Senior Director for Europe and Russia Timothy Morrison twice reported what he understood to be the President's requirement of a quid pro quo to National Security Advisor John Bolton, who advised him to “make sure the lawyers are tracking.” Ambassador Bill Taylor expressed his concerns to Ambassador Sondland, stating plainly that it was “crazy to withhold security assistance for help with a political campaign.”

Secretary Pompeo and Ambassador Sondland Worked to “Break the Logjam”

President Trump’s hold on security assistance persisted throughout August, without explanation to U.S. officials and contrary to the consensus recommendation of the President’s national security team. At the same time, President Trump refused to schedule a coveted White House visit for President Zelensky until he announced two investigations that could benefit President Trump’s reelection prospects. The confluence of those two circumstances led some American officials, including Ambassador Sondland and David Holmes, Counselor for Political Affairs at the U.S. Embassy in Kyiv, to conclude that the military assistance was conditioned on Ukraine’s public announcement of the investigations.⁸³⁸

On August 20, Ambassador Kurt Volker met with Deputy Assistant Secretary of Defense Laura Cooper. Ms. Cooper and Ambassador Volker agreed that if the hold on security assistance was not lifted, “it would be very damaging to the relationship” between the U.S. and Ukraine.⁸³⁹ During this meeting, Ambassador Volker mentioned that he was talking to an advisor to President Zelensky about making a statement “that would somehow disavow any interference in U.S. elections and would commit to the prosecution of any individuals involved in election interference.”⁸⁴⁰ Ambassador Volker indicated that if his efforts to get a statement were successful, the hold on security assistance might be lifted.⁸⁴¹

Although he did not mention that conversation during his deposition, Ambassador Volker had a similar recollection, during his public testimony, of the meeting with Ms. Cooper. Ambassador Volker recalled discussing with Ms. Cooper the draft statement that had been coordinated with Ukrainian presidential aide Andriy Yermak—which included reference to the two investigations that President Trump demanded in the July 25 call—and that such a statement “could be helpful in getting a reset of the thinking of the President, the negative view of Ukraine that he had” which might, in turn, “unblock[] whatever hold there was on security assistance.”⁸⁴²

Around this time, Ambassador Sondland sought to “break the logjam” on the security assistance and the White House meeting by coordinating a meeting between the two Presidents through Secretary of State Mike Pompeo. On August 22, Ambassador Sondland emailed Secretary Pompeo, copying the State Department’s Executive Secretary, Lisa Kenna:

Should we block time in Warsaw for a short pull-aside for POTUS to meet Zelensky? I would ask Zelensky to look him in the eye and tell him that once Ukraine’s new justice folks are in place (mid-Sept) Ze should be able to move forward publicly and with confidence on those issues of importance to Potus and to the US. Hopefully, that will break the logjam.⁸⁴³

Secretary Pompeo replied, “Yes.”⁸⁴⁴

Ambassador Sondland testified that when he referenced “issues of importance to Potus,” he meant the investigation into the false allegations about Ukrainian interference in the 2016 election and the investigation into the Bidens.⁸⁴⁵ He told the Committee that his goal was to “do what was necessary to get the aid released, to break the logjam.”⁸⁴⁶ Ambassador Sondland

believed that President Trump would not release the aid until Ukraine announced the two investigations the President wanted.⁸⁴⁷

Ambassador Sondland testified: “Secretary Pompeo essentially gave me the green light to brief President Zelensky about making those announcements.”⁸⁴⁸ He explained:

This was a proposed briefing that I was going to give President Zelensky, and I was going to call President Zelensky and ask him to say what is in this email. And I was asking essentially ... [Secretary] Pompeo’s permission to do that, which he said yes.⁸⁴⁹

He then forwarded the email to Ms. Kenna, seeking confirmation of “10-15 min on the Warsaw sched[ule]” for the pull-aside meeting. The Ambassador stated that he was seeking confirmation in order to brief President Zelensky. Ms. Kenna replied, “I will try for sure.”⁸⁵⁰

On August 24, Ukraine celebrated its Independence Day. According to Mr. Holmes, Ukrainian Independence Day presented “another good opportunity to show support for Ukraine.”⁸⁵¹ However, nobody senior to Ambassador Volker attended the festivities, even though Secretary of Defense James Mattis attended in 2017 and Ambassador Bolton attended in 2018.⁸⁵²

Two days later, on August 26, Ambassador Bolton’s office requested Mr. Giuliani’s contact information from Ambassador Sondland. Ambassador Sondland sent Ambassador Bolton the information directly.⁸⁵³ Ambassador Sondland testified that he had “no idea” why Ambassador Bolton requested the contact information.⁸⁵⁴

Ambassador Bolton Visited Kyiv

On August 27, Ambassador Bolton arrived in Kyiv for an official visit. Ambassador Bolton emphasized to Andriy Bohdan, President Zelensky’s chief of staff, that an upcoming meeting between Presidents Trump and Zelensky, scheduled for September 1 in Warsaw, Poland, would be “crucial to cementing their relationship.”⁸⁵⁵ Mr. Holmes, who accompanied Ambassador Bolton in Kyiv, testified that he also heard “Ambassador Bolton express to Ambassador Taylor and Mr. Morrison his frustration about Mr. Giuliani’s influence with the President, making clear there was nothing he could do about it.”⁸⁵⁶

Prior to Ambassador Bolton’s departure from Kyiv, Ambassador Taylor asked to meet with him privately. Ambassador Taylor expressed his “serious concern about the withholding of military assistance to Ukraine while the Ukrainians were defending their country from Russian aggression.”⁸⁵⁷ During the conversation, Ambassador Bolton “indicated that he was very sympathetic” to Ambassador’s Taylor’s concerns.⁸⁵⁸ He advised that Ambassador Taylor “send a first-person cable to Secretary Pompeo directly relaying my concerns” about the withholding of military assistance.⁸⁵⁹

Mr. Holmes testified that Ambassador Bolton advised during his trip that “the hold on security assistance would not be lifted prior to the upcoming meeting between President Trump and President Zelensky in Warsaw, where it would hang on whether Zelensky was able to

favorably impress President Trump.”⁸⁶⁰

Ukrainian Concern Over Military Aid Intensified After First Public Report of Hold

On August 28, 2019, *Politico* first reported that President Trump had implemented a hold on nearly \$400 million of U.S. military assistance to Ukraine that had been appropriated by Congress.

Almost immediately after the news became public, Ukrainian officials expressed alarm to their American counterparts. Mr. Yermak sent Ambassador Volker a link to the *Politico* story and then texted: “Need to talk with you.”⁸⁶¹ Other Ukrainian officials also expressed concerns to Ambassador Volker that the Ukrainian government was being “singled out and penalized for some reason.”⁸⁶²

On August 29, Mr. Yermak also contacted Ambassador Taylor to express that he was “very concerned” about the hold on military assistance.⁸⁶³ Mr. Yermak and other Ukrainian officials told Ambassador Taylor that they were “just desperate” and would be willing to travel to Washington to raise with U.S. officials the importance of the assistance. Ambassador Taylor described confusion among Ukrainian officials over the hold on military aid:

I mean, the obvious question was, “Why?” So Mr. Yermak and others were trying to figure out why this was ... They thought that there must be some rational reason for this being held up, and they just didn’t—and maybe in Washington they didn’t understand how important this assistance was to their fight and to their armed forces. And so maybe they could figure—so they were just desperate.⁸⁶⁴

Without any official explanation for the hold, American officials could provide little reassurance to their Ukrainian counterparts. Ambassador Taylor continued, “And I couldn’t tell them. I didn’t know and I didn’t tell them, because we hadn’t—we hadn’t—there’d been no guidance that I could give them.”⁸⁶⁵

Ambassador Taylor’s First-Person Cable Described the “Folly” in Withholding Military Aid

The same day that Ambassador Taylor heard from Mr. Yermak about his concerns about the hold on military aid, Ambassador Taylor transmitted his classified, first-person cable to Washington. It was the first and only time in Ambassador Taylor’s career that he sent such a cable to the Secretary of State.⁸⁶⁶ The cable described “the folly I saw in withholding military aid to Ukraine at a time when hostilities were still active in the east and when Russia was watching closely to gauge the level of American support for the Ukrainian Government.”⁸⁶⁷

Ambassador Taylor worried about the public message that such a hold on vital military assistance would send in the midst of Ukraine’s hot war with Russia: “The Russians, as I said at my deposition, would love to see the humiliation of President Zelensky at the hands of the Americans. I told the Secretary that I could not and would not defend such a policy.”⁸⁶⁸

The cable also sought to explain clearly “the importance of Ukraine and the security assistance to U.S. national security,” according to Mr. Holmes.⁸⁶⁹ However, Mr. Holmes worried that the national security argument might not achieve its purpose given the reasons he suspected for the hold on military aid. His “clear impression” at the time was that “the security assistance hold was likely intended by the President either as an expression of dissatisfaction with the Ukrainians, who had not yet agreed to the Burisma/Biden investigation, or as an effort to increase the pressure on them to do so.”⁸⁷⁰ Mr. Holmes viewed this as “the only logical conclusion.”⁸⁷¹ He had “no other explanation for why there was disinterest in this [White House] meeting that the President had already offered” and there was a “hold of the security assistance with no explanation whatsoever.”⁸⁷²

Ambassador Taylor never received a response to his cable, but was told that Secretary Pompeo carried it with him to a White House meeting about security assistance to Ukraine.⁸⁷³

***Ambassador Sondland Told Senator Johnson
That Ukraine Aid Was Conditioned on Investigations***

The next day, on August 30, Republican Senator Ron Johnson spoke with Ambassador Sondland to express his concern about President Trump’s decision to withhold military assistance to Ukraine. According to Senator Johnson, Ambassador Sondland told him that if Ukraine would commit to “get to the bottom of what happened in 2016—if President Trump has that confidence, then he’ll release the military spending.”⁸⁷⁴

On August 31, Senator Johnson spoke by phone with President Trump regarding the decision to withhold aid to Ukraine.⁸⁷⁵ President Trump denied the quid pro quo that Senator Johnson had learned of from Ambassador Sondland.⁸⁷⁶ At the same time, however, President Trump refused to authorize Senator Johnson to tell Ukrainian officials that the aid would be forthcoming.⁸⁷⁷

The message that Ambassador Sondland communicated to Senator Johnson mirrored that used by President Trump during his July 25 call with President Zelensky, in which President Trump twice asked that the Ukrainian leader “get to the bottom of it,” including in connection to an investigation into the debunked conspiracy theory that Ukraine interfered in the 2016 election to help Hillary Clinton.⁸⁷⁸ To the contrary, the U.S. Intelligence Community unanimously assessed that Russia interfered in the 2016 election to help Donald Trump, as did Special Counsel Robert Mueller.⁸⁷⁹

In a November 18 letter to House Republicans, Senator Johnson confirmed the accuracy of the *Wall Street Journal’s* account of his August 30 call with Ambassador Sondland.⁸⁸⁰

Ambassador Sondland testified that he had “no reason to dispute” Senator Johnson’s recollection of the August 30 call and testified that by late August 2019, he had concluded that “if Ukraine did something to demonstrate a serious intention to fight corruption, and specifically addressing Burisma and the 2016, then the hold on military aid would be lifted.”⁸⁸¹

Ambassador Sondland Raised the Link Between Investigations and Security Assistance to Vice President Pence Before Meeting with President Zelensky

On September 1, President Trump was scheduled to meet President Zelensky in Warsaw, Poland during an event commemorating World War II. Citing the approach of Hurricane Dorian towards American soil, the President canceled his trip just days beforehand. Vice President Mike Pence traveled to Warsaw instead.⁸⁸²

Jennifer Williams, Special Advisor to the Vice President for Europe and Russia, learned of the change in the President's travel plans on August 29 and "relied heavily on the NSC briefing papers" originally prepared for President Trump. Ms. Williams recalled that "prior to leaving, [National Security Advisor to the Vice President] General Kellogg had asked, at the request of the Vice President, for an update on the status of the security assistance that was at that time still on hold." Given the public reporting about the hold on August 29, White House officials expected that President Zelensky would seek further information on the status of the funds.⁸⁸³

The delegation arrived in Warsaw and gathered in a hotel room to brief the Vice President shortly before his engagement with President Zelensky. Ambassador Bolton, who had just arrived from Kyiv, led the Ukraine briefing. He updated Vice President Pence on President Zelensky's efforts to combat corruption and explained "what the security assistance was for." Advisors in the room "agreed on the need to get a final decision on that security assistance as soon as possible so that it could be implemented before the end of the fiscal year."⁸⁸⁴

Before the bilateral meeting between Vice President Pence and President Zelensky, Ambassador Sondland attended a "general briefing" for the Vice President.⁸⁸⁵ Ambassador Sondland testified that he raised concerns that the delay in security assistance had "become tied to the issue of investigations."⁸⁸⁶ The Vice President "nodded like, you know, he heard what I said."⁸⁸⁷

During Ambassador Sondland's public testimony, Vice President Pence's office issued a carefully worded statement claiming that the Vice President "never had a conversation with Gordon Sondland about investigating the Bidens, Burisma, or the conditional release of financial aid to Ukraine based upon potential investigations," and that "Ambassador Gordon Sondland was never alone with the Vice President on the September 1 trip to Poland."⁸⁸⁸ Ambassador Sondland did not testify that he specifically mentioned the Bidens, Burisma, or the conditional release of financial aid to Ukraine during his discussion with Vice President Pence, nor did he testify that he was alone with the Vice President.

Before Vice President Pence's meeting with President Zelensky, Ukrainian National Security Advisor Oleksandr "Sasha" Danyliuk wrote Ambassador Taylor, incorrectly describing the failure to provide security assistance as a "gradually increasing problem."⁸⁸⁹ In the hours before Vice President Pence's meeting with President Zelensky, Ambassador Taylor replied, clarifying that "the delay of U.S. security assistance was an all-or-nothing proposition, in the sense that if the White House did not lift the hold prior to the end of the fiscal year, September 30th, the funds would expire and Ukraine would receive nothing."⁸⁹⁰ Ambassador Taylor

wanted to make sure Mr. Danyliuk understood that if the assistance was not provided “by the end of the fiscal year, then it goes away.”⁸⁹¹

President Zelensky Immediately Asked Vice President Pence About Security Assistance

As expected, at the outset of the bilateral meeting, President Zelensky immediately asked Vice President Pence about the status of U.S. security assistance. It was “the very first question” that he raised.⁸⁹² President Zelensky emphasized the multifold importance of American assistance, stating that “the symbolic value of U.S. support in terms of security assistance ... was just as valuable to the Ukrainians as the actual dollars.”⁸⁹³ President Zelensky also expressed concern that “any hold or appearance of reconsideration of such assistance might embolden Russia to think that the United States was no longer committed to Ukraine.”⁸⁹⁴

According to Ms. Williams, the Vice President “assured President Zelensky that there was no change in U.S. policy in terms of our ... full-throated support for Ukraine and its sovereignty and territorial integrity.”⁸⁹⁵ Vice President Pence also assured the Ukrainian delegation that he would convey to President Trump the details of President Zelensky’s “good progress on reforms, so that hopefully we could get a decision on the security assistance as soon as possible.”⁸⁹⁶

The reassurance proved to be ineffective. The *Washington Post* later reported that one of President Zelensky’s aides told Vice President Pence: “You’re the only country providing us military assistance. You’re punishing us.”⁸⁹⁷

Mr. Holmes testified that President Trump’s decision to cancel his Warsaw trip effectively meant that “the hold [on security assistance] remained in place, with no clear means to get it lifted.”⁸⁹⁸

Ambassador Sondland Informed President Zelensky’s Advisor that Military Aid Was Contingent on Ukraine Publicly Announcing the Investigations

After the bilateral meeting between Vice President Pence and President Zelensky, Ambassador Sondland briefly spoke to President Zelensky’s aide, Mr. Yermak. Ambassador Sondland conveyed his belief that “the resumption of U.S. aid would likely not occur until Ukraine took some kind of action on the public statement that we had been discussing for many weeks” regarding the investigations that President Trump discussed during the July 25 call.⁸⁹⁹

Immediately following the conversation, Ambassador Sondland told Mr. Morrison what had transpired during his aside with Mr. Yermak. Mr. Morrison recounted to the Committees that Ambassador Sondland told Mr. Yermak “what could help them move the aid was if the prosecutor general would go to the mike [sic] and announce that he was opening the Burisma investigation.”⁹⁰⁰

Mr. Morrison Reported Ambassador Sondland's Proposal to Get Ukrainians "Pulled Into Our Politics" to White House Officials and Ambassador Taylor

Mr. Morrison felt uncomfortable with “any idea that President Zelensky should allow himself to be involved in our politics.”⁹⁰¹ He promptly reported the conversation between Ambassador Sondland and Mr. Yermak to Ambassador Bolton. Mr. Morrison had concerns with “what Gordon was proposing about getting the Ukrainians pulled into our politics.”⁹⁰² Ambassador Bolton told Mr. Morrison—consistent with his own “instinct”—to “make sure the lawyers are tracking.”⁹⁰³ Upon his return to Washington, Mr. Morrison reported his concerns to NSC lawyers John Eisenberg and Michael Ellis.⁹⁰⁴

Mr. Morrison testified that, in speaking to the NSC legal advisors, he wanted to ensure “that there was a record of what Ambassador Sondland was doing, to protect the President.”⁹⁰⁵ At this point, Mr. Morrison was not certain that the President had authorized Ambassador Sondland’s activities, but Mr. Morrison agreed that if the President had been aware of Ambassador Sondland’s activities, the effect could be to create a paper trail that incriminated President Trump.⁹⁰⁶

Mr. Morrison also reported the conversation to Ambassador Taylor “because I wanted him to be in a position to advise the Ukrainians not to do it.”⁹⁰⁷ Ambassador Taylor said that he was “alarmed” to hear about the remarks to Mr. Yermak.⁹⁰⁸ He explained that “this was the first time that I had heard that the security assistance, not just the White House meeting, was conditioned on the investigations.”⁹⁰⁹ To Ambassador Taylor, “It’s one thing to try to leverage a meeting in the White House. It’s another thing, I thought, to leverage security assistance ... to a country at war, dependent on both the security assistance and the demonstration of support.”⁹¹⁰

President Trump Wanted President Zelensky in a “Public Box,” and Said “Everything” Depended on Announcing the Investigations

Upon hearing from Mr. Morrison about the conditionality of the military aid on Ukraine publicly announcing the two investigations, Ambassador Taylor sent a text message to Ambassador Sondland: “Are we now saying that security assistance and WH meeting are conditioned on investigations?” Ambassador Sondland responded, “Call me.”⁹¹¹

Ambassador Sondland confirmed over the phone to Ambassador Taylor that “everything”—the Oval Office meeting and the security assistance—was dependent on the Ukrainian government publicly announcing the political investigations President Trump requested on July 25. Informed by a review of contemporaneous notes that he took during his phone call, Ambassador Taylor testified:

During that phone call, Ambassador Sondland told me that President Trump had told him that he wants President Zelensky to state publicly that Ukraine will investigate Burisma and alleged Ukrainian interference in the 2016 election. Ambassador Sondland also told me that he now recognized that he had made a mistake by earlier telling Ukrainian officials that only a White House meeting with President Zelensky was dependent on a public announcement of the investigations. In fact, Ambassador Sondland said,

everything was dependent on such an announcement, including security assistance. He said that President Trump wanted President Zelensky in a public box, by making a public statement about ordering such investigations.⁹¹²

By this point, Ambassador Taylor’s “clear understanding” was that President Trump would withhold security assistance until President Zelensky “committed to pursue the investigation.”⁹¹³ He agreed that the U.S. position was “if they don’t do this,” referring to the investigations, “they are not going to get that,” referring to the security assistance.⁹¹⁴ Ambassador Taylor also concurred with the statement that “if they don’t do this, they are not going to get that” was the literal definition of a quid pro quo.⁹¹⁵

Ambassador Taylor testified that his contemporaneous notes of the phone call with Ambassador Sondland reflect that Ambassador Sondland used the phrase “public box” to describe President Trump’s desire to ensure that the initiation of his desired investigations was announced publicly.⁹¹⁶ Ambassador Sondland, who did not take contemporaneous notes of any of his conversations, did not dispute that he used those words.⁹¹⁷ He also testified that, when he spoke to Mr. Yermak, he believed that it would be sufficient to satisfy the requirements of President Trump and Mr. Giuliani if the new Ukrainian prosecutor general issued a statement about investigations, but his understanding soon changed.⁹¹⁸

President Trump Informed Ambassador Sondland that President Zelensky Personally “Must Announce the Opening of the Investigations”

On September 7, Ambassador Sondland called Mr. Morrison to report that he had just concluded a call with President Trump. Mr. Morrison testified that Ambassador Sondland told him “that there was no quid pro quo, but President Zelensky must announce the opening of the investigations and he should want to do it.”⁹¹⁹ This led Mr. Morrison to believe that a public announcement of investigations by the Ukrainian president—and not the prosecutor general—was a prerequisite for the release of the security assistance.⁹²⁰ He reported the conversation to Ambassador Bolton, who once again instructed him to “tell the lawyers,” which Mr. Morrison did.⁹²¹

Later on September 7, Mr. Morrison relayed the substance of Ambassador Sondland’s conversation with President Trump to Ambassador Taylor. Ambassador Taylor explained:

I had a conversation with Mr. Morrison in which he described a phone conversation earlier that day between Ambassador Sondland and President Trump. Mr. Morrison said that he had a sinking feeling after learning about this conversation from Ambassador Sondland. According to Mr. Morrison, President Trump told Ambassador Sondland he was not asking for a quid pro quo, but President Trump did insist that President Zelensky go to a microphone and say he is opening investigations of Biden and 2016 election interference and that President Zelensky should want to do this himself. Mr. Morrison said that he told Ambassador Bolton and the NSC lawyers of this phone call between President Trump and Ambassador Sondland.⁹²²

The following day, on September 8, Ambassador Sondland texted Ambassadors Volker and Taylor: “Guys multiple convos with Ze, Potus. Lets talk.” Ambassador Taylor responded one minute later, “Now is fine with me.”⁹²³ On the phone, Ambassador Sondland “confirmed that he had talked to President Trump” and that “President Trump was adamant that President Zelensky himself had to clear things up and do it in public. President Trump said it was not a quid pro quo.”⁹²⁴ Ambassador Sondland also shared that he told President Zelensky and Mr. Yermak that, “although this was not a quid pro quo, if President Zelensky did not clear things up in public, we would be at a stalemate.”⁹²⁵

Ambassador Taylor testified that he understood “stalemate” to mean that “Ukraine would not receive the much-needed military assistance.”⁹²⁶ During his public testimony, Ambassador Sondland did not dispute Ambassador Taylor’s recollection of events and agreed that the term “stalemate” referred to the hold on U.S. security assistance to Ukraine.⁹²⁷

Although Ambassador Sondland otherwise could not independently recall any details about his September 7 conversation with President Trump, he testified that he had no reason to dispute the testimony from Ambassador Taylor or Mr. Morrison—which was based on their contemporaneous notes—regarding this conversation.⁹²⁸ Ambassador Sondland, however, did recall that President Zelensky agreed to make a public announcement about the investigations into Burisma and the Bidens and the 2016 election in an interview on CNN.⁹²⁹

According to Ambassador Taylor, Ambassador Sondland explained that President Trump was a “businessman,” and that when “a businessman is about to sign a check to someone who owes him something, the businessman asks that person to pay up before signing the check.”⁹³⁰ Ambassador Taylor was concerned that President Trump believed Ukraine “owed him something” in exchange for the hundreds of millions of dollars in taxpayer-funded U.S. security assistance.⁹³¹ He argued to Ambassador Sondland that “the explanation made no sense. The Ukrainians did not owe President Trump anything. And holding up security assistance for domestic political gain was crazy.”⁹³² Ambassador Sondland did not recall this exchange specifically, but did not dispute Ambassador Taylor’s testimony.⁹³³

***Ambassador Taylor Texted Ambassador Sondland that
“It’s Crazy to Withhold Security Assistance for Help with a Political Campaign”***

Ambassador Taylor remained concerned by the President’s directive that “everything” was conditioned on President Zelensky publicly announcing the investigations. He also worried that, even if the Ukrainian leader did as President Trump required, the President might continue to withhold the vital U.S. security assistance in any event. Ambassador Taylor texted his concerns to Ambassadors Volker and Sondland stating: “The nightmare is they give the interview and don’t get the security assistance. The Russians love it. (And I quit.)”⁹³⁴

Ambassador Taylor testified:

“The nightmare” is the scenario where President Zelensky goes out in public, makes an announcement that he’s going to investigate the Burisma and the ... interference in 2016 election, maybe among other things. He might put that in some series of investigations.

But ... the nightmare was he would mention those two, take all the heat from that, get himself in big trouble in this country and probably in his country as well, and the security assistance would not be released. That was the nightmare.⁹³⁵

Early in the morning in Europe on September 9, Ambassador Taylor reiterated his concerns about the President's "quid pro quo" in another series of text messages with Ambassadors Volker and Sondland:

- Taylor: The message to the Ukrainians (and Russians) we send with the decision on security assistance is key. With the hold, we have already shaken their faith in us. Thus my nightmare scenario.
- Taylor: Counting on you to be right about this interview, Gordon.
- Sondland: Bill, I never said I was "right". I said we are where we are and believe we have identified the best pathway forward. Lets hope it works.
- Taylor: As I said on the phone, I think it's crazy to withhold security assistance for help with a political campaign.⁹³⁶

By "help with a political campaign," Ambassador Taylor was referring to President Trump's 2020 reelection effort.⁹³⁷ Ambassador Taylor testified: "The investigation of Burisma and the Bidens was clearly identified by Mr. Giuliani in public for months as a way to get information on the two Bidens."⁹³⁸

Ambassador Taylor framed the broader national security implications of President Trump's decision to withhold vital security assistance from Ukraine. He said:

[T]he United States was trying to support Ukraine as a frontline state against Russian attack. And, again, the whole notion of a rules-based order was being threatened by the Russians in Ukraine. So our security assistance was designed to support Ukraine. And it was not just the United States; it was all of our allies.⁹³⁹

Ambassador Taylor explained:

[S]ecurity assistance was so important for Ukraine as well as our own national interests, to withhold that assistance for no good reason other than help with a political campaign made no sense. It was counterproductive to all of what we had been trying to do. It was illogical. It could not be explained. It was crazy.⁹⁴⁰

Ambassador Sondland Repeated the President's Denial of a "Quid Pro Quo" to Ambassador Taylor, While He and President Trump Continued to Demand Public Investigations

In response to Ambassador Taylor's text message that it was "crazy to withhold security assistance for help with a political campaign," Ambassador Sondland denied that the President had demanded a "quid pro quo."

At approximately 5:17 a.m. Eastern Time, Ambassador Sondland responded to Ambassador Taylor:

Bill, I believe you are incorrect about President Trump's intentions. The President has been crystal clear: no quid pro quo's of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign. I suggest we stop the back and forth by text. If you still have concerns, I recommend you give Lisa Kenna or S [Secretary Pompeo] a call to discuss them directly. Thanks.⁹⁴¹

Notably, Ambassador Sondland recalled that President Trump raised the possible existence of a quid pro quo entirely on his own, without any prompting. Ambassador Sondland asked President Trump what he affirmatively wanted from Ukraine, yet President Trump reportedly responded by asserting what was not the case:

- Q: Okay. During that telephone conversation with President Trump, you didn't ask the President directly if there was a quid pro quo, correct?
- A: No. As I testified, I asked the question open ended, what do you want from Ukraine?
- Q: President Trump was the first person to use the word "quid pro quo," correct?
- A: That is correct.⁹⁴²

In contrast, Ambassador Sondland testified unequivocally there was a quid pro quo in connection to a telephone call between President Trump and President Zelensky, as well as a White House meeting for President Zelensky.⁹⁴³ He acknowledged that the reference to "transparency and reforms" in his text message to Ambassador Taylor "was my clumsy way of saying he wanted these announcement to be made."⁹⁴⁴

Ambassador Sondland also testified that President Trump immediately followed his stated denial of a quid pro quo by demanding that President Zelensky still make a public announcement, while the military assistance remained on an unexplained hold. Ambassador Sondland agreed that President Trump said that he wanted President Zelensky to "clear things up and do it in public," as Ambassador Taylor had testified.⁹⁴⁵ Ambassador Sondland testified that nothing on his call with President Trump changed his understanding of a quid pro quo and, at least as of September 8, he was "absolutely convinced" the White House meeting and President Trump's release of the military assistance were conditioned on the public announcement of the investigations President Trump sought.⁹⁴⁶

After hearing from President Trump, Ambassador Sondland promptly told the Ukrainian leader and Mr. Yermak that "if President Zelensky did not clear things up in public, we would be at a stalemate."⁹⁴⁷ President Zelensky responded to the demand relayed by Ambassador Sondland, by agreeing to make an announcement of investigations on CNN.⁹⁴⁸

Regardless of when the call between President Trump and Ambassador Sondland occurred, both that phone call and Ambassador's Sondland text message denying any quid pro quo occurred *after* the White House had been informed of the whistleblower complaint

discussing the hold on security assistance. The White House first received notice of the whistleblower complaint alleging wrongdoing concerning the President's July 25 call with President Zelensky on August 26—over a week before the “no quid pro quo” denial.⁹⁴⁹ In addition, Ambassador Sondland wrote his text message on September 9, the same day that the ICIIG informed the Committee of the existence of a “credible” and “urgent” whistleblower complaint that was later revealed to be related to Ukraine.⁹⁵⁰ The Administration received prior notice of the ICIIG's intent to inform the Committee.⁹⁵¹

Ambassador Sondland's Testimony is the Only Evidence the Committees Received Indicating That President Trump Denied Any “Quid Pro Quo” on the Phone on September 9

Ambassador Sondland testified in his deposition that he sent a text message to Ambassador Taylor after speaking directly with President Trump on September 9. However, testimony from other witnesses and documents available to the Committees do not confirm that Ambassador Sondland and President Trump spoke on that day.

Ambassador Sondland's own testimony indicated some ambiguity in his recollection of the timing of the call. At a public hearing on November 20, Ambassador Sondland testified that he “still cannot find a record of that call [on September 9] because the State Department and the White House cannot locate it.”⁹⁵² While Ambassador Sondland testified that “I'm pretty sure I had the call on that day,”⁹⁵³ he acknowledged that he might have misremembered the date of the September 9 call—“I may have even spoken to him on September 6th”—and that without his call records, he could not be certain about when he spoke to President Trump.⁹⁵⁴

After the deposition transcripts of Ambassador Taylor and Mr. Morrison were made public, including their detailed accounts of the September 7 conversation that Ambassador Sondland had with President Trump, Ambassador Sondland submitted a written addendum to his deposition based on his “refreshed” recollection.⁹⁵⁵ In that addendum, Ambassador Sondland amended his testimony and stated, “I cannot specifically recall if I had one or two phone calls with President Trump in the September 6-9 time frame.”⁹⁵⁶

Furthermore, the conversation recalled by Ambassador Sondland as having taken place on September 9 is consistent with a conversation that Ambassador Sondland relayed to Mr. Morrison and Ambassador Taylor during the previous two days. Both Mr. Morrison and Ambassador Taylor, after reviewing their contemporaneous written notes, provided detailed testimony about Ambassador Sondland's description of his call with President Trump. For example, Ambassador Sondland shared with Ambassador Taylor that even though President Trump asserted that “there is no quid pro quo,” President Trump “did insist that President Zelensky go to a microphone and say he is opening investigations of Biden and 2016 election interference.”⁹⁵⁷ Mr. Morrison and Ambassador Taylor both testified that this conversation occurred on September 7.⁹⁵⁸ Ambassador Sondland acknowledged that he had no basis to dispute the recollections of Mr. Morrison and Ambassador Taylor.⁹⁵⁹ Ambassador Sondland,

who testified that he does not take notes, stated: “If they have notes and they recall that, I don’t have any reason to dispute it.”⁹⁶⁰

Text messages produced to the Committees also indicate that Ambassador Sondland spoke to President Trump prior to September 8. On September 4, Ambassador Volker texted Mr. Yermak that Ambassador Sondland planned to speak to President Trump on September 6 or 7. Ambassador Volker wrote: “Hi Andrey. Reports are that Pence liked meeting and will press Trump on scheduling Ze visit. Gordon will follow up with Pence and, if nothing moving, will have a chance to talk with President on Saturday [September 7].”⁹⁶¹ Ambassador Volker then corrected himself: “Sorry—on Friday [September 6].”⁹⁶²

On Sunday, September 8, at 11:20 a.m. Eastern Time, Ambassador Sondland texted Ambassadors Taylor and Volker: “Guys multiple convos with Ze, Potus. Lets talk.”⁹⁶³ Shortly after this text, Ambassador Taylor testified that he spoke to Ambassador Sondland, who recounted his conversation with President Trump on September 7, as well as a separate conversation that Ambassador Sondland had with President Zelensky.

The timing of the text messages also raises questions about Ambassador Sondland’s recollection. If Ambassador Sondland spoke to President Trump after receiving Ambassador Taylor’s text message on September 9, and before he responded, then the timing of the text messages would mean that President Trump took Ambassador Sondland’s call in the middle of the night in Washington, D.C. Ambassador Taylor sent his message on September 9 at 12:47 a.m. Eastern Time, and Ambassador Sondland responded less than five hours later at 5:19 a.m. Eastern Time.⁹⁶⁴

In any event, President Trump’s purported denial of the “quid pro quo” was also contradicted when Acting Chief of Staff Mick Mulvaney publicly admitted that security assistance was withheld in order to pressure Ukraine to conduct an investigation into the 2016 election.

On October 17, at a press briefing in the White House, Mr. Mulvaney confirmed that President Trump withheld the essential military aid for Ukraine as leverage to pressure Ukraine to investigate the conspiracy theory that Ukraine had interfered in the 2016 U.S. election, which was also promoted by Vladimir Putin.⁹⁶⁵ Mr. Mulvaney confirmed that President Trump “absolutely” mentioned “corruption related to the DNC server. ... No question about that.”⁹⁶⁶ When the White House press corps attempted to clarify this acknowledgement of a quid pro quo related to security assistance, Mr. Mulvaney replied: “We do that all the time with foreign policy.” He continued. “I have news for everybody: get over it.”⁹⁶⁷

8. The President's Scheme Was Exposed

President Trump lifted the hold on U.S. military assistance to Ukraine on September 11 after it became clear to the White House and President Trump that his scheme was exposed.

Overview

As news of the President's hold on military assistance to Ukraine became public on August 28, Congress, the press, and the public increased their scrutiny of President Trump's actions regarding Ukraine, which risked exposing President Trump's scheme. By this date, the White House had learned that the Inspector General of the Intelligence Community (ICIG), Michael Atkinson, had determined that a whistleblower complaint related to the same Ukraine matters was "credible" and an "urgent concern," and, pursuant to the applicable statute, recommended to the Acting Director of National Intelligence (DNI), Joseph Maguire, that the complaint should be transmitted to Congress.

In early September, bipartisan Members of both houses of Congress—publicly, and privately—expressed concerns to the White House about the hold on military assistance. On September 9, after months of internal discussion due to growing concern about the activity of President Trump's personal attorney, Rudy Giuliani, regarding Ukraine, the Chairs of the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform announced a joint investigation into efforts by President Trump and Mr. Giuliani, "to improperly pressure the Ukrainian government to assist the President's bid for reelection," including by withholding Congressionally-appropriated military assistance.

Later that same day, the ICIG notified Chairman Schiff and Ranking Member Nunes that, despite uniform past practice and a statutory requirement that credible, "urgent concern" complaints be provided to the intelligence committees, the Acting DNI was nevertheless withholding the whistleblower complaint from Congress. The Acting DNI later testified that his office initially withheld the complaint on the advice of the White House, with guidance from the Department of Justice.

Two days later, on September 11, the President lifted the hold on the military assistance to Ukraine. Numerous witnesses testified that they were never aware of any official reason for why the hold was either implemented or lifted.

Notwithstanding this ongoing inquiry, President Trump has continued to urge Ukraine to investigate his political rival, former Vice President Biden. For example, when asked by a journalist on October 3 what he hoped Ukraine's President would do about the Bidens in response to the July 25 call, President Trump responded: "Well, I would think that, if they were honest about it, they'd start a major investigation into the Bidens. It's a very simple answer." President Trump reiterated his affinity for the former Prosecutor General of Ukraine, Yuriy Lutsenko, whom numerous witnesses described as inept and corrupt: "And they got rid of a

prosecutor who was a very tough prosecutor. They got rid of him. Now they're trying to make it the opposite way."

Public Scrutiny of President Trump's Hold on Military Assistance for Ukraine

After news of the President's freeze on U.S. military assistance to Ukraine became public on August 28, both houses of Congress increased their ongoing scrutiny of President Trump's decision.⁹⁶⁸ On September 3, a bipartisan group of Senators, including Senator Rob Portman and Senator Ron Johnson, sent a letter to Acting White House Chief of Staff Mick Mulvaney expressing "deep concerns" that the "Administration is considering not obligating the Ukraine Security Initiative funds for 2019."⁹⁶⁹ The Senators' letter urged that the "vital" funds be obligated "immediately."⁹⁷⁰ On September 5, the Chairman and Ranking Member of the House Foreign Affairs Committee sent a letter to Mr. Mulvaney and Acting Director of the OMB Russell Vought expressing "deep concern" about the continuing hold on security assistance funding for Ukraine.⁹⁷¹

On September 5, the *Washington Post* editorial board reported concerns that President Trump was withholding military assistance for Ukraine and a White House meeting in order to force President Zelensky to announce investigations of Mr. Biden and purported Ukrainian interference in the 2016 U.S. election. The *Post* editorial board wrote:

[W]e're reliably told that the president has a second and more venal agenda: He is attempting to force Mr. Zelensky to intervene in the 2020 U.S. presidential election by launching an investigation of the leading Democratic candidate, Joe Biden. Mr. Trump is not just soliciting Ukraine's help with his presidential campaign; he is using U.S. military aid the country desperately needs in an attempt to extort it.

It added:

The White House claims Mr. Trump suspended Ukraine's military aid in order for it [sic] be reviewed. But, as CNN reported, the Pentagon has already completed the study and recommended that the hold be lifted. Yet Mr. Trump has not yet acted. If his recalcitrance has a rationale, other than seeking to compel a foreign government to aid his reelection, the president has yet to reveal it.⁹⁷²

On the same day that the *Washington Post* published its editorial, Senators Christopher Murphy and Ron Johnson visited Kyiv, and met with President Zelensky. They were accompanied by Ambassador Bill Taylor and Counselor for Political Affairs David Holmes of U.S. Embassy Kyiv. President Zelensky's "first question to the Senators was about the withheld security assistance."⁹⁷³ Ambassador Taylor testified that both Senators "stressed that bipartisan support for Ukraine in Washington was Ukraine's most important strategic asset and that President Zelensky should not jeopardize that bipartisan support by getting drawn into U.S. domestic politics."⁹⁷⁴

As Senator Johnson and Senator Murphy later recounted, the Senators sought to reassure President Zelensky that there was bipartisan support in Congress for providing Ukraine with

military assistance for Ukraine and that they would continue to urge President Trump to lift the hold—as Senator Johnson had already tried, unsuccessfully, before traveling to Ukraine.⁹⁷⁵

Three Committees Announced Joint Investigation of President's Scheme

On September 9, the Chairs of the House Intelligence Committee, the Committee on Foreign Affairs, and the Committee on Oversight and Reform publicly announced a joint investigation of the scheme by President Trump and Mr. Giuliani “to improperly pressure the Ukrainian government to assist the President’s bid for reelection.”⁹⁷⁶ The Committees had been planning and coordinating this investigation since early summer, after growing public scrutiny of Mr. Giuliani’s activities in Ukraine and questions about Ambassador Yovanovitch’s abrupt removal following a public smear campaign targeting her.

In a letter sent to White House Counsel Pat Cipollone the same day, the three Chairs stated that President Trump and Mr. Giuliani “appear to have acted outside legitimate law enforcement and diplomatic channels to coerce the Ukrainian government into pursuing two politically-motivated investigations under the guise of anti-corruption activity”—investigations into purported Ukrainian interference in the 2016 election and Vice President Biden and his son.⁹⁷⁷

With respect to the hold on Ukraine military assistance, the Chairs observed that “[i]f the President is trying to pressure Ukraine into choosing between defending itself from Russian aggression without U.S. assistance or leveraging its judicial system to serve the ends of the Trump campaign, this would represent a staggering abuse of power, a boon to Moscow, and a betrayal of the public trust.”⁹⁷⁸ The Chairs requested that the White House preserve all relevant records and produce them by September 16, including the transcript of the July 25 call between President Trump and President Zelensky.⁹⁷⁹

On the same day, the Chairs of the three Committees sent a similar letter to Secretary of State Mike Pompeo seeking the preservation and production of all relevant records at the Department of State by September 16.⁹⁸⁰ To date, and as explained more fully in Section II, Secretary Pompeo has not produced a single document sought by the Committees pursuant to a lawful subpoena.

NSC Senior Director for Russia and Europe Timothy Morrison recalled seeing a copy of the letter that was sent by the three Chairs to the White House.⁹⁸¹ He also recalled that the three Committees’ Ukraine investigation was discussed at meeting of senior-level NSC staff soon after it was publicly announced.⁹⁸² The NSC’s legislative affairs staff issued a notice of the investigation to NSC staff members, although it is unclear exactly when.⁹⁸³ NSC Director for Ukraine Alexander Vindman recalled discussions among NSC staff members, including Mr. Morrison’s deputy, John Erath, that the investigation “might have the effect of releasing the hold” on Ukraine military assistance because it would be “potentially politically challenging” for the Administration to “justify that hold” to the Congress.⁹⁸⁴

Inspector General Notified Intelligence Committee that the Administration Was Withholding Whistleblower Complaint

Later that same day, September 9, Inspector General Atkinson sent a letter to Chairman Schiff and Ranking Member Nunes notifying them that an Intelligence Community whistleblower had filed a complaint with the ICIG on August 12.⁹⁸⁵ Pursuant to a statute governing whistleblower disclosures, the Inspector General—after a condensed, preliminary review—had determined that the complaint constituted an “urgent concern” and that its allegations appeared to be “credible.”⁹⁸⁶ The Inspector General’s September 9 letter did not disclose the substance or topic of the whistleblower complaint.

Contrary to uniform past practice and the clear requirements of the whistleblower statute, Acting DNI Maguire withheld the whistleblower complaint based on advice from the White House.⁹⁸⁷ Acting DNI Maguire also relied upon an unprecedented intervention by the Department of Justice into Intelligence Community whistleblower matters to overturn the ICIG’s determination based on a preliminary investigation.⁹⁸⁸

The White House had been aware of the whistleblower complaint weeks prior to the ICIG’s letter of September 9.⁹⁸⁹ Acting DNI Maguire testified that, after receiving the whistleblower complaint from the Inspector General on August 26, his office contacted the White House Counsel’s Office for guidance.⁹⁹⁰

Consistent with Acting DNI Maguire’s testimony, the *New York Times* reported that in late August, Mr. Cipollone and National Security Council Legal Advisor John Eisenberg personally briefed President Trump about the complaint’s existence—and explained to the President that they believed the complaint could be withheld on executive privilege grounds.⁹⁹¹ The report alleged that Mr. Cipollone and Mr. Eisenberg “told Mr. Trump they planned to ask the Justice Department’s Office of Legal Counsel to determine whether they had to disclose the complaint to lawmakers.”⁹⁹²

On September 10, Chairman Schiff wrote to Acting DNI Maguire to express his concern about the Acting DNI’s “unprecedented departure from past practice” in withholding the whistleblower complaint from the Congressional intelligence committees notwithstanding his “express obligations under the law” and the Inspector General’s determination.⁹⁹³ Chairman Schiff observed that the “failure to transmit to the Committee an urgent and credible whistleblower complaint, as required by law, raises the prospect that an urgent matter of a serious nature is being purposefully concealed from the Committee.”⁹⁹⁴

Also on September 10, Ambassador John Bolton resigned from his position as National Security Advisor. Ambassador Bolton’s deputy, Dr. Charles Kupperman, became the Acting National Security Advisor. The Committee was unable to determine if Ambassador Bolton’s departure related to the matters under investigation because neither he nor Dr. Kupperman agreed to appear for testimony as part of this inquiry.

On September 13, the Office of the Director of National Intelligence (ODNI) General Counsel informed the Committee that DOJ had overruled the ICIG’s determination, and that the

ODNI could not transmit the complaint to the Committee at its discretion because it involved “potentially privileged communications by persons outside the Intelligence Community”—presumably presidential communications.⁹⁹⁵ In response, Chairman Schiff issued a subpoena to the Acting DNI on September 13 and announced to the public that ODNI was withholding a “credible” whistleblower complaint of “urgent concern.”⁹⁹⁶ Following intense pressure from the public and Congress, on September 25, the White House released the complaint to the intelligence committees and the July 25 call record to the public.⁹⁹⁷

President Trump Lifted the Hold on Military Assistance for Ukraine

On September 11—two days after the three Committees launched their investigation into President Trump’s scheme, and one day after Chairman Schiff requested that Acting DNI Maguire produce a copy of the whistleblower complaint—President Trump lifted the hold on military assistance for Ukraine.

On the evening of September 11, prior to lifting the hold, President Trump met with Vice President Mike Pence, Mr. Mulvaney, and Senator Portman to discuss the hold.⁹⁹⁸ Around 8:00 p.m. on September 11, the Chief of Staff’s office informed Dr. Kupperman that the hold had been lifted.⁹⁹⁹

Just like there was no official explanation for why the hold on Ukraine security assistance was implemented, numerous witnesses testified that they were not provided with a reason for why the hold was lifted on September 11.¹⁰⁰⁰ For example, Deputy Assistant Secretary of Defense Laura Cooper testified that President Trump’s lifting of the hold “really came quite out of the blue... It was quite abrupt.”¹⁰⁰¹ Jennifer Williams, Special Advisor to the Vice President for Europe and Russia, testified that from the time when she first learned about the hold on July 3 until it was lifted on September 11, she never came to understand why President Trump ordered the hold.¹⁰⁰²

OMB Deputy Associate Director of National Security Programs Mark Sandy, who was the senior career official overseeing the administration of some of the Ukraine military assistance, only learned of a possible rationale for the hold in early September—after the Acting DNI had informed the White House about the whistleblower complaint.¹⁰⁰³ Mr. Sandy testified that he could not recall another instance “where a significant amount of assistance was being held up” and he “didn’t have a rationale for as long as I didn’t have a rationale in this case.”¹⁰⁰⁴ However, in “early September,” approximately two months after President Trump had implemented the hold, and several weeks after the White House learned of the whistleblower complaint, Mr. Sandy received an email from OMB Associate Director of National Security Programs Michael Duffey. For the first time, it “attributed the hold to the President’s concern about other countries not contributing more to Ukraine” and requested “information on what additional countries were contributing to Ukraine.”¹⁰⁰⁵

Mr. Sandy testified that he was not aware of any other countries committing to provide more financial assistance to Ukraine prior to the lifting of the hold on September 11.¹⁰⁰⁶ According to Lt. Col. Vindman, none of the “facts on the ground” changed before the President lifted the hold.¹⁰⁰⁷

After the Hold was Lifted, Congress was Forced to Pass a Law to Ensure All of the Military Aid Could Be Distributed to Ukraine

The lengthy delay created by the hold on Ukraine military assistance prevented the Department of Defense from spending all of the Congressionally-appropriated funds by the end of the fiscal year, which meant that the funds would expire on September 30 because unused funds do not roll over to the next fiscal year.¹⁰⁰⁸ This confirmed the fears expressed by Ms. Cooper, Mr. Sandy, and others related to the illegal impoundment of Congressionally-mandated funding—concerns that were discussed in some depth within the relevant agencies in late July and throughout August.¹⁰⁰⁹

Prior to the release of the funds, DOD’s internal analysis raised concerns that up to \$100 million of military assistance could go unspent as a result of the hold imposed by the President.¹⁰¹⁰ Ultimately, approximately \$35 million of Ukraine military assistance—14% of the total funds—remained unspent by the end of fiscal year 2019.¹⁰¹¹ Typically, DOD averages between 2 and 5 percent unspent funds for similar programs, substantially less than the 14 percent left unspent in this case.¹⁰¹²

In order to ensure that Ukraine did not permanently lose \$35 million of the critical military assistance frozen by the White House,¹⁰¹³ Congress passed a provision on September 27—three days before funds were set to expire—to ensure that the remaining \$35 million in 2019 military assistance to Ukraine could be spent.¹⁰¹⁴ Ms. Cooper testified that such an act of Congress was unusual—indeed, she had never heard of funding being extended in this manner.¹⁰¹⁵

As of November 2019, Pentagon officials confirmed that the \$35 million in security assistance originally held by the President and extended by Congress had still yet to be disbursed. When asked for an explanation, the Pentagon only confirmed that the funds had not yet been spent but declined to say why.¹⁰¹⁶

Pressure to Announce Investigations Continued After the Hold was Lifted

Before President Trump lifted the hold on security assistance, Ukrainian officials had relented to the American pressure campaign to announce the investigations and had scheduled President Zelensky to appear on CNN.¹⁰¹⁷ Even after President Trump lifted the hold on September 11, President Zelensky did not immediately cancel his planned CNN interview.¹⁰¹⁸

On September 12, Ambassador Taylor personally informed President Zelensky and the Ukrainian foreign minister that President Trump’s hold on military assistance had been lifted.¹⁰¹⁹ Ambassador Taylor remained concerned, however, that “there was some indication that there might still be a plan for the CNN interview in New York” during which President Zelensky would announce the investigations that President Trump wanted Ukraine to pursue.¹⁰²⁰ Ambassador Taylor testified that he “wanted to be sure that that didn’t happen, so I addressed it with Zelensky’s staff.”¹⁰²¹

On September 13, a staff member at the U.S. Embassy in Kyiv texted Mr. Holmes to relay a message that “Sondland said the Zelensky interview is supposed to be today or Monday, and they plan to announce that a certain investigation that was ‘on hold’ will progress.”¹⁰²² The Embassy Kyiv staffer stated that he “did not know if this was decided or if Sondland was advocating for it. Apparently he’s been discussing this with Yermak.”¹⁰²³

On September 13, during a meeting in President Zelensky’s office, Ukrainian presidential aide Andriy Yermak “looked uncomfortable” when Ambassador Taylor sought to confirm that there were no plans for President Zelensky to announce the investigations during a CNN interview.¹⁰²⁴ Although President Zelensky’s National Security Advisor Oleksandr Danyliuk indicated that there were no plans for President Zelensky to do the CNN interview, Ambassador Taylor was still concerned after he and Mr. Holmes saw Mr. Yermak following the meeting.¹⁰²⁵ According to Ambassador Taylor, Mr. Yermak’s “body language was such that it looked to me like he was still thinking they were going to make that statement.”¹⁰²⁶ Mr. Holmes also recalled that when he and Ambassador Taylor ran into Mr. Yermak following the meeting, Ambassador Taylor “stressed the importance of staying out of U.S. politics and said he hoped no interview was planned,” but “Mr. Yermak shrugged in resignation and did not answer, as if to indicate he had no choice.”¹⁰²⁷

That same day, September 13, President Zelensky reportedly met with CNN’s Fareed Zakaria, who was in Kyiv to moderate the Yalta European Strategy Conference.¹⁰²⁸ During the meeting with Mr. Zakaria, President Zelensky did not cancel his planned CNN interview.¹⁰²⁹

Conflicting advice prompted the Ukrainian foreign minister to observe in a meeting with Ambassador Volker, Ambassador Taylor, and Deputy Assistant Secretary of State George Kent, “You guys are sending us different messages in different channels.”¹⁰³⁰

For example, at a September 14 meeting in Kyiv attended by Ambassador Volker, Mr. Yermak, and the Ukrainian foreign minister, Ambassador Volker stated that when the two Presidents finally meet, “it’s important that President Zelensky give the messages that we discussed before,” apparently referring to President Zelensky’s “willingness to open investigations in the two areas of interest to the President and that had been pushed previously by Rudy Giuliani.”¹⁰³¹ Ambassador Taylor, however, replied: “Don’t do that.”¹⁰³²

On September 18 or 19, President Zelensky cancelled his scheduled interview with CNN.¹⁰³³ Although President Zelensky did not publicly announce the investigations that President Trump wanted, he remains under pressure from President Trump, particularly because he requires diplomatic, financial, and military backing from the United States, the most powerful supporter of Ukraine. That pressure continues to this day. As Mr. Holmes testified:

[A]lthough the hold on the security assistance may have been lifted, there were still things they wanted that [the Ukrainians] weren’t getting, including a meeting with the President in the Oval Office. Whether the hold—the security assistance hold continued or not, Ukrainians understood that that’s something the President wanted, and they still wanted important things from the President.

And I think that continues to this day. I think they're being very careful. They still need us now going forward. In fact, right now, President Zelensky is trying to arrange a summit meeting with President Putin in the coming weeks, his first face to face meeting with him to try to advance the peace process. He needs our support. He needs President Putin to understand that America supports Zelensky at the highest levels. So this doesn't end with the lifting of the security assistance hold. Ukraine still needs us, and as I said, still fighting this war this very day.¹⁰³⁴

Vice President Pence Spoke to President Zelensky

On September 18, approximately one week before President Trump was scheduled to meet with President Zelensky at the United Nations General Assembly in New York, Vice President Pence spoke with President Zelensky by telephone.¹⁰³⁵ According to Ms. Williams, during the call, Vice President Pence “reiterat[ed] the release of the funds” and “ask[ed] a bit more about ... how Zelensky’s efforts were going.”¹⁰³⁶

On November 26, Ms. Williams submitted a classified addendum to her hearing testimony on November 19 related to this telephone call. According to Ms. Williams’ counsel, the Office of the Vice President informed Ms. Williams’ counsel that certain portions of the September 18 call, including the additional information in Ms. Williams’ addendum, are classified. The Committee has requested that the Office of the Vice President conduct a declassification review so that the Committee may share this additional information regarding the substance of the September 18 call publicly. On October 9, Vice President Pence told reporters, “I’d have no objection” to the White House releasing the transcript of his calls with President Zelensky and said that “we’re discussing that with White House counsel as we speak.”¹⁰³⁷ In a November 7 interview with *Fox Business*, Vice President Pence reiterated, “I have no objection at all” to releasing records of his calls.¹⁰³⁸

President Trump and Rudy Giuliani, Undeterred, Continued to Solicit Foreign Interference in Our Elections

On September 19, Rudy Giuliani was interviewed by Chris Cuomo on CNN. During the interview, Mr. Giuliani confirmed that he had urged Ukraine to investigate “the allegations that there was interference in the election of 2016, by the Ukrainians, for the benefit of Hillary Clinton[.]” When asked specifically if he had asked Ukraine to look into Vice President Biden, Mr. Giuliani replied immediately, “of course I did.”

Seconds later, Mr. Giuliani attempted to clarify his admission, insisting that he had not asked Ukraine to investigate Vice President Biden but instead “to look into the allegations that related to my client [President Trump], which tangentially involved Joe Biden in a massive bribery scheme.” Mr. Giuliani insisted that his conduct was appropriate, telling Mr. Cuomo later in the interview that “it is perfectly appropriate for a President to say to a leader of a foreign country, investigate this massive bribe ... that was paid by a former Vice President.”¹⁰³⁹

President Trump also has continued to publicly urge President Zelensky to launch an investigation of Vice President Biden and alleged 2016 election interference by Ukraine. On September 23, in a public press availability, President Trump stated:

I put no pressure on them whatsoever. I could have. I think it would probably, possibly, have been okay if I did. But I didn't. I didn't put any pressure on them whatsoever. You know why? Because they want to do the right thing.¹⁰⁴⁰

On September 24, in public remarks upon arriving at the opening session of the U.N. General Assembly, President Trump stated: “What Joe Biden did for his son, that’s something they should be looking at.”¹⁰⁴¹

On September 25—in a joint public press availability with President Zelensky—President Trump stated that “I want him to do whatever he can” in reference to the investigation of the Biden family. He added, “Now, when Biden’s son walks away with millions of dollars from Ukraine, and he knows nothing, and they’re paying him millions of dollars, that’s corruption.” President Trump added, “He [President Zelensky] was elected—I think, number one—on the basis of stopping corruption, which unfortunately has plagued Ukraine. And if he could do that, he’s doing, really, the whole world a big favor. I know—and I think he’s going to be successful.”¹⁰⁴²

On September 30, during his remarks at the swearing-in ceremony of Labor Secretary Eugene Scalia, President Trump stated:

Now, the new President of Ukraine ran on the basis of no corruption. That’s how he got elected. And I believe that he really means it. But there was a lot of corruption having to do with the 2016 election against us. And we want to get to the bottom of it, and it’s very important that we do.¹⁰⁴³

On October 2, in a public press availability, President Trump discussed the July 25 call with President Zelensky and stated that “the conversation was perfect; it couldn’t have been nicer.” He added:

The only thing that matters is the transcript of the actual conversation that I had with the President of Ukraine. It was perfect. We’re looking at congratulations. We’re looking at doing things together. And what are we looking at? We’re looking at corruption. And, in, I believe, 1999, there was a corruption act or a corruption bill passed between both—and signed—between both countries, where I have a duty to report corruption. And let me tell you something: Biden’s son is corrupt, and Biden is corrupt.¹⁰⁴⁴

On October 3, in remarks before he departed on Marine One, President Trump expressed his “hope” that Ukraine would investigate Mr. Biden and his son. Specifically, President Trump stated that he had hoped—after his July 25 conversation—that Ukraine would “start a major investigation into the Bidens.” The President also stated that “by the way, likewise, China should start an investigation into the Bidens, because what happened in China is just about as bad as what happened with—with Ukraine.” He addressed the corrupt prosecutor general, Yuriy

Lutsenko, who had recently been removed by Parliament: “And they got rid of a prosecutor who was a very tough prosecutor. They got rid of him. Now they’re trying to make it the opposite way.”¹⁰⁴⁵

The next day, on October 4, in remarks before he departed on Marine One, the President again said:

When you look at what Biden and his son did, and when you look at other people — what they’ve done. And I believe there was tremendous corruption with Biden, but I think there was beyond—I mean, beyond corruption—having to do with the 2016 campaign, and what these lowlifes did to so many people, to hurt so many people in the Trump campaign—which was successful, despite all of the fighting us. I mean, despite all of the unfairness.¹⁰⁴⁶

President Trump reiterated his willingness to solicit foreign assistance related to his personal interests: “Here’s what’s okay: If we feel there’s corruption, like I feel there was in the 2016 campaign—there was tremendous corruption against me—if we feel there’s corruption, we have a right to go to a foreign country.”¹⁰⁴⁷ President Trump added that asking President Xi of China to investigate the Bidens “is certainly something we can start thinking about.”¹⁰⁴⁸

Consistent with the President’s remarks after this inquiry began, Ambassador Volker understood that references to fighting “corruption” in Ukraine, when used by President Trump and Mr. Giuliani, in fact referred to the two investigations into “Burisma”—and former Vice President Biden—and the 2016 election interference that President Trump sought to benefit his reelection efforts.¹⁰⁴⁹

The President’s Scheme Undermined U.S. Anti-Corruption Efforts in Ukraine

Rather than combatting corruption in Ukraine, President Trump’s ongoing efforts to urge Ukraine to pursue an investigation into former Vice President Biden undermine longstanding U.S. anti-corruption policy, which encourages countries to refrain from using the criminal justice system to investigate political opponents. When it became clear that President Trump was pressuring Ukraine to investigate his political rival, career public servants charged with implementing U.S. foreign policy in a non-partisan manner, such as Lt. Col. Vindman and Ambassador Taylor, communicated to President Zelensky and his advisors that Ukraine should avoid getting embroiled in U.S. domestic politics.¹⁰⁵⁰

Mr. Kent, an anti-corruption and rule of law expert, explained that U.S. anti-corruption efforts prioritize “building institutional capacity so that the Ukrainian Government has the ability to go after corruption and effectively investigate, prosecute, and judge alleged criminal activities using appropriate institutional mechanisms, that is, to create and follow the rule of law.”¹⁰⁵¹

Mr. Holmes concurred:

[O]ur longstanding policy is to encourage them [Ukraine] to establish and build rule of law institutions, that are capable and that are independent and that can actually pursue

credible allegations. That's our policy. We've been doing that for quite some time with some success. So focusing on [particular] cases, including [] cases where there is an interest of the President, it's just not part of what we've done. It's hard to explain why we would do that.¹⁰⁵²

Mr. Kent emphasized that when foreign government officials “hear diplomats on the ground saying one thing, and they hear other U.S. leaders saying something else,” it raises concerns about the United States’ credibility on anti-corruption efforts.¹⁰⁵³ Ambassador Taylor agreed, stating that “[o]ur credibility is based on a respect for the United States” and “if we damage that respect, then it hurts our credibility and makes it more difficult for us to do our jobs.”¹⁰⁵⁴

Mr. Kent, like many other witnesses, explained that urging Ukraine to engage in “selective politically associated investigations or prosecutions” undermined the rule of law more generally:

As a general principle, I do not believe the United States should ask other countries to engage in selective politically associated investigations or prosecutions against opponents of those in power because such selective actions undermine the rule of law, regardless of the country.¹⁰⁵⁵

Mr. Kent agreed that pressuring Ukraine to conduct political investigations is not a part of U.S. foreign policy to promote the rule of law in Ukraine and around the world.¹⁰⁵⁶ Mr. Kent concluded that the President’s request for investigations “went against U.S. policy” and “would’ve undermined the rule of law and our longstanding policy goals in Ukraine, as in other countries, in the post-Soviet space.”¹⁰⁵⁷

These conflicting messages came to a head at a September 14 meeting between American and Ukrainian officials in Kyiv. During that meeting, Ambassador Volker advised Mr. Yermak about the “potential problems” with investigations that the Zelensky administration was contemplating into former Ukrainian President Petro Poroshenko.¹⁰⁵⁸ Mr. Yermak retorted, “what, you mean like asking us to investigate Clinton and Biden?”¹⁰⁵⁹ Ambassador Volker did not respond.¹⁰⁶⁰

SECTION I ENDNOTES

¹ Yovanovitch Hearing Tr. at 16-17.

² *Kateryna Handziuk, Ukrainian Activist, Dies From Acid Attack*, New York Times (Nov. 5, 2018) (online at www.nytimes.com/2018/11/05/world/europe/kateryna-handziuk-dies-ukraine.html).

³ Yovanovitch Hearing Tr. at 30-31.

⁴ U.S. Embassy in Ukraine, Department of State, *Ambassador Yovanovitch's Remarks at a Women of Courage Reception in Honor of Kateryna Handziuk* (Apr. 24, 2019) (online at <https://ua.usembassy.gov/ambassador-yovanovitchs-remarks-at-a-women-of-courage-reception-in-honor-of-kateryna-handziuk/>).

⁵ U.S. Embassy in Ukraine, Department of State, *Ambassador Yovanovitch's Remarks at a Women of Courage Reception in Honor of Kateryna Handziuk* (Apr. 24, 2019) (online at <https://ua.usembassy.gov/ambassador-yovanovitchs-remarks-at-a-women-of-courage-reception-in-honor-of-kateryna-handziuk/>).

⁶ Yovanovitch Hearing Tr. at 31.

⁷ *Id.* at 31-32.

⁸ *Id.* at 32.

⁹ *Id.* at 31.

¹⁰ *Id.* at 31-32.

¹¹ *Giuliani to Join Trump's Legal Team*, New York Times (April 19, 2018) (online at www.nytimes.com/2018/04/19/us/politics/giuliani-trump.html).

¹² Letter from John M. Dowd, Counsel to Igor Fruman and Lev Parnas, to Committee Staff (Oct. 3, 2019).

¹³ Department of Justice, *Lev Parnas and Igor Fruman Charged with Conspiring to Violate Straw and Foreign Donor Bans* (Oct. 10, 2019) (online at www.justice.gov/usao-sdny/pr/lev-parnas-and-igor-fruman-charged-conspiring-violate-straw-and-foreign-donor-bans).

¹⁴ Hill Dep. Tr. at 59.

¹⁵ Yovanovitch Dep. Tr. at 28-29.

¹⁶ *Ukraine Ousts Victor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance*, New York Times (Mar. 29, 2016) (online at www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html).

¹⁷ Kent Dep. Tr. at 45.

¹⁸ Yovanovitch Dep. Tr. at 27-28.

¹⁹ *Id.* at 31-32.

²⁰ *Id.* at 21.

²¹ *Id.* at 32-33, 38 (“I think that he felt that I and the embassy were effective at helping Ukrainians who wanted reform, Ukrainians who wanted to fight against corruption, and he did not – you know, that was not in his interest.”).

²² *Id.* at 30.

²³ Holmes Dep. Tr. at 14.

²⁴ Kent-Taylor Hearing Tr. at 25.

²⁵ *Id.* at 132.

²⁶ Morrison-Volker Hearing Tr. at 27.

²⁷ Nickolay Kapitonenko, an advisor to the Ukrainian Parliament's Foreign Policy Committee, described Giuliani as a "mythical link to the U.S." who is viewed as "an extension of Trump." *Giuliani Sits at the Center of the Ukraine Controversy*, Wall Street Journal (Sept. 26, 2019) (online at www.wsj.com/articles/giuliani-sits-at-the-center-of-the-ukraine-controversy-11569546774); David Sakvarelidze, a former Ukrainian deputy prosecutor general, stated, "Lutsenko was trying to save his political skin by pretending to be Trumpist at the end of his career." *Meet the Ukrainian Ex-Prosecutor Behind the Impeachment Furor*, New York Times (Oct. 5, 2019) (online at www.nytimes.com/2019/10/05/world/europe/ukraine-prosecutor-trump.html).

²⁸ Yovanovitch Dep. Tr. at 30.

²⁹ Donald J. Trump, Twitter (Jan. 17, 2019) (online at <https://twitter.com/realdonaldtrump/status/1086096691613323265>) ("Gregg Jarrett: 'Mueller's prosecutors knew the 'Dossier' was the product of bias and deception.' It was a Fake, just like so much news coverage in our Country. Nothing but a Witch Hunt, from beginning to end!").

³⁰ Office of the Director of National Intelligence, *Background to "Assessing Russian Activities and Intentions in Recent US Elections": The Analytic Process and Cyber Incident Attribution* (Jan. 6, 2017) (online at www.dni.gov/files/documents/ICA_2017_01.pdf); Senate Select Committee on Intelligence, *Russian Active Measures Campaigns and Interference in the 2016 U.S. Election* (May 8, 2018) (online at www.intelligence.senate.gov/publications/report-select-committee-intelligence-united-states-senate-russian-active-measures); House Permanent Select Committee on Intelligence, *Report on Russian Active Measures* (Mar. 22, 2018) (online at https://docs.house.gov/meetings/IG/IG00/20180322/108023/HRPT-115-1_1-p1-U3.pdf); House Permanent Select Committee on Intelligence, *Minority Views* (Mar. 26, 2018) (online at https://intelligence.house.gov/uploadedfiles/20180411_-_final_-_hpsci_minority_views_on_majority_report.pdf).

³¹ *President Trump's Former National Security Advisor 'Deeply Disturbed' by Ukraine Scandal: 'Whole World Is Watching'*, ABC News (Sept. 29, 2019) (online at <https://abcnews.go.com/Politics/president-trumps-national-security-advisor-deeply-disturbed-ukraine/story?id=65925477>).

³² *Charges of Ukrainian Meddling? A Russian Operation, U.S. Intelligence Says*, New York Times (Nov. 22, 2019) (online at www.nytimes.com/2019/11/22/us/politics/ukraine-russia-interference.html).

³³ Hill-Holmes Hearing Tr. at 56-57.

³⁴ Kent Dep. Tr. at 45.

³⁵ Volker Transcribed Interview Tr. at 330.

³⁶ *Id.* at 330; *Explainer: Biden, Allies, Pushed Out Ukrainian Prosecutor Because He Didn't Pursue Corruption Cases*, USA Today (Oct. 3, 2019) (online at www.usatoday.com/story/news/politics/2019/10/03/what-really-happened-when-biden-forced-out-ukraines-top-prosecutor/3785620002/).

³⁷ *See, e.g., Ukraine Prosecutor Says No Evidence of Wrongdoing by Bidens*, Bloomberg (May 16, 2019) (online at www.bloomberg.com/news/articles/2019-05-16/ukraine-prosecutor-says-no-evidence-of-wrongdoing-by-bidens) ("Hunter Biden did not violate any Ukrainian laws -- at least as of now, we do not see any wrongdoing. A company can pay however much it wants to its board ... Biden was definitely not involved ... We do not have any grounds to think that there was any wrongdoing starting from 2014.").

³⁸ Notes of Call with Viktor Shokin (Jan. 23, 2019); *Ukraine Prosecutor Says No Evidence of Wrongdoing by Bidens*, Bloomberg (May 16, 2019) (online at www.bloomberg.com/news/articles/2019-05-16/ukraine-prosecutor-says-no-evidence-of-wrongdoing-by-bidens).

³⁹ *Giuliani Pursued Business in Ukraine While Pushing for Inquiries for Trump*, New York Times (Nov. 27, 2019) (online at www.nytimes.com/2019/11/27/nyregion/giuliani-ukraine-business-trump.html); *Ukraine Prosecutor Says No Evidence of Wrongdoing by Bidens*, Bloomberg (May 16, 2019) (online at www.bloomberg.com/news/articles/2019-05-16/ukraine-prosecutor-says-no-evidence-of-wrongdoing-by-bidens).

⁴⁰ Notes of Meeting with Yuriy Lutsenko (Jan. 25, 2019); *Ukraine Prosecutor Says No Evidence of Wrongdoing by Bidens*, Bloomberg (May 16, 2019) (online at www.bloomberg.com/news/articles/2019-05-16/ukraine-prosecutor-says-no-evidence-of-wrongdoing-by-bidens).

⁴¹ *Giuliani Pursued Business in Ukraine While Pushing for Inquiries for Trump*, New York Times (Nov. 27, 2019) (online at www.nytimes.com/2019/11/27/nyregion/giuliani-ukraine-business-trump.html).

⁴² Rudy Giuliani, Twitter (Oct. 23, 2019) (online at <https://twitter.com/RudyGiuliani/status/1187168034835894272>).

⁴³ Rudy Giuliani, Twitter (Oct. 30, 2019) (online at <https://twitter.com/RudyGiuliani/status/1189667101079932928>).

⁴⁴ Hill-Holmes Hearing Tr. at 19.

⁴⁵ *As Russia Collusion Fades, Ukrainian Plot to Help Clinton Emerges*, The Hill (Mar. 20, 2019) (online at <https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges>).

⁴⁶ *Ukraine Prosecutor General Lutsenko Admits U.S. Ambassador Didn't Give Him a Do Not Prosecute List*, The Ukrainian (Apr. 18, 2019) (online at www.unian.info/politics/10520715-ukraine-prosecutor-general-lutsenko-admits-u-s-ambassador-didn-t-give-him-a-do-not-prosecute-list.html).

⁴⁷ *As Russia Collusion Fades, Ukrainian Plot to Help Clinton Emerges*, The Hill (Mar. 20, 2019) (online at <https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges>).

⁴⁸ Yovanovitch Dep. Tr. at 21, 37.

⁴⁹ AT&T Document Production, Bates ATTHPSCI_20190930_00768- ATTHPSCI_20190930_00772, ATTHPSCI_20190930_00775. The Committee did not subpoena the call detail records of any member of Congress or staff, including Ranking Member Devin Nunes, nor of any journalist, including John Solomon. To the extent that congressional members or staff, or journalists, appear in the report, call records indicate that they were in contact with individuals of interest to the investigation. A subpoena served to the White House requesting certain call records was obstructed in full by President Trump. Nevertheless, the Committee's investigation into these and other call records remains ongoing.

⁵⁰ *As Russia Collusion Fades, Ukrainian Plot to Help Clinton Emerges*, The Hill (Mar. 20, 2019) (online at <https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges>).

⁵¹ Department of Justice, *Lev Parnas and Igor Fruman Charged with Conspiring to Violate Straw and Foreign Donor Bans* (Oct. 10, 2019) (online at www.justice.gov/usao-sdny/pr/lev-parnas-and-igor-fruman-charged-conspiring-violate-straw-and-foreign-donor-bans) (alleging that in May and June 2018, Mr. Parnas sought the assistance of an unnamed congressman in causing the removal or recall of the then-U.S. ambassador to Ukraine).

⁵² AT&T Document Production, Bates ATTHPSCI_20190930_00775.

⁵³ Donald J. Trump, Twitter (Mar. 20, 2019) (online at <https://twitter.com/realdonaldtrump/status/1108559080204001280>).

⁵⁴ Rudy Giuliani, Twitter (Mar. 22, 2019) (online at <https://twitter.com/RudyGiuliani/status/1109117167176466432>); *Giuliani Slams Mueller Leak*, Fox News (Apr. 7, 2019) (online at <https://www.foxnews.com/transcript/giuliani-slams-mueller-leak>).

⁵⁵ Donald Trump, Jr., Twitter (Mar. 24, 2019) (online at <https://twitter.com/donaldjtrumpjr/status/1109850575926108161>).

⁵⁶ Kent Dep. Tr. at 57-58.

⁵⁷ *Id.* at 178.

⁵⁸ Yovanovitch Dep. Tr. at 62.

⁵⁹ Hale Dep. Tr. at 37-38.

⁶⁰ *Id.* at 99-100.

⁶¹ Yovanovitch Dep. Tr. at 63-64.

⁶² Hale Dep. Tr. at 27.

⁶³ Yovanovitch Dep. Tr. at 124.

⁶⁴ *Id.* at 267-268.

⁶⁵ *Id.* at 268.

⁶⁶ Email from [Redacted] to S_All (Mar. 26, 2019) (online at www.americanoversight.org/wp-content/uploads/2019/11/AO_State_Ukraine_Docs_11-22.pdf); Email from Operations Center to [Redacted] (Mar. 29, 2019) (online at www.americanoversight.org/wp-content/uploads/2019/11/AO_State_Ukraine_Docs_11-22.pdf). (The same State Department records show that Secretary Pompeo was scheduled to have a secure call with Rep. Nunes on April 1, 2019.); Email from Operations Center to [Redacted] (Mar. 29, 2019) (online at www.americanoversight.org/wp-content/uploads/2019/11/AO_State_Ukraine_Docs_11-22.pdf); Email from [Redacted] to S_Scheduling (Mar. 28, 2019) (online at www.americanoversight.org/wp-content/uploads/2019/11/AO_State_Ukraine_Docs_11-22.pdf); Hale Dep. Tr. at 34 (stating that Secretary Pompeo spoke with Mr. Giuliani on March 28 and March 29); AT&T Document Production, Bates ATTHPSCI_20190930_02034- ATTHPSCI_20190930_02053, ATTHPSCI_20190930_03538-ATTHPSCI_20190930_03539.

⁶⁷ *Joe Biden's 2020 Ukrainian Nightmare: A Closed Probe is Revived*, The Hill (Apr. 1, 2019) (online at <https://thehill.com/opinion/white-house/436816-joe-bidens-2020-ukrainian-nightmare-a-closed-probe-is-revived>).

⁶⁸ Donald Trump, Jr., Twitter (Apr. 2, 2019) (online at <https://twitter.com/donaldjtrumpjr/status/1113046659456528385>).

⁶⁹ AT&T Document Production, Bates ATTHPSCI_20190930_00848-ATTHPSCI_20190930_00884. Mr. Parnas also had an aborted call that lasted 5 seconds on April 5, 2019 with an aide to Rep. Devin Nunes on the Intelligence Committee, Derek Harvey. *Id.* at Bates ATTHPSCI_20190930_00876. Call records obtained by the Committees show that Mr. Parnas and Mr. Harvey had connected previously, including a four minute 42 second call on January 31, 2019, a one minute 7 second call on February 4, and a one minute 37 second call on February 7, 2019. *Id.* at Bates ATTHPSCI_20190930_00617, ATTHPSCI_20190930_00630, ATTHPSCI_20190930_00641. As explained later in this Chapter, Rep. Nunes would connect separately by phone on April 10 and 11 with Mr. Giuliani, and on April 12 with Mr. Parnas. *Id.* at Bates ATTHPSCI_20190930_00913-ATTHPSCI_20190930_00914; ATTHPSCI_20190930-02125, ATTHPSCI_20190930-02129.

⁷⁰ *Ukrainian to US Prosecutors: Why Don't You Want Our Evidence on Democrats?*, The Hill (Apr. 7, 2019) (online at <https://thehill.com/opinion/white-house/437719-ukrainian-to-us-prosecutors-why-dont-you-want-our-evidence-on-democrats>).

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Giuliani Slams Mueller Leak*, Fox News (Apr. 7, 2019) (online at www.foxnews.com/transcript/giuliani-slams-mueller-leak).

⁷⁵ Rudy Giuliani, Twitter (Apr. 8, 2019) (online at <https://twitter.com/RudyGiuliani/status/1115171828618731520>).

⁷⁶ Specifically, between April 8 and April 11, phone records show the following phone contacts:

- at least six calls between Mr. Giuliani and Mr. Parnas (longest duration approximately five minutes), AT&T Document Production, Bates ATTHPSCI_20190930-02115-ATTHPSCI_20190930-02131.
- at least four calls between Mr. Giuliani and Mr. Solomon (all on April 8, longest duration approximately one minute, 30 seconds) AT&T Document Production, Bates ATTHPSCI_20190930-02114-ATTHPSCI_20190930-02115;
- at least nine calls between Mr. Parnas and Mr. Solomon (longest duration four minutes, 39 seconds) AT&T Document Production, Bates ATTHPSCI_20190930-00885-ATTHPSCI_20190930-00906; and
- at least three calls between Mr. Parnas and Ms. Toensing (longest duration approximately six minutes), AT&T Document Production, Bates ATTHPSCI_20190930-00885-ATTHPSCI_20190930-00905.

The Committee did not subpoena the call detail records of any member of Congress or staff, including Ranking Member Devin Nunes, nor of any journalist, including John Solomon. To the extent that congressional members or staff, or journalists, appear in the report, records indicate that they were in contact with individuals of interest to the investigation. A subpoena served to the White House requesting certain call records was obstructed in full by President Trump. Nevertheless, the Committee's investigation into these and other call records remains ongoing.

⁷⁷ *Id.* at Bates ATTHPSCI_20190930-02125, ATTHPSCI_20190930-03236.

Date	Connecting Time (ET)	Duration of Call	Caller	Recipient
04/10/19	12:00:36	0:35	Giuliani, Rudy	Nunes, Devin
04/10/19	12:10:35	0:00	Nunes, Devin	Giuliani, Rudy
04/10/19	12:10:37	0:31	Nunes, Devin	Giuliani, Rudy
04/10/19	12:11:10	SMS	UNKNOWN	Giuliani, Rudy
04/10/19	12:12:35	2:50	Giuliani, Rudy	Nunes, Devin
04/10/19	12:15:38	0:00	Giuliani, Rudy	Nunes, Devin

⁷⁸ *Id.* Bates ATTHPSCI_20190930-00902.

⁷⁹ Jay Sekulow, personal counsel to President Trump, stated that the President was disappointed that Mr. diGenova and Ms. Toensing had to withdraw due to a conflict of interest, but noted that "those conflicts do not prevent them from assisting the President in other legal matters. The President looks forward to working with them." *Trump's Legal Team Remains in Disarray as New Lawyer Will No Longer Represent Him in Russia Probe*, Washington Post (Mar. 25, 2018) (online at www.washingtonpost.com/politics/in-another-blow-to-trumps-efforts-to-combat-russia-probe-digenova-will-no-longer-join-legal-team/2018/03/25/8ac8c8d2-3038-11e8-94fa-32d48460b955_story.html).

⁸⁰ For example, between April 1 and April 7, Ms. Toensing exchanged at least five calls with Mr. Parnas and two calls with Mr. Giuliani. ATTHPSCI_20190930-02089-ATTHPSCI_20190930-02110; ATTHPSCI_20190930-00871-ATTHPSCI_20190930-00884. In addition, on April 10, Ms. Toensing and Mr. Giuliani spoke for approximately six minutes, 19 seconds. AT&T Document Production, Bates ATTHPSCI_20190930-02126. Mr. diGenova and Ms. Toensing were also very active on social media in promoting these conspiracy theories as well as the false accusations against Ambassador Yovanovitch. See, e.g., Ryan Saavedra, Twitter (Mar. 23, 2019) (online at <https://twitter.com/RealSaavedra/status/1109546629672009728>); Victoria Toensing, Twitter (Mar. 21, 2019) (online at <https://twitter.com/VicToensing/status/1108751525239762944>); Victoria Toensing, Twitter (Mar. 24, 2019) (online at <https://twitter.com/VicToensing/status/1109882728101625856>).

⁸¹ Retainer Letter, diGenova & Toensing, LLP, Yuriy Lutsenko, and Kostiantyn Kulyk (Apr. 12, 2019); Retainer Letter, diGenova & Toensing, LLP, Viktor Shokin (Apr. 15, 2019).

⁸² On April 12, less than a week after the latest piece in *The Hill*, Ms. Toensing signed a retainer agreement between diGenova & Toensing, LLP, Mr. Lutsenko, and his former deputy Kostiantyn Kulyk, two of the primary sources for Mr. Solomon's articles. The Committees obtained a copy of this document which is not signed by the Ukrainians, but a spokesman for Ms. Toensing and Mr. diGenova confirmed that the firm represented Mr. Lutsenko. See *Giuliani Weighed Doing Business with Ukrainian Government*, Wall Street Journal (Nov. 27, 2019) (online at www.wsj.com/articles/giuliani-weighed-doing-business-with-ukrainian-government-11574890951).

The first paragraph of the retainer agreement sets forth the services to be provided by diGenova & Toensing, LLP to their Ukrainian clients:

Yurii Lutsenko and Kostiantyn Kulyk ("Clients") hereby engage the firm of diGenova & Toensing, LLP ("Firm" or "Attorneys") to represent them in connection with recovery and return to the Ukraine government of funds illegally embezzled from that country and providing assistance to meet and discuss with United States government officials the evidence of illegal conduct in Ukraine regarding the United States, for example, interference in the 2016 U.S. elections.

See Retainer Letter, diGenova & Toensing, LLP, Yuriy Lutsenko, and Kostiantyn Kulyk (Apr. 12, 2019).

The scope of representation—which includes representing Mr. Lutsenko and Mr. Kulyk in meetings with U.S. officials regarding Ukrainian interference in the 2016 U.S. elections—mirrors the allegations reported in *The Hill*, pursued by Mr. Giuliani on behalf of President Trump, and pushed by the President on his July 25 call with President Zelensky. According to the retainer agreement, Mr. Lutsenko was to pay diGenova & Toensing, LLP \$25,000 per month, plus costs, for four months for this work. See Retainer Letter, diGenova & Toensing, LLP, Yuriy Lutsenko, and Kostiantyn Kulyk (Apr. 12, 2019).

On April 12, the same day Ms. Toensing signed the retainer agreement with Mr. Lutsenko, phone records show contacts between Ms. Toensing, Mr. Giuliani, and Mr. Parnas, as well as contacts between Mr. Parnas and Mr. Solomon, and Mr. Parnas and Rep. Nunes. In addition, among these calls are contacts between Mr. Giuliani and a phone number associated with the Office of Management and Budget (OMB), an unidentified number ("-1"), and a phone number associated with the White House:

Date	Connecting Time (E.T)	Duration of Call	Caller	Recipient	Source
04/12/19	9:48:57	0:24	Toensing, Victoria	Parnas, Lev	AT&T Document Production, Bates ATTHPSCI_20190930-00908
04/12/19	10:40:19	3:25	Parnas, Lev	Toensing, Victoria	AT&T Document Production, Bates ATTHPSCI_20190930-00909
04/12/19	11:05:25	0:03	OMB-Associated Phone Number	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-02134
04/12/19	11:05:39	12:10	"-1"	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-02134
04/12/19	13:13:49	0:12	Giuliani, Rudy	White House Phone Number	AT&T Document Production, Bates ATTHPSCI_20190930-02135
04/12/19	13:18:46	0:07	Toensing, Victoria	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-02135
04/12/19	13:26:54	0:24	Giuliani Partners	Parnas, Lev	AT&T Document Production, Bates ATTHPSCI_20190930-00911

04/12/19	14:11:22	0:03	"-1"	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-02136
04/12/19	14:11:27	0:03	OMB-Associated Phone Number	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-02136
04/12/19	14:17:46	0:07	Toensing, Victoria	Parnas, Lev	AT&T Document Production, Bates ATTHPSCI_20190930-00912
04/12/19	15:09:22	0:02	Parnas, Lev	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-00912
04/12/19	15:09:32	0:01	Parnas, Lev	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-00912
04/12/19	15:16:09	1:38	Parnas, Lev	Solomon, John	AT&T Document Production, Bates ATTHPSCI_20190930-00912
04/12/19	15:48:09	0:03	OMB-Associated Phone Number	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-02137
04/12/19	16:10:49	0:00	Parnas, Lev	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-00913
04/12/19	16:10:51	0:02	Parnas, Lev	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-00913
4/12/19	16:12:53	1:00	Parnas, Lev	Nunes, Devin	AT&T Document Production, Bates ATTHPSCI_20190930-00913
04/12/19	16:54:11	0:00	Nunes, Devin	Parnas, Lev	AT&T Document Production, Bates ATTHPSCI_20190930-00913
04/12/19	16:54:13	0:02	Nunes, Devin	Parnas, Lev	AT&T Document Production, Bates ATTHPSCI_20190930-00913
04/12/19	17:07:20	1:27	Parnas, Lev	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-00913

04/12/19	17:17:36	7:52	Sekulow, Jay	Giuliani, Rudy	AT&T Document Production, Bates ATTHPSCI_20190930-03565
04/12/19	17:24:05	1:49	Parnas, Lev	Solomon, John	AT&T Document Production, Bates ATTHPSCI_20190930-00914
04/12/19	17:26:48	0:28	Parnas, Lev	Solomon, John	AT&T Document Production, Bates ATTHPSCI_20190930-00914
04/12/19	17:30:19	8:34	Parnas, Lev	Nunes, Devin	AT&T Document Production, Bates ATTHPSCI_20190930-00914
04/12/19	17:39:25	0:53	Parnas, Lev	Solomon, John	AT&T Document Production, Bates ATTHPSCI_20190930-00914
04/12/19	19:56:43	5:03	Giuliani, Rudy	White House Phone Number	AT&T Document Production, Bates ATTHPSCI_20190930-02139

As part of the investigation, the Committees uncovered contact between Mr. Giuliani and a landline number with a prefix associated with the Office of Management and Budget within the Executive Office of the President, according to public directories. This number appears to obscure the identity of outgoing calls, but does not itself accept incoming calls. The Committees continue to investigate the originator(s) of these calls, including to determine whether other offices or landlines within the White House may also show up with the same landline number when outgoing calls are made and to clarify who at the White House spoke to Mr. Giuliani at these key points in time under investigation. A subpoena served to the White House requesting certain call records was obstructed in full by President Trump. Nevertheless, the Committee's investigation into these and other call records remains ongoing.

Mr. Lutsenko and Mr. Kulyk were not the only Ukrainians who appear to have engaged with diGenova & Toensing, LLP. On April 15, Ms. Toensing signed another retainer agreement between diGenova & Toensing, LLP and former Prosecutor General Viktor Shokin. Again, the Committees' copy is not signed by Mr. Shokin. A spokesman for Ms. Toensing and Mr. diGenova acknowledged that the firm represented "Ukrainian whistleblowers," but claimed that the identities of those clients (other than Mr. Lutsenko) are protected by attorney-client privilege. See *Giuliani Weighed Doing Business with Ukrainian Government*, Wall Street Journal (Nov. 27, 2019) (online at www.wsj.com/articles/giuliani-weighed-doing-business-with-ukrainian-government-11574890951).

The first paragraph of the retainer agreement outlined the services to be rendered:

Viktor Shokin ("Client") hereby engaged the firm diGenova & Toensing, LLP ("Firm" or "Attorneys") to represent him for the purpose of collecting evidence regarding his March 2016 firing as Prosecutor General of Ukraine and the role of then-Vice President Joe Biden in such firing, and presenting such evidence to U.S. and foreign authorities.

See Retainer Letter, diGenova & Toensing, LLP, Viktor Shokin (Apr. 15, 2019).

The subject matter of the agreement—the activities of Vice President Biden—again echo Mr. Solomon's pieces in *The Hill*, conspiracy theories spread by Mr. Giuliani on behalf of President Trump, and the President's statements about Vice President Biden on his July 25 call with President Zelensky.

⁸³ AT&T Document Production, Bates ATTHPSCI_20190930-00947-ATTHPSCI_20190930-00950.

⁸⁴ *Id.* at Bates ATTHPSCI_20190930-02222-ATTHPSCI_20190930-02223.

Date	Connecting Time (ET)	Duration of Call	Caller	Recipient
04/23/19	14:00:56	1:50	Giuliani, Rudy	Parnas, Lev
04/23/19	14:15:18	0:18	Giuliani, Rudy	White House Phone Number
04/23/19	14:15:43	0:11	Giuliani, Rudy	White House Phone Number
04/23/19	15:20:17	0:11	Giuliani, Rudy	White House Phone Number
04/23/19	15:50:23	8:28	"-1"	Giuliani, Rudy

⁸⁵ AT&T Document Production, Bates ATTHPSCI_20190930-02224.

⁸⁶ Rudy Giuliani, Twitter (Apr. 23, 2019) (online at <https://twitter.com/RudyGiuliani/status/1120798794692612097>).

⁸⁷ *Giuliani Fires Back at Hillary Clinton's Remarks on Mueller Probe*, Fox News (Apr. 24, 2019) (online at www.youtube.com/watch?v=FDtg8z12Q7s&feature=youtu.be).

⁸⁸ AT&T Document Production, Bates ATTHPSCI_20190930-02229- ATTHPSCI_20190930-02237.

Date	Connecting Time (ET)	Duration of Call	Caller	Recipient
04/24/19	7:17:48	0:42	OMB-Associated Phone Number	Giuliani, Rudy
04/24/19	7:47:57	0:37	Giuliani, Rudy	White House Phone Number
04/24/19	7:48:39	0:21	Giuliani, Rudy	White House Phone Number
04/24/19	7:49:00	0:31	OMB-Associated Phone Number	Giuliani, Rudy
04/24/19	7:49:00	0:20	Giuliani, Rudy	White House Phone Number
04/24/19	7:49:35	4:53	Giuliani, Rudy	White House Phone Number
04/24/19	7:54:52	0:24	Giuliani, Rudy	White House Phone Number
04/24/19	13:03:50	13:44	OMB-Associated Phone Number	Giuliani, Rudy
04/24/19	16:42:52	8:00	Parnas, Lev	Giuliani, Rudy
04/24/19	18:38:57	0:44	Giuliani, Rudy	White House Phone Number
04/24/19	18:42:43	8:42	"-1"	Giuliani, Rudy

04/24/19	20:09:14	0:06	Giuliani, Rudy	White House Phone Number
04/24/19	20:12:08	3:15	White House Phone Number	Giuliani, Rudy

⁸⁹ Yovanovitch Hearing Tr. at 31-32.

⁹⁰ Yovanovitch Dep. Tr. at 22.

⁹¹ Yovanovitch Hearing Tr. at 21-22.

⁹² Yovanovitch Dep. Tr. at 129.

⁹³ *Id.* at 139.

⁹⁴ Yovanovitch Hearing Tr. at 28.

⁹⁵ Sondland Hearing Tr. at 21.

⁹⁶ Yovanovitch Hearing Tr. at 131-132.

⁹⁷ Hale Dep. Tr. at 16-17, 112-113; Yovanovitch Hearing Tr. at 21.

⁹⁸ Cooper-Hale Hearing Tr. at 63 (“I only met her when I took this job, but immediately I understood that we had an exceptional officer doing exceptional work at a very critical embassy in Kyiv. And during my visits to Kyiv, I was very impressed by what she was doing there, to the extent that I asked her if she’d be willing to stay, if that was a possibility, because we had a gap coming up.”).

⁹⁹ *Id.* at 64.

¹⁰⁰ *Biography of Marie L. Yovanovitch*, Department of State (online at <https://2009-2017.state.gov/r/pa/ei/biog/261588.htm>).

¹⁰¹ McKinley Transcribed Interview Tr. at 37.

¹⁰² Reeker Dep. Tr. at 26.

¹⁰³ Kent Dep. Tr. at 188-189.

¹⁰⁴ Yovanovitch Hearing Tr. at 18-19.

¹⁰⁵ *Id.*

¹⁰⁶ Hill-Holmes Hearing Tr. at 18-19, 45-46.

¹⁰⁷ Holmes Dep. Tr. at 142.

¹⁰⁸ *What “Corruption” Means in the Impeachment Hearings*, New Yorker (Nov. 16, 2019) (online at www.newyorker.com/news/our-columnists/the-corruption-of-the-word-corruption-and-so-much-else-amid-the-impeachment-hearings).

¹⁰⁹ 22 U.S.C. § 3941.

¹¹⁰ Yovanovitch Hearing Tr. at 110-111.

¹¹¹ Ambassador Yovanovitch said: “Although then and now I have always understood that I served at the pleasure of the President, I still find it difficult to comprehend that foreign and private interests were able to undermine U.S. interests in this way. Individuals who apparently felt stymied by our efforts to promote stated U.S. policy against corruption, that is, to do our mission, were able to successfully conduct a campaign of disinformation against a sitting ambassador using unofficial back channels. As various witnesses have recounted, they shared baseless allegations with the President and convinced him to remove his ambassador despite the fact that the State Department fully understood that the allegations were false and the sources highly suspect.” Yovanovitch Hearing Tr. at 22.

¹¹² Hill-Holmes Hearing Tr. at 78-79.

¹¹³ Yovanovitch Dep. Tr. at 313-314.

¹¹⁴ Yovanovitch Hearing Tr. at 22.

¹¹⁵ Kent-Taylor Hearing Tr. at 25.

¹¹⁶ Kent. Dep. Tr. at 131-132.

¹¹⁷ Kent-Taylor Hearing Tr. at 31-32.

¹¹⁸ *Comedian Volodymyr Zelensky Unseats Incumbent in Ukraine's Presidential Election, Exit Polls Show*, Washington Post (Apr. 21, 2019) (online at www.washingtonpost.com/world/as-ukraine-votes-in-presidential-runoff-a-comedian-looks-to-unseat-the-incumbent/2019/04/21/b7d69a38-603f-11e9-bf24-db4b9fb62aa2_story.html).

¹¹⁹ *Id.*

¹²⁰ The White House, *Memorandum of Telephone Conversation* (Apr. 21, 2019) (online at <https://assets.documentcloud.org/documents/6550349/First-Trump-Ukraine-Call.pdf>).

¹²¹ *Id.*

¹²² *Conflicting White House accounts of 1st Trump-Zelenskyy call*, Associated Press (Nov. 15, 2019) (online at <https://apnews.com/2f3c9910e0a14ec08d6d76ed93148059>).

¹²³ The White House, *Memorandum of Telephone Conversation* (Apr. 21, 2019) (online at <https://assets.documentcloud.org/documents/6550349/First-Trump-Ukraine-Call.pdf>).

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Williams Dep. Tr. at 36.

¹³² *Id.* at 37.

¹³³ *Id.* at 36.

¹³⁴ *Fox & Friends*, Fox News (Apr. 24, 2019) (online at www.youtube.com/watch?v=FDtg8zL2Q7s#action=share).

¹³⁵ *Why Giuliani Singled Out 2 Ukrainian Oligarchs to Help Look for Dirt*, New York Times (Nov. 25, 2019) (online at www.nytimes.com/2019/11/25/us/giuliani-ukraine-oligarchs.html).

¹³⁶ *Ukraine's Unlikely President, Promising a New Style of Politics, Gets a Taste of Trump's Swamp*, New Yorker (Oct. 25, 2019) (online at www.newyorker.com/magazine/2019/11/04/how-trumps-emissaries-put-pressure-on-ukraines-new-president).

¹³⁷ *Why Giuliani Singled Out 2 Ukrainian Oligarchs to Help Look for Dirt*, New York Times (Nov. 25, 2019) (online at www.nytimes.com/2019/11/25/us/giuliani-ukraine-oligarchs.html).

¹³⁸ AT&T Document Production, Bates ATTHPSCI_20190930_00947; ATTHPSCI_20190930_00949; ATTHPSCI_20190930_02222; ATTHPSCI_20190930_02223.

¹³⁹ *Joe Biden Announces 2020 Run for President, After Months of Hesitation*, New York Times (Apr. 25, 2019) (online at www.nytimes.com/2019/04/25/us/politics/joe-biden-2020-announcement.html).

¹⁴⁰ *How the Obama White House Engaged Ukraine to Give Russia Collusion Narrative an Early Boost*, The Hill (Apr. 25, 2019) (online at <https://thehill.com/opinion/white-house/440730-how-the-obama-white-house-engaged-ukraine-to-give-russia-collusion>).

¹⁴¹ Holmes Dep. Tr. at 17.

¹⁴² *Id.* at 116.

¹⁴³ *Id.*

¹⁴⁴ AT&T Document Production, Bates ATTHPSCI_20190930_02245.

¹⁴⁵ *Id.*

¹⁴⁶ *Sean Hannity Interviews Trump on Biden, Russia Probe, FISA Abuse, Comey*, Fox News (Apr. 26, 2019) (online at www.realclearpolitics.com/video/2019/04/26/full_video_sean_hannity_interviews_trump_on_biden_russia_probe_fisa_abuse_comey.html).

¹⁴⁷ Holmes Dep. Tr. at 55-56.

¹⁴⁸ *Sean Hannity Interviews Trump on Biden, Russia Probe, FISA Abuse, Comey*, Fox News (Apr. 26, 2019) (online at www.realclearpolitics.com/video/2019/04/26/full_video_sean_hannity_interviews_trump_on_biden_russia_probe_fisa_abuse_comey.html). As discussed later in this report, on the morning of September 25, 2019, the Department of Justice would quickly issue a statement after President Trump released the record of his July 25 call with President Zelensky. The statement asserted that that Attorney General Barr had not engaged on Ukraine matters at the President's request:

The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine—on this or any other matter. The Attorney General has not communicated with Ukraine—on this or any other subject.

¹⁴⁹ *Cleaning Up Ukraine in the Shadow of Trump*, Financial Times (Nov. 28, 2019) (online at www.ft.com/content/eb8e4004-1059-11ea-a7e6-62bf4f9e548a).

¹⁵⁰ *Id.*

¹⁵¹ *Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies*, New York Times (May 1, 2019) (online at www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html).

¹⁵² *Transcript: Fox News Interview with President Trump*, Fox News (May 7, 2019) (online at www.foxnews.com/politics/transcript-fox-news-interview-with-president-trump).

¹⁵³ *Id.*

¹⁵⁴ *Foreign Affairs Issue Launch with Former Vice President Joe Biden*, Council on Foreign Relations (Jan. 23, 2018) (online at: www.cfr.org/event/foreign-affairs-issue-launch-former-vice-president-joe-biden).

¹⁵⁵ *Ukraine Ousts Viktor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance*, New York Times (Mar. 29, 2016) (online at www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html).

¹⁵⁶ Yovanovitch Hearing Tr. at 50; Kent-Taylor Hearing Tr. at 115.

¹⁵⁷ *Trump Says He'd Consider Accepting Information from Foreign Governments on His Opponents*, Washington Post (June 12, 2019) (online at www.washingtonpost.com/politics/trump-says-hed-consider-accepting-dirt-from-foreign-governments-on-his-opponents/2019/06/12/b84ba860-8d5c-11e9-8f69-a2795fca3343_story.html).

¹⁵⁸ AT&T Document Production, Bates ATTHPSCI_20190930_02313.

¹⁵⁹ *Id.* at Bates ATTHPSCI_20190930_02314; ATTHPSCI_20190930_02316; ATTHPSCI_20190930_02318; ATTHPSCI_20190930_01000.

¹⁶⁰ Kent Dep. Tr. at 137.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump*, New York Times (May 9, 2019) (online at www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html).

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Trump's Interest in Stirring Ukraine Investigations Sows Confusion in Kiev*, Washington Post (May 11, 2019) (online at www.washingtonpost.com/world/europe/trumps-interest-stirring-ukraine-investigations-sows-confusion-in-kiev/2019/05/11/cb94f7f4-73ea-11e9-9331-30bc5836f48e_story.html).

¹⁷¹ AT&T Document Production, Bates ATTHPSCI_20190930_02321; ATTHPSCI_20190930_02322.

¹⁷² AT&T Document Production, Bates ATTHPSCI_20190930_02320, 02321, 02322, 02323, 03612.

¹⁷³ AT&T Document Production, Bates ATTHPSCI_20190930_03614; ATTHPSCI_20190930_02326; ATTHPSCI_20190930_02327; ATTHPSCI_20190930_03614.

¹⁷⁴ Rudy Giuliani, Twitter (May 9, 2019) (online at <https://twitter.com/RudyGiuliani/status/1126701386224156673>).

¹⁷⁵ *Giuliani: "Massive Collusion" Between DNC, Obama Admin, Clinton People & Ukraine To Create False Info About Trump*, Real Clear Politics (May 10, 2019) (online at www.realclearpolitics.com/video/2019/05/10/giuliani_massive_collusion_between_dnc_obama_admin_clinton_people_ukraine_to_create_false_info_about_trump.html).

¹⁷⁶ Rudy Giuliani, Twitter (May 10, 2019) (online at <https://twitter.com/rudygiuliani/status/1126858889209831424?lang=en>).

¹⁷⁷ AT&T Document Production, Bates ATTHPSCI_20190930_02334.

¹⁷⁸ Volker Transcribed Interview Tr. at 227; *see also id.* at 32-33, 36 (describing the allegations).

¹⁷⁹ *Id.* at 227.

¹⁸⁰ AT&T Document Production, Bates ATTHPSCI_20190930_02334.

¹⁸¹ AT&T Document Production, Bates ATTHPSCI_20190930_02335.

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Trump: Discussing a Biden Probe with Barr Would Be 'Appropriate,' Politico* (May 10, 2019) (online at www.politico.com/story/2019/05/10/trump-biden-ukraine-barr-1317601).

¹⁸⁵ *Trump Denies Sending Rudy Giuliani to Ukraine to Push Biden, Election Probes*, CNBC (Nov. 27, 2019) (online at www.cnn.com/2019/11/27/trump-denies-sending-rudy-giuliani-to-ukraine-to-push-biden-election-probes.html).

¹⁸⁶ *Remarks by President Trump and President Niinistö of the Republic of Finland in Joint Press Conference*, The White House (Oct. 2, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-president-niinisto-republic-finland-joint-press-conference/).

¹⁸⁷ *Remarks by President Trump before Marine One Departure*, The White House (Oct. 4, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-68/).

¹⁸⁸ *Giuliani: I Didn't Go to Ukraine to Start an Investigation, There Already Was One*, Fox News (May 11, 2019) (online at <https://video.foxnews.com/v/6035385372001/#sp=show-clips>).

¹⁸⁹ *Trump: Discussing a Biden Probe with Barr Would Be 'Appropriate'*, Politico (May 10, 2019) (online at www.politico.com/story/2019/05/10/trump-biden-ukraine-barr-1317601) (documenting Giuliani text message).

¹⁹⁰ *Id.*

¹⁹¹ Donald J. Trump, Twitter (May 3, 2019) (online at <https://twitter.com/realDonaldTrump/status/1124359594418032640>)

¹⁹² Kent Dep. Tr. at 338-339.

¹⁹³ *Remarks by President Trump and Prime Minister Orban of Hungary Before Bilateral Meeting*, The White House (May 13, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-prime-minister-orban-hungary-bilateral-meeting/).

¹⁹⁴ *In Hungary, a Freewheeling Trump Ambassador Undermines U.S. Diplomats*, New York Times (Oct. 22, 2019) (online at www.nytimes.com/2019/10/22/world/europe/david-cornstein-hungary-trump-orban.html); *Hungarian Prime Minister Earns Rare Rebuke from European Bloc that Has Long Backed Him*, Washington Post (Mar. 20, 2019) (online at www.washingtonpost.com/world/europe/hungary-orban-earns-rare-rebuke-from-european-bloc-that-has-long-backed-him/2019/03/20/83be110a-4b17-11e9-8cfc-2c5d0999c21e_story.html).

¹⁹⁵ Kent Dep. Tr. at 339.

¹⁹⁶ *Remarks by President Trump and Prime Minister Orban of Hungary Before Bilateral Meeting*, The White House (May 13, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-prime-minister-orban-hungary-bilateral-meeting/).

¹⁹⁷ Kent Dep. Tr. at 253.

¹⁹⁸ *Id.* at 254.

¹⁹⁹ Williams Dep. Tr. at 37-38.

²⁰⁰ Vindman-Williams Hearing Tr. at 14. Other witnesses testified that Vice President Pence may not have been able to attend on account of scheduling issues. See Hill Dep. Tr. at 316 (“there was a lot of scheduling issues” regarding the attempts to schedule the Vice President’s participation in the delegation); Kent Dep. Tr. at 189-191 (Vice President Pence was not available); Volker Transcribed Interview Tr. at 288-290, 293 (Volker “wasn’t surprised” Pence could not make it and assumed it was a matter of scheduling). However, Ms. Williams was the only staff member in the Office of the Vice President to testify before the Committees, and the only witness to testify to having heard an explanation from Vice President Pence’s staff about why Vice President Pence did not attend the inauguration.

²⁰¹ Williams Dep. Tr. at 39.

²⁰² Holmes Dep. Tr. at 37.

²⁰³ *Id.*

²⁰⁴ Rudy Giuliani, Twitter (May 18, 2019) (online at <https://twitter.com/RudyGiuliani/status/1129761193755910144>)

²⁰⁵ *Kolomoisky: We Called Varkuch and Asked: 'Do You Support Zelensky or No?'*, Pravda (May 27, 2019) (online at www.pravda.com.ua/rus/articles/2019/05/27/7216183/).

²⁰⁶ *Id.*

²⁰⁷ Holmes Dep. Tr. at 16.

²⁰⁸ Volker Transcribed Interview Tr. at 288-290; Vindman Dep. Tr. at 125.

²⁰⁹ Holmes Dep. Tr. at 101.

²¹⁰ *Id.* at 18.

²¹¹ *Id.* 17-18.

²¹² *Id.* at 18.

²¹³ *Id.*

²¹⁴ Hill-Holmes Hearing Tr. at 61.

²¹⁵ Vindman-Williams Hearing Tr. at 26.

²¹⁶ Hill-Holmes Hearing Tr. at 61.

²¹⁷ Vindman-Williams Hearing Tr. at 26.

²¹⁸ *Id.*

²¹⁹ *Id.*; David Holmes separately testified that Lt. Col. Vindman “made a general point about the importance of Ukraine to our national security, and he said it’s very important that the Zelensky administration stay out of U.S. domestic politics.” Hill-Holmes Hearing Tr. at 61.

²²⁰ Volker Transcribed Interview Tr. at 30.

²²¹ *Id.* at 29-30.

²²² Kent Dep. Tr. at 193.

²²³ Anderson Dep. Tr. at 15, 54. Ambassador Sondland testified that he did not specifically recall who arranged the May 23 meeting and conjectured that “either Rick Perry or I reached out to someone at the NSC saying: Doesn’t the President want a briefing about the inauguration. And I think—I think it was Perry, if I recall correctly, that got it nailed down.” Sondland Dep. Tr. at 87.

²²⁴ Volker Transcribed Interview Tr. at 29, 303; Vindman Dep. Tr. at 168.

²²⁵ Hill Dep. Tr. at 311.

²²⁶ *Id.* at 308.

²²⁷ *Id.*

²²⁸ *Id.* at 309-310.

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ *Nunes Ally Kash Patel Who Fought Russia Probe Gets Senior White House National Security Job*, The Daily Beast (July 31, 2019) (online at www.thedailybeast.com/kash-patel-devin-nunes-ally-who-fought-russia-probe-gets-senior-white-house-national-security-job).

²³² Volker Transcribed Interview Tr. at 304.

²³³ Sondland Dep. Tr. at 25.

²³⁴ *Id.*

²³⁵ Volker Transcribed Interview Tr. at 304.

²³⁶ Sondland Dep. Tr. at 337; Volker Transcribed Interview Tr. at 304; Hill Dep. Tr. at 320-321 (describing Volker’s readout); Croft Dep. Tr. at 90 (describing Volker’s readout); Anderson Dep. Tr. at 57 (describing Volker’s readout).

²³⁷ Volker Transcribed Interview Tr. at 305.

²³⁸ *Id.*

²³⁹ Sondland Dep. Tr. at 62; Volker Transcribed Interview Tr. 305; Morrison-Volker Hearing Tr. at 40.

²⁴⁰ Sondland Hearing Tr. at 71.

²⁴¹ Sondland Dep. Tr. at 26. *See also id.* at 87-90.

²⁴² Morrison-Volker Hearing Tr. at 131.

²⁴³ Sondland Hearing Tr. at 167.

²⁴⁴ In addition to the testimony cited in this paragraph, *see also* Hill Dep. Tr. at 113; Hale Dep. Tr. at 90; Taylor Dep. Tr. at 58, 285; and Reeker Dep. Tr. at 148.

²⁴⁵ Kent Dep. Tr. at 195.

²⁴⁶ Croft Dep. Tr. at 91.

²⁴⁷ Hale Dep. Tr. at 73.

²⁴⁸ Sondland Dep. Tr. at 151-152.

²⁴⁹ Hill Dep. Tr. at 59-60.

²⁵⁰ Sondland Hearing Tr. at 24, 27, 123-124, 125-126.

²⁵¹ *Id.* at 27-30.

²⁵² *Id.* at 22.

²⁵³ Sondland Dep. Tr. at 77-78.

²⁵⁴ Hill-Holmes Hearing Tr. at 94.

²⁵⁵ Hill Dep. Tr. at 127. According to call records obtained by the Committees, Mr. Giuliani connected with Ambassador Bolton's office three times for brief calls of under a minute between April 23 and May 10, 2019—a time period that corresponds with the recall of Ambassador Yovanovitch and the acceleration of Mr. Giuliani's efforts, on behalf of President Trump, to pressure Ukraine into opening investigations that would benefit his reelection campaign. AT&T Document Production, Bates ATTHPSCI_20190930_02224, 02322, 02330.

²⁵⁶ Hill Dep. Tr. at 127.

²⁵⁷ Anderson Dep. Tr. at 15.

²⁵⁸ *Id.*

²⁵⁹ *Id.* at 101.

²⁶⁰ Hill Dep. Tr. at 127-128.

²⁶¹ *Id.* at 116-117.

²⁶² *Id.* at 130.

²⁶³ Anderson Dep. Tr. at 16.

²⁶⁴ *Id.*; Taylor Dep. Tr. at 24-25, 167.

²⁶⁵ Taylor Dep. Tr. at 25.

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ Anderson Dep. Tr. at 16-17.

²⁶⁹ Sondland Dep. Tr. at 240.

²⁷⁰ *ABC News' Oval Office Interview with President Trump*, ABC News (June 13, 2019) (online at <https://abcnews.go.com/Politics/abc-news-oval-office-interview-president-donald-trump/story?id=63688943>).

²⁷¹ *ABC News' Oval Office Interview with President Trump*, ABC News (June 13, 2019) (online at <https://abcnews.go.com/Politics/abc-news-oval-office-interview-president-donald-trump/story?id=63688943>) (emphasis added).

²⁷² Rudy Giuliani, Twitter (June 21, 2019) (online at <https://twitter.com/RudyGiuliani/status/1142085975230898176>)

²⁷³ Hill-Holmes Hearing Tr. at 77.

²⁷⁴ *Id.* at 91.

²⁷⁵ Hill Dep. Tr. at 222-223.

²⁷⁶ Hill-Holmes Hearing Tr. at 92.

²⁷⁷ *Id.* at 93.

²⁷⁸ Office of the United Nations High Commissioner for Human Rights, *Report on the Human Rights Situation in Ukraine: 16 November 2018 to 15 February 2019* (online at www.ohchr.org/Documents/Countries/UA/ReportUkraine16Nov2018-15Feb2019.pdf); Office of the United Nations High Commissioner for Human Rights, *Report on the Human Rights Situation in Ukraine: 16 August to 15 November 2017* (online at www.ohchr.org/Documents/Countries/UA/UARep20th_EN.pdf); Office of the United Nations High Commissioner for Human Rights, *Conflict in Ukraine Enters its Fourth Year with No End in Sight* (June 13, 2017) (online at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21730&LangID=E). These figures do not include the 298 civilians of 13 different nationalities killed aboard Malaysia Airlines Flight 17, which a Dutch-led joint investigation found was shot down by a Russian missile system from a Russian military unit, a conclusion supported by U.S. intelligence. See Dutch Safety Board, *Report on the Crash of Malaysia Airlines Flight MH17* (Oct. 13, 2015) (online at www.onderzoeksraad.nl/en/page/3546/crash-mh17-17-july-2014); *U.S. Discloses Intelligence on Downing of Malaysian Jet*, Washington Post (July 22, 2014) (online at www.washingtonpost.com/world/national-security/us-discloses-intelligence-on-downing-of-malaysian-jet/2014/07/22/b178fe58-11e1-11e4-98ee-daea85133bc9_story.html).

²⁷⁹ Ambassador Nikki Haley, United States Mission to the United Nations, *Remarks at a U.N. Security Council Briefing on Ukraine* (May 29, 2018) (online at <https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-ukraine-2/>).

²⁸⁰ Department of Defense, *Secretary of Defense James Mattis Remarks with President Petro Poroshenko* (Aug. 24, 2017) (online at www.defense.gov/Newsroom/Speeches/Speech/Article/1291430/secretary-of-defense-james-mattis-remarks-with-president-petro-poroshenko/).

²⁸¹ European Union External Action, *EU-Ukraine Relations Factsheet* (Sept. 30, 2019) (online at https://eeas.europa.eu/headquarters/headquarters-homepage/4081/eu-ukraine-relations-factsheet_en); NATO, *Fact Sheet: NATO's Support to Ukraine* (Nov. 2018) (www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_11/20181106_1811-factsheet-nato-ukraine-support-eng.pdf).

²⁸² *DOD Announces \$250M to Ukraine*, U.S. Department of Defense (June 18, 2019) (online at www.defense.gov/Newsroom/Releases/Release/Article/1879340/dod-announces-250m-to-ukraine/).

²⁸³ Kent-Taylor Hearing Tr. at 21, 28-29, 50; Vindman Dep. Tr. at 40-41, 113; Cooper Dep. Tr. at 15-16.

²⁸⁴ Taylor Dep. Tr. at 153.

²⁸⁵ Croft Dep. Tr. at 16.

²⁸⁶ Kent-Taylor Hearing Tr. at 30.

²⁸⁷ Taylor Dep. Tr. at 20.

²⁸⁸ Morrison-Volker Hearing Tr. at 11.

²⁸⁹ Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245, § 9013 (2018).

²⁹⁰ National Defense Authorization Act for Fiscal Year 2016, Pub. L. 114-92, § 1250 (2015), amended by the National Defense Act Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91, § 1234 (2017), and most recently amended by the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, § 1246 (2018).

²⁹¹ National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, § 1237 (2016); National Defense Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91, § 1234 (2018); John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, § 1246 (2018).

²⁹² Letter from John C. Rood, Under Secretary of Defense for Policy, Department of Defense, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (Feb. 28, 2019).

²⁹³ Cooper Dep. Tr. at 27-28.

²⁹⁴ National Defense Authorization Act for Fiscal Year 2016, Pub. L. No. 114-92, § 1250 (2015), as amended by the National Defense Act Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91, § 1234 (2017), and most recently amended by the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, § 1246 (2018).

²⁹⁵ Cooper Dep. Tr. at 24.

²⁹⁶ *Id.*

²⁹⁷ Letter from John C. Rood, Under Secretary of Defense for Policy, Department of Defense, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (May 23, 2019).

²⁹⁸ Cooper Dep. Tr. at 31-32.

²⁹⁹ *DOD Announces \$250M to Ukraine*, Department of Defense (June 18, 2019) (online at www.defense.gov/Newsroom/Releases/Release/Article/1879340/dod-announces-250m-to-ukraine/).

³⁰⁰ Consolidated Appropriations Act, 2019, Pub. L. No. 116-6, §7046(a)(2) (2019); Conference Report to Accompany Consolidated Appropriations Act, 2019, H.R. Rep. No. 116-9, p. 869 (2019).

³⁰¹ Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Title VIII (2017).

³⁰² Consolidated Appropriations Act, 2019, Pub. L. No. 116-6, §7015(c) (2019); Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, § 7015(c) (2017).

³⁰³ OMB Circular No. A-11, § 22.3 (2019) (requiring that the State Department receive clearance from OMB before notifying Congress).

³⁰⁴ Sandy Dep. Tr. at 25; *DOD Announces \$250M to Ukraine*, Department of Defense (June 18, 2019) (online at www.defense.gov/Newsroom/Releases/Release/Article/1879340/dod-announces-250m-to-ukraine/).

³⁰⁵ *Sean Hannity Interviews Donald Trump via Telephone*, Fox News (June 19, 2019) (transcript at <https://factba.se/transcript/donald-trump-interview-sean-hannity-fox-telephone-june-19-2019>).

³⁰⁶ Sandy Dep. Tr. at 26-27.

³⁰⁷ *Id.* at 27-28.

³⁰⁸ *Id.* at 29-30.

³⁰⁹ Cooper Dep. Tr. at 33-34.

³¹⁰ *Id.* at 33.

³¹¹ *Id.* at 34.

³¹² *Id.* at 38.

³¹³ *Id.* at 37-38.

³¹⁴ Cooper-Hale Hearing Tr. at 14; Vindman Dep. Tr. at 178-179. *See also Stalled Ukraine Military Aid Concerned Members of Congress for Months*, CNN (Sept. 30, 2019) (online at www.cnn.com/2019/09/30/politics/ukraine-military-aid-congress/index.html) (suggesting that the State Department sought OMB's approval for \$141 million in FMF funds on June 21, 2019).

³¹⁵ OMB Circular No. A-11, § 22.3 (2019) (requiring that the State Department receive clearance from OMB before notifying Congress).

³¹⁶ Williams Dep. Tr. at 54-55.

³¹⁷ *Id.* at 55.

³¹⁸ Blair previously served as Associate Director of National Security Programs at OMB (Blair was Duffey's predecessor), and left OMB for the White House Office of Chief of Staff with Mick Mulvaney. Sandy Dep. Tr. at 36-38.

³¹⁹ Sandy Dep. Tr. at 38-39.

³²⁰ *Id.* at 39.

³²¹ Morrison Dep. Tr. at 161.

³²² Sandy Dep. Tr. at 141-142.

³²³ *Id.* at 142.

³²⁴ *Id.* at 31-32.

³²⁵ *Id.* at 41-42.

³²⁶ Cooper Dep. Tr. at 40; *see also* Croft Dep. Tr. at 83 ("very routine low-level business").

³²⁷ Kent Dep. Tr. at 303-305.

³²⁸ Taylor Dep. Tr. at 27-28.

³²⁹ Croft Dep. Tr. at 83.

³³⁰ Taylor Dep. Tr. at 27.

³³¹ Holmes Dep. Tr. at 154.

³³² *Id.*

³³³ Croft Dep. Tr. at 15.

³³⁴ Cooper Dep. Tr. at 45.

³³⁵ Kent Dep. Tr. at 304.

³³⁶ *Id.* at 305.

³³⁷ Sandy Dep. Tr. at 99; Vindman Dep. Tr. at 182.

³³⁸ Cooper Dep. Tr. at 40. Morrison, who did not attend the sub-PCC meeting but received a readout, testified that he thought OMB announced at the July 18th meeting that the hold "covered all dollars, DOD and Department of State, and it was—it was beyond funds not yet obligated to include funds that had, in fact, been obligated but not yet expended." Morrison Dep. Tr. at 161.

³³⁹ Cooper Dep. Tr. at 40.

³⁴⁰ *Id.* at 44-45.

³⁴¹ *Id.* at 40.

³⁴² Kent Dep. Tr. at 307-308.

³⁴³ Morrison Dep. Tr. at 162.

³⁴⁴ Cooper Dep. Tr. at 46.

³⁴⁵ Williams Dep. Tr. at 91-92; *see also* Morrison Dep. Tr. at 162 (testifying that representatives from OMB stated that the hold "had been imposed by the chief of staff's office" and that the hold "was at the direction of the President").

³⁴⁶ Cooper Dep. Tr. at 46.

³⁴⁷ Morrison Dep. Tr. at 162-163; Kent Dep. Tr. at 310; Sandy Dep. Tr. at 91.

³⁴⁸ Sandy Dep. Tr. at 91.

³⁴⁹ Morrison Dep. Tr. at 163.

³⁵⁰ *Id.*

³⁵¹ 2 U.S.C. § 601 *et seq.*

³⁵² Williams Dep. Tr. at 91-92; Vindman Dep. Tr. at 182; Morrison Dep. Tr. at 162; Sandy Dep. Tr. at 99.

³⁵³ Taylor Dep. Tr. at 195.

³⁵⁴ Vindman Dep. Tr. at 182.

³⁵⁵ Sandy Dep. Tr. at 54.

³⁵⁶ *Id.* at 54, 96-98.

³⁵⁷ *Id.* at 97.

³⁵⁸ *Id.* at 97.

³⁵⁹ Hale Dep. Tr. at 81.

³⁶⁰ Cooper Dep. Tr. at 47.

³⁶¹ Hale Dep. Tr. at 81; *see also* Vindman Dep. Tr. at 184 (“It was unanimous consensus on the approach that we had laid out in expanding engagement, the areas of cooperation that we wanted to focus on, and that this should be elevated to a PC as quickly as possible to release the hold on security assistance because we’re talking about the end of July, and time these funds were set to expire September 30th, so there was some urgency to it.”); Cooper Dep. Tr. at 49 (“Although each member went around to talk about how important it [security assistance] was and how they assessed the future in Ukraine based on the recent election results.”).

³⁶² Morrison Dep. Tr. at 165.

³⁶³ Cooper Dep. Tr. at 93.

³⁶⁴ *Id.* at 49, 93.

³⁶⁵ *Nixon’s Presidency: Crisis for Congress*, New York Times (Mar. 5, 1973) (online at www.nytimes.com/1973/03/05/archives/nixons-presidency-crisis-for-congress-this-is-the-second-of-a.html).

³⁶⁶ Congressional Research Service, *The Congressional Budget Act of 1974* (P.L. 93-344) Legislative History and Analysis (Feb. 26, 1975) (online at <https://budgetcounsel.files.wordpress.com/2018/05/added-crs-the-congressional-budget-act-of-1974-p-l-93-344-legislative-history-and-analysis-order-code-75-94-s-february-26-1975.pdf>).

³⁶⁷ Calvin Coolidge Presidential Foundation, *The History of the 1921 and 1974 Budget Acts* (Nov. 26, 2014); *So... this is Nixon’s Fault?*, Politico (Oct. 21, 2015) (online at www.politico.com/agenda/story/2015/10/richard-nixon-congressional-budget-control-act-history-000282).

³⁶⁸ 2 U.S.C. § 683.

³⁶⁹ U.S. Government Accountability Office, *Impoundment Control Act—Withholding of Funds through Their Date of Expiration* (Dec. 10, 2018) (online at www.gao.gov/assets/700/695889.pdf).

³⁷⁰ Cooper Dep. Tr. at 47-48. With regard to interagency discussions about the legality of the hold, Vindman testified “[s]o I’m not a legal expert, but there was a sufficient amount of—a significant amount of work done to determine whether it was legal for OMB to be able to place the hold. ... I think at the—so my recollection in the [July 18th] sub-PCC was that the matter was raised; at the [July 23rd] PCC, it was tasked for further development; and I think by the time it got to our [July 26th] DSG it was determined that, you know, there was a legal basis to hold.” Vindman Dep. Tr. at 185.

³⁷¹ Vindman Dep. Tr. at 184.

³⁷² Morrison Dep. Tr. at 165.

³⁷³ *Id.* at 264.

³⁷⁴ *Id.*

³⁷⁵ *Id.*

³⁷⁶ Cooper Dep. Tr. at 51.

³⁷⁷ *Id.*; *see also id.* at 113 (explaining that she relied on a conversation with DOD legal to form her understanding of the two proper legal mechanisms).

³⁷⁸ 2 U.S.C. § 683.

³⁷⁹ Cooper Dep. Tr. at 58-59.

³⁸⁰ *Id.* at 114.

³⁸¹ *Id.* at 51, 57; Sandy Dep. Tr. at 147-148.

³⁸² 31 U.S.C. §§ 1511-1516.

³⁸³ Sandy Dep. Tr. at 87, 163.

³⁸⁴ *Id.* at 34-35.

³⁸⁵ *Id.* at 51.

³⁸⁶ *Id.* at 23.

³⁸⁷ *Id.* at 33-35, 51-52.

³⁸⁸ *Id.* at 86.

³⁸⁹ *Id.* at 86-87.

³⁹⁰ *Id.* at 86.

³⁹¹ *Id.* at 87-88.

³⁹² SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (July 25, 2019).

³⁹³ Sandy Dep. Tr. at 94.

³⁹⁴ *Id.*

³⁹⁵ *Id.* at 94-95; SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (July 25, 2019).

³⁹⁶ Sandy Dep. Tr. at 87.

³⁹⁷ SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (July 25, 2019); Sandy Dep. Tr. at 92.

³⁹⁸ Sandy Dep. Tr. at 101.

³⁹⁹ *Id.* at 102.

⁴⁰⁰ *Id.* at 96-97, 102.

⁴⁰¹ *Id.* at 101-102.

⁴⁰² *Id.* at 63.

⁴⁰³ *Id.*

⁴⁰⁴ *Id.* at 102.

⁴⁰⁵ *Id.* at 64-65.

⁴⁰⁶ *Id.* at 65.

⁴⁰⁷ *Id.* at 108-109.

⁴⁰⁸ *Id.* at 104, 119-120.

⁴⁰⁹ Cooper Dep. Tr. at 58-59.

⁴¹⁰ *Id.*

⁴¹¹ *Id.* at 59.

⁴¹² Sandy Dep. Tr. at 74-75, 127-128.

⁴¹³ SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (August 6, 2019); SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (August 15, 2019). Because of a drafting error in which OMB forgot to extend the date, the footnotes technically did not restrict DOD from spending funds between August 12 and August 20 (the date of the subsequent funding document reinstating the hold). However, Sandy testified that the hold was still in place and that the direction from the President remained unchanged. Sandy Dep. Tr. at 124-126.

⁴¹⁴ SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (August 6, 2019); SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (August 15, 2019); SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (August 20, 2019); SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (August 27, 2019); SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (August 31, 2019); SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (Sept. 5, 2019); SF-13; SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (Sept. 6, 2019); Apportionment Schedule FY 2019, OMB Footnote A4 (Sept. 10, 2019).

⁴¹⁵ Cooper Dep. Tr. at 91-92.

⁴¹⁶ *Id.* at 92.

⁴¹⁷ Kent Dep. Tr. at 318-319.

⁴¹⁸ Sandy Dep. Tr. at 56-61.

⁴¹⁹ *Id.* at 59-60.

⁴²⁰ *Id.* at 60-61.

⁴²¹ *Id.* at 75, 127-128; Cooper Dep. Tr. at 57-58; *see also id.* at 59 (“And along the way, [the] Defense Security Cooperation Agency was expressing doubt that they could do it.”).

⁴²² Cooper Dep. Tr. at 80-81. Ultimately, as described below, DOD was able to obligate all but approximately \$35 million in USAI funds by September 30th. Sandy Dep. Tr. at 146-147.

⁴²³ Sandy Dep. Tr. at 127-128.

⁴²⁴ *Id.* at 95.

⁴²⁵ SF-132 Apportionment Schedule FY 2019 (August 20, 2019); SF-132 Apportionment Schedule FY 2019 (August 27, 2019); SF-132 Apportionment Schedule FY 2019 (August 31, 2019); SF-132 Apportionment Schedule FY 2019 (September 5, 2019); SF-132 Apportionment Schedule FY 2019 (September 6, 2019); SF-132 Apportionment Schedule FY 2019 (September 10, 2019).

⁴²⁶ SF-132 Apportionment Schedule FY 2019 (August 20, 2019) (funds not available for obligation until August 26); SF-132 Apportionment Schedule FY 2019 (August 27, 2019) (funds not available for obligation until August 31); SF-132 Apportionment Schedule FY 2019 (August 31, 2019) (funds not available for obligation until September 5); SF-132 Apportionment Schedule FY 2019 (September 5, 2019) (funds not available for obligation until September 7); SF-132 Apportionment Schedule FY 2019 (September 6, 2019) (funds not available for obligation until September 11); SF-132 Apportionment Schedule FY 2019 (September 10, 2019) (funds not available for obligation until September 12).

⁴²⁷ Sandy Dep. Tr. at 131.

⁴²⁸ *Id.* at 136-137.

⁴²⁹ *Id.* at 136.

⁴³⁰ *Id.* at 135-137, 150-155.

⁴³¹ *Id.* at 149-152.

⁴³² *Id.* at 152.

⁴³³ *Id.* at 150-156.

⁴³⁴ Morrison Dep. Tr. at 266-267.

⁴³⁵ *Id.* at 268.

⁴³⁶ *Id.* at 267.

⁴³⁷ Vindman Dep. Tr. at 186.

⁴³⁸ *Id.*

⁴³⁹ *Id.* at 187-188.

⁴⁴⁰ Morrison Dep. Tr. at 167-168.

⁴⁴¹ *Id.* at 170-171.

⁴⁴² *Id.* at 265-266.

⁴⁴³ *Id.* at 172, 266.

⁴⁴⁴ *Id.* at 266.

⁴⁴⁵ Cooper Dep. Tr. at 68.

⁴⁴⁶ Croft Dep. Tr. at 86.

⁴⁴⁷ *Id.* at 86-87.

⁴⁴⁸ *Id.* at 86-87, 101.

⁴⁴⁹ *Id.* at 97-98.

⁴⁵⁰ Cooper-Hale Hearing Tr. at 14.

⁴⁵¹ *Id.* at 13-14.

⁴⁵² *Id.* at 14.

⁴⁵³ *Id.* at 15.

⁴⁵⁴ Vindman Dep. Tr. at 221-222.

⁴⁵⁵ *Trump Holds Up Ukraine Military Aid Meant to Confront Russia*, Politico (Aug. 28, 2019) (online at www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-1689531).

⁴⁵⁶ Holmes Dep. Tr. at 18 (“It is important to understand that a White House visit was critical to President Zelensky. He needed to demonstrate U.S. support at the highest levels, both to advance his ambitious anti-corruption agenda at home and to encourage Russian President Putin to take seriously President Zelensky’s peace efforts.”).

⁴⁵⁷ Kent Dep. Tr. at 202 (“The President of the United States is a longtime acknowledged leader of the free world, and the U.S. is Ukraine’s strongest supporter. And so in the Ukraine context, it’s very important to show that they can establish a strong relationship with the leader of the United States. That’s the Ukrainian argument and desire to have a meeting. The foreign policy argument is it’s a very important country in the front lines of Russian malign influence and aggression. And the U.S. spends a considerable amount of our resources supporting Ukraine and therefore it makes sense.”).

⁴⁵⁸ Hill Dep. Tr. at 158 (“He was just generally concerned about actually not having a meeting because he felt that this would deprive Ukraine, the new Ukrainian Government of the legitimacy that it needed, especially vis-a-vis the Russians. So this gets to, you know, the heart of our national security dilemma. You know, the Ukrainians at this point, you know, are looking at a White House meeting or looking at a meeting with the President of the United States as a recognition of their legitimacy as a sovereign state.”).

⁴⁵⁹ Vindman Hearing Tr. at 38-39 (“The show of support for President Zelensky, still a brand-new President, frankly, a new politician on the Ukrainian political scene, looking to establish his bona fides as a regional and maybe even a world leader, would want to have a meeting with the United States, the most powerful country in the world and Ukraine’s most significant benefactor, in order to be able to implement his agenda.”).

⁴⁶⁰ Volker Transcribed Interview Tr. at 59.

⁴⁶¹ *Id.* at 328.

⁴⁶² Taylor Dep. Opening Statement at 5 (“In late June, one of the goals of both channels was to facilitate a visit by President Zelensky to the White House for a meeting with President Trump, which President Trump had promised in his congratulatory letter of May 29. The Ukrainians were clearly eager for the meeting to happen. During a conference call with Ambassador Volker, Acting Assistant Secretary of State for European and Eurasian Affairs Phil Reeker, Secretary Perry, Ambassador Sondland, and Counsel of the U.S. Department of State Ulrich Brechtbuhl on June 18, it was clear that a meeting between the two presidents was an agreed-upon goal.”).

⁴⁶³ *Id.* at 25 (“[D]uring my subsequent communications with Ambassadors Volker and Sondland, they relayed to me that the President ‘wanted to hear from Zelensky’ before scheduling the meeting in the Oval Office. It was not clear to me what this meant.”).

⁴⁶⁴ *Id.*

⁴⁶⁵ Holmes Dep. Tr. at 20.

⁴⁶⁶ Taylor Dep. Tr. at 25-26.

⁴⁶⁷ *Id.* at 25. *See also id.* at 128.

Q: But Ambassador Sondland made it clear not only that he didn't wish to include most of the regular interagency participants but also that no one was transcribing or monitoring the call as they added President Zelensky. What struck you as odd about that?

A: Same concern. That is, in the normal, regular channel, the State Department operations center that was putting the call together would stay on the line, in particular when you were having a conversation with the head of state, they would stay on the line, transcribe, take notes so that there could be a record of the discussion with this head of state. It is an official discussion. When he wanted to be sure that there was not, the State Department operations center agreed.

⁴⁶⁸ *Id.* at 26.

⁴⁶⁹ *Id.* at 127.

⁴⁷⁰ Kurt Volker Document Production, Bates KV00000036 (Oct. 2, 2019).

⁴⁷¹ *Id.*

⁴⁷² Taylor Dep. Tr. at 26.

⁴⁷³ Kurt Volker Document Production, Bates KV00000027 (Oct. 2, 2019).

⁴⁷⁴ Volker Transcribed Interview Tr. at 242-243.

⁴⁷⁵ Kurt Volker Document Production, Bates KV00000055 (Oct. 2, 2019).

⁴⁷⁶ *Id.* at Bates KV00000027.

Taylor: Are you OK with me briefing Ulrich on these conversations? Maybe you have already?

Volker: I have not—please feel free

Volker: The key thing is to tee up a phone call w potus and then get visit nailed down

Taylor: I agree. Is Ze on board with a phone call?

Volker: Yes—bogdan was a little skeptical, but Zelensky was ok with it. Now we need to get it on potus schedule...

Taylor: The three amigos are on a roll. Let me know when I can help.

⁴⁷⁷ Taylor Dep. Tr. at 65-66 (“Kurt told me that he had discussed how President Zelensky could prepare for the phone call with President Trump. And without going into—without providing me any details about the specific words, did talk about investigations in that conversation ... Kurt suggested that President Trump would like to hear about the investigations.”).

⁴⁷⁸ Morrison-Volker Hearing Tr. at 94.

Q: In the July 2nd or 3rd meeting in Toronto that you had with President Zelensky, you also mentioned investigations to him, right?

A: Yes

Q: And again, you were referring to the Burisma and the 2016 election.

A: I was thinking of Burisma and 2016.

Q: And you understood that that what the Ukrainians interpreted references to investigations to be, related to Burisma and the 2016 election?

A: I don't know specifically at that time if we had talked that specifically, Burisma/2016. That was my assumption, though, that they would've been thinking that too.

⁴⁷⁹ Sondland Hearing Tr. at 27.

⁴⁸⁰ *Id.* at 43.

⁴⁸¹ *Id.* at 21-22.

⁴⁸² Kent Dep. Tr. at 246.

⁴⁸³ Hill-Holmes Hearing Tr. at 59.

⁴⁸⁴ Kent Dep. Tr. at 246-247 (“I do not recall whether the follow-on conversation I had with Kurt about this was in Toronto, or whether it was subsequently at the State Department. But he did tell me that he planned to start reaching out to former Mayor of New York, Rudy Giuliani. And when I asked him why, he said that it was clear that the former mayor had influence on the President in terms of the way the President thought of Ukraine. And I think by that moment in time, that was self-evidence to anyone who was working on the issues, and therefore, it made sense to try to engage the mayor. When I raised with Kurt, I said, about what? Because former Mayor Giuliani has a track record of, you know, asking for a visa for a corrupt former prosecutor. He attacked Masha, and he's tweeting that the new President needs to investigate Biden and the 2016 campaign. And Kurt's reaction or response to me at that was, well, if there's nothing there, what does it matter? And if there is something there, it should be investigated. My response to him was asking another country to investigate a prosecution for political reasons undermines our advocacy of the rule of law.”).

⁴⁸⁵ Kurt Volker Document Production, Bates KV00000036 (Oct. 2, 2019).

⁴⁸⁶ *Id.*

⁴⁸⁷ *Id.* at Bates KV00000006.

⁴⁸⁸ Volker Transcribed Interview Tr. at 308; Kurt Volker Document Production, Bates KV00000018 (Oct. 2, 2019).

⁴⁸⁹ Volker Transcribed Interview Tr. at 138.

⁴⁹⁰ Sondland Hearing Tr. at 23.

⁴⁹¹ Hill Dep. Tr. at 63.

⁴⁹² *Id.* at 63-67, 155.

⁴⁹³ *Id.*

Q: Did anything happen in that meeting that was out of the ordinary?

A: Yes. At one point during that meeting, Ambassador Bolton was, you know, basically trying very hard not to commit to a meeting, because, you know—and, again, these meetings have to be well-prepared. They're not just something that you say, yes, we're going to have a meeting without there being a clear understanding of what the content of that meeting is going to be. ... And Ambassador Bolton is always—was always very cautious and always very much, you know, by the book and was not going to certainly commit to a meeting right there and then, certainly not one where it wasn't—it was unclear what the content of the meeting would be about, what kind of issues that we would discuss that would be pertaining to Ukrainian-U.S. relations. ... Then

Ambassador Sondland blurted out: Well, we have an agreement with the chief of staff for a meeting if these investigations in the energy sector start. And Ambassador Bolton immediately stiffened. He said words to the effect—I can't say word for word what he said because I was behind them sitting on the sofa with our Senior Director of Energy, and we all kind of looked up and thought that was somewhat odd. And Ambassador Bolton immediately stiffened and ended the meeting.

Q: Right then, he just ended the meeting?

A: Yeah. He said: Well, it was very nice to see you. You know, I can't discuss a meeting at this time. We'll clearly work on this. And, you know, kind of it was really nice to see you. So it was very abrupt. I mean, he looked at the clock as if he had, you know, suddenly another meeting and his time was up, but it was obvious he ended the meeting.

⁴⁹⁴ Vindman Dep. Tr. at 17 (“The meeting proceeded well until the Ukrainians broached the subject of a meeting between the two Presidents. The Ukrainians saw this meeting as critically important in order to solidify the support for their most important international partner. Ambassador Sondland started—when Ambassador Sondland started to speak about Ukraine delivering specific investigations in order to secure the meeting with the President, Ambassador Bolton cut the meeting short.”)

⁴⁹⁵ Volker Transcribed Interview Tr. at 310.

⁴⁹⁶ Morrison-Volker Hearing Tr. at 23, 73, 103.

⁴⁹⁷ Hill Dep. Tr. at 68 (“And Ambassador Sondland said to Ambassador Volker and also Secretary Perry and the other people who were with him, including the Ukrainians, to come down to—there's a room in the White House, the Ward Room, to basically talk about next steps. And that's also unusual. I mean, he meant to talk to the Ukrainians about next steps about the meeting.”)

⁴⁹⁸ *Id.* (“And Ambassador Bolton pulled me back as I was walking out afterwards and said: Go down to the Ward Room right now and find out what they're talking about and come back and talk to me. So I did go down.”).

⁴⁹⁹ Vindman Dep. Tr. at 64-65.

Q: And what do you recall specifically of what Sondland said to the Ukrainians—

A: Right.

Q: —in the Ward Room?

A: So that is right, the conversation unfolded with Sondland proceeding to kind of, you know, review what the deliverable would be in order to get the meeting, and he talked about the investigation into the Bidens, and, frankly, I can't 100 percent recall because I didn't take notes of it, but Burisma, that it seemed—I mean, there was no ambiguity, I guess, in my mind. He was calling for something, calling for an investigation that didn't exist into the Bidens and Burisma.

Q: Okay. Ambiguity in your mind is different from what you—

A: Sure.

Q: —actually heard?

A: Right. Correct.

Q: What did you hear Sondland say?

A: That the Ukrainians would have to deliver an investigation into the Bidens.

Q: Into the Bidens. So in the Ward Room he mentioned the word “Bidens”?

A: To the best of my recollection, yes.

Q: Okay. Did he mention 2016?

A: I don't recall.

Q: Did he mention Burisma?

A: My visceral reaction to what was being called for suggested that it was explicit. There was no ambiguity.

...

A: Again, based on my visceral reaction, it was explicit what he was calling for. And to the best of my recollection, he did specifically say “investigation of the Bidens.”

...

A So the meeting that occurred in the Ward Room referenced investigations into the Bidens, to the best of my recollection, Burisma and 2016

⁵⁰⁰ Hill Dep. Tr. at 69.

⁵⁰¹ *Id.* at 151-152.

⁵⁰² *Id.* at 69-70.

⁵⁰³ Vindman Dep. Tr. at 31.

Q: Did Ambassador Sondland—were the Ukrainian officials in the room when he was describing the need for these investigations in order to get the White House meeting?

A: So they were in the room initially. I think, once it became clear that there was some sort of discord amongst the government officials in the room, Ambassador Sondland asked them to step out of the room.

Q: What was the discord?

A: The fact that it was clear that I, as the representative—I, as the representative of the NSC, thought it was inappropriate and that we were not going to get involved in investigations.

Q: Did you say that to Ambassador Sondland?

A: Yes, I did.

⁵⁰⁴ *Id.* at 18. While not specifically disagreeing with any of the content of the discussion in the Ward Room, Ambassador Sondland generally disputed Dr. Hill and Lt. Col. Vindman’s accounts, saying that he did not recall “any yelling or screaming ... as others have said.” Sondland Hearing Tr. at 23. Neither Dr. Hill nor Lt. Col. Vindman described yelling or screaming in the meetings.

Ambassador Sondland also testified that “those recollections of protest do not square with the documentary record of our interactions with the NSC in the days and weeks that followed.” Sondland Hearing Tr. at 23. As an example, Sondland provided text from a July 13 email that he sent—not to Dr. Hill, but to her successor Tim Morrison—which said that the “sole purpose” of the call between President Trump and President Zelensky was to give the former “assurances of ‘new sheriff’ in town.” Sondland Hearing Tr. at 23. The email that Ambassador Sondland provided does not undermine Dr. Hill’s or Lt. Col. Vindman’s testimony that they objected to Ambassador Sondland’s conduct in the Ward Room meeting. The email provided by Ambassador Sondland, however, was sent to Mr. Morrison, not Dr. Hill. Mr. Morrison had not yet started working as NSC Senior Director for Europe and was not at the July 10 meeting.

⁵⁰⁵ Vindman Dep. Tr. at 29.

A: So I heard him say that this had been coordinated with White House Chief of Staff Mr. Mick Mulvaney.

Q: What did he say about that?

A: He just said that he had had a conversation with Mr. Mulvaney, and this is what was required in order to get a meeting.

⁵⁰⁶ Hill Dep. Tr. at 69-70.

⁵⁰⁷ Kurt Volker Document Production, Bates KV00000036 (Oct. 2, 2019).

Taylor: Eager to hear if your meeting with Danyliuk and Bolton resulted in a decision on a call.

Taylor: How did the meeting go?

Volker: Not good—lets talk—kv

⁵⁰⁸ *Id. at* Bates KV00000018.

⁵⁰⁹ Hill Dep. Tr. at 70-72.

⁵¹⁰ *Id. at* 126-27.

Q: Okay. But what did you understand him to mean by that?

A: Well, based on what had happened in the July 10th meeting and Ambassador Sondland blurting out that he'd already gotten agreement to have a meeting at the White House for Zelensky if these investigations were started up again, clearly Ambassador Bolton was referring directly to those.

⁵¹¹ *Id. at* 129.

⁵¹² *Id. at* 139. (“I told him exactly, you know, what had transpired and that Ambassador Sondland had basically indicated that there was an agreement with the Chief of Staff that they would have a White House meeting or, you know, a Presidential meeting if the Ukrainians started up these investigations again.”).

⁵¹³ *Id.*

⁵¹⁴ *Id. at* 146-147.

⁵¹⁵ *Id. at* 158-159, 161.

Q: What was Mr. Eisenberg’s reaction to what you explained to him had and Mr. Griffith had explained to him had occurred the day before?

A: Yeah. He was also concerned. I mean, he wasn’t aware that Sondland, Ambassador Sondland was, you know, kind of running around doing a lot of these, you know, meetings and independently. We talked about the fact that, you know, Ambassador Sondland said he’d been meeting with Giuliani and he was very concerned about that. And he said that he would follow up on this.

⁵¹⁶ Vindman Dep. Tr. at 37. (“Sir, I think I—I mean, the top line I just offered, I’ll restate it, which is that Mr. Sondland asked for investigations, for these investigations into Bidens and Burisma. I actually recall having that particular conversation. Mr. Eisenberg doesn’t really work on this issue, so I had to go a little bit into the back story of what these investigations were, and that I expressed concerns and thought it was inappropriate.”).

⁵¹⁷ *Id. at* 36.

⁵¹⁸ *Id. at* 38.

Q: Did he say anything to you, that, all right, I’m going to do anything with it?

A: I vaguely recall something about: I’ll take a look into it. You know, there might not be anything here. We’ll take a look into it, something of that nature. But—and then he offered to, you know, if I have any concerns in the future, you know, that I should be open—I should be—feel free to come back and, you know, share those concerns.

Q: Did either he or anyone from the legal staff circle back to you on this issue?

A: No.

⁵¹⁹ *Id. at* 39-40.

⁵²⁰ Taylor Dep. Tr. at 29. (“In the same July 19th phone call, they gave me an account of the July 10th meeting with the Ukrainian officials at the White House. Specifically, they told me that Ambassador Sondland had connected investigations with an Oval Office meeting for President Zelensky, which so irritated Ambassador Bolton that he abruptly ended the meeting, telling Dr. Hill and Mr. Vindman that they should have nothing to do with domestic politics.”).

⁵²¹ Morrison Dep. Tr. at 12.

⁵²² House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong. (Nov. 20, 2019) (“2. The call between Zelensky and Potus should happen before 7/21. (Parliamentary Elections) Sole purpose is for Zelensky to give Potus assurances of ‘new sheriff’ in town. Corruption ending, unbundling moving forward and any hampered investigations will be allowed to move forward transparently. Goal is for Potus to invite him to Oval. Volker, Perry, Bolton and I strongly recommend.”).

⁵²³ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 21 (Nov. 20, 2019).

⁵²⁴ Sondland Dep. Tr. at 227.

⁵²⁵ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 21 (Nov. 20, 2019).

⁵²⁶ *Id.*

⁵²⁷ *Id.*

⁵²⁸ Sondland Hearing Tr. at 27.

⁵²⁹ Verizon Document Production. It is unclear whether this call occurred before or after Ambassador Sondland spoke with President Zelensky, and it is also unclear whether the White House caller was an Administration official or the President himself.

⁵³⁰ Kurt Volker Document Production, Bates KV00000037 (Oct. 2, 2019).

⁵³¹ *Id.*

⁵³² Volker Transcribed Interview Tr. at 229-230.

⁵³³ Kurt Volker Document Production, Bates KV00000018 (Oct. 2, 2019).

⁵³⁴ Volker Transcribed Interview Tr. at 202-203.

⁵³⁵ *Id.* at 232.

⁵³⁶ Kurt Volker Document Production, Bates KV00000002 (Oct. 2, 2019).

⁵³⁷ *Id.* at Bates KV00000018.

⁵³⁸ Volker Transcribed Interview Tr. at 138-139.

⁵³⁹ AT&T Document Production, Bates ATTHPSCI_20190930_02705.

⁵⁴⁰ Volker Transcribed Interview Tr. at 139.

⁵⁴¹ Kurt Volker Document Production, Bates KV00000018 (Oct. 2, 2019).

⁵⁴² *Id.* at Bates KV00000002-KV00000003.

⁵⁴³ *Id.* at Bates KV00000042.

Volker: Orchestrated a great call w Rudy and Yermak. They are going to get together when Rudy goes to Madrid in a couple of weeks.

Volker: In the meantime, Rudy is now advocating for phone call

Volker: I have call into Fiona’s replacement and will call Bolton if needed.

Volker: But I can tell Bolton and you can tell Mick that Rudy agrees on a call, if that helps

Sondland: I talked to Tim Morrison. (Fiona’s replacement). He is pushing but feel free as well.

⁵⁴⁴ *Id.*

⁵⁴⁵ Taylor Dep. Tr. at 30.

⁵⁴⁶ Kurt Volker Document Production, Bates KV000000 37 (Oct. 2, 2019).

⁵⁴⁷ Taylor Dep. Tr. at 74.

⁵⁴⁸ Kent-Taylor Hearing Tr. at 68.

⁵⁴⁹ Taylor Dep. Tr. at 177.

⁵⁵⁰ Sondland Dep. Tr. at 183.

⁵⁵¹ Sondland Hearing Tr. at 17.

⁵⁵² *Id.* at 18.

⁵⁵³ *Id.* at 19, 17.

⁵⁵⁴ *Id.* at 27.

⁵⁵⁵ *Id.* at 26.

⁵⁵⁶ *Id.* at 27.

⁵⁵⁷ Taylor Dep. Tr. at 26.

⁵⁵⁸ Hill-Holmes Hearing Tr. at 25.

⁵⁵⁹ Hill Dep. Tr. at 420-421.

Q: You've mentioned repeatedly concerns that you had about, in particular, Mr. Giuliani and his efforts. When you read the call transcript of July 25th, the call record, which you must have done just a couple weeks ago, did it crystalize in your head in any way a better understanding of what was transpiring while you were there?

A: In terms of providing, you know, more information with hindsight, unfortunately, yes.

Q: And in what way?

A: The specific references, also juxtaposed with the release of the text messages by Ambassador Volker—you know, what I said before—really was kind of my worst fears and nightmares, in terms of, you know, there being some kind of effort not just to subvert the national security process but to try to subvert what really should be, you know, kind of, a diplomatic effort to, you know, kind of, set up a Presidential meeting.

Q: This may—

A: There seems to be an awful lot of people involved in, you know, basically turning a White House meeting into some kind of asset.

Q: What do you mean by “asset”?

A: Well, something that was being, you know, dangled out to the Ukrainian Government. They wanted the White House meeting very much. And this was kind of laying out that it wasn't just a question of scheduling or having, you know, the national security issues worked out, that there were all of these alternative discussions going on behind.

⁵⁶⁰ Taylor Dep. Tr. at 174.

⁵⁶¹ *Id.*

⁵⁶² Kurt Volker Document Production, Bates KV00000042 (Oct. 2, 2019).

⁵⁶³ Sondland Hearing Tr. at 53-55.

⁵⁶⁴ *Id.* at 52-53.

⁵⁶⁵ Morrison Dep. Tr. at 30-31, 101, 247, 256.

⁵⁶⁶ *Id.* at 31.

⁵⁶⁷ *Id.* at 111.

⁵⁶⁸ Volker Transcribed Interview Tr. at 102-103; Kurt Volker Document Production, Bates KV0000007 (Oct. 2, 2019). In his testimony, Ambassador Volker did not explain to the Committees what he had heard about the July 25 call put him in a position to tell Mr. Giuliani that the “right messages” were, in fact, discussed.

Ambassador Volker testified twice about the readouts that he received of the July 25 call. In his deposition, he told the Committees that he received “the same” readout from both the State Department and Mr. Yermak: that there was a message of congratulations to President Zelensky, that President Zelensky promised to fight corruption and that President Trump repeated the invitation to visit the White House. Volker Transcribed Interview Tr. at 102-103. Ambassador Volker described it as a “superficial” readout. Volker Transcribed Interview Tr. at 19.

In his public testimony, Ambassador Volker repeated that claim: the readouts from Mr. Yermak and Ambassador Volker’s U.S. sources “were largely the same, that it was a good call, that it was a congratulatory phone call for the President winning the parliamentary election.” Volker-Morrison Hearing Tr. at 74. Ambassador Volker did testify that he “expected” the call to cover the material in his July 25 text message—that the Ukrainians would “investigate/get to the bottom of what happened” in 2016—but did not receive anything more than a “barebones” description of what was said. Volker-Morrison Hearing Tr. at 87-88, 75.

If Ambassador Volker is correctly describing the readouts he received, it is not clear what he heard that gave him the basis to tell Mr. Giuliani that “exactly the right messages” were discussed.

⁵⁶⁹ Williams Dep. Tr. at 37-38.

⁵⁷⁰ Hill-Holmes Hearing Tr. at 23.

⁵⁷¹ *Id.* at 25.

⁵⁷² *Trump and Putin Share Joke About Election Meddling, Sparking New Furor*, New York Times (June 28, 2019) (online at www.nytimes.com/2019/06/28/us/politics/trump-putin-election.html) (“As he sat down on Friday with Mr. Putin on the sidelines of an international summit in Japan, Mr. Trump was asked by a reporter if he would tell Russia not to meddle in American elections. ‘Yes, of course I will,’ Mr. Trump said. Turning to Mr. Putin, he said, with a half-grin on his face and mock seriousness in his voice, ‘Don’t meddle in the election, President.’”).

⁵⁷³ Morrison Dep. Tr. at 41.

⁵⁷⁴ Williams Dep. Tr. at 131.

⁵⁷⁵ See Vindman Dep. Tr. at 42, 109; Morrison Dep. Tr. at 41.

⁵⁷⁶ Vindman Dep. Tr. at 18; Morrison Dep. Tr. at 15.

⁵⁷⁷ Vindman Dep. Tr. at 42-43; Morrison-Volker Hearing Tr. at 32.

⁵⁷⁸ Morrison Dep. Tr. at 39; Vindman Dep. Tr. at 45.

⁵⁷⁹ U.S. Embassy & Consulates in Italy, *Secretary Michael R. Pompeo and Italian Foreign Minister Luigi Di Maio at a Press Availability* (Oct. 2, 2019) (online at <https://it.usembassy.gov/secretary-michael-r-pompeo-and-italian-foreign-minister-luigi-di-maio-at-a-press-availability/>). Mr. Morrison testified that Dr. Kupperman was not in the Situation Room, but Mr. Morrison was informed after the fact that Dr. Kupperman was listening. Morrison Dep. Tr. at 39-40. Ms. Williams and Lt. Col. Vindman testified that they both believed Dr. Kupperman was present, but neither had a clear recollection. Williams Dep. Tr. at 64; Vindman Dep. Tr. at 45.

⁵⁸⁰ See Transcript, *This Week with George Stephanopoulos*, ABC News (Sept. 22, 2019) (online at <https://abcnews.go.com/Politics/week-transcript-22-19-secretary-mike-pompeo-gen/story?id=65778332>) (Q: And I want to turn to this whistleblower complaint, Mr. Secretary. The complaint involving the president and a phone call with a foreign leader to the director of national intelligence inspector general. That’s where the complaint was launched by the whistle-blower. “The Wall Street Journal” is reporting that President Trump pressed the president of Ukraine eight times to work with Rudy Giuliani to investigate Joe Biden’s son. What do you know about those conversations? A: So, you just gave me a report about a I.C. whistle-blower complaint, none of which I’ve seen. ...”).

⁵⁸¹ *Pompeo Took Part in Ukraine Call, Official Says*, Wall Street Journal (Sept. 30, 2019) (online at www.wsj.com/articles/pompeo-took-part-in-ukraine-call-official-says-11569865002).

⁵⁸² The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁵⁸³ *Id.*

⁵⁸⁴ *Id.* See European Union External Action Service, *EU-Ukraine Relations—Factsheet* (Sept. 30, 2019) (online at https://eeas.europa.eu/headquarters/headquarters-homepage/4081/eu-ukraine-relations-factsheet_en).

⁵⁸⁵ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁵⁸⁶ *Id.*; Kent-Taylor Hearing Tr. at 29.

⁵⁸⁷ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁵⁸⁸ Vindman Dep. Tr. at 114.

⁵⁸⁹ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁵⁹⁰ See Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent U.S. Elections* (Jan. 6, 2017) (online at www.dni.gov/files/documents/ICA_2017_01.pdf).

⁵⁹¹ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁵⁹² *Charges of Ukrainian Meddling? A Russian Operation, U.S. Intelligence Says*, New York Times (Nov. 22, 2019) (online at www.nytimes.com/2019/11/22/us/politics/ukraine-russia-interference.html).

⁵⁹³ The President of Russia, *Joint News Conference with Hungarian Prime Minister Viktor Orban* (Feb. 2, 2017) (online at <http://en.kremlin.ru/events/president/news/53806>).

⁵⁹⁴ Hill-Holmes Hearing Tr. at 39-40.

⁵⁹⁵ *President Trump's Former National Security Advisor 'Deeply Disturbed' by Ukraine Scandal: 'Whole World Is Watching'*, ABC News (Sept. 29, 2019) (online at <https://abcnews.go.com/Politics/president-trumps-national-security-advisor-deeply-disturbed-ukraine/story?id=65925477>).

⁵⁹⁶ Hill Dep. Tr. at 234-235.

⁵⁹⁷ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁵⁹⁸ *Id.*

⁵⁹⁹ *Id.*

⁶⁰⁰ *Id.*

⁶⁰¹ *Id.*

⁶⁰² *Id.*

⁶⁰³ The White House, *Remarks by President Trump before Marine One* (Oct. 3, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-67/).

⁶⁰⁴ Hill Dep. Tr. at 400; Kent-Taylor Hearing Tr. at 73; Hill-Holmes Hearing Tr. at 63-64; Yovanovitch Hearing Tr. at 49-50; Morrison-Volker Hearing Tr. at 23.

⁶⁰⁵ Kent Dep. Tr. at 45.

⁶⁰⁶ Kent-Taylor Hearing Tr. at 116.

⁶⁰⁷ Yovanovitch Hearing Tr. at 50.

⁶⁰⁸ See Section I, Chapter 1.

⁶⁰⁹ Kent Dep. Tr. at 44-50.

⁶¹⁰ Morrison-Volker Hearing Tr. at 23.

⁶¹¹ *Id.*

⁶¹² See Section I, Chapter 1.

⁶¹³ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁶¹⁴ Yovanovitch Dep. Tr. at 192-193.

⁶¹⁵ *Id.*

⁶¹⁶ Ambassador Volker was the only witness to testify that President Trump's reference to the "prosecutor" during the July 25 call was to Mr. Shokin, not Mr. Lutsenko. See Volker Transcribed Interview Tr. at 355. However, Mr. Holmes testified that, on July 26—the day after the call—he spoke with President Zelensky's Chief of Staff Andriy Bohdan who told Holmes that "President Trump had expressed interest during the previous day's phone call in President Zelensky's personnel decisions related to the Prosecutor General's office," which Mr. Holmes understood to refer to Mr. Lutsenko once he saw the July 25 call transcript. Holmes Dep. Tr. at 22, 49. In addition, in a text message to Taylor and Sondland after his July 19 breakfast with Giuliani, Volker emphasized that "Most imp[ortant] is for Zelensky to say" on the July 25 call "that he will help investigation—and address any specific personnel issues—if there are any." Kurt Volker Document Production, Bates KV00000037 (Oct. 2, 2019).

⁶¹⁷ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁶¹⁸ *Id.*

⁶¹⁹ Hill-Holmes Hearing Tr. at 55.

⁶²⁰ Holmes Dep. Tr. at 49-50.

⁶²¹ Kent-Taylor Hearing Tr. at 25.

⁶²² Morrison-Volker Hearing Tr. at 19.

⁶²³ Hill-Holmes Hearing Tr. at 18.

⁶²⁴ *In-Town Pool Report #6—Ukraine Call*, White House Pool Report (July 25, 2019) (online at <https://publicpool.kinja.com/subject-in-town-pool-report-6-ukraine-call-1836700221>).

⁶²⁵ Vindman Dep. Tr. at 42-43.

⁶²⁶ Vindman-Williams Hearing Tr. at 31-33; Morrison-Volker Hearing Tr. at 34.

⁶²⁷ Vindman Dep. Tr. at 46-47.

⁶²⁸ Taylor Dep. Tr. at 29.

⁶²⁹ Vindman Dep. Tr. at 94.

⁶³⁰ *Id.* at 46-47.

⁶³¹ Vindman-Williams Hearing Tr. at 28.

⁶³² Vindman Dep. Tr. at 147.

⁶³³ Vindman-Williams Hearing Tr. at 28-29.

⁶³⁴ Vindman Dep. Tr. at 96-97.

⁶³⁵ *Id.* at 97-98.

⁶³⁶ Morrison-Volker Hearing Tr. at 29.

⁶³⁷ Morrison Dep. Tr. at 23-24.

⁶³⁸ *Id.* at 41-42, 191-192.

⁶³⁹ *Id.* at 97.

⁶⁴⁰ *Id.*

⁶⁴¹ *Id.* at 101.

⁶⁴² *Id.* at 41.

⁶⁴³ *Id.* at 43.

⁶⁴⁴ *Id.* at 44.

⁶⁴⁵ *Id.* at 16.

⁶⁴⁶ *Id.* at 101.

⁶⁴⁷ Morrison-Volker Hearing Tr. at 38.

⁶⁴⁸ Vindman Dep. Tr. at 121.

⁶⁴⁹ *Id.* at 122.

⁶⁵⁰ *Id.* at 122-123.

⁶⁵¹ *Id.* at 121.

⁶⁵² *Id.* at 123-124.

⁶⁵³ Morrison Dep. Tr. at 121.

⁶⁵⁴ *Id.* at 55-56.

⁶⁵⁵ *Id.* at 55-56, 121-123.

⁶⁵⁶ *Id.* at 270.

⁶⁵⁷ Williams Dep. Tr. at 16, 63.

⁶⁵⁸ *Id.* at 149.

⁶⁵⁹ Vindman-Williams Hearing Tr. at 34.

⁶⁶⁰ Williams Dep. Tr. at 148.

⁶⁶¹ Vindman-Williams Hearing Tr. at 29.

⁶⁶² Williams Dep. Tr. at 54, 149.

⁶⁶³ Vindman Dep. Tr. at 54-55 (“There’s one other substantive item in the next paragraph from Zelensky, where it says ‘He or she will look into the situation specifically to the company’—it shouldn’t be ‘the company.’ It should be ‘to Burisma that you mentioned.’ Because I think, you know, frankly these are not necessarily folks that are familiar with the substance. So President Zelensky specifically mentioned the company Burisma.”).

⁶⁶⁴ Vindman-Williams Hearing Tr. at 61.

⁶⁶⁵ Vindman Dep. Tr. at 89.

⁶⁶⁶ Williams Dep. Tr. at 68-69.

Q: Okay. When the transcript was made available to the VP’s office, do you remember when that occurred?

A: My colleagues—I can’t remember the precise time, but before the end of the day that day my colleagues who help prepare the Vice President’s briefing book received a hard copy of the transcript from the White House Situation Room to include in that book. I didn’t personally see it, but I understood that they had received it because we wanted to make sure the Vice President got it.

Q: On the 25th or 26th?

A: It was on the 25th.

⁶⁶⁷ Vindman Dep. Tr. at 139-141.

⁶⁶⁸ Kent Dep. Tr. at 163-165.

⁶⁶⁹ Holmes Dep. Tr. at 107.

⁶⁷⁰ *Id.* at 21-22.

⁶⁷¹ Kent-Taylor Hearing Tr. at 38; Hill-Holmes Hearing Tr. at 26.

⁶⁷² Morrison-Volker Hearing Tr. at 74 (“Yes. So I was not on the phone call. I had arrived in Ukraine, and I had had that lunch with Mr. Yermak that we saw on the day of the phone call. I had been pushing for the phone call because I thought it was important to renew the personal connection between the two leaders and to congratulate President Zelensky on the parliamentary election. The readout I received from Mr. Yermak and also from the U.S. side—although I’m not exactly sure who it was on the U.S. side, but there was U.S. and a Ukrainian readout—were largely the same, that it was a good call, that it was a congratulatory phone call for the President winning the parliamentary election. President Zelensky did reiterate his commitment to reform and fighting corruption in Ukraine, and President Trump did reiterate his invitation to President Zelensky to come visit him in the White House. That’s exactly what I thought the phone call would be, so I was not surprised at getting that as the readout.”).

⁶⁷³ Holmes Dep. Tr. at 22.

⁶⁷⁴ *Id.* at 22, 48-49.

⁶⁷⁵ *Id.* at 49.

⁶⁷⁶ *Id.* at 49.

⁶⁷⁷ *Id.* at 22.

⁶⁷⁸ Hill-Holmes Hearing Tr. at 27.

⁶⁷⁹ *Id.* at 48-49.

⁶⁸⁰ Croft Dep. Tr. at 118-119.

⁶⁸¹ Sondland Hearing Tr. at 25; Kent-Taylor Hearing Tr. at 38.

⁶⁸² Morrison-Volker Hearing Tr. at 89-90.

⁶⁸³ Holmes Dep. Tr. at 64.

⁶⁸⁴ Kent-Taylor Hearing Tr. at 38.

⁶⁸⁵ Hill-Holmes Hearing Tr. at 27.

⁶⁸⁶ *Id.*

⁶⁸⁷ *Id.* at 27-28.

⁶⁸⁸ *Id.*

⁶⁸⁹ *Id.*

⁶⁹⁰ Holmes Dep. Tr. at 108.

⁶⁹¹ Hill-Holmes Hearing Tr. at 49.

⁶⁹² Sondland Hearing Tr. at 25-26.

⁶⁹³ Hill-Holmes Hearing Tr. at 28.

⁶⁹⁴ *Id.*

⁶⁹⁵ *Id.* at 49 (“The restaurant has sort of glass doors that open onto a terrace, and we were at the first tables on the terrace, so immediately outside of the interior of the restaurant. The doors were all wide open. There were—there was tables, a table for four, while I recall it being two tables for two pushed together. In any case, it was quite a wide table, and the table was set. There was sort of a table runner down the middle. I was directly across from Ambassador Sondland. We were close enough that we could, you know, share an appetizer between us, and then the two staffers were off to our right at this next table.”).

⁶⁹⁶ Hill-Holmes Hearing Tr. at 28.

⁶⁹⁷ *Id.*

⁶⁹⁸ Holmes Dep. Tr. at 160.

⁶⁹⁹ Hill-Holmes Hearing Tr. at 28.

⁷⁰⁰ *Id.* at 50.

Q: Now, you said that you were able to hear President Trump's voice through the receiver. How were you able to hear if it was not on speaker phone?

A: It was several things. It was quite loud when the President came on, quite distinctive. I believe Ambassador Sondland also said that he often speaks very loudly over the phone, and I certainly experienced that. When the President came on, he sort of winced and held the phone away from his ear like this, and he did that for the first couple exchanges. I don't know if he then turned the volume down, if he got used to it, if the President moderated his volume. I don't know. But that's how I was able to hear.

⁷⁰¹ *Id.* at 28-29.

⁷⁰² *Trump Denies Discussing Ukraine Investigations with Sondland in July Phone Call*, Axios (Nov. 13, 2019) (online at: www.axios.com/trump-denies-ukraine-investigation-sondland-6063f555-2629-4f99-b2f9-fd38739c0548.html).

⁷⁰³ Sondland Hearing Tr. at 26.

⁷⁰⁴ *Id.* at 46.

⁷⁰⁵ *Id.* at 26.

⁷⁰⁶ *Id.*

⁷⁰⁷ *Id.* at 48.

⁷⁰⁸ Holmes Dep. Tr. at 25.

⁷⁰⁹ *Id.* at 25-26.

⁷¹⁰ Sondland Hearing Tr. at 49-50. Ambassador Sondland opined that, while he may have referred to an investigation that Mr. Giuliani was pushing as an example of an investigation that President Trump cared about, he believed that he would have said "Burisma, not Biden." He testified, however:

Q: But do you recall saying at least referring to an investigation that Rudy Giuliani was pushing? Is that something that you likely would have said?

A: I would have, yes.

Id. at 50.

⁷¹¹ Sondland Hearing Tr. at 50.

⁷¹² Holmes Dep. Tr. at 67.

⁷¹³ *Id.* at 68-69.

⁷¹⁴ Hill-Holmes Hearing Tr. at 30.

⁷¹⁵ *Id.* at 107.

⁷¹⁶ *Id.* at 34.

⁷¹⁷ Holmes Dep. Tr. at 80.

⁷¹⁸ *Id.* at 80-81.

⁷¹⁹ Kurt Volker Document Production, Bates KV00000007 (Oct. 2, 2019).

⁷²⁰ *Id.*

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- ⁷²¹ *Id.*
- ⁷²² *Id.* at Bates KV00000019.
- ⁷²³ Volker Transcribed Interview Tr. at 112.
- ⁷²⁴ Kurt Volker Document Production, Bates KV00000019 (Oct. 2, 2019).
- ⁷²⁵ Morrison-Volker Hearing Tr. at 42.
- ⁷²⁶ *Id.*
- ⁷²⁷ *Id.* at 20-21.
- ⁷²⁸ Kurt Volker Document Production, Bates KV00000019 (Oct. 2, 2019).
- ⁷²⁹ *Id.* at Bates KV00000007.
- ⁷³⁰ AT&T Document Production, Bates ATTHPSCI_20190930_02786.
- ⁷³¹ Kurt Volker Document Production, Bates KV00000007 (Oct. 2, 2019).
- ⁷³² Sondland Dep. Tr. at 192-193.
- ⁷³³ Kurt Volker Document Production, Bates KV00000007 (Oct. 2, 2019).
- ⁷³⁴ AT&T Document Production, Bates ATTHPSCI_20190930_02797.
- ⁷³⁵ *Id.*
- ⁷³⁶ *Id.*
- ⁷³⁷ *Id.* at Bates ATTHPSCI_20190930_03326.
- ⁷³⁸ *Id.*
- ⁷³⁹ *Id.*
- ⁷⁴⁰ *Id.*
- ⁷⁴¹ *Id.*
- ⁷⁴² *Id.*
- ⁷⁴³ *Id.* at Bates ATTHPSCI_20190930_02798.
- ⁷⁴⁴ *Id.*
- ⁷⁴⁵ *Id.*
- ⁷⁴⁶ *Id.*
- ⁷⁴⁷ *Id.*
- ⁷⁴⁸ AT&T Document Production, Bates ATTHPSCI_20190930_02799.
- ⁷⁴⁹ *Id.* at Bates ATTHPSCI_20190930_02801.
- ⁷⁵⁰ Kurt Volker Document Production, Bates KV00000019 (Oct. 2, 2019).
- ⁷⁵¹ *Id.*
- ⁷⁵² *Id.*
- ⁷⁵³ *Id.*
- ⁷⁵⁴ AT&T Document Production, Bates ATTHPSCI_20190930_02802-03, 02813, 03326, 03719.
- ⁷⁵⁵ *Id.* at Bates ATTHPSCI_20190930_03326.
- ⁷⁵⁶ *Id.* at Bates ATTHPSCI_20190930_02802.
- ⁷⁵⁷ *Id.* at Bates ATTHPSCI_20190930_02803.

⁷⁵⁸ *Id.* at Bates ATTHPSCI_20190930_03719.

⁷⁵⁹ *Id.*

⁷⁶⁰ *Id.* at Bates ATTHPSCI_20190930_02803.

⁷⁶¹ *Id.*

⁷⁶² *Id.*

⁷⁶³ *Id.*

⁷⁶⁴ *Id.*

⁷⁶⁵ Kurt Volker Document Production, Bates KV00000004- KV00000005 (Oct. 2, 2019).

⁷⁶⁶ *Id.* at Bates KV00000004- KV00000005; AT&T Document Production, Bates ATTHPSCI_20190930_02805-06.

⁷⁶⁷ Kurt Volker Document Production, Bates KV00000023 (Oct. 2, 2019).

⁷⁶⁸ *Id.*

⁷⁶⁹ *Id.*

⁷⁷⁰ Verizon Document Production.

⁷⁷¹ Kurt Volker Document Production, Bates KV00000042 (Oct. 2, 2019).

⁷⁷² Sondland Dep. Tr. at 290; Sondland Hearing Tr. at 100-101.

⁷⁷³ Kurt Volker Document Production, Bates KV00000042 (Oct. 2, 2019).

⁷⁷⁴ Sondland Dep. Tr. at 291.

⁷⁷⁵ *Id.*

⁷⁷⁶ Kurt Volker Document Production, Bates KV00000019 (Oct. 2, 2019).

⁷⁷⁷ *Id.*

⁷⁷⁸ *Id.*

⁷⁷⁹ *Id.* at Bates KV00000042.

⁷⁸⁰ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 15 (Nov. 20, 2019).

⁷⁸¹ Kurt Volker Document Production, Bates KV00000042 (Oct. 2, 2019).

⁷⁸² Sondland Dep. Tr. at 291-292.

⁷⁸³ *Id.*

⁷⁸⁴ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 14 (Nov. 20, 2019).

⁷⁸⁵ Kurt Volker Document Production, Bates KV00000005 (Oct. 2, 2019).

⁷⁸⁶ AT&T Document Production, Bates ATTHPSCI_20190930_02816.

⁷⁸⁷ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 22 (Nov. 20, 2019).

⁷⁸⁸ Sondland Hearing Tr. at 102.

⁷⁸⁹ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 22 (Nov. 20, 2019).

⁷⁹⁰ Sondland Hearing Tr. at 28.

⁷⁹¹ Kurt Volker Document Production, Bates KV00000020 (Oct. 2, 2019).

⁷⁹² *Id.* at Bates KV00000007.

⁷⁹³ AT&T Document Production, Bates ATTHPSCI_20190930_02828.

⁷⁹⁴ Volker Transcribed Interview Tr. at 113.

⁷⁹⁵ *Id.* at 71-72.

⁷⁹⁶ Kurt Volker Document Production, Bates KV00000023 (Oct. 2, 2019).

⁷⁹⁷ *Id.*

⁷⁹⁸ *Id.*

⁷⁹⁹ *Id.*

⁸⁰⁰ WhatsApp Security (online at www.whatsapp.com/security/) (accessed Nov. 29, 2019).

⁸⁰¹ Kurt Volker Document Production, Bates KV00000043 (Oct. 2, 2019).

⁸⁰² *Id.*

⁸⁰³ *Id.* at Bates KV00000023 .

⁸⁰⁴ *Id.*

⁸⁰⁵ Volker Transcribed Interview Tr. at 43-44, 113-114.

⁸⁰⁶ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 5 (Nov. 20, 2019).

⁸⁰⁷ Sondland Hearing Tr. at 18.

⁸⁰⁸ Volker Transcribed Interview Tr. at 191, 197-198.

⁸⁰⁹ *Id.* at 191-192.

⁸¹⁰ *Id.* at 201.

⁸¹¹ *Id.* at 198.

⁸¹² *Id.* at 197.

⁸¹³ *Trump Hasn't Talked to Attorney General About Having Ukraine Investigate Biden, DOJ Says*, CNN (Sept. 25, 2019) (online at www.cnn.com/politics/live-news/trump-impeachment-inquiry-09-25-2019/h_619f3c67775916f27e22898fbed210f2).

⁸¹⁴ *Cleaning Up Ukraine in the Shadow of Trump*, The Financial Times (Nov. 28, 2019) (online at www.ft.com/content/eb8e4004-1059-11ea-a7e6-62bf4f9e548a).

⁸¹⁵ *Id.*

⁸¹⁶ Taylor Dep. Opening Statement at 9.

⁸¹⁷ *Id.*

⁸¹⁸ Volker Transcribed Interview Tr. at 196-197.

⁸¹⁹ Taylor Dep. Opening Statement at 9.

⁸²⁰ Kurt Volker Document Production, Bates KV00000043 (Oct. 2, 2019).

⁸²¹ Volker Transcribed Interview Tr. at 196-197.

⁸²² Kent Dep. Tr. at 261

⁸²³ *Id.* at 262-263.

⁸²⁴ *Id.* at 264.

⁸²⁵ *Id.* at 264-265.

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- ⁸²⁶ Kurt Volker Document Production, Bates KV00000020 (Oct. 2, 2019).
- ⁸²⁷ *Id.* at Bates KV00000043.
- ⁸²⁸ *Id.*
- ⁸²⁹ *Id.*
- ⁸³⁰ Volker Transcribed Interview Opening Statement at 8.
- ⁸³¹ Volker Transcribed Interview Tr. at 44.
- ⁸³² Morrison-Volker Hearing Tr. at 21.
- ⁸³³ Volker Transcribed Interview Tr. at 259-260.
- ⁸³⁴ *Id.* at 260.
- ⁸³⁵ Morrison-Volker Hearing Tr. at 128.
- ⁸³⁶ Kurt Volker Document Production, Bates KV00000043 (Oct. 2, 2019).
- ⁸³⁷ Volker Transcribed Interview Tr. at 199-200.
- ⁸³⁸ Hill-Holmes Hearing Tr. at 31-32, 68; Sondland Hearing Tr. at 55-57.
- ⁸³⁹ Cooper Dep. Tr. at 71.
- ⁸⁴⁰ *Id.* at 62, 66.
- ⁸⁴¹ *Id.* at 62.
- ⁸⁴² Morrison-Volker Hearing Tr. at 90-91.
- ⁸⁴³ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, at 23, *Impeachment*, 116th Cong. (Nov. 20, 2019).
- ⁸⁴⁴ *Id.*
- ⁸⁴⁵ Sondland Hearing Tr. at 104.
- ⁸⁴⁶ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, at 18, *Impeachment*, 116th Cong. (Nov. 20, 2019).
- ⁸⁴⁷ Sondland Hearing Tr. at 44.
- ⁸⁴⁸ *Id.* at 75.
- ⁸⁴⁹ *Id.* at 76.
- ⁸⁵⁰ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, at 23, *Impeachment*, 116th Cong. (Nov. 20, 2019).
- ⁸⁵¹ Hill-Holmes Hearing Tr. at 30.
- ⁸⁵² *Id.*
- ⁸⁵³ Sondland Hearing Tr. at 28.
- ⁸⁵⁴ *Id.* at 106.
- ⁸⁵⁵ Hill-Holmes Hearing Tr. at 31-32.
- ⁸⁵⁶ *Id.* at 31.
- ⁸⁵⁷ Kent-Taylor Hearing Tr. at 40.
- ⁸⁵⁸ Taylor Dep. Tr. at 230.
- ⁸⁵⁹ Kent-Taylor Hearing Tr. at 40.
- ⁸⁶⁰ Hill-Holmes Hearing Tr. at 8.

⁸⁶¹ Kurt Volker Document Production, Bates KV0000020 (Oct. 2, 2019).

⁸⁶² Volker Transcribed Interview Tr. at 80-81.

A: By the time it hit Politico publicly, I believe it was the end of August. And I got a text message from, it was either the Foreign Minister or—I think it was the future Foreign Minister. And, you know, basically, you're just—you're—I have to verbalize this. You're just trying to explain that we are trying this. We have a complicated system. We have a lot of players in this. We are working this. Give us time to fix it.

Q: So anybody on the Ukrainian side of things ever express like grave concern that this would not get worked out?

A: Not that it wouldn't get worked out, no, they did not. They expressed concern that, since this has now come out publicly in this Politico article, it looks like that they're being, you know, singled out and penalized for some reason. That's the image that that would create in Ukraine.

⁸⁶³ Taylor Dep. Tr. at 34.

⁸⁶⁴ *Id.* at 137-138.

⁸⁶⁵ *Id.*

⁸⁶⁶ Kent-Taylor Hearing Tr. at 174.

⁸⁶⁷ *Id.* at 40.

⁸⁶⁸ *Id.*

⁸⁶⁹ Hill-Holmes Hearing Tr. at 31-32.

⁸⁷⁰ *Id.*

⁸⁷¹ *Id.* at 68.

⁸⁷² Holmes Dep. Tr. at 58.

⁸⁷³ Kent-Taylor Hearing Tr. at 40.

⁸⁷⁴ *Trump, in August Call with GOP Senator, Denied Official's Claim on Ukraine Aid*, Wall Street Journal (Oct. 4, 2019) (online at www.wsj.com/articles/trump-administration-used-potential-meeting-to-pressure-ukraine-on-biden-texts-indicate-11570205661).

⁸⁷⁵ *Id.*

⁸⁷⁶ Letter from Senator Ron Johnson to Ranking Member Jim Jordan, House Committee on Oversight and Reform, and Ranking Member Devin Nunes, House Permanent Select Committee on Intelligence (Nov. 18, 2019) (online at www.ronjohnson.senate.gov/public/_cache/files/e0b73c19-9370-42e6-88b1-b2458eaecccd/johnson-to-jordan-nunes.pdf).

⁸⁷⁷ *Id.*

⁸⁷⁸ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁸⁷⁹ Office of the Director of National Intelligence, *Background to "Assessing Russian Activities and Intentions in Recent US Elections": The Analytic Process and Cyber Incident Attribution* (Jan. 6, 2017) (online at www.dni.gov/files/documents/ICA_2017_01.pdf).

⁸⁸⁰ Letter from Senator Ron Johnson to Ranking Member Jim Jordan, Committee on Oversight and Reform, and Ranking Member Devin Nunes, Permanent Select Committee on Intelligence (Nov. 18, 2019) (online at www.ronjohnson.senate.gov/public/_cache/files/e0b73c19-9370-42e6-88b1-b2458eaecccd/johnson-to-jordan-nunes.pdf).

⁸⁸¹ Sondland Hearing Tr. at 30.

⁸⁸² Volker Transcribed Interview Tr. at 251-252; Kent-Taylor Hearing Tr. at 41.

⁸⁸³ Williams Dep. Tr. at 74-77.

⁸⁸⁴ *Id.* at 76.

⁸⁸⁵ *Id.* at 78-79.

⁸⁸⁶ Sondland Hearing Tr. at 30.

⁸⁸⁷ *Id.* at 38. *See also* Sondland Hearing Tr. at 57:

A: I don't know exactly what I said to him. This was a briefing attended by many people, and I was invited at the very last minute. I wasn't scheduled to be there. But I think I spoke up at some point late in the meeting and said, it looks like everything is being held up until these statements get made, and that's my, you know, personal belief.

Q: And Vice President Pence just nodded his head?

A: Again, I don't recall any exchange or where he asked me any questions. I think he—it was sort of a duly noted response.

Q: Well, he didn't say, Gordon, what are you talking about?

A: No, he did not.

Q: He didn't say, what investigations?

A: He did not.

⁸⁸⁸ *Pence Disputes that Sondland Raised Concerns to Him About Ukraine Aid-Investigations Link*, Wall Street Journal (Nov. 20, 2019) (online at www.wsj.com/livecoverage/gordon-sondland-testifies-impeachment/card/1574268547).

⁸⁸⁹ Taylor Dep. Tr. at 190.

⁸⁹⁰ *Id.* at 35.

⁸⁹¹ *Id.* at 190-191.

⁸⁹² Williams Dep. Tr. at 81.

⁸⁹³ *Id.* at 82.

⁸⁹⁴ *Id.* at 82-83.

⁸⁹⁵ *Id.* at 83.

⁸⁹⁶ *Id.*

⁸⁹⁷ *How a CIA Analyst, Alarmed by Trump's Shadow Foreign Policy, Triggered an Impeachment Inquiry*, Washington Post (Nov. 16, 2019) (online at www.washingtonpost.com/national-secruity/how-a-cia-analyst-alarmed-by-trumps-shadow-foreign-policy-triggered-an-impeachment-inquiry/2019/11/15/042684a8-03c3-11ea-8292-c46ee8cb3dce_story.html).

⁸⁹⁸ Hill-Holmes Hearing Tr. at 31.

⁸⁹⁹ Sondland Hearing Tr. at 31.

⁹⁰⁰ Morrison Dep. Tr. at 134.

⁹⁰¹ *Id.* at 155.

⁹⁰² *Id.*

⁹⁰³ *Id.* at 137.

⁹⁰⁴ *Id.* at 182.

⁹⁰⁵ *Id.* at 184.

⁹⁰⁶ *Id.* at 228.

⁹⁰⁷ *Id.* at 154.

⁹⁰⁸ Kent-Taylor Hearing Tr. at 42.

⁹⁰⁹ *Id.*

⁹¹⁰ *Id.* at 57.

⁹¹¹ Kurt Volker Document Production, Bates KV00000039 (Oct. 2, 2019).

⁹¹² Kent-Taylor Hearing Tr. at 42.

⁹¹³ Taylor Dep. Tr. at 190.

⁹¹⁴ *Id.*

⁹¹⁵ *Id.*

⁹¹⁶ Kent-Taylor Hearing Tr. at 60.

⁹¹⁷ Sondland Hearing Tr. at 59.

⁹¹⁸ *Id.* at 59-60.

⁹¹⁹ Morrison Dep. Tr. at 190-191.

⁹²⁰ Morrison-Volker Hearing Tr. at 52.

⁹²¹ *Id.* at 53-54; Morrison Dep. Tr. at 238.

⁹²² Kent-Taylor Hearing Tr. at 43-44.

⁹²³ Kurt Volker Document Production, Bates KV00000053 (Oct. 2, 2019).

⁹²⁴ Kent-Taylor Hearing Tr. at 44.

⁹²⁵ *Id.*

⁹²⁶ *Id.*

⁹²⁷ Sondland Hearing Tr. at 109-110.

⁹²⁸ *Id.*

⁹²⁹ *Id.* at 110-111.

⁹³⁰ Kent-Taylor Hearing Tr. at 45.

⁹³¹ *Id.* at 45, 63.

⁹³² *Id.* at 45.

⁹³³ Sondland Hearing Tr. at 110. Ambassador Volker also testified that Ambassador Sondland used the same analogy to him when discussing the release of the hold on security assistance. Morrison-Volker Hearing Tr. at 96-97.

⁹³⁴ Kurt Volker Document Production, Bates KV00000053 (Oct. 2, 2019).

⁹³⁵ Taylor Dep. Tr. at 209.

⁹³⁶ Kurt Volker Document Production, Bates KV00000053 (Oct. 2, 2019).

⁹³⁷ Kent-Taylor Hearing Tr. at 54.

⁹³⁸ *Id.*

⁹³⁹ *Id.*

⁹⁴⁰ *Id.*

⁹⁴¹ Kurt Volker Document Production, Bates KV00000053 (Oct. 2, 2019).

⁹⁴² Sondland Dep. Tr. at 217.

⁹⁴³ Sondland Hearing Tr. at 26 (“Was there a quid pro quo? As I testified previously with regard to the requested White House call and the White House meeting, the answer is yes.”).

⁹⁴⁴ *Id.* at 41.

⁹⁴⁵ *Id.* at 112.

⁹⁴⁶ *Id.* at 61-62.

⁹⁴⁷ Taylor Dep. Tr. at 39.

⁹⁴⁸ *Taylor Dep. Tr.* at 39.

⁹⁴⁹ Maguire Hearing Tr. at 110; Whistleblower Compl. Appendix 2. Public reporting indicates that “[l]awyers from the White House counsel’s office told Mr. Trump in late August about the complaint, explaining that they were trying to determine whether they were legally required to give it to Congress.” *Trump Knew of Whistle-Blower Complaint When He Released Aid to Ukraine*, New York Times (Nov. 26, 2019) (online at www.nytimes.com/2019/11/26/us/politics/trump-whistle-blower-complaint-ukraine.html).

⁹⁵⁰ Letter from Michael Atkinson, Inspector General of the Intelligence Community, to Chairman Adam B. Schiff and Ranking Member Devin Nunes, House Permanent Select Committee on Intelligence (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/20190909_-_ic_ig_letter_to_hpSCI_on_whistleblower.pdf).

⁹⁵¹ *Id.*

⁹⁵² Sondland Hearing Tr. at 118. *See also Witness Testimony and Records Raise Questions About Account of Trump’s ‘No Quid Pro Quo’ Call*, Washington Post (Nov. 27, 2019) (online at www.washingtonpost.com/politics/witness-testimony-and-records-raise-questions-about-account-of-trumps-no-quid-pro-quo-call/2019/11/27/425545c2-0d49-11ea-8397-a955cd542d00_story.html).

⁹⁵³ Sondland Hearing Tr. at 118.

⁹⁵⁴ *Id.* at 73.

⁹⁵⁵ Declaration of Ambassador Gordon Sondland, Department of State, at 1 (Nov. 4, 2019). This addendum did not address the July 26 telephone conversation that Sondland had with President Trump, which he only recalled following the testimony of David Holmes on November 15, 2019. Sondland Hearing Tr. at 46.

⁹⁵⁶ Declaration of Ambassador Gordon Sondland, Department of State, at 3 (Nov. 4, 2019).

⁹⁵⁷ Kent-Taylor Hearing Tr. at 43-44; Morrison Dep. Tr. at 190-191.

⁹⁵⁸ Morrison Dep. Tr. at 190-191; Kent-Taylor Hearing Tr. at 43-44.

⁹⁵⁹ Sondland Hearing Tr. at 109.

⁹⁶⁰ *Id.* at 45, 109.

⁹⁶¹ Kurt Volker Document Production, Bates KV00000020 (Oct. 2, 2019).

⁹⁶² *Id.*

⁹⁶³ *Id.* at Bates KV00000053.

⁹⁶⁴ *Id.*

⁹⁶⁵ The White House, *Press Briefing by Acting Chief of Staff Mick Mulvaney* (Oct. 17, 2019) (online at www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/).

⁹⁶⁶ *Id.*

⁹⁶⁷ *Id.* Ambassador Taylor’s testimony contradicted Mr. Mulvaney’s statement about the ubiquity of such quid pro quos in American foreign policy. Ambassador Taylor testified that in his decades of military and diplomatic service, he had never seen another example of foreign aid conditioned on the personal or political interests of the President. Kent-Taylor Hearing Tr. at 55. Rather, “[w]e condition assistance on issues that will improve our foreign policy, serve our foreign policy, ensure that taxpayers’ money is well-spent.” Kent-Taylor Hearing Tr. at 150.

⁹⁶⁸ There were early concerns raised in the House and Senate about the frozen aid, even before the news became public. On August 9, the Democratic leadership of the House and Senate Appropriations Committees wrote to OMB and the White House warning that the August 3 letter apportionment might constitute an illegal impoundment of funds. They urged the Trump Administration to adhere to the law and obligate the withheld funding. Letter from Vice Chairman Patrick Leahy, Senate Committee on Appropriations, and Chairwoman Nita M. Lowey, House Committee on Appropriations, to Acting Chief of Staff Mick Mulvaney, The White House, and Acting Director Russell Vought, Office of Management and Budget (Aug. 9, 2019) (online at <https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/documents/SFOPS%20Apportionment%20Letter%20Lowey-Leahy%20Signed%202019.8.9.pdf>). On August 19, the Democratic leadership of the House and Senate Budget Committees wrote to OMB and the White House urging the Administration to comply with appropriations law and the Impoundment Control Act. Letter from Chairman John Yarmuth, House Committee on the Budget, and Ranking Member Bernard Sanders, Senate Committee on the Budget, to Acting Chief of Staff Mick Mulvaney, The White House (Aug. 19, 2019) (online at https://budget.house.gov/sites/democrats.budget.house.gov/files/documents/OMB%20Letter_081919.pdf).

⁹⁶⁹ Letter from Senators Jeanne Shaheen, Rob Portman, Richard Durbin, Ron Johnson, and Richard Blumenthal to Acting White House Chief of Staff Mick Mulvaney (Sept. 3, 2019) (online at www.shaheen.senate.gov/imo/media/doc/Ukraine%20Security%20Letter%202019.3.2019.pdf).

⁹⁷⁰ *Id.*

⁹⁷¹ Letter from Chairman Eliot L. Engel and Ranking Member Michael T. McCaul, House Foreign Affairs Committee to Mick Mulvaney, Director, and Russell Vought, Acting Director, Office of Management and Budget, The White House (Sept. 5, 2019) (online at https://foreignaffairs.house.gov/_cache/files/c/4/c49328c2-941b-4c41-8c00-8c1515f0972f/D1968A9C4245BB3AFC38F97D966857B.ele-mccaul-letter-to-mulvaney-vought-on-ukraine-assistance.pdf).

⁹⁷² *Trump Tries to Force Ukraine to Meddle in the 2020 Election*, Washington Post (Sept. 5, 2019) (online at www.washingtonpost.com/opinions/global-opinions/is-trump-strong-arming-ukraines-new-president-for-political-gain/2019/09/05/4eb239b0-cffa-11e9-8c1c-7c8ee785b855_story.html).

⁹⁷³ Taylor Dep. Tr. at 37-38.

⁹⁷⁴ *Id.* at 38.

⁹⁷⁵ See Letter from Senator Christopher Murphy to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn Maloney, House Committee on Oversight and Reform (Nov. 19, 2019) (online at www.murphy.senate.gov/download/111919-sen-murphy-letter-to-house-impeachment-investigators-on-ukraine) (“Senator Johnson and I assured Zelensky that Congress wanted to continue this funding, and would press Trump to release it immediately.”); Letter from Senator Ron Johnson to Ranking Member Jim Jordan, Committee on Oversight and Reform, and Ranking Member Devin Nunes, Permanent Select Committee on Intelligence (Nov. 18, 2019) (online at www.ronjohnson.senate.gov/public/_cache/files/e0b73c19-9370-42c6-88b1-b2458eaeecd/johnson-to-jordan-nunes.pdf) (“I explained that I had tried to persuade the president to authorize me to announce the hold was released but that I was unsuccessful.”).

⁹⁷⁶ House Permanent Select Committee on Intelligence, *Three House Committees Launch Probe Into Trump and Giuliani Pressure Campaign* (Sept. 9, 2019) (online at <https://intelligence.house.gov/news/documentsingle.aspx?DocumentID=685>).

⁹⁷⁷ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat Cipollone, Counsel to the President, The White House (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_cipollone_on_ukraine.pdf).

⁹⁷⁸ *Id.*

⁹⁷⁹ *Id.*

⁹⁸⁰ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Michael R. Pompeo, Secretary of State (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_sec_pompeo_on_ukraine.pdf).

⁹⁸¹ Morrison Dep. Tr. at 245.

⁹⁸² *Id.*

⁹⁸³ Vindman Dep. Tr. at 303.

⁹⁸⁴ *Id.* at 304.

⁹⁸⁵ Letter from Michael Atkinson, Inspector General of the Intelligence Community, to Chairman Adam B. Schiff and Ranking Member Devin Nunes, House Permanent Select Committee on Intelligence (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/20190909_-_ic_ig_letter_to_hpisci_on_whistleblower.pdf).

⁹⁸⁶ *Id.*; see also 50 U.S.C. § 3033(k)(5) (setting forth procedures for reporting of complaints or information with respect to an “urgent concern” to Congressional intelligence committees).

⁹⁸⁷ Maguire Hearing Tr. at 14 (“As a result, we consulted with the White House Counsel’s Office, and we were advised that much of the information in the complaint was, in fact, subject to executive privilege, a privilege that I do not have the authority to waive. Because of that, we were unable to immediately share the details of the complaint with this committee but continued to consult with the White House counsels in an effort to do so.”).

⁹⁸⁸ *Id.* at 15-16 (“Because the allegation on its face did not appear to fall in the statutory framework, my office consulted with the United States Department of Justice Office of Legal Counsel. . . . After reviewing the complaint and the Inspector General’s transmission letter, the Office of Legal Counsel determined that the complaint’s allegations do not meet the statutory definition concerning legal urgent concern, and found that I was not legally required to transmit the material to our oversight committee under the Whistleblower Protection Act.”).

⁹⁸⁹ *Id.* at 22-23. See also *CIA’s Top Lawyer Made ‘Criminal Referral’ on Complaint about Trump Ukraine Call*, NBC News (Oct. 4, 2019) (online at www.nbcnews.com/politics/trump-impeachment-inquiry/cia-s-top-lawyer-made-criminal-referral-whistleblower-s-complaint-n1062481) (reporting that the CIA’s General Counsel, Courtney Simunons Elwood, informed NSC chief lawyer John Eisenberg about an anonymous whistleblower complaint on August 14, 2019).

⁹⁹⁰ Maguire Hearing Tr. at 14, 21-22. On September 26, Acting DNI Maguire testified that he and the ODNI General Counsel first consulted with the White House counsel’s office before discussing the whistleblower complaint with the Department of Justice’s Office of Legal Counsel:

The Chairman.	I’m just trying to understand the chronology. You first went to the Office of Legal Counsel, and then you went to the White House Counsel?
Acting Director Maguire.	No, no, no, sir. No, sir. No. We went to the White House first to determine—to ask the question—
The Chairman.	That’s all I want to know is the chronology. So you went to the White House first. So you went to the subject of the complaint for advice first about whether you should provide the complaint to Congress?
Acting Director Maguire.	There were issues within this, a couple of things: One, it did appear that it has executive privilege. If it does have executive privilege, it is the White House that determines that. I cannot determine that, as the Director of National Intelligence.

Id. at 21-22.

⁹⁹¹ *Trump Knew of Whistle-Blower Complaint When He Released Aid to Ukraine*, New York Times (Nov. 26, 2019) (online at www.nytimes.com/2019/11/26/us/politics/trump-whistle-blower-complaint-ukraine.html).

⁹⁹² *Id.* The Administration repeatedly referenced privilege concerns in connection with the whistleblower complaint. See, e.g., Letter from Jason Klitenic, General Counsel, Office of the Director of National Intelligence, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Sept. 13, 2019) (noting that “the complaint involves confidential and *potentially privileged* communications by persons outside the Intelligence Community”) (emphasis added); Letter from Jason Klitenic, General Counsel, Office of the Director of National Intelligence, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Sept. 17, 2019) (characterizing subpoena to the Acting DNI for documents as demanding “sensitive and *potentially privileged*”

materials and whistleblower complaint as involving “*potentially privileged* matters relating to the interests of other stakeholders within the Executive Branch”) (emphasis added).

However, the White House never formally invoked executive privilege as to the whistleblower complaint. *See* Maguire Hearing Tr. at 20 (“Chairman Schiff: So they never asserted executive privilege, is that the answer? Acting Director Maguire: Mr. Chairman, if they did, we would not have released the letters yesterday and all the information that has been forthcoming.”).

⁹⁹³ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, to Joseph Maguire, Acting Director of National Intelligence (Sept. 10, 2019) (online at https://intelligence.house.gov/uploadedfiles/20190910_-_chm_schiff_letter_to_acting_dni_maguire.pdf).

⁹⁹⁴ *Id.*.

⁹⁹⁵ *See* Letter from Jason Klitenic, General Counsel, Office of the Director of National Intelligence, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Sept. 13, 2019).

⁹⁹⁶ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, to Joseph Maguire, Acting Director of National Intelligence (Sept. 13, 2019) (online at https://intelligence.house.gov/uploadedfiles/20190913_-_chm_schiff_letter_to_acting_dni_re_whistleblower_-_subpoena.pdf).

⁹⁹⁷ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁹⁹⁸ Vindman Dep. Tr. at 305-06; Morrison Dep. Tr. at 242.

⁹⁹⁹ Morrison Dep. Tr. at 242.

¹⁰⁰⁰ *See, e.g., Id.* at 244; Vindman Dep. Tr. at 306; Williams Dep. Tr. at 147.

¹⁰⁰¹ Cooper Dep. Tr. at 68-69.

¹⁰⁰² Williams Dep. Tr. at 147. Ms. Williams did testify that President Trump’s pressure on President Zelensky to open investigations into the Bidens on the July 25 call “shed some light on possible other motivations behind a security assistance hold.” Williams Dep. Tr. at 149.

¹⁰⁰³ Sandy Dep. Tr. at 42, 139-140. According to a press report, after Congress began investigating President Trump’s scheme, the White House Counsel’s Office reportedly opened an internal investigation relating to the July 25 call. As part of that internal investigation, White House lawyers gathered and reviewed “hundreds of documents” that “reveal extensive efforts to generate an after-the-fact justification” for the hold on military assistance for Ukraine ordered by President Trump. These documents reportedly include “early August email exchanges between acting chief of staff Mick Mulvaney and White House budget officials seeking to provide an explanation for withholding the funds after the president had already ordered a hold in mid-July on the nearly \$400 million in security assistance.” *White House Review Turns Up Emails Showing Extensive Effort to Justify Trump’s Decision to Block Ukraine Military Aid*, Washington Post (Nov. 24, 2019) (online at www.washingtonpost.com/politics/white-house-review-turns-up-emails-showing-extensive-effort-to-justify-trumps-decision-to-block-ukraine-military-aid/2019/11/24/2121cf98-0d57-11ea-bd9d-c628fd48b3a0_story.html). The White House has withheld these documents from the Committee, so the Committee cannot verify the accuracy of the reporting as of the publication of this report.

¹⁰⁰⁴ Sandy Dep. Tr. at 49.

¹⁰⁰⁵ *Id.* at 42, 44.

¹⁰⁰⁶ *Id.* at 180.

¹⁰⁰⁷ Vindman Dep. Tr. at 306.

¹⁰⁰⁸ Cooper Dep. Tr. at 83.

¹⁰⁰⁹ *Id.* at 47-48, 58, 112-114; Sandy Dep. Tr. at 34-35, 85-86, 95, 128, 129-131, 133; Morrison Dep. Tr. at 163; Kent Dep. Tr. at 308-309; Reeker Dep. Tr. at 133. News reports indicate that a confidential White House review of President Trump’s hold on military assistance to Ukraine has identified hundreds of documents revealing

“extensive efforts to generate an after-the-fact justification for the decision and a debate over whether the delay was legal.” *White House Review Turns Up Emails Showing Extensive Effort to Justify Trump’s Decision to Block Ukraine Military Aid*, Washington Post (Nov. 24, 2019) (online at www.washingtonpost.com/politics/white-house-review-turns-up-emails-showing-extensive-effort-to-justify-trumps-decision-to-block-ukraine-military-aid/2019/11/24/2121cf98-0d57-11ea-bd9d-c628fd48b3a0_story.html). According to “two people briefed on an internal White House review,” in August, Acting Chief of Staff Mulvaney “asked ... whether there was a legal justification for withholding hundreds of millions of dollars in military aid to Ukraine.” *Mulvaney Asked About Legal Justification for Withholding Ukraine Aid*, New York Times (Nov. 24, 2019) (online at www.nytimes.com/2019/11/24/us/politics/mulvaney-ukraine-aid.html). Reports indicate that, “[e]mails show [OMB Director] Vought and OMB staffers arguing that withholding aid was legal, while officials at the National Security Council and State Department protested. OMB lawyers said that it was legal to withhold the aid, as long as they deemed it a ‘temporary’ hold.” *White House Review Turns Up Emails Showing Extensive Effort to Justify Trump’s Decision to Block Ukraine Military Aid*, Washington Post (Nov. 24, 2019) (online at www.washingtonpost.com/politics/white-house-review-turns-up-emails-showing-extensive-effort-to-justify-trumps-decision-to-block-ukraine-military-aid/2019/11/24/2121cf98-0d57-11ea-bd9d-c628fd48b3a0_story.html). The White House and State Department’s obstruction of Congress has prevented the Committee from obtaining any documents on this matter and, therefore, the Committee cannot verify the accuracy of this reporting as of the publication of this report.

¹⁰¹⁰ Cooper Dep. Tr. at 80.

¹⁰¹¹ Sandy Dep. Tr. at 146-147.

¹⁰¹² See Department of Defense, *DOD Budget Materials (FY2011-FY2018)* (online at <https://comptroller.defense.gov/Budget-Materials/>). In 1974, President Nixon impounded 15-20 percent of a number of specific programs, which prompted the passage of the Impoundment Control Act of 1974. Congressional Research Service, *The Congressional Budget Act of 1974 (P.L. 93-344) Legislative History and Analysis* (Feb. 26, 1975).

¹⁰¹³ Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245, § 9013 (2018); Sandy Dep. Tr. at 147.

¹⁰¹⁴ Continuing Appropriations Act 2020, and Health Extenders Act of 2019, Pub. L. No. 116-59, § 124 (2019).

¹⁰¹⁵ Cooper Dep. Tr. at 98.

¹⁰¹⁶ *\$35 Million in Pentagon Aid Hasn’t Reached Ukraine Despite White House Assurances*, L.A. Times (Nov. 19, 2019) (online at www.latimes.com/politics/story/2019-11-19/documents-show-nearly-40-million-in-ukraine-aid-delayed-despite-white-house-assurances).

¹⁰¹⁷ *Zelensky Planned to Announce Trump’s ‘Quo’ on My Show. Here’s What Happened*, Washington Post (Nov. 14, 2019) (online at www.washingtonpost.com/opinions/zelensky-was-planning-to-announce-trumps-quid-pro-quo-on-my-show-heres-what-happened/2019/11/14/47938f32-072a-11ea-8292-c46ce8cb3dce_story.html).

¹⁰¹⁸ *Id.*

¹⁰¹⁹ Taylor Dep. Tr. at 40.

¹⁰²⁰ Kent-Taylor Hearing Tr. at 106.

¹⁰²¹ *Id.*

¹⁰²² Hill-Holmes Hearing Tr. at 33.

¹⁰²³ *Id.*

¹⁰²⁴ Taylor Dep. Tr. at 41.

¹⁰²⁵ *Id.* at 217-18.

¹⁰²⁶ *Id.*

¹⁰²⁷ Holmes Dep. Tr. at 30.

¹⁰²⁸ *Zelensky Planned to Announce Trump's 'Quo' on My Show. Here's What Happened*, Washington Post (Nov. 14, 2019) (online at www.washingtonpost.com/opinions/zelensky-was-planning-to-announce-trumps-quit-pro-quo-on-my-show-heres-what-happened/2019/11/14/47938f32-072a-11ea-8292-c46ce8cb3dce_story.html).

¹⁰²⁹ Hill-Holmes Hearing Tr. at 33; *see also Zelensky Planned to Announce Trump's 'Quo' on My Show. Here's What Happened*, Washington Post (Nov. 14, 2019) (online at www.washingtonpost.com/opinions/zelensky-was-planning-to-announce-trumps-quit-pro-quo-on-my-show-heres-what-happened/2019/11/14/47938f32-072a-11ea-8292-c46ce8cb3dce_story.html).

¹⁰³⁰ Kent. Dep. Tr. at 333.

¹⁰³¹ *Id.* at 329-31.

¹⁰³² *Id.* at 330.

¹⁰³³ *Zelensky Planned to Announce Trump's 'Quo' on My Show. Here's What Happened*, Washington Post (Nov. 14, 2019) (online at www.washingtonpost.com/opinions/zelensky-was-planning-to-announce-trumps-quit-pro-quo-on-my-show-heres-what-happened/2019/11/14/47938f32-072a-11ea-8292-c46ce8cb3dce_story.html).

¹⁰³⁴ Hill-Holmes Hearing Tr. at 46-47.

¹⁰³⁵ Williams Dep. Tr. at 156.

¹⁰³⁶ *Id.*

¹⁰³⁷ *Pence Says He's Working to Release Transcripts of His Calls with Ukraine Leader*, Politico (Oct. 9, 2019) (online at www.politico.com/news/2019/10/09/pence-ukraine-zelensky-biden-043684).

¹⁰³⁸ *Pence: I Don't Object To Releasing My Call Transcripts With Zelensky*, Fox Business (Nov. 7, 2019) (online at www.realclearpolitics.com/video/2019/11/07/pence_i_dont_object_to_releasing_my_call_transcripts_with_zelensky.html).

¹⁰³⁹ *Rudy Giuliani's Remarkable Ukraine Interview, Annotated*, Washington Post (Sept. 20, 2019) (online at www.washingtonpost.com/politics/2019/09/20/rudy-giulianis-remarkable-ukraine-interview-annotated/).

¹⁰⁴⁰ The White House, *Remarks by President Trump and President Duda of Poland Before Bilateral Meeting* (Sept. 23, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-president-duda-poland-bilateral-meeting/).

¹⁰⁴¹ The White House, *Remarks by President Trump Upon Arriving at the U.N. General Assembly* (Sept. 24, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-upon-arriving-u-n-general-assembly-new-york-ny/).

¹⁰⁴² The White House, *Remarks by President Trump and President Zelensky of Ukraine Before Bilateral Meeting* (Sept 25, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-president-zelensky-ukraine-bilateral-meeting-new-york-ny/).

¹⁰⁴³ The White House, *Remarks by President Trump at the Swearing-in Ceremony of Secretary of Labor Eugene Scalia* (Sept 30, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-swearing-ceremony-secretary-labor-eugene-scalia/).

¹⁰⁴⁴ The White House, *Remarks by President Trump and President Niinistö of the Republic of Finland Before Bilateral Meeting* (Oct. 2, 2019) (www.whitehouse.gov/briefings-statements/remarks-president-trump-president-niinisto-republic-finland-bilateral-meeting/).

¹⁰⁴⁵ The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 3, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-67/).

¹⁰⁴⁶ The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 4, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-68/).

¹⁰⁴⁷ *Id.*

¹⁰⁴⁸ The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 3, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-67/). These recent statements by President inviting foreign assistance for his personal political interests are consistent with his statements to George Stephanopoulos of ABC News on June 12, when President Trump indicated a desire to receive dirt on a political opponent provided by a foreign country. *ABC News' Oval Office interview with President Trump*, ABC News (June 13, 2019) (online at <https://abcnews.go.com/Politics/abc-news-oval-office-interview-president-donald-trump/story?id=63688943>).

¹⁰⁴⁹ Morrison-Volker Hearing Tr. at 46-47, 91-92.

¹⁰⁵⁰ Vindman Dep. Tr. at 158-19; Holmes Dep. Tr. at 100; Kent-Taylor Hearing Tr. at 43.

¹⁰⁵¹ Kent-Taylor Hearing Tr. at 24.

¹⁰⁵² Hill-Holmes Hearing Tr. at 46.

¹⁰⁵³ Kent-Taylor Hearing Tr. at 165.

¹⁰⁵⁴ *Id.*

¹⁰⁵⁵ *Id.* at 24.

¹⁰⁵⁶ *Id.* at 55-56.

¹⁰⁵⁷ *Id.* at 164.

¹⁰⁵⁸ Kent Dep. Tr. at 329; Morrison-Volker Hearing Tr. at 138-139.

¹⁰⁵⁹ Morrison-Volker Hearing Tr. at 139.

¹⁰⁶⁰ *Id.*

SECTION II.

**THE PRESIDENT'S OBSTRUCTION OF THE HOUSE OF REPRESENTATIVES'
IMPEACHMENT INQUIRY**

1. Constitutional Authority for Congressional Oversight and Impeachment

Article I of the Constitution vests in the House of Representatives the “sole Power of Impeachment.” Congress is authorized to conduct oversight and investigations in support of its Article I powers. The Supreme Court—and previous Presidents—have acknowledged these authorities.

Overview

The House’s Constitutional and legal authority to conduct an impeachment inquiry is clear, as is the duty of the President to cooperate with the House’s exercise of this authority. The Constitution vests in the House of Representatives the “sole Power of Impeachment” as well as robust oversight powers. As the Founders intended, the courts have agreed, and prior Presidents have acknowledged, the House’s sweeping powers to investigate are at their peak during an impeachment inquiry of a President. Congress has also enacted statutes to support its power to investigate and oversee the Executive Branch.

Unlike President Donald J. Trump, past Presidents who were the subject of impeachment inquiries acknowledged Congress’ authority to investigate and—to varying degrees—complied with information requests and subpoenas. Even so, the House has previously determined that partial noncooperation can serve as a ground for an article of impeachment against a President as it would upend the separation of powers to allow the President to dictate the scope of an impeachment inquiry. When President Richard Nixon withheld tape recordings and produced heavily edited and inaccurate records, the House Judiciary Committee approved an article of impeachment for obstruction.

Constitutional Power of Congress to Investigate—and to Impeach

Article I of the U.S. Constitution gives the House of Representatives the “sole Power of Impeachment.”¹ The Framers intended the impeachment power to be an essential check on a President who might engage in corruption or abuse power. For example, during the Constitutional Convention, George Mason stated:

No point is of more importance than that the right of impeachment should be continued. Shall any man be above Justice? Above all shall that man be above it, who can commit the most extensive injustice? ... Shall the man who has practised corruption & by that means procured his appointment in the first instance, be suffered to escape punishment, by repeating his guilt?²

Congress is empowered to conduct oversight and investigations to carry out its authorities under Article I.³ In light of the core nature of the impeachment power to the nation’s Constitutional system of checks and balances, Congress’ investigative authority is at its zenith during an impeachment inquiry.⁴

As the House Judiciary Committee explained during the impeachment of President Nixon:

Whatever the limits of legislative power in other contexts—and whatever need may otherwise exist for preserving the confidentiality of Presidential conversations—in the context of an impeachment proceeding the balance was struck in favor of the power of inquiry when the impeachment provision was written into the Constitution.⁵

This conclusion echoed an early observation on the floor of the House of Representatives that the “House possessed the power of impeachment solely, and that this authority certainly implied the right to inspect every paper and transaction in any department, otherwise the power of impeachment could never be exercised with any effect.”⁶

The House’s “sole Power of Impeachment” is the mechanism provided by the Constitution to hold sitting Presidents accountable for serious misconduct. The Department of Justice has highlighted the importance of the impeachment power in justifying the Department’s view that a sitting President cannot be indicted or face criminal prosecution while in office.⁷ The Department’s position that the President is immune from prosecution has not been endorsed by Congress or the courts, but as long as the Department continues to refuse to prosecute a sitting President, Congress has a heightened responsibility to exercise its impeachment power, if necessary, to ensure that no President is “above the law.”⁸

The Supreme Court has recognized that Congress has broad oversight authority under the Constitution to inquire about a wide array of topics, even outside the context of impeachment:

The power of inquiry has been employed by Congress throughout our history, over the whole range of the national interests concerning which Congress might legislate or decide upon due investigation not to legislate; it has similarly been utilized in determining what to appropriate from the national purse, or whether to appropriate. The scope of the power of inquiry, in short, is as penetrating and farreaching as the potential power to enact and appropriate under the Constitution.⁹

The Supreme Court has made clear that Congress’ authority to investigate includes the authority to compel the production of information by issuing subpoenas,¹⁰ a power the House has delegated to its committees pursuant to its Constitutional authority to “determine the Rules of its Proceedings.”¹¹

The Supreme Court has affirmed that compliance with Congressional subpoenas is mandatory:

It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigation.¹²

Federal courts have held that the “legal duty” to respond to Congressional subpoenas extends to the President’s “senior-level aides” and that the failure to comply violates the separation of powers principles in the Constitution.¹³ As one court recently explained:

[W]hen a committee of Congress seeks testimony and records by issuing a valid subpoena in the context of a duly authorized investigation, it has the Constitution’s blessing, and ultimately, it is acting not in its own interest, but for the benefit of the People of the United States. If there is fraud or abuse or waste or corruption in the federal government, it is the constitutional duty of Congress to find the facts and, as necessary, take corrective action. Conducting investigations is the means that Congress uses to carry out that constitutional obligation. Thus, blatant defiance of Congress’ centuries-old power to compel the performance of witnesses is not an abstract injury, nor is it a mere banal insult to our democracy. It is an affront to the mechanism for curbing abuses of power that the Framers carefully crafted for our protection, and, thereby, recalcitrant witnesses actually undermine the broader interests of the People of the United States.¹⁴

Laws Passed by Congress

Congress has enacted statutes to support its power to investigate and oversee the Executive Branch. These laws impose criminal and other penalties on those who fail to comply with inquiries from Congress or block others from doing so, and they reflect the broader Constitutional requirement to cooperate with Congressional investigations. For example:

- ***Obstructing Congress:*** Obstructing a Congressional investigation is a crime punishable by up to five years in prison. An individual is guilty of obstruction if he or she “corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede” the “due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House.”¹⁵
- ***Concealing Material Facts:*** Concealing information from Congress is also punishable by up to five years in prison. This prohibition applies to anyone who “falsifies, conceals, or covers up” a “material fact” in connection with “any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.”¹⁶
- ***Intimidating and Harassing Witnesses:*** Intimidating witnesses in a Congressional investigation is a crime punishable by up to twenty years in prison. This statute applies to anyone who “knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person,” with the intent to “influence, delay, or prevent the testimony of any person in an official proceeding.”¹⁷ An individual who “intentionally harasses another person and thereby hinders, delays, prevents, or dissuades” a person from “attending or testifying in an official proceeding” is also guilty of a crime punishable by fines and up to three years in prison.¹⁸

- ***Retaliating Against Employees Who Provide Information to Congress:*** Employees who speak to Congress have the right not to have adverse personnel actions taken against them. Retaliatory actions taken against Executive Branch employees who cooperate with Congress may constitute violations of this law.¹⁹ Any Executive Branch official who “prohibits or prevents” or “attempts or threatens to prohibit or prevent” any officer or employee of the federal government from speaking with Congress could have his or her salary withheld.²⁰

Precedent of Previous Impeachments and Other Investigations

Unlike President Trump, past Presidents who were the subject of impeachment inquiries—including Presidents Andrew Johnson, Richard Nixon, and Bill Clinton—acknowledged Congress’ authority to investigate and, to varying degrees, complied with information requests and subpoenas.

For example, President Johnson complied with the House’s requests for information. According to a report subsequently adopted by the House Judiciary Committee, “There is no evidence that Johnson ever asserted any privilege to prevent disclosure of presidential conversations to the Committee, or failed to comply with any of the Committee’s requests.”²¹

Similarly, President Clinton provided written responses to 81 interrogatories from the House Judiciary Committee during the House’s impeachment inquiry.²²

Even President Nixon agreed to let his staff testify voluntarily in the Senate Watergate investigation, stating: “All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions.”²³ As a result, numerous senior White House officials testified, including White House Counsel John Dean III, White House Chief of Staff H.R. Haldeman, Deputy Assistant to the President Alexander Butterfield, and Chief Advisor to the President for Domestic Affairs John D. Ehrlichman.²⁴ President Nixon also produced numerous documents and records in response to the House’s subpoenas as part of its impeachment inquiry, including more than 30 transcripts of White House recordings and notes from meetings with the President.²⁵

However, President Nixon’s production of documents was incomplete. For example, he did not produce tape recordings, and transcripts he produced were heavily edited or inaccurate. President Nixon claimed that his noncompliance with House subpoenas was necessary to protect the confidentiality of Presidential conversations, but the House Judiciary Committee rejected these arguments and approved an article of impeachment for obstruction of the House’s impeachment inquiry.²⁶

In a letter to President Nixon, Judiciary Committee Chairman Peter Rodino explained that it would upend the separation of powers to allow the President to dictate the scope of an impeachment inquiry:

Under the Constitution it is not within the power of the President to conduct an inquiry into his own impeachment, to determine which evidence, and what version or portion of that evidence, is relevant and necessary to such an inquiry. These are matters which, under the Constitution, the House has the sole power to determine.²⁷

Consistent with that long-settled understanding, other Presidents have recognized that they must comply with information requests issued in a House impeachment inquiry. In 1846, for example, President James Polk stated in a message to the House:

It may be alleged that the power of impeachment belongs to the House of Representatives, and that with a view to the exercise of this power, that House has the right to investigate the conduct of all public officers under the government. This is cheerfully admitted. In such a case, the safety of the Republic would be the supreme law; and the power of the House in the pursuit of this object would penetrate into the most secret recesses of the executive departments. It could command the attendance of any and every agent of the government, and compel them to produce all papers, public or private, official or unofficial, and to testify on oath to all facts within their knowledge.²⁸

Past Presidents have also produced documents and permitted senior officials to testify in connection with other Congressional investigations, including inquiries into Presidential actions.

For example, in the Iran-Contra inquiry, President Ronald Reagan's former National Security Advisor, Oliver North, and the former Assistant to the President for National Security Affairs, John Poindexter, testified before Congress.²⁹ President Reagan also produced "relevant excerpts of his personal diaries to Congress."³⁰

During the Clinton Administration, Congress obtained testimony from top advisors to President Clinton, including Chief of Staff Mack McLarty, Chief of Staff Erskine Bowles, White House Counsel Bernard Nussbaum, and White House Counsel Jack Quinn.³¹

Similarly, in the Benghazi investigation, led by Chairman Trey Gowdy, President Barack Obama made many of his top aides available for transcribed interviews, including National Security Advisor Susan Rice and Deputy National Security Advisor for Strategic Communications Benjamin Rhodes.³² The Obama Administration also produced more than 75,000 pages of documents in that investigation, including 1,450 pages of White House emails containing communications of senior officials on the National Security Council.³³

2. The President’s Categorical Refusal to Comply

President Trump categorically directed the White House, federal departments and agencies, and federal officials not to cooperate with the House’s inquiry and not to comply with duly authorized subpoenas for documents or testimony.

Overview

Donald Trump is the first and only President in American history to openly and indiscriminately defy all aspects of the Constitutional impeachment process, ordering all federal agencies and officials categorically not to comply with voluntary requests or compulsory demands for documents or testimony.

On September 26, President Trump argued that Congress should not be “allowed” to impeach him under the Constitution and that there “should be a way of stopping it—maybe legally, through the courts.” A common theme of his defiance has been his claims that Congress is acting in an unprecedented way and using unprecedented rules. However, the House has been following the same investigative rules that Republicans championed when they were in control.

On October 8, White House Counsel Pat Cipollone—acting on behalf of President Trump—sent a letter to House Speaker Nancy Pelosi and the three investigating Committees confirming that President Trump directed his entire Administration not to cooperate with the House’s impeachment inquiry. Mr. Cipollone wrote: “President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.”

Mr. Cipollone’s letter elicited immediate criticism from legal experts across the political spectrum. He advanced remarkably politicized arguments and legal theories unsupported by the Constitution, judicial precedent, and more than 200 years of history. If allowed to stand, the President’s defiance, as justified by Mr. Cipollone, would represent an existential threat to the nation’s Constitutional system of checks and balances, separation of powers, and rule of law.

The House’s Impeachment Inquiry of President Trump

In January, the House of Representatives voted to adopt its rules for the 116th Congress. These rules authorized House Committees to conduct investigations, hold hearings, issue subpoenas for documents and testimony, and depose witnesses.³⁴ Significantly, these authorities are similar to those adopted when Republicans controlled the House during previous Congresses.³⁵

In April, Special Counsel Robert S. Mueller III, who was appointed by then-Deputy Attorney General Rod J. Rosenstein to investigate Russian interference in the 2016 U.S. Presidential election and potential obstruction of justice by President Trump, issued a two-volume report.³⁶ In connection with that report, the Committee on the Judiciary began an inquiry into “whether to approve articles of impeachment with respect to the President.”³⁷ The Judiciary

Committee detailed its authority and intent to conduct this investigation in a series of reports, memoranda, and legal filings.³⁸

On August 22, Rep. Jerrold Nadler, the Chairman of the Committee on the Judiciary, sent a letter requesting that the Permanent Select Committee on Intelligence, the Committee on Oversight and Reform, the Committee on Foreign Affairs, and the Committee on Financial Services provide “information, including documents and testimony, depositions, and/or interview transcripts” relevant to the “ongoing impeachment investigation relating to President Trump.”³⁹

In September, the Intelligence Committee, the Oversight Committee, and the Foreign Affairs Committee sent letters requesting documents and interviews from the White House and the Department of State regarding the actions of President Trump, the President’s personal agent, Rudy Giuliani, and others to pressure Ukraine to launch investigations into former Vice President Joe Biden and a debunked conspiracy theory alleging Ukrainian interference in the 2016 election.⁴⁰

On September 22, President Trump admitted to discussing former Vice President Biden and his son with the President of Ukraine during a telephone call on July 25.⁴¹

On September 24, Speaker Pelosi stated publicly that the House Committees were “moving forward” to “proceed with their investigations under that umbrella of impeachment inquiry.” She explained that, for the past several months, the House had been “investigating in our Committees and litigating in the courts, so the House can gather ‘all the relevant facts and consider whether to exercise its full Article I powers, including a constitutional power of the utmost gravity—approval of articles of impeachment.’”⁴²

On September 25, the White House made public a Memorandum of Telephone Conversation of President Trump’s call with President Volodymyr Zelensky on July 25. As discussed in detail in Section I, this call record documented how President Trump directly and explicitly asked President Zelensky to launch investigations of former Vice President Biden and the 2016 election.⁴³

Following the Speaker’s announcement and the release of the call record, the Intelligence Committee, the Oversight Committee, and the Foreign Affairs Committee continued their investigation, requesting documents and information, issuing subpoenas, and conducting interviews and depositions. The Committees made clear that this information would be “collected as part of the House’s impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.”⁴⁴

On October 31, the House voted to approve House Resolution 660, directing the Committees “to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach Donald John Trump, President of the United States of America.” The resolution set forth the process for holding public hearings, releasing deposition transcripts, presenting a report to the Judiciary Committee, holding proceedings

within the Judiciary Committee, and submitting to the House of Representatives “such resolutions, articles of impeachment, or other recommendations as it deems proper.”⁴⁵

President Trump’s Unprecedented Order Not to Comply

President Trump’s categorical and indiscriminate order and efforts to block witness testimony and conceal documentary evidence from the Committees investigating his conduct as part of the House’s impeachment inquiry stand in contrast to his predecessors and challenge the basic tenets of the Constitutional system of checks and balances.

Even before the House of Representatives launched its investigation regarding Ukraine, President Trump made numerous statements rejecting the fundamental authority of Congress to investigate his actions as well as those of his Administration. For example, on April 24, he stated, in response to Congressional investigations: “We’re fighting all the subpoenas.”⁴⁶ Similarly, during a speech on July 23, he stated: “I have an Article II, where I have to the right to do whatever I want as president.”⁴⁷

When the three investigating Committees began reviewing the President’s actions as part of the House’s impeachment inquiry, President Trump repeatedly challenged the investigation’s legitimacy in word and deed. President Trump’s rhetorical attacks appeared intended not just to dispute public reports of his misconduct, but to persuade the public that the House lacks authority to investigate the President and the inquiry is therefore invalid and fraudulent. For example, the President described the impeachment inquiry as:

- “a COUP”⁴⁸
- “illegal, invalid, and unconstitutional”⁴⁹
- “an unconstitutional power grab”⁵⁰
- “Ukraine Witch Hunt”⁵¹
- “a continuation of the Greatest and most Destructive Witch Hunt of all time”⁵²
- “a total Witch Hunt Scam by the Democrats”⁵³
- “bad for the country”⁵⁴
- “all a hoax”⁵⁵
- “the single greatest witch hunt in American history”⁵⁶
- “Democrat Scam”⁵⁷
- “just another Democrat Hoax”⁵⁸
- “a fraud against the American people”⁵⁹
- “A Witch Hunt Scam”⁶⁰
- “a con being perpetrated on the United States public and even the world”⁶¹
- “ridiculous”⁶²
- “a continuation of the greatest Scam and Witch Hunt in the history of our Country”⁶³
- “Ukraine Hoax”⁶⁴
- “No Due Process Scam”⁶⁵
- “the phony Impeachment Scam”⁶⁶
- “the phony Impeachment Hoax”⁶⁷

On September 26, President Trump argued that Congress should not be “allowed” to impeach him under the Constitution: “What these guys are doing—Democrats—are doing to this country is a disgrace and it shouldn’t be allowed. There should be a way of stopping it—maybe legally, through the courts.”⁶⁸

A common theme of President Trump’s defiance has been his claims that Congress is acting in an unprecedented way and using unprecedented rules. However, the House has been following the same investigative rules that Republicans championed when they were in control and conducted aggressive oversight of previous Administrations.⁶⁹

White House Counsel’s Letters Implementing the President’s Order

On October 8, White House Counsel Pat Cipollone sent a letter to Speaker Pelosi and the three Committees explaining that President Trump had directed his entire Administration not to cooperate with the House’s impeachment inquiry. He wrote:

Consistent with the duties of the President of the United States, and in particular his obligation to preserve the rights of future occupants of his office, President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.⁷⁰

On October 10, President Trump confirmed that Mr. Cipollone was indeed conveying his orders, stating:

As our brilliant White House Counsel wrote to the Democrats yesterday, he said their highly partisan and unconstitutional effort threatens grave and lasting damage to our democratic institutions, to our system of free elections, and to the American people. That’s what it is. To the American people. It’s so terrible. Democrats are on a crusade to destroy our democracy. That’s what’s happening. We will never let it happen. We will defeat them.⁷¹

Mr. Cipollone’s letter elicited immediate criticism from legal experts from across the political spectrum.⁷²

Mr. Cipollone wrote a second letter to the Committees on October 18, declaring that the White House would refuse to comply with the subpoena issued to it for documents.⁷³

On November 1—after the House had already issued several subpoenas to the White House and other Executive Branch officials for testimony—the Trump Administration issued a new “Letter Opinion” from Assistant Attorney General Steven A. Engel to Mr. Cipollone. The Office of Legal Counsel opinion sought to extend the reach of the President’s earlier direction to defy Congressional subpoenas and to justify noncompliance by officials who could not plausibly be considered among the President’s closest advisors.

Mr. Engel’s opinion asserted that the House’s impeachment inquiry seeks information that is “potentially protected by executive privilege” and claimed the Committees’ deposition

subpoenas are “invalid” and “not subject to civil or criminal enforcement” because the House’s long-standing deposition rules do not allow the participation of attorneys from the White House or other government agencies.⁷⁴ These claims are without basis and unsupported by precedent.

The Letter Opinion cited statements from previous Presidents and Attorneys General that directly undercut the Administration’s position. For example, President James K. Polk, stated that in an impeachment inquiry the House had power to “penetrate into the most secret recesses of the Executive Departments.”⁷⁵ In addition, Attorney General Robert H. Jackson, who later served on the Supreme Court, stated that “pertinent information would be supplied in impeachment proceedings, usually instituted at the suggestion of the Department and for the good of the administration of justice.”⁷⁶

In his letters conveying the President’s direction, Mr. Cipollone advanced remarkably politicized arguments and legal theories unsupported by the Constitution, judicial precedent, and more than 200 years of history. These letters effectuated the President’s order and campaign to obstruct and thwart the House’s exercise of its sole power of impeachment under the Constitution. They are rebutted as follows:

- ***The Impeachment Inquiry is Constitutional:*** According to Mr. Cipollone, “the President did nothing wrong,” and “there is no basis for an impeachment inquiry.”⁷⁷ President Trump has repeatedly described his call with President Zelensky as “perfect.”⁷⁸ Speaking for President Trump, Mr. Cipollone also asserted that the impeachment inquiry is “partisan and unconstitutional,” “a naked political strategy that began the day he was inaugurated, and perhaps even before,” and that it “plainly seeks to reverse the election of 2016 and to influence the election of 2020.”⁷⁹

However, as this report details in Section I, Congress found abundant evidence of a scheme directed by the President to solicit foreign election interference by pressing the newly-elected President of Ukraine to announce publicly politically-motivated investigations to benefit President Trump’s own reelection campaign. Fundamentally, the Constitutional validity of an impeachment inquiry cannot depend on a President’s view that he did nothing wrong or on the political composition of the House. Such an extreme reimagining of the Constitution would render the Article I impeachment power meaningless and provide the President with power the Constitution does not grant him to thwart, manipulate, and stonewall an impeachment inquiry conducted by the House, including by concealing information of his own misconduct.⁸⁰ Taken to its logical conclusion, the President’s position would eliminate the impeachment power in every year during which a political party other than the President’s is in power. Under this approach, the impeachments of President Clinton, President Nixon, and President Andrew Johnson would not have been permitted.⁸¹

The purpose of an impeachment inquiry is for the House to collect evidence to determine for itself whether the President may have committed an impeachable offense warranting articles of impeachment. Because the Constitution vests the House alone with “the sole Power of Impeachment,” it is not for the President to decide whether the House is exercising that power properly or prudently. The President is not free to arrogate the

House's power to himself—or to order across-the-board defiance of House subpoenas—based solely on his unilateral characterization of legislative motives or because he opposes the House's decision to investigate his actions.

- ***The Impeachment Inquiry is Properly Authorized:*** According to Mr. Cipollone, the “House has not expressly adopted any resolution authorizing an impeachment investigation” nor has it “delegated such authority to any of your Committees by rule.”⁸² However, nothing in either the Constitution or the House Rules requires the full House to vote to authorize an impeachment inquiry.⁸³ The impeachment inquiries into Presidents Andrew Johnson, Nixon, and Clinton all began prior to the House's consideration and approval of a resolution authorizing the investigations.⁸⁴ The same is true of many judicial impeachments;⁸⁵ indeed, numerous judges have been impeached without any prior vote of the full House authorizing a formal inquiry.⁸⁶ Even though Mr. Cipollone's argument is inherently invalid, the House has taken two floor votes that render it obsolete—the first on January 9 to adopt rules authorizing committees to conduct investigations, and the second on October 31 to set forth procedures for open hearings in the Intelligence Committee and for additional proceedings in the Judiciary Committee.⁸⁷ Even following passage of House Resolution 660, whereby the House confirmed the preexisting and ongoing impeachment inquiry, the President and the White House Counsel, acting on the President's behalf, have persisted in their obstructive conduct.
- ***President Has No Valid Due Process Claims:*** According to Mr. Cipollone, “the Committees have not established any procedures affording the President even the most basic protections demanded by due process under the Constitution and by fundamental fairness,” and the Committees “have denied the President the right to cross-examine witnesses, to call witnesses, to receive transcripts of testimony, to have access to evidence,” and “to have counsel present.”⁸⁸ Yet, there is no requirement that the House provide these procedures during an impeachment inquiry. The Constitution vests the House with “the sole Power of Impeachment,” and provides no constraints on how the House chooses to conduct its impeachment process.⁸⁹ Nevertheless, Mr. Cipollone's complaints are unfounded as the House has implemented procedural protections for the President in its exercise of its Constitutional power. House Resolution 660 authorizes procedures to “allow for the participation of the President and his counsel.”⁹⁰ The Committee Report accompanying House Resolution 660 explains that these protections for the President are part of the Judiciary Committee hearing process and are “based on those provided during the Nixon and Clinton inquiries.” These procedures include “that the president and his counsel are invited to attend all hearings; the ability for the president's counsel to cross-examine witnesses and object to the admissibility of testimony; and the ability of the president's counsel to make presentations of evidence before the Judiciary Committee, including the ability to call witnesses.”⁹¹
- ***Fact-Finding Was Appropriately Transparent:*** According to Mr. Cipollone, the Committees conducted their proceedings “in secret.”⁹² This argument fundamentally misconstrues and misapprehends the fact-gathering process required at this initial stage of the House's impeachment inquiry. Unlike in the cases of Presidents Nixon and Clinton, the House conducted a significant portion of the factual investigation itself because no

independent prosecutor was appointed to investigate President Trump’s conduct regarding Ukraine. Attorney General William P. Barr refused to authorize a criminal investigation into the serious allegations of misconduct, and even this decision was limited to possible violations of federal campaign finance laws.⁹³ The investigative Committees proceeded consistent with the House’s rules of procedure and in keeping with investigative best practices, including the need to reduce the risk that witnesses may try to coordinate or align testimony. As the House explained in its report accompanying House Resolution 660:

The initial stages of an impeachment inquiry in the House are akin to those preceding a prosecutorial charging decision. Under this process, the House is responsible for collecting the evidence and, rather than weighing the question of returning an indictment, the Members of the House have the obligation to decide whether to approve articles of impeachment.⁹⁴

The Committees have released transcripts of all interviews and depositions conducted during the investigation. As these transcripts make clear, all Members of all three Committees—including 47 Republican Members of Congress—had the opportunity to ask questions, and these transcripts are now available to the President and his counsel. These same procedures were supported by Acting White House Chief of Staff Mick Mulvaney when he served as a Member of the Oversight Committee and by Secretary of State Mike Pompeo when he served as a Member of the Benghazi Select Committee. In fact, some of the same Members and staff currently conducting depositions as part of the present impeachment inquiry participated directly in depositions during the Clinton, Bush, and Obama Administrations.⁹⁵ The Intelligence Committee also held public hearings with 12 of these witnesses.

- ***Agency Attorneys Can Be (And Should Be) Excluded from Depositions:*** According to Mr. Cipollone, “it is unconstitutional to exclude agency counsel from participating in congressional depositions.”⁹⁶ Mr. Cipollone cites no case law to support his position—because there is none. Instead, he relies on a single opinion from the Trump Administration’s Office of Legal Counsel and ignores the ample legal authority and historical precedent that clearly support the Committees’ actions. For example, the Constitution expressly delegates to Congress the authority to “determine the Rules of its Proceedings,”⁹⁷ which includes the power to determine the procedures used for gathering information from witnesses whether via interview, staff deposition, or in a public hearing.⁹⁸ The basis for the rule excluding agency counsel is straightforward: it prevents agency officials who are directly implicated in the abuses Congress is investigating from trying to prevent their own employees from coming forward to tell the truth to Congress. The rule protects the rights of witnesses by allowing them to be accompanied in depositions by personal counsel. Agency attorneys have been excluded from Congressional depositions of Executive Branch officials for decades, under both Republicans and Democrats, including Chairmen Dan Burton, Henry Waxman, Darrell Issa, Jason Chaffetz, Trey Gowdy, Kevin Brady, and Jeb Hensarling, among others.⁹⁹

- ***Congress Can Exercise Its Broad Oversight Authority:*** According to Mr. Cipollone, “you simply cannot expect to rely on oversight authority to gather information for an unauthorized impeachment inquiry that conflicts with all historical precedent and rides roughshod over due process and the separation of powers.”¹⁰⁰ But, of course, the present impeachment inquiry does neither. Moreover, the Supreme Court has made clear that Congress’ “power of inquiry” is “as penetrating and farreaching as the potential power to enact and appropriate under the Constitution.”¹⁰¹ The subject matter of the impeachment inquiry implicates the House’s impeachment-specific as well as legislative and oversight authorities and interests. The activity under investigation, for instance, relates to a broad array of issues in which Congress has legislated and may legislate in the future, including government ethics and transparency, election integrity, appropriations, foreign affairs, abuse of power, bribery, extortion, and obstruction of justice. In fact, Members of Congress have already introduced legislation on issues related to the impeachment inquiry.¹⁰² The House does not forfeit its Constitutional authority to investigate and legislate when it initiates an impeachment inquiry.¹⁰³ Congress passed sweeping legislative reforms following the scandal over the Watergate break-in and President Nixon’s resignation.¹⁰⁴
- ***“Confidentiality Interests” Do Not Eliminate Congress’ Authority:*** According to Mr. Cipollone, the Administration would also not comply with the Committees’ demands for documents and testimony because of unspecified Executive Branch “confidentiality interests.”¹⁰⁵ There is no basis in the law of executive privilege for declaring a categorical refusal to respond to any House subpoena. In an impeachment inquiry, the House’s need for information and its Constitutional authority are at their greatest, and the Executive’s interest in confidentiality must yield. Only the President can assert executive privilege, yet he has not done so in the House’s impeachment inquiry. Prior to asserting executive privilege, the Executive Branch is obligated to seek to accommodate the legitimate informational needs of Congress, which, as discussed below, it has not done.¹⁰⁶ In any event, much of the information sought by the Committees would not be covered by executive privilege under any theory,¹⁰⁷ and the privilege—where validly asserted on a particularized basis and not outweighed by the legitimate needs of the impeachment inquiry—would protect any legitimate Executive Branch interest in confidentiality.¹⁰⁸
- ***President’s Top Aides Are Not “Absolutely Immune”:*** According to Mr. Cipollone, the President’s top aides are “absolutely immune” from being compelled to testify before Congress.¹⁰⁹ This extreme position has been explicitly and repeatedly rejected by Congress—which has received testimony from senior aides to many previous Presidents—and by federal courts. In 2008, a federal court rejected an assertion by President George W. Bush that White House Counsel Harriet Miers was immune from being compelled to testify, noting that the President had failed to identify even a single judicial opinion to justify his claim.¹¹⁰ On November 25, 2019, another federal judge rejected President Trump’s claim of absolute immunity for former White House Counsel Don McGahn, concluding: “Stated simply, the primary takeaway from the past 250 years of recorded American history is that Presidents are not kings,” and that “Executive branch officials are not absolutely immune from compulsory congressional process—no matter how many times the Executive branch has asserted as much over the years—even

if the President expressly directs such officials' non-compliance."¹¹¹ Mr. Cipollone's position, adopted by President Trump, has thus been repudiated by Congress and the courts, and is not salvaged by Executive Branch legal opinions insisting upon a wholly fictional ground for non-compliance. In ordering categorical defiance of House subpoenas, President Trump has confirmed the unlimited breadth of his position and his unprecedented view that no branch of government—even the House—is empowered to investigate whether he may have committed constitutional offenses.

In addition to advancing specious legal arguments, President Trump has made no effort to accommodate the House's interests in conducting the impeachment inquiry. For example, the Committees first requested documents from the White House on September 9, but the White House disregarded the request.¹¹² The Committees made a second request on September 24, but the White House again ignored the request.¹¹³ Finally, on October 4, the Committees transmitted a subpoena for the documents.¹¹⁴ However, on October 18, the White House Counsel sent a letter stating that "the White House cannot comply with the October 4 subpoena."¹¹⁵

Since then, there has been no evidence of a willingness by the President to produce any of the documents covered by the subpoena to the White House. The State Department made passing references to potentially engaging in an "accommodations" process in response to its September 27 subpoena.¹¹⁶ However, there has been no effort to do so, and departments and agencies have not produced any documents in response to subpoenas issued as part of the House impeachment inquiry. The President also made no apparent effort to accommodate the House's need for witness testimony and instead continued to flatly refuse to allow Executive Branch officials to testify.

3. The President's Refusal to Produce Any and All Subpoenaed Documents

Pursuant to the President's orders, the White House, federal departments and agencies, and key witnesses refused to produce any documents in response to duly authorized subpoenas issued pursuant to the House's impeachment inquiry.

Overview

Following President Trump's categorical order, not a single document has been produced by the White House, the Office of the Vice President, the Office of Management and Budget, the Department of State, the Department of Defense, or the Department of Energy in response to 71 specific, individualized requests or demands for records in their possession, custody, or control. The subpoenas to federal departments and agencies remain in full force and effect. These agencies and offices also blocked many current and former officials from producing records directly to the Committees.

Certain witnesses defied the President's sweeping, categorical, and baseless order and identified the substance of key documents. Other witnesses identified numerous additional documents that the President and various agencies are withholding that are directly relevant to the impeachment inquiry.

The President's personal attorney, Mr. Giuliani, although a private citizen, also sought to rely on the President's order, as communicated in Mr. Cipollone's letter on October 8, to justify his decision to disobey a lawful subpoena for documents.

The White House

On September 9, the Committees sent a letter to White House Counsel Pat Cipollone seeking six categories of documents in response to reports indicating that, "for nearly two years, the President and his personal attorney, Rudy Giuliani, appear to have acted outside legitimate law enforcement and diplomatic channels to coerce the Ukrainian government into pursuing two politically-motivated investigations under the guise of anti-corruption activity."¹¹⁷ The Committees asked the White House to voluntarily produce responsive documents by September 16.¹¹⁸ The White House did not provide any response by that date.

On September 24, the Committees sent a follow-up letter requesting that the White House produce the documents by September 26.¹¹⁹ Again, the White House did not provide any documents or respond by that date.

Having received no response from the White House, then-Chairman Elijah E. Cummings sent a memorandum to Members of the Committee on Oversight and Reform, which has jurisdiction over the Executive Office of the President, explaining that he was preparing to issue a subpoena in light of the White House's non-compliance and non-responsiveness. He wrote:

Over the past several weeks, the Committees tried several times to obtain voluntary compliance with our requests for documents, but the White House has refused to engage with—or even respond to—the Committees.¹²⁰

On October 4, the Committees sent a letter to Acting White House Chief of Staff Mick Mulvaney transmitting a subpoena issued by Chairman Cummings compelling the White House to produce documents by October 18.¹²¹

As discussed above, on October 8, the White House Counsel sent a letter to Speaker Pelosi and the Committees stating that “President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.”¹²² The White House Counsel also sent a letter on October 18, confirming that “the White House cannot comply with the October 4 subpoena to Acting Chief of Staff Mulvaney.”¹²³

To date, the White House has not produced a single document in response to the subpoena.¹²⁴ Instead, the White House has released to the public only two documents—call records from the President’s phone calls with President Zelensky on April 21 and July 25.¹²⁵

Witnesses who testified before the Committees have identified multiple additional documents that the President is withholding that are directly relevant to the impeachment inquiry, including but not limited to:

- briefing materials for President Trump’s call with President Zelensky on July 25 prepared by Lt. Col. Alexander S. Vindman, Director for Ukraine at the National Security Council;¹²⁶
- notes relating to the July 25 call taken by Lt. Col. Vindman and Tim Morrison, the former Senior Director for Europe and Russia on the National Security Council;¹²⁷
- an August 15 “Presidential decision memo” prepared by Lt. Col. Vindman and approved by Mr. Morrison conveying “the consensus views from the entire deputies small group” that “the security assistance be released”;¹²⁸
- National Security Council staff summaries of conclusions from meetings at the principal, deputy, or sub-deputy level relating to Ukraine, including military assistance;¹²⁹
- call records between President Trump and Ambassador Gordon Sondland, United States Ambassador to the European Union;¹³⁰
- National Security Council Legal Advisor John Eisenberg’s notes and correspondence relating to discussions with Lt. Col. Vindman regarding the July 10 meetings in which Ambassador Sondland requested investigations in exchange for a White House meeting;¹³¹
- the memorandum of conversation from President Trump’s meeting in New York with President Zelensky on September 25;¹³² and

- as explained below, emails and other messages between Ambassador Sondland and senior White House officials, including Acting Chief of Staff Mick Mulvaney, Senior Advisor to the Chief of Staff Rob Blair, and then-National Security Advisor John Bolton, among other high-level Trump Administration officials.¹³³

The Committees also have good-faith reason to believe that the White House is in possession of and continues to withhold significantly more documents and records responsive to the subpoena and of direct relevance to the impeachment inquiry.

The Committees have closely tracked public reports that the White House is in possession of other correspondence and records of direct relevance to the impeachment inquiry. On November 24, for instance, a news report revealed that the White House had conducted a confidential, internal records review of the hold on military assistance in response to the Committees' inquiry. The review reportedly "turned up hundreds of documents that reveal extensive efforts to generate an after-the-fact justification for the decision and a debate over whether the delay was legal."¹³⁴

Office of the Vice President

On October 4, the Committees sent a letter to Vice President Mike Pence seeking 13 categories of documents in response to reports that he and his staff were directly involved in the matters under investigation. The Committees wrote:

Recently, public reports have raised questions about any role you may have played in conveying or reinforcing the President's stark message to the Ukrainian President. The reports include specific references to a member of your staff who may have participated directly in the July 25, 2019, call, documents you may have obtained or reviewed, including the record of the call, and your September 1, 2019, meeting with the Ukrainian President in Warsaw, during which you reportedly discussed the Administration's hold on U.S. security assistance to Ukraine.¹³⁵

The Committees asked the Vice President to produce responsive documents by October 15.¹³⁶ On that date, Matthew E. Morgan, Counsel to the Vice President, responded to the Committees by refusing to cooperate and reciting many of the same baseless arguments as the White House Counsel. He wrote:

[T]he purported "impeachment inquiry" has been designed and implemented in a manner that calls into question your commitment to fundamental fairness and due process rights. ... Never before in history has the Speaker of the House attempted to launch an "impeachment inquiry" against a President without a majority of the House of Representatives voting to authorize a constitutionally acceptable process.¹³⁷

To date, the Vice President has not produced a single document sought by the Committees and has not indicated any intent to do so going forward.

Witnesses who testified before the Committees have identified multiple additional documents that the Vice President is withholding that are directly relevant to the impeachment inquiry, including but not limited to:

- notes taken by Jennifer Williams, Special Advisor to the Vice President for Europe and Russia, during the call between President Trump and President Zelensky on July 25;¹³⁸
- notes taken by Lt. Gen. Keith Kellogg, National Security Advisor to the Vice President, during the call between President Trump and President Zelensky on July 25;¹³⁹
- materials regarding the July 25 call that were placed in the Vice President’s briefing book that same day;¹⁴⁰
- the memorandum of conversation from Vice President Pence’s call with President Zelensky on September 18;¹⁴¹ and
- briefing materials prepared for Vice President Pence’s meeting with President Zelensky September 1 in Warsaw, Poland.¹⁴²

The Committees also have good-faith reason to believe that the Office of the Vice President is in possession of and continues to withhold significantly more documents and records responsive to their request and of direct relevance to the impeachment inquiry.

Office of Management and Budget

On October 7, the Committees sent a letter to Russell Vought, Acting Director of the Office of Management and Budget (OMB), conveying a subpoena issued by the Intelligence Committee for nine categories of documents in response to public reports that the President directed OMB to freeze hundreds of millions of dollars in military assistance appropriated by Congress to help Ukraine counter Russian aggression. The Committees wrote:

According to multiple press reports, at some point in July 2019, President Trump ordered Acting Chief of Staff and Office of Management and Budget (OMB) Director Mick Mulvaney to freeze the military aid to Ukraine, and Mr. Mulvaney reportedly conveyed the President’s order “through the budget office to the Pentagon and the State Department, which were told only that the administration was looking at whether the spending was necessary.”¹⁴³

The subpoena compelled Acting Director Vought to produce responsive documents by October 15.¹⁴⁴ On that day, OMB Associate Director for Legislative Affairs Jason Yaworske responded by refusing to produce any documents and reciting many of the same baseless arguments as the White House Counsel:

[T]he President has advised that “[g]iven that your inquiry lacks any legitimate constitutional foundation, any pretense of fairness, or even the most elementary due process protections, the Executive Branch cannot be expected to participate in

it.” ... President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.¹⁴⁵

To date, Acting Director Vought has not produced a single document sought by the Committees and has not indicated any intent to do so going forward.

Witnesses who testified before the Committees have identified multiple additional documents that Acting Director Vought is withholding that are directly relevant to the impeachment inquiry, including but not limited to:

- a June 19 email from OMB Associate Director of National Security Programs Michael Duffey to Department of Defense (DOD) Deputy Comptroller Elaine McCusker regarding the fact that “the President had seen a media report and he had questions about the assistance” and expressing “interest in getting more information from the Department of Defense,” specifically a “description of the program”,¹⁴⁶
- a July 12 email from White House Assistant to the President and Senior Advisor to the Chief of Staff Robert Blair to Associate Director Duffey explaining that the “President is directing a hold on military support for Ukraine” and not mentioning any other country or security assistance package,¹⁴⁷ and
- an August 7 memorandum drafted in preparation for Acting Director Vought’s attendance at a Principals Committee meeting on Ukrainian security assistance, which included a recommendation to lift the military assistance hold.¹⁴⁸

The Committees also have good-faith reason to believe that the Office of Management and Budget is in possession of and continues to withhold significantly more documents and records responsive to the subpoena and of direct relevance to the impeachment inquiry.

Department of State

On September 9, the Committees sent a letter to Secretary of State Mike Pompeo requesting six categories of documents in response to reports that “President Trump and his personal attorney appear to have increased pressure on the Ukrainian government and its justice system in service of President Trump’s reelection campaign” and “the State Department may be abetting this scheme.”¹⁴⁹ The Committees requested that Secretary Pompeo produce responsive documents by September 16. The Secretary did not provide any documents or response by that date.

On September 23, the Committees sent a follow-up letter asking Secretary Pompeo to “inform the Committees by close of business on Thursday, September 26, 2019, whether you intend to fully comply with these requests or whether subpoenas will be necessary.”¹⁵⁰ The Secretary did not provide any documents or respond by that date.

On September 27, the Committees sent a letter to Secretary Pompeo conveying a subpoena for documents issued by Rep. Eliot Engel, the Chairman of the Committee on Foreign Affairs, compelling the production of documents by October 4.¹⁵¹

Since Secretary Pompeo had failed to respond, the Committees also sent separate letters to six individual State Department employees seeking documents in their possession and requesting that they participate in depositions with the Committees.¹⁵²

On October 1, Secretary Pompeo responded to the Committees for the first time. He objected to the Committees seeking documents directly from State Department employees after he failed to produce them, claiming inaccurately that such a request was “an act of intimidation and an invitation to violate federal records laws.”¹⁵³ He also claimed that the Committees’ inquiry was “an attempt to intimidate, bully, and treat improperly the distinguished professionals of the Department of State.”¹⁵⁴

To the contrary, Deputy Assistant Secretary George Kent, one of the State Department professionals from whom the Committees sought documents and testimony, testified that he “had not felt bullied, threatened, and intimidated.”¹⁵⁵ Rather, Mr. Kent said that the language in Secretary Pompeo’s letter, which had been drafted by a State Department attorney without consulting Mr. Kent, “was inaccurate.”¹⁵⁶ Mr. Kent explained that, when he raised this concern, the State Department attorney “spent the next 5 minutes glaring at me” and then “got very angry.” According to Mr. Kent, the official “started pointing at me with a clenched jaw and saying, What you did in there, if Congress knew what you were doing, they could say that you were trying to sort of control, or change the process of collecting documents.”¹⁵⁷

With respect to his own compliance with the subpoena for documents, Secretary Pompeo wrote that he “intends to respond to that subpoena by the noticed return date of October 4, 2019.”¹⁵⁸

Later on October 1, the Committees sent a letter to Deputy Secretary of State John J. Sullivan in light of new evidence that Secretary Pompeo participated on President Trump’s call with President Zelensky on July 25. The Committees wrote:

We are writing to you because Secretary Pompeo now appears to have an obvious conflict of interest. He reportedly participated personally in the July 25, 2019 call, in which President Donald Trump pressed President Volodymyr Zelensky of Ukraine to investigate the son of former Vice President Joseph Biden immediately after the Ukrainian President raised his desire for United States military assistance to counter Russian aggression.

If true, Secretary Pompeo is now a fact witness in the impeachment inquiry. He should not be making any decisions regarding witness testimony or document production in order to protect himself or the President. Any effort by the Secretary or the Department to intimidate or prevent witnesses from testifying or withhold documents from the Committees shall constitute evidence of obstruction of the impeachment inquiry.¹⁵⁹

The following day, at a press conference in Italy, Secretary Pompeo publicly acknowledged that he had been on the July 25 call between Presidents Trump and Zelensky.¹⁶⁰

On October 7, Committee staff met with State Department officials who acknowledged that they had taken no steps to collect documents in response to the September 9 letter, but instead had waited for the September 27 subpoena before beginning to search for responsive records. During that conversation, the Committees made a good-faith attempt to engage the Department in the constitutionally-mandated accommodations process. The Committees requested, on a priority basis, “any and all documents that it received directly from Ambassador Sondland,” as well as “documents—especially those documents identified by the witnesses as responsive—related to Ambassador Yovanovitch and DAS [Deputy Assistant Secretary] Kent.” The depositions of these witnesses—Ambassador Sondland, Ambassador Yovanovitch, and Mr. Kent—were scheduled for the days shortly after that October 7 meeting. The Department’s representatives stated that they would take the request back to senior State Department officials, but never provided any further response.¹⁶¹

To date, Secretary Pompeo has not produced a single document sought by the Committees and has not indicated any intent to do so going forward. In addition, the Department has ordered its employees not to produce documents in their personal possession. For example, on October 14, the Department sent a letter to Mr. Kent’s personal attorney warning that “your client is not authorized to disclose to Congress any records relating to official duties.”¹⁶²

Moreover, the Department appears to have actively discouraged its employees from identifying documents responsive to the Committees’ subpoena. Mr. Kent testified in his deposition that he informed a Department attorney about additional responsive records that the Department had not collected, including an email from Assistant Secretary of State for Consular Affairs David Risch, who “had spoken to Rudy Giuliani several times in January about trying to get a visa for the corrupt former prosecutor general of Ukraine, Viktor Shokin.”¹⁶³ The Department attorney “objected to [Mr. Kent] raising of the additional information” and “made clear that he did not think it was appropriate for [Mr. Kent] to make the suggestion.”¹⁶⁴ Mr. Kent responded that what he was “trying to do was make sure that the Department was being fully responsive.”¹⁶⁵

Certain witnesses defied the President’s directive and produced the substance of key documents. For example, Ambassador Sondland attached ten exhibits to his written hearing statement.¹⁶⁶ These exhibits contained replicas of emails and WhatsApp messages between Ambassador Sondland and high-level Trump Administration officials, including Secretary Pompeo, Secretary Perry, Acting Chief of Staff Mick Mulvaney, and former National Security Advisor John Bolton.¹⁶⁷ The exhibits also contained a replica of a WhatsApp message between Ambassador Sondland and Mr. Yermak.¹⁶⁸

Earlier in the investigation, Ambassador Kurt Volker had produced key text messages with Ambassador Taylor, Ambassador Sondland, President Zelensky’s senior aide, Andriy Yermak, Mr. Giuliani, and others very soon after the Committees requested them and prior to Mr. Cipollone’s letter on October 8 conveying the President’s directive not to comply.¹⁶⁹

The Department also prevented Ambassador Sondland—a current State Department employee—from accessing records to prepare for his testimony. As described above, federal law imposes fines and up to five years in prison for anyone who corruptly or by threats “impedes or endeavors to influence, obstruct, or impede” the “due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House.”¹⁷⁰ Ambassador Sondland explained that the Department’s actions directly impeded his testimony:

I have not had access to all of my phone records, State Department emails, and other State Department documents. And I was told I could not work with my EU Staff to pull together the relevant files. Having access to the State Department materials would have been very helpful to me in trying to reconstruct with whom I spoke and met, when, and what was said. ...

My lawyers and I have made multiple requests to the State Department and the White House for these materials. Yet, these materials were not provided to me. They have also refused to share these materials with this Committee. These documents are not classified and, in fairness, should have been made available.¹⁷¹

He testified, “I have been hampered to provide completely accurate testimony without the benefit of those documents.”¹⁷² Ambassador Sondland also stated:

Despite repeated requests to the White House and the State Department, I have not been granted access to all of the phone records, and I would like to review those phone records, along with any notes and other documents that may exist, to determine if I can provide more complete testimony to assist Congress.¹⁷³

On November 22, the Department produced 99 pages of emails, letters, notes, timelines, and news articles to a non-partisan, nonprofit ethics watchdog organization pursuant to a court order in a lawsuit filed under the Freedom of Information Act (FOIA).¹⁷⁴ This handful of documents was limited to a narrow window of time and specific people, but it clearly indicates that the Department is withholding documents that are responsive to the Committees’ requests.

For example, the Department’s FOIA production contains an email from the Office Manager to the Secretary of State to “S_All” sent on March 26 which states that “S is speaking with Rudy Giuliani.”¹⁷⁵ It also contains a March 27 email in which Madeleine Westerhout, the Personal Secretary to President Trump, facilitates another phone call between Rudy Giuliani and Secretary Pompeo.¹⁷⁶ These documents are directly responsive to the September 27 subpoena for “all documents and communications, from January 20, 2017 to the present, relating or referring to: Communications between any current or former State Department officials or employees and Rudolph W. Giuliani, including any text messages using personal or work-related devices.”¹⁷⁷

Witnesses who testified before the Committees have identified multiple additional documents that Secretary Pompeo is withholding that are directly relevant to the impeachment inquiry, including but not limited to:

- a cable on August 29 from Ambassador Bill Taylor, at the recommendation of then-National Security Advisor John Bolton, sent directly to Secretary Pompeo “describing the folly I saw in withholding military aid to Ukraine at a time when hostilities were still active in the east and when Russia was watching closely to gauge the level of American support for the Ukrainian Government” and telling Secretary Pompeo “that I could not and would not defend such a policy”;¹⁷⁸
- WhatsApp messages and emails that Ambassador Sondland replicated and provided as exhibits to the Intelligence Committee showing key communications between Ambassador Sondland and high-level Trump Administration officials, including Secretary Pompeo, Secretary Perry, Acting Chief of Staff Mick Mulvaney, and Ambassador Bolton, as well as President Zelensky’s senior aide, Andriy Yermak;¹⁷⁹
- notes and memoranda to file from Mr. Kent, Ambassador Taylor, and others, including Ambassador Taylor’s “little notebook” in which he would “take notes on conversations, in particular when I’m not in the office,” such as meetings with Ukrainians or when out and receiving a phone call,” as well as his “small, little spiral notebook” of calls that took place in the office;¹⁸⁰
- emails among Philip Reeker, Acting Assistant Secretary of State, Bureau of European and Eurasian Affairs; David Hale, Under Secretary of State for Political Affairs; Mr. Kent; and others regarding the unsuccessful effort to issue a public statement in support of Ambassador Yovanovitch, including the “large number of emails related to the press guidance and the allegations about the Ambassador” from the “late March timeframe.”¹⁸¹

The Committees also have good-faith reason to believe that the Department of State is in possession of and continues to withhold significantly more documents and records responsive to the subpoena and of direct relevance to the impeachment inquiry.

Department of Defense

On October 7, the Committees sent a letter to Secretary of Defense Mark Esper conveying a subpoena issued by the Intelligence Committee for 14 categories of documents in response to reports that the President directed a freeze of hundreds of millions of dollars in military aid appropriated by Congress to help Ukraine counter Russian aggression. The Committees wrote:

Officials at the Departments of State and Defense reportedly were “puzzled and alarmed” after learning about the White House’s directive. Defense Department officials reportedly “tried to make a case to the White House that the Ukraine aid was effective and should not be looked at in the same manner as other aid,” but “those arguments were ignored.”¹⁸²

The subpoena required Secretary Esper to produce responsive documents by October 15. On October 13, Secretary Esper stated in a public interview that the Department would comply with the Intelligence Committee’s subpoena:

- Q: Very quickly, are you going to comply with the subpoena that the House provided you and provide documents to them regarding to the halt to military aid to Ukraine?
- A: Yeah we will do everything we can to cooperate with the Congress. Just in the last week or two, my general counsel sent out a note as we typically do in these situations to ensure documents are retained.
- Q: Is that a yes?
- A: That's a yes.
- Q: You will comply with the subpoena?
- A: We will do everything we can to comply.¹⁸³

On October 15, however, Assistant Secretary of Defense for Legislative Affairs Robert R. Hood responded by refusing to produce any documents and reciting many of the same legally unsupportable arguments as the White House Counsel:

In light of these concerns, and in view of the President's position as expressed in the White House Counsel's October 8 letter, and without waiving any other objections to the subpoena that the Department may have, the Department is unable to comply with your request for documents at this time.¹⁸⁴

To date, Secretary Esper has not produced a single document sought by the Committees and has not indicated any intent to do so going forward, notwithstanding his public promise to "do everything we can to comply."¹⁸⁵

Witnesses who testified before the Committees have identified multiple additional documents that Secretary Esper is withholding that are directly relevant to the impeachment inquiry, including but not limited to:

- DOD staff readouts from National Security Council meetings at the principal, deputy, or sub-deputy level relating to Ukraine, including military assistance;¹⁸⁶
- an email from Secretary Esper's Chief of Staff, to Laura K. Cooper, Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia, in late July "asking for follow-up on a meeting with the President," including information on whether "U.S. industry [is] providing any of this equipment," "international contributions" to Ukraine, and "who gave this funding";¹⁸⁷
- fact sheets and other information provided by Ms. Cooper in response to the email request;¹⁸⁸
- an email sent to Ms. Cooper's staff on July 25 at 2:31 p.m.—the same day as President's Trump's call with Ukrainian President Zelensky—stating that the Ukrainian Embassy was inquiring about the status of military aid, suggesting that Ukrainian officials were concerned about the status of the military aid much earlier than ever previously acknowledged by the Executive Branch;¹⁸⁹

- an email sent to Ms. Cooper’s staff on July 25 at 4:25 p.m. stating that the Ukrainian Embassy and *The Hill* newspaper had become aware of the situation with the military assistance funding;¹⁹⁰ and
- an email received by Ms. Cooper’s staff on July 3 at 4:23 p.m. from the Department of State explaining that the Department of State “had heard the CN [Congressional Notification] is currently being blocked by OMB.”¹⁹¹

The Committees also have good-faith reason to believe that the Department of Defense is in possession of and continues to withhold significantly more documents and records responsive to the subpoena and of direct relevance to the impeachment inquiry.

Department of Energy

On October 10, the Committees sent a letter to Secretary of Energy Rick Perry conveying a subpoena issued by the Intelligence Committee for ten categories of documents in response to reports about his involvement with matters under investigation. The Committees wrote:

Recently, public reports have raised questions about any role you may have played in conveying or reinforcing the President’s stark message to the Ukrainian President. These reports have also raised significant questions about your efforts to press Ukrainian officials to change the management structure at a Ukrainian state-owned energy company to benefit individuals involved with Rudy Giuliani’s push to get Ukrainian officials to interfere in our 2020 election.¹⁹²

The subpoena required Secretary Perry to produce responsive documents by October 18. On that day, Melissa F. Burnison, the Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, responded by refusing to produce any documents and reciting many of the same flawed arguments as the White House Counsel:

Pursuant to these concerns, the Department restates the President’s position: “Given that your inquiry lacks any legitimate constitutional foundation, any pretense of fairness, or even the most elementary due process protections, the Executive Branch cannot be expected to participate in it.”¹⁹³

To date, Secretary Perry has not produced a single document sought by the Committees and has not indicated any intent to do so going forward.

Witnesses who testified before the Committees have identified multiple documents that Secretary Perry is withholding that are directly relevant to the impeachment inquiry, including but not limited to:

- a document passed directly from Secretary Perry to President Zelensky in a May 2019 meeting with a list of “people he trusts” that President Zelensky could seek advice from

on issues of relating to “key Ukrainian energy-sector contacts,” according to David Holmes, the Political Counselor at the U.S. Embassy in Kyiv;¹⁹⁴

- a June 5 email from Philip Reeker, Acting Assistant Secretary of State, Bureau of European and Eurasian Affairs, to Secretary Perry and others, regarding “Zelensky’s visit to Brussels, and the critical—perhaps historic—role of the dinner and engagement Gordon [Ambassador Sondland] coordinated”,¹⁹⁵ and
- a July 19 email from Secretary Perry in which he states “Mick [Acting Chief of Staff Mick Mulvaney] just confirmed the call being set up for tomorrow by NSC” in reference to a call between President Trump and President Zelensky.¹⁹⁶

The Committees also have good-faith reason to believe that the Department of Energy is in possession of and continues to withhold significantly more documents and records responsive to the subpoena and of direct relevance to the impeachment inquiry.

Rudy Giuliani and His Associates

On September 30, the Committees sent a letter conveying a subpoena issued by the Intelligence Committee to the President’s personal attorney, Rudy Giuliani, compelling the production of 23 categories of documents relating to his actions in Ukraine.¹⁹⁷

On October 15, Mr. Giuliani’s counsel responded to the Committees by stating that Mr. Giuliani “will not participate because this appears to be an unconstitutional, baseless, and illegitimate ‘impeachment inquiry.’”¹⁹⁸ He also stated: “Mr. Giuliani adopts all the positions set forth in Mr. Cipollone’s October 8, 2019 letter on behalf of President Donald J. Trump.”¹⁹⁹

To date, Mr. Giuliani has not produced a single document sought by the Committees and has not indicated any intent to do so going forward.

On September 30, the Committees sent letters to two of Mr. Giuliani’s business associates—Igor Fruman and Lev Parnas—requesting testimony and eleven categories of documents from each.²⁰⁰ The Committees sought documents from Mr. Fruman and Mr. Parnas related to their efforts to influence U.S. elections.

According to press reports, Mr. Parnas and Mr. Fruman reportedly were “assisting with Giuliani’s push to get Ukrainian officials to investigate former vice president Joe Biden and his son as well as Giuliani’s claim that Democrats conspired with Ukrainians in the 2016 campaign.” Press reports also indicate that Mr. Parnas and Mr. Fruman were involved with efforts to press Ukrainian officials to change the management structure at a Ukrainian state-owned energy company, Naftogaz, to benefit individuals involved with Mr. Giuliani’s push to get Ukrainian officials to interfere in the 2020 election.²⁰¹

On October 3, counsel to Mr. Fruman and Mr. Parnas responded to Committee staff, explaining his clients’ relationship with Mr. Giuliani and President Trump:

Be advised that Messrs. Parnas and Fruman assisted Mr. Giuliani in connection with his representation of President Trump. Mr. Parnas and Mr. Fruman have also been represented by Mr. Giuliani in connection with their personal and business affairs. They also assisted Joseph DiGenova and Victoria Toensing in their law practice.²⁰²

With respect to preparing Mr. Fruman's and Mr. Parnas' response, their counsel wrote: "The amount of time required is difficult to determine. [sic] but we are happy to keep you advised of our progress and engage in a rolling production of non-privileged documents."

On October 8, their counsel wrote again to Committee staff, stating:

This is an update. We continue to meet with Mr. Parnas and Mr. Fruman to gather the facts and documents related to the many subjects and persons detailed in your September 30 letter and to evaluate all of that information in light of the privileges we raised in our last letter.²⁰³

On October 9, their counsel wrote to Committee staff, stating, "Please be advised that Messrs. Parnas and Fruman agree with and adopt the position of White House Counsel pertaining to Democrat inquiry."²⁰⁴

On October 10, the Committees transmitted subpoenas compelling Mr. Fruman and Mr. Parnas to produce eleven categories of documents.²⁰⁵ That same day, their counsel responded:

As I did in my recent letter of October 8, 2019, please be advised we were in the formative stages of recovering and reviewing records on October 9 when Messrs. Parnas and Fruman were arrested by the FBI and locked up in Virginia pursuant to Four Count Indictment by a Federal Grand Jury in the Southern District of New York unsealed on October 10, 2019.

Further, their records and other belongings, including materials sought by your subpoenas, were seized pursuant warrants [sic] by the FBI in several locations on the 9th and 10th of October.²⁰⁶

To date, Mr. Fruman has not produced a single document in response to his subpoena and has not indicated any intent to do so going forward.

With respect to Mr. Parnas, he obtained new counsel during the course of the impeachment inquiry. His new attorney has asserted that Mr. Parnas will cooperate with the House's inquiry, stating: "We will honor and not avoid the committee's requests to the extent they are legally proper, while scrupulously protecting Mr. Parnas' privileges including that of the Fifth Amendment."²⁰⁷

In contrast to Mr. Giuliani and Mr. Fruman, Mr. Parnas has begun rolling production of certain records in his possession, custody, or control in response to the subpoena, which the Committees are evaluating. The Committees expect Mr. Parnas' full compliance with the subpoena.

4. The President's Refusal to Allow Top Aides to Testify

At President Trump's direction, twelve current or former Administration officials refused to testify as part of the House's impeachment inquiry, ten of whom did so in defiance of duly authorized subpoenas. The President's orders were coordinated and executed by the White House Counsel and others, and they prevented testimony from officials from the White House, National Security Council, Office of Management and Budget, Department of State, and Department of Energy.

Overview

No other President in history has issued an order categorically directing the entire Executive Branch not to testify before Congress, including in the context of an impeachment inquiry. President Trump issued just such an order.

As reflected in White House Counsel Pat Cipollone's October 8 letter, President Trump directed all government witnesses to violate their legal obligations by defying House subpoenas—regardless of their office or position.²⁰⁸ President Trump even extended his order to former officials no longer employed by the federal government. This Administration-wide effort to prevent all witnesses from providing testimony was coordinated and comprehensive.

These witnesses were warned that their refusal to testify “shall constitute evidence that may be used against you in a contempt proceeding” and “may be used as an adverse inference against you and the President.”

Despite the President's unprecedented commands, the House gathered a wealth of evidence of his conduct from courageous individuals who were willing to follow the law, comply with duly authorized subpoenas, and tell the truth. Nevertheless, the President's efforts to obstruct witness testimony deprived Congress and the public of additional evidence.

In following President Trump's orders to defy duly authorized Congressional subpoenas, several Administration officials who, to date, remain under subpoena may have placed themselves at risk of being held in criminal contempt of Congress.²⁰⁹ These witnesses were warned explicitly that their refusal to obey lawful orders to testify “shall constitute evidence that may be used against you in a contempt proceeding” and could also result in adverse inferences being drawn against both them and the President.²¹⁰

Mick Mulvaney, Acting White House Chief of Staff

On November 5, the Committees sent a letter to Acting White House Chief of Staff Mick Mulvaney seeking his appearance at a deposition on November 8.²¹¹ The Committees received no response to this letter.

On November 7, the Intelligence Committee issued a subpoena compelling Mr. Mulvaney's appearance at a deposition on November 8.²¹² On November 8, Mr. Mulvaney's personal attorney sent an email to Committee staff stating that "Mr. Mulvaney will not be attending the deposition today, and he is considering the full range of his legal options."²¹³

Mr. Mulvaney's personal attorney provided a letter that was sent on November 8 from Mr. Cipollone, stating that "the President directs Mr. Mulvaney not to appear at the Committee's scheduled deposition on November 8, 2019."²¹⁴ Mr. Mulvaney's personal attorney also provided a letter sent on November 7 from Steven A. Engel, Assistant Attorney General at the Office of Legal Counsel of the Department of Justice, to Mr. Cipollone, stating, "Mr. Mulvaney is absolutely immune from compelled congressional testimony in his capacity as a senior advisor to the President."²¹⁵

Mr. Mulvaney did not appear at the deposition on November 8, in defiance of the Committees' subpoena. The Committees met, and Chairman Schiff acknowledged Mr. Mulvaney's absence, stating:

Neither Congress nor the courts recognize a blanket absolute immunity as a basis to defy a congressional subpoena. Mr. Mulvaney and the White House, therefore, have no legitimate legal basis to evade a duly authorized subpoena. The President's direction to Mr. Mulvaney to defy our subpoena can, therefore, only be construed as an effort to delay testimony and obstruct the inquiry, consistent with the White House Counsel's letter dated October 8, 2019.²¹⁶

Chairman Schiff also explained Mr. Mulvaney's knowledge of and role in facilitating the President's conduct:

Mr. Mulvaney's role in facilitating the White House's obstruction of the impeachment inquiry does not occur in a vacuum. Over the past several weeks, we have gathered extensive evidence of the President's abuse of power related to pressuring Ukraine to pursue investigations that would benefit the President personally and politically and jeopardize national security in doing so. Some of that evidence has revealed that Mr. Mulvaney was a percipient witness to misconduct by the President and may have had a role in certain actions under investigation. The evidence shows that Mr. Mulvaney may have coordinated with U.S. Ambassador to the European Union Gordon Sondland, Rudy Giuliani, and others to carry out President Trump's scheme to condition a White House meeting with President Zelensky on the Ukrainians' pursuit of investigations of the Bidens, Burisma holdings, and purported Ukrainian interference in the 2016 U.S. Presidential election. In addition, evidence suggests that Mr. Mulvaney may have played a central role in President Trump's attempt to coerce Ukraine into launching his desired political investigations by withholding nearly \$400 million in vital security assistance from Ukraine that had been appropriated by Congress. At a White House press briefing on October 17, 2019, Mr. Mulvaney admitted publicly that President Trump ordered the hold on Ukraine security assistance to further the President's own personal political interests rather than the national interest. ...

Based on the record evidence gathered to date, we can only infer that Mr. Mulvaney's refusal to testify is intended to prevent the Committees from learning additional evidence of President Trump's misconduct and that Mr. Mulvaney's testimony would corroborate and confirm other witnesses' accounts of such misconduct. If the White House had evidence to contest those facts, they would allow Mr. Mulvaney to be deposed. Instead, the President and the White House are hiding and trying to conceal the truth from the American people. Given the extensive evidence the Committees have already uncovered, the only result of this stonewalling is to buttress the case for obstruction of this inquiry.²¹⁷

To date, Mr. Mulvaney has not changed his position about compliance with the subpoena.²¹⁸

Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff

On October 24, the Committees sent a letter to Robert B. Blair, an Assistant to the President and the Senior Advisor to Acting Chief of Staff Mulvaney, seeking Mr. Blair's appearance at a deposition on November 1.²¹⁹ On November 2, Mr. Blair's personal attorney sent a letter to the Committees stating:

Mr. Blair has been directed by the White House not to appear and testify at the Committees' proposed deposition, based on the Department of Justice's advice that the Committees may not validly require an executive branch witness to appear at such a deposition without the assistance of agency counsel. In light of the clear direction he has been given by the Executive Branch, Mr. Blair must respectfully decline to testify, as you propose, on Monday, November 4, 2019.²²⁰

On November 3, the Committees sent a letter to Mr. Blair's personal attorney transmitting a subpoena compelling Mr. Blair to appear at a deposition on November 4.²²¹

On November 4, Mr. Blair did not appear for the scheduled deposition, in defiance of the Committees' subpoena. The Committees met and Chairman Schiff acknowledged Mr. Blair's absence, stating:

Although the committees requested a copy of the correspondence from the White House and Department of Justice, Mr. Blair's Counsel did not provide it to the Committees. This new and shifting rationale from the White House, like the others it has used to attempt to block witnesses from appearing to provide testimony about the President's misconduct, has no basis in law or the Constitution and is a serious affront to decades of precedent in which Republicans and Democrats have used exactly the same procedures to depose executive branch officials without agency counsel present, including some of the most senior aides to multiple previous Presidents.²²²

Unlike President Trump's directive to Acting Chief of Staff Mulvaney, neither Mr. Blair nor the White House have asserted that Mr. Blair is "absolutely immune" from providing testimony to Congress. To date, Mr. Blair has not changed his position or contacted the Committees about compliance with the subpoena.

Ambassador John Bolton, Former National Security Advisor

On October 30, the Committees sent a letter to the personal attorney of Ambassador John Bolton, the former National Security Advisor to President Trump, seeking his appearance at a deposition on November 7.²²³ Later that day, Ambassador Bolton's personal attorney sent an email to Committee staff stating, "As you no doubt have anticipated, Ambassador Bolton is not willing to appear voluntarily."²²⁴

On November 7, Ambassador Bolton did not appear for the scheduled deposition. On November 8, Ambassador Bolton's personal attorney sent a letter to Douglas Letter, the General Counsel of the House of Representatives, suggesting that, if Ambassador Bolton were subpoenaed, he would file a lawsuit and would comply with the subpoena only if ordered to do so by the court. He referenced a lawsuit filed by another former official, Dr. Charles Kupperman, represented by the same attorney, and stated:

As I emphasized in my previous responses to letters from the House Chairs, Dr. Kupperman stands ready, as does Ambassador Bolton, to testify if the Judiciary resolves the conflict in favor of the Legislative Branch's position respecting such testimony.²²⁵

To date, Ambassador Bolton has not changed his position or come forward to testify.²²⁶

***John A. Eisenberg, Deputy Counsel to the President for
National Security Affairs and Legal Advisor, National Security Council***

On October 30, the Committees sent a letter to John A. Eisenberg, the Deputy Counsel to the President for National Security Affairs and the Legal Advisor at the National Security Council, seeking his appearance at a deposition on November 4.²²⁷ The Committees received no response to this letter.²²⁸

On November 1, the Committees sent a letter to Mr. Eisenberg transmitting a subpoena compelling his appearance at a deposition on November 4.²²⁹ On November 4, Mr. Eisenberg's personal attorney sent a letter to the Committees, stating:

Even if Mr. Eisenberg had been afforded a reasonable amount of time to prepare, the President has instructed Mr. Eisenberg not to appear at the deposition. Enclosed with this letter is the President's instruction as relayed by Pat A. Cipollone, Counsel to the President, in a letter dated November 3, 2019. We also enclose a letter, also dated November 3, 2019, from Steven A. Engel, Assistant Attorney General for the Office of Legal Counsel at the Department of Justice, to Mr. Cipollone advising that Mr. Eisenberg is "absolutely immune from compelled congressional testimony in his capacity as a senior advisor to the President." Under these circumstances, Mr. Eisenberg has no other option that is consistent with his legal and ethical obligations except to follow the direction of his client and employer, the President of the United States. Accordingly, Mr. Eisenberg will not be appearing for a deposition at this time.²³⁰

Enclosed was a letter sent on November 3 from Mr. Cipollone to Mr. Eisenberg's personal attorney stating that "the President directs Mr. Eisenberg not to appear at the Committee's deposition on Monday, November 4, 2019."²³¹ Also enclosed was a letter sent on November 3 from the Office of Legal Counsel of the Department of Justice to Mr. Cipollone stating:

You have asked whether the Committee may compel Mr. Eisenberg to testify. We conclude that he is absolutely immune from compelled congressional testimony in his capacity as a senior advisor to the President.²³²

Mr. Eisenberg did not appear for the scheduled deposition, in defiance of the Committees' subpoena. The Committees met and Chairman Schiff acknowledged Mr. Eisenberg's absence, stating:

Despite his legal obligations to comply, Mr. Eisenberg is not present here today and has therefore defied a duly authorized congressional subpoena. This morning, in an email received at 9:00 a.m., when the deposition was supposed to commence, Mr. Eisenberg's personal attorney sent a letter to the committee stating that President Trump had, quote, "instructed Mr. Eisenberg not to appear at the deposition," unquote. The attorney attached correspondence from White House counsel Pat Cipollone and a letter from the Office of Legal Counsel at Department of Justice. The OLC letter informs the White House that Mr. Eisenberg is purportedly, quote, "absolutely immune from compelled congressional testimony in his capacity as a senior advisor to the President," unquote. ...

Moreover, neither Congress nor the courts recognize a blanket, quote, "absolute immunity," unquote, as a basis to defy a congressional subpoena. Mr. Eisenberg and the White House, therefore, have no basis for evading a lawful subpoena. As such, the President's direction to Mr. Eisenberg to defy a lawful compulsory process can only be construed as an effort to delay testimony and obstruct the inquiry, consistent with the White House counsel's letter dated October 8, 2019. As Mr. Eisenberg was informed, the Committees may consider his noncompliance with the subpoena as evidence in a future contempt proceeding. His failure or refusal to appear, moreover, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President. The subpoena remains in full force. The committees reserve all of their rights, including the right to raise this matter at a future Intelligence Committee proceeding, at the discretion of the chair of the committee.

Mr. Eisenberg's nonappearance today adds to a growing body of evidence of the White House seeking to obstruct the White House's impeachment inquiry. To the extent the White House believes that an issue could be raised at the deposition that may implicate a valid claim of privilege, the White House may seek to assert that privilege with the Committee in advance of the deposition. To date, as has been the case in every other deposition as part of the inquiry, the White House has not done so. Mr. Eisenberg's failure to appear today also flies in the face of historical precedent. Even absent impeachment proceedings, congressional committees have deposed senior White House officials, including White House counsels and senior White House lawyers.²³³

*Michael Ellis, Senior Associate Counsel to the President and
Deputy Legal Advisor, National Security Council*

On October 30, the Committees sent a letter to Michael Ellis, a Senior Associate Counsel to the President and the Deputy Legal Advisor at the National Security Council, seeking his appearance at a deposition on November 4.²³⁴ On November 2, Mr. Ellis' personal attorney sent an email to Committee staff stating:

[W]e are in receipt of an opinion from the Office of Legal Counsel providing guidance on the validity of a subpoena under the current terms and conditions and based on that guidance we are not in a position to appear for a deposition at this time.²³⁵

This email followed the November 1 Office of Legal Counsel opinion, discussed above, which sought to extend the reach of the President's earlier direction to defy Congressional subpoenas and provided justification for noncompliance by officials who could not plausibly be considered among the President's closest advisors.

On November 3, Mr. Ellis' personal attorney sent another email to Committee staff stating:

[O]ur guidance is that the failure to permit agency counsel to attend a deposition of Mr. Ellis would not allow sufficient protection of relevant privileges and therefore render any subpoena constitutionally invalid. As an Executive branch employee Mr. Ellis is required to follow this guidance.²³⁶

On November 3, the Committees sent a letter to Mr. Ellis' personal attorney transmitting a subpoena compelling his appearance at a deposition on November 4, stating:

Mr. Ellis' failure or refusal to comply with the subpoena, including at the direction or behest of the President or the White House, shall constitute further evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against Mr. Ellis and the President.²³⁷

On November 4, Mr. Ellis did not appear for the scheduled deposition, in defiance of the Committees' subpoena. The Committees met and Chairman Schiff acknowledged Mr. Ellis' absence, stating:

Other than the White House's objections to longstanding congressional practice, the committees are aware of no other valid constitutional privilege asserted by the White House to direct Mr. Ellis to defy this subpoena.²³⁸

To date, Mr. Ellis has not changed his position or contacted the Committees about compliance with the subpoena.

Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council

On October 24, the Committees sent a letter to Preston Wells Griffith, the Senior Director for International Energy and Environment at the National Security Council, seeking his appearance at a deposition on November 5.²³⁹ On November 4, Mr. Griffith's personal attorney sent a letter to the Committees stating:

As discussed with Committee counsel, Mr. Griffith respectfully declines to appear for a deposition before the joint Committees conducting the impeachment inquiry, based upon the direction of White House Counsel that he not appear due to agency counsel not being permitted.²⁴⁰

Later that day, the Committees sent a letter to Mr. Griffith's personal attorney transmitting a subpoena compelling his appearance at a deposition on November 5, stating:

Mr. Griffith's failure or refusal to comply with the subpoena, including at the direction or behest of the President or the White House, shall constitute further evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against Mr. Griffith and the President.²⁴¹

On November 5, Mr. Griffith did not appear for the scheduled deposition, in defiance of the Committees' subpoena. The Committees met and Chairman Schiff acknowledged Mr. Griffith's absence, stating:

Although the committees requested a copy of any written direction from the White House, Mr. Griffith's counsel has not provided any such documentation to the committees. The White House's newly invented rationale for obstructing the impeachment inquiry appears based on a legal opinion that was issued by the Department of Justice Office of Legal Counsel just last Friday, November 1. It is noteworthy and telling that OLC issued this opinion after multiple current and former White House, State Department, and Department of Defense officials testified before the committees, both voluntarily and pursuant to subpoena, all without agency counsel present. The White House's invocation of this self-serving OLC opinion should therefore be seen for what it is: a desperate attempt to staunch the flow of incriminating testimony from the executive branch officials about the President's abuse of power.²⁴²

To date, Mr. Griffith has not changed his position or contacted the Committees about compliance with the subpoena.

Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council

On October 16, the Committees sent a letter to Dr. Charles M. Kupperman, a former Deputy Assistant to the President for National Security Affairs, seeking his appearance at a deposition on October 23.²⁴³

On October 25, the Intelligence Committee issued a subpoena compelling Dr. Kupperman to appear at a deposition on October 28.²⁴⁴

Later that day, Dr. Kupperman's personal attorney sent an email to Committee staff attaching a 17-page complaint in federal court seeking a declaratory judgment as to whether he should comply with the subpoena.²⁴⁵ His counsel wrote:

Pending the courts' determination as to which Branch should prevail, Dr. Kupperman will not effectively adjudicate the conflict by appearing and testifying before the Committees.²⁴⁶

Enclosed as part of the complaint was a letter sent on October 25 from Mr. Cipollone to Dr. Kupperman's personal attorney stating that "the President directs Mr. Kupperman not to appear at the Committee's scheduled hearing on Monday, October 28, 2019."²⁴⁷ Also enclosed was a letter sent on October 25 from the Office of Legal Counsel of the Department of Justice, to Mr. Cipollone stating that Dr. Kupperman "is absolutely immune from compelled congressional testimony in his capacity as a former senior advisor to the President."²⁴⁸

On October 26, the Committees sent a letter to Dr. Kupperman's personal attorneys, stating:

In light of the direction from the White House, which lacks any valid legal basis, the Committees shall consider your client's defiance of a congressional subpoena as additional evidence of the President's obstruction of the House's impeachment inquiry.²⁴⁹

Later that day, Dr. Kupperman's personal attorney sent a letter to Committee staff, stating: "The proper course for Dr. Kupperman, we respectfully submit, is to lay the conflicting positions before the Court and abide by the Court's judgment as to which is correct."²⁵⁰ On October 27, Dr. Kupperman's personal attorney sent a letter to Committee staff, writing: "If your clients' position on the merits of this issue is correct, it will prevail in court, and Dr. Kupperman, I assure you again, will comply with the Court's judgment."²⁵¹

On November 5, the Committees sent a letter to Dr. Kupperman's personal attorneys withdrawing the subpoena, stating:

The question whether the Executive Branch's "absolute immunity" theory has any basis in law is currently before the court in *Committee on the Judiciary v. McGahn*, No. 19-cv-2379 (D.D.C. filed Aug. 7, 2019). In addition to not suffering from the jurisdictional flaws in Dr. Kupperman's suit, *McGahn* is procedurally much further along.²⁵²

On November 8, Dr. Kupperman's personal attorney sent a letter to Douglas Letter, the General Counsel of the House of Representatives, stating that Dr. Kupperman stands ready to testify "if the Judiciary resolves the conflict in favor of the Legislative Branch's position respecting such testimony."²⁵³

On November 25, the district court in *McGahn* held that “with respect to senior-level presidential aides, absolute immunity from compelled congressional process simply does not exist.” The court explained there is “no basis in the law” for a claim of absolute immunity regardless of the position of the aides in question or whether they “are privy to national security matters, or work solely on domestic issues.”²⁵⁴ To date and notwithstanding the ruling in *McGahn* as it relates to Presidential aides who “are privy to national security matters,” Dr. Kupperman continues to refuse to testify, and his case remains pending in federal court.²⁵⁵

Russell T. Vought, Acting Director, Office of Management and Budget

On October 11, the Committees sent a letter to Russell T. Vought, the Acting Director of OMB, seeking his appearance at a deposition on October 25.²⁵⁶ On October 21, an attorney at OMB sent an email to Committee staff stating:

Per the White House Counsel’s October 8, 2019 letter, the President has directed that “[c]onsistent with the duties of the President of the United States, and in particular his obligation to preserve the rights of future occupants of his office, [he] cannot permit his Administration to participate in this partisan inquiry under these circumstances.” Therefore, Acting Director Vought will not be participating in Friday’s deposition.²⁵⁷

That same day, Mr. Vought publicly stated:

I saw some Fake News over the weekend to correct. As the WH letter made clear two weeks ago, OMB officials—myself and Mike Duffey—will not be complying with deposition requests this week. #shamprocess.²⁵⁸

On October 25, the Committees sent a letter transmitting a subpoena compelling Mr. Vought’s appearance at a deposition on November 6.²⁵⁹

On November 4, Jason A. Yaworske, the Associate Director for Legislative Affairs at OMB, sent a letter to Chairman Schiff stating:

The Office of Management and Budget (OMB) reasserts its position that, as directed by the White House Counsel’s October 8, 2019, letter, OMB will not participate in this partisan and unfair impeachment inquiry. ... Therefore, Mr. Vought, Mr. Duffey, and Mr. McCormack will not appear at their respective depositions without being permitted to bring agency counsel.²⁶⁰

On November 5, Mr. Vought did not appear for the scheduled deposition, in defiance of the Committees’ subpoena. The Committees met and Chairman Schiff acknowledged Mr. Vought’s absence, stating:

On Monday of this week, OMB reasserted its position that, quote, “as directed by the White House Counsel’s October 8, 2019, letter, OMB will not participate in this partisan and unfair impeachment inquiry,” unquote. OMB argues that the impeachment inquiry lacks basic due process protections and relies on OLC opinion that the committee cannot

lawfully bar agency counsel from depositions. This new and shifting rationale from the White House, like the others it has used to attempt to block witnesses from appearing to provide testimony about the President's misconduct, has no basis in law or the Constitution and is a serious affront to decades of precedent in which Republicans and Democrats have used exactly the same procedures to depose executive branch officials without agency counsel present, including some of the most senior aides to multiple previous Presidents.²⁶¹

To date, Mr. Vought has not changed his position or contacted the Committees about compliance with the subpoena.

***Michael Duffey, Associate Director for National Security Programs,
Office of Management and Budget***

On October 11, the Committees sent a letter to Michael Duffey, the Associate Director for National Security Programs at OMB, seeking his appearance at a deposition on October 23.²⁶²

On October 21, an attorney at OMB sent an email to Committee staff stating:

Per the White House Counsel's October 8, 2019 letter, the President has directed that "[c]onsistent with the duties of the President of the United States, and in particular his obligation to preserve the rights of future occupants of his office, [he] cannot permit his Administration to participate in this partisan inquiry under these circumstances." Therefore, Mike Duffey will not be participating in Wednesday's deposition.²⁶³

On October 25, the Committees sent a letter transmitting a subpoena compelling Mr. Duffey to appear at a deposition on November 5, stating:

Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.²⁶⁴

On November 4, Jason A. Yaworske, the Associate Director for Legislative Affairs at OMB, sent a letter to Chairman Schiff stating that, "as directed by the White House Counsel's October 8, 2019, letter," Mr. Duffey will not appear at his deposition.²⁶⁵

On November 5, Mr. Duffey did not appear for the scheduled deposition, in defiance of the Committees' subpoena. The Committees met and Chairman Schiff acknowledged Mr. Duffey's absence, stating:

This effort by the President to attempt to block Mr. Duffey from appearing can only be interpreted as a further effort by the President and the White House to obstruct the impeachment inquiry and Congress's lawful and constitutional functions.²⁶⁶

To date, Mr. Duffey has not changed his position or contacted the Committees about compliance with the subpoena.

***Brian McCormack, Associate Director for Natural Resources,
Energy, and Science, Office of Management and Budget***

On October 24, the Committees sent a letter to Brian McCormack, the Associate Director for Natural Resources, Energy, and Science at OMB, seeking his appearance at a deposition on November 4.²⁶⁷

On November 1, the Committees sent a letter transmitting a subpoena compelling Mr. McCormack's appearance at a deposition on November 4.²⁶⁸

On November 4, Jason A. Yaworske, the Associate Director for Legislative Affairs at OMB, sent a letter to Chairman Schiff stating that, "as directed by the White House Counsel's October 8, 2019, letter," Mr. McCormack will not appear at his deposition.²⁶⁹

On November 4, Mr. McCormack did not appear for the scheduled deposition, in defiance of the Committees' subpoena. The Committees met and Chairman Schiff acknowledged Mr. McCormack's absence, stating:

At approximately 11:30 a.m. today, committee staff received via email a letter from the Associate Director for Legislative Affairs at OMB. The letter states that, quote, "As directed by the White House counsel's October 8, 2019, letter," unquote, OMB will not participate in the House's impeachment inquiry. The letter further states that, based on the advice of the Office of Legal Counsel that, quote, "the committee cannot lawfully bar agency counsel from these depositions," unquote, Mr. McCormack will not appear at his deposition today without agency counsel present. As Mr. McCormack was informed, the committees may consider his noncompliance with a subpoena as evidence in a future contempt proceeding. His failure or refusal to appear, moreover, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.²⁷⁰

To date, Mr. McCormack has not changed his position or contacted the Committees about compliance with the subpoena.

T. Ulrich Brechbuhl, Counselor, Department of State

On September 13, the Committees sent a letter to Secretary of State Mike Pompeo seeking transcribed interviews with Counselor T. Ulrich Brechbuhl and other officials.²⁷¹ The Committees received no direct, substantive response to this letter.

On September 27, the Committees sent a letter informing Secretary Pompeo that Mr. Brechbuhl's deposition was being scheduled on October 8, stating:

On September 13, the Committees wrote to request that you make State Department employees available for transcribed interviews. We asked you to provide, by September 20, dates by which the employees would be made available for transcribed interviews. You failed to comply with the Committees' request.²⁷²

That same day, the Committees sent a letter directly to Mr. Brechbuhl seeking his appearance at a deposition on October 8.²⁷³

On October 1, Secretary Pompeo sent a letter to the Committees stating, "Based on the profound procedural and legal deficiencies noted above, the Committee's requested dates for depositions are not feasible."²⁷⁴

Later that day, the Committees sent a letter to Deputy Secretary of State John J. Sullivan stating that the State Department "must immediately halt all efforts to interfere with the testimony of State Department witnesses before Congress."²⁷⁵

On October 2, Mr. Brechbuhl's personal attorney sent an email to Committee staff stating:

My law firm is in the process of being formally retained to assist Mr. Brechbuhl in connection with this matter. It will take us some time to complete those logistics, review the request and associated request for documents, and to meet with our client to insure he is appropriately prepared for any deposition. It will not be possible to accomplish those tasks before October 8, 2019. Thus, as I am sure that you can understand, Mr. Brechbuhl will not be able to appear on that date as he requires a sufficient opportunity to consult with counsel. Moreover, given the concerns expressed in Secretary Pompeo's letter of October 1, 2019, to Chairman Engel, any participation in a deposition would need to be coordinated with our stakeholders.²⁷⁶

On October 8, Committee staff sent an email to Mr. Brechbuhl's personal attorney stating: "The Committees have agreed to reschedule Mr. Brechbuhl's deposition to Thursday, October 17. Please confirm that Mr. Brechbuhl intends to appear voluntarily."²⁷⁷ On October 9, Committee staff sent an email to Mr. Brechbuhl's personal attorney asking him to "confirm by COB today whether Mr. Brechbuhl intends to appear voluntarily."²⁷⁸ Later that day, Mr. Brechbuhl's personal attorney sent an email to Committee staff stating, "I am still seeking clarification from the State Department regarding this deposition."²⁷⁹

On October 25, the Committees sent a letter to Mr. Brechbuhl's personal attorney transmitting a subpoena compelling Mr. Brechbuhl's appearance at a deposition on November 6.²⁸⁰

On November 5, Mr. Brechbuhl's personal attorney sent a letter to the Committees stating:

Mr. Brechbuhl respects the important Constitutional powers vested in the United States Congress. And, indeed, he would welcome the opportunity to address through testimony

an existing inaccuracy in the public record—the false claim that Mr. Brechbuhl in any way personally participated in the telephone call between President Trump and President Zelensky that occurred on July 25, 2019. However, Mr. Brechbuhl has received a letter of instruction from the State Department, directing that he not appear. The State Department letter of instruction asserts significant Executive Branch interests as the basis for direction not to appear and also asserts that the subpoena Mr. Brechbuhl received is invalid. The letter is supported by analysis from the United States Department of Justice. We are also aware that litigation has recently been initiated in the United States District Court for the District of Columbia that may bear on resolving the significant issues now arising between the Committees and the President. Given these circumstances, Mr. Brechbuhl is not able to appear on November 6, 2019.²⁸¹

On November 6, Mr. Brechbuhl did not appear for the scheduled deposition, in defiance of the Committees' subpoena. The Committees met and Chairman Schiff acknowledged Mr. Brechbuhl's absence, stating:

The committees requested a copy of the State Department's letter and the Department of Justice analysis, but Mr. Brechbuhl's attorney has not responded. While the letter from Mr. Brechbuhl's attorney provides only vague references to unidentified executive branch interests and a DOJ analysis as the basis for the State Department's blocking of Mr. Brechbuhl's testimony, the Department's latest obstruction of this inquiry appears to be predicated on the opinion issued by the Department of Justice Office of Legal Counsel just last Friday, November 1, well after the subpoena was issued to Mr. Brechbuhl. It is noteworthy and telling that the OLC issued this opinion only after multiple State Department officials testified in this inquiry, both voluntarily and pursuant to subpoena, all without agency counsel present. Indeed, this morning, the third-highest-ranking official at the State Department, Under Secretary David Hale, appeared and has begun testifying in accordance with his legal obligations pursuant to a subpoena.²⁸²

The Committees sent Mr. Brechbuhl's personal attorney two separate inquiries asking him to provide a copy of the "letter of instruction" that Mr. Brechbuhl claimed to have received from the State Department directing him to defy a congressional subpoena.²⁸³ Mr. Brechbuhl's personal attorney furnished the Committees with a copy of the letter on December 2. The State Department's letter to Mr. Brechbuhl is dated November 4, 2019.²⁸⁴

To date, Mr. Brechbuhl has not changed his position or contacted the Committees about compliance with the subpoena.

Secretary Rick Perry, Department of Energy

On November 1, the Committees sent a letter to Secretary of Energy Rick Perry seeking his appearance at a deposition on November 6, stating:

Your failure or refusal to appear at the deposition, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President.²⁸⁵

On November 5, an attorney at the Department of Energy sent a letter to the Committees stating:

Please be advised that the Secretary will not appear on Wednesday, November 6, 2019, at 2:00 pm for a deposition to be conducted jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform.²⁸⁶

To date, Secretary Perry has not changed his position or come forward to testify.

5. The President's Unsuccessful Attempts to Block Key Witnesses

Despite President Trump's explicit orders that no Executive Branch employees should cooperate with the House's impeachment inquiry and efforts by federal agencies to limit the testimony of those who did, multiple key officials complied with duly authorized subpoenas and provided critical testimony at depositions and public hearings. These officials adhered to the rule of law and obeyed lawful subpoenas.

Overview

Despite President Trump's orders that no Executive Branch employees should cooperate with the House's impeachment inquiry, multiple key officials complied with duly authorized subpoenas and provided critical testimony at depositions and public hearings. These officials not only served their nation honorably, but they fulfilled their oath to support and defend the Constitution of the United States.

In addition to the President's broad orders seeking to prohibit all Executive Branch employees from testifying, many of these witnesses were personally directed by senior political appointees not to cooperate with the House's impeachment inquiry. These directives frequently cited or enclosed copies of Mr. Cipollone's October 8 letter conveying the President's order not to comply.

For example, the State Department, relying on President Trump's order, attempted to block Ambassador Marie Yovanovitch from testifying, but she fulfilled her legal obligations by appearing at a deposition on October 11 and a hearing on November 15. More than a dozen current and former officials followed her courageous example by testifying at depositions and public hearings over the course of the last two months. The testimony from these witnesses produced overwhelming and clear evidence of President Trump's misconduct, which is described in detail in Section I of this report.

Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State

On September 13, the Committees sent a letter to Secretary of State Mike Pompeo seeking a transcribed interview with Ambassador Marie Yovanovitch and other State Department officials.²⁸⁷ The Committees received no direct, substantive response to this letter.

On September 27, the Committees sent a letter informing Secretary Pompeo that Ambassador Yovanovitch's deposition was being scheduled on October 2, stating:

On September 13, the Committees wrote to request that you make State Department employees available for transcribed interviews. We asked you to provide, by September 20, dates by which the employees would be made available for transcribed interviews. You failed to comply with the Committees' request.²⁸⁸

Also on September 27, the Committees sent a letter directly to Ambassador Yovanovitch seeking her appearance at a deposition on October 2.²⁸⁹

On October 1, Secretary Pompeo sent a letter to the Committees stating:

Therefore, the five officials subject to your letter may not attend any interview or deposition without counsel from the Executive Branch present to ensure that the Executive Branch's constitutional authority to control the disclosure of confidential information, including deliberative matters and diplomatic communications, is not impaired.²⁹⁰

After further discussions with Ambassador Yovanovitch's counsel, her deposition was rescheduled for October 11. On October 10, Brian Bulatao, the Under Secretary of State for Management, sent a letter to Ambassador Yovanovitch's personal attorney directing Ambassador Yovanovitch not to appear for her deposition and enclosing Mr. Cipollone's October 8 letter stating that President Trump and his Administration would not participate in the House's impeachment inquiry. Mr. Bulatao's letter stated:

Accordingly, in accordance with applicable law, I write on behalf of the Department of State, pursuant to the President's instruction reflected in Mr. Cipollone's letter, to instruct your client (as a current employee of the Department of State), consistent with Mr. Cipollone's letter, not to appear before the Committees under the present circumstances.²⁹¹

That same day, October 10, when asked whether he intended to block Ambassador Yovanovitch from testifying the next day, President Trump stated: "You know, I don't think people should be allowed. You have to run a country, I don't think you should be allowed to do that."²⁹²

On the morning of Ambassador Yovanovitch's deposition on October 11, the Committees sent a letter to her personal attorney transmitting a subpoena compelling her appearance, stating:

In light of recent attempts by the Administration to direct your client not to appear voluntarily for the deposition, the enclosed subpoena now compels your client's mandatory appearance at today's deposition on October 11, 2019.²⁹³

Later on October 11, Ambassador Yovanovitch's personal attorney sent a letter to Mr. Bulatao, stating:

In my capacity as counsel for Ambassador Marie Yovanovitch, I have received your letter of October 10, 2019, directing the Ambassador not to appear voluntarily for her scheduled deposition testimony on October 11, 2019 before the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Oversight and Reform in connection with the House of Representatives's impeachment inquiry. Just this morning, the Ambassador received a subpoena issued by the House Permanent Select Committee on Intelligence, requiring her to appear for the deposition as

scheduled. Although the Ambassador has faithfully and consistently honored her professional duties as a State Department employee—including at all times following her abrupt termination as U.S. Ambassador to Ukraine—she is unable to obey your most recent directive. As the recipient of a duly issued congressional subpoena, Ambassador Yovanovitch is, in my judgment, legally obligated to attend the depositions as scheduled.²⁹⁴

Ambassador Yovanovitch participated in the deposition on October 11, in compliance with the Committees' subpoena.²⁹⁵ During her deposition, Ambassador Yovanovitch's personal attorney confirmed that "she received a direction by the Under Secretary to decline to appear voluntarily."²⁹⁶

On November 15, the Committees transmitted a subpoena to Ambassador Yovanovitch compelling her to testify at a public hearing of the Intelligence Committee that same day.²⁹⁷ Ambassador Yovanovitch complied with the Committees' subpoena and testified at the public hearing. During the hearing, Chairman Schiff acknowledged Ambassador Yovanovitch's compliance, stating:

Ambassador, I want to thank you for your decades of service. I want to thank you, as Mr. Maloney said, for being the first one through the gap. What you did in coming forward and answering a lawful subpoena was to give courage to others that also witnessed wrongdoing, that they, too, could show the same courage that you have, that they could stand up, speak out, answer questions, they could endure whatever threats, insults may come their way. And so in your long and distinguished career you have done another great public service in answering the call of our subpoena and testifying before us today.²⁹⁸

***Ambassador Gordon Sondland, U.S. Ambassador to the
European Union, Department of State***

On September 27, 2019, the Committees sent a letter informing Secretary Pompeo that Ambassador Gordon Sondland's deposition was being scheduled on October 10.²⁹⁹ That same day, the Committees sent a letter directly to Ambassador Sondland seeking his appearance at the deposition.³⁰⁰ On October 1, Secretary Pompeo sent a letter to the Committees stating that Ambassador Sondland "may not attend" the deposition.³⁰¹

After further discussions with Ambassador Sondland's personal attorney, his deposition was rescheduled for October 8. On October 7, Mr. Bulatao sent a letter to Ambassador Sondland's personal attorney, stating:

Based on consultations with the White House, the State Department hereby instructs your client, Ambassador Gordon Sondland, not to appear tomorrow for his voluntary deposition based on the Executive Branch confidentiality interests remaining to be addressed, including, in particular, the Committee's refusal to permit agency counsel to appear.³⁰²

On October 8, Ambassador Sondland's personal attorney sent an email to the Committees stating:

I am incredibly disappointed to report that, overnight, the State Department advised that it will direct Ambassador Sondland not to appear before the Committee this morning. While we have not yet gotten written confirmation of that direction, we wanted to advise you of this development at the earliest opportunity. As the sitting US Ambassador to the EU and employee of the State Department, Ambassador Sondland is required to follow this direction. I hope that whatever concerns the Department has can be resolved promptly and that Ambassador Sondland's testimony can be scheduled at the earliest opportunity. I am very sorry for the inexcusably late notice, but we are sharing this with you as soon as it was confirmed to us. Ambassador Sondland is personally disappointed that he will not be able to answer the Committee's questions this morning.³⁰³

On October 8, the Committees sent a letter to Ambassador Sondland transmitting a subpoena compelling his appearance at a deposition on October 16, stating:

The Committees have not received any communication directly from the White House or the State Department about this matter. In light of Secretary Pompeo's direct intervention to block your appearance before our Committees, we are left with no choice but to compel your appearance at a deposition pursuant to the enclosed subpoena.³⁰⁴

On October 14, the Committees sent a letter to Ambassador Sondland stating:

We hereby write to memorialize our agreement with your counsel, Mr. Robert Luskin, Esq., to adjourn the date and time of your document production and deposition to October 17, 2019, at 9:30 a.m. at the Capitol, HVC-304.³⁰⁵

Ambassador Sondland participated in the deposition on October 17, in compliance with the Committees' subpoena.³⁰⁶ During the deposition, Ambassador Sondland's personal attorney stated:

But we also wish to emphasize that it's his belief, and ours, that the Committee should have access to all relevant documents, and he regrets that they have not been provided in advance of his testimony. Having those documents would lead to a more fulsome and accurate inquiry into the matters at hand. Indeed, Ambassador Sondland has not had access to all of the State Department records that would help him refresh his recollection in anticipation of this testimony.³⁰⁷

During the deposition, Ambassador Sondland stated:

I was truly disappointed that the State Department prevented me at the last minute from testifying earlier on October 8, 2019. But your issuance of a subpoena has supported my appearance here today, and I'm pleased to provide the following testimony.³⁰⁸

On November 4, Ambassador Sondland's personal attorney transmitted to the Committees a sworn declaration from Ambassador Sondland, which supplemented his deposition testimony and noted that despite "repeated requests to the White House and the State Department," he still had not been granted access to records he sought to review to determine if he could "provide more complete testimony to assist Congress."³⁰⁹

On November 20, the Committees transmitted a subpoena to Ambassador Sondland compelling him to testify at a public hearing of the Intelligence Committee that same day.³¹⁰ Ambassador Sondland complied with the Committees' subpoena and testified at the public hearing. During the hearing, Ambassador Sondland described the direction he received from the White House:

- Q: Ambassador Sondland, in your deposition, you lamented, quote: I was truly disappointed that the State Department prevented me at the last minute from testifying earlier on October 8, 2019, but your issuance of a subpoena has supported my appearance here today, and I am pleased to provide the following testimony. So it is clear that the White House, the State Department did not want you to testify at that deposition. Is that correct?
- A: That is correct.
- Q: And since then, you have on numerous occasions during your opening statement today indicated that you have not been able to access documents in the State Department. Is that correct?
- A: Correct.
- Q: So you have been hampered in your ability to provide testimony to this committee. Is that correct?
- A: I have been hampered to provide completely accurate testimony without the benefit of those documents.³¹¹

***George P. Kent, Deputy Assistant Secretary of State,
Bureau of European and Eurasian Affairs, Department of State***

On September 13, 2019, the Committees sent a letter to Secretary of State Pompeo seeking a transcribed interview with Deputy Assistant Secretary of State George Kent and other State Department officials.³¹² The Committees received no direct, substantive response to this letter.

On September 27, the Committees sent a letter informing Secretary Pompeo that Mr. Kent's deposition was being scheduled on October 7.³¹³ That same day, the Committees sent a letter directly to Mr. Kent seeking his appearance at the deposition on that date.³¹⁴ Later that day, Mr. Kent sent an email to Committee staff acknowledging receipt of the Committees' request and copying an official from the Office of Legislative Affairs at the Department of State.³¹⁵ On October 1, Secretary Pompeo sent a letter to the Committees stating that Mr. Kent "may not attend" the deposition.³¹⁶

After consulting with Mr. Kent's personal attorney, the Committees rescheduled his deposition for October 15.³¹⁷ On October 10, Under Secretary Bulatao sent a letter to Mr. Kent's personal attorney enclosing the White House Counsel's letter of October 8, and stating:

I write on behalf of the Department of State, pursuant to the President's instruction reflected in Mr. Cipollone's letter, to instruct your client (as a current employee of the Department of State), consistent with Mr. Cipollone's letter, not to appear before the Committees under the present circumstances.³¹⁸

On October 15, the Committees sent a letter to Mr. Kent's personal attorney transmitting a subpoena compelling him to appear at a deposition on that date.³¹⁹

Mr. Kent participated in the deposition on October 15, in compliance with the Committees' subpoena.³²⁰ During the deposition, he stated:

As you all know, I am appearing here in response to your congressional subpoena. If I did not appear I would have been exposed to being held in contempt. At the same time, I have been instructed by my employer, the U.S. Department of State, not to appear. I do not know the Department of State's views on disregarding that order.³²¹

On November 13, the Committees transmitted a subpoena to Mr. Kent compelling him to testify at a public hearing before the Intelligence Committee on that day.³²² Mr. Kent complied with the Committees' subpoena and testified at the public hearing. During the hearing, Mr. Kent described the direction he received from the White House, stating that he "received, initially, a letter directing me not to appear. And once the committees issued a subpoena, I was under legal obligation to appear, and I am here today under subpoena."³²³

*Ambassador William B. Taylor, Jr., Chargé d'Affaires for
U.S. Embassy in Kyiv, Department of State*

On October 4, 2019, the Committees sent a letter to Deputy Secretary of State John Sullivan seeking a deposition with Ambassador William B. Taylor, Jr. on October 15.³²⁴ That same day, the Committees sent a letter directly to Ambassador Taylor seeking his appearance at the deposition.³²⁵

On October 14, after consulting with Ambassador Taylor's counsel, the Committees sent a letter to Ambassador Taylor stating: "We hereby write to adjourn the date and time of your deposition to Tuesday, October 22, 2019, at 9:30 a.m. at the Capitol, HVC-304."³²⁶

On October 22, the Committees transmitted a subpoena to Ambassador Taylor's personal attorneys compelling Ambassador Taylor to appear at a deposition on that date, stating:

In light of recent attempts by the Administration to direct witnesses not to appear voluntarily for depositions, the enclosed subpoena compels your client's mandatory appearance at today's deposition.³²⁷

Ambassador Taylor participated in the deposition on October 22, in compliance with the Committees' subpoena. During the deposition, Ambassador Taylor's personal attorney stated, in regard to communications with the Department of State:

They sent us the directive that said he should not appear under I think the quote is under the present circumstances. We told the majority that we could not appear; he'd been instructed not to. We saw the pattern.³²⁸

On November 13, the Committees transmitted a subpoena to Ambassador Taylor compelling him to testify at a public hearing of the Intelligence Committee that same day.³²⁹ Ambassador Taylor complied with the Committees' subpoena and testified at the public hearing. During the hearing, Ambassador Taylor described the direction he received from the State Department:

Q: Ambassador, were you also asked not to be part of the deposition?

A: Mr. Quigley, I was told by the State Department: Don't appear under these circumstances. That was in the letter to me. And when I got the subpoena, exactly as Mr. Kent said, that was different circumstances and obeyed a legal subpoena. So, yes, sir, I'm here for that reason.³³⁰

Catherine Croft and Christopher Anderson, Department of State

On October 24, 2019, the Committees sent letters to the personal attorney representing two State Department officials, Catherine Croft and Christopher Anderson, seeking their attendance at depositions on October 30 and November 1, respectively.³³¹

On October 25, their attorney sent a letter to the Committees acknowledging receipt of the Committees' requests and stating that "we are in the process of contacting the Office of the Legal Advisor of the Department of State in an effort to learn the disposition of that Office with regard to the Committee's request."³³²

On October 28, Under Secretary Bulatao sent letters to the personal attorney for Ms. Croft and Mr. Anderson. Both letters enclosed the White House Counsel's October 8 letter and stated:

Pursuant to Mr. Cipollone's letter and in light of these defects, we are writing to inform you and Ms. Croft of the Administration-wide direction that Executive Branch personnel "cannot participate in [the impeachment] inquiry under these circumstances."³³³

On October 30, the Committees transmitted subpoenas to the personal attorney for Ms. Croft and Mr. Anderson compelling their appearance at depositions on October 30, stating:

In light of recent attempts by the Administration to direct witnesses not to appear voluntarily for depositions, the enclosed subpoenas compel your clients' mandatory appearance.³³⁴

Ms. Croft and Mr. Anderson participated in their depositions on October 30, in compliance with the Committees' subpoenas.³³⁵ During Ms. Croft's deposition, her personal attorney stated:

On October 28th, 2019, Ms. Croft received a letter through her lawyers from Under Secretary of State Brian Bulatao, in which we were instructed that Ms. Croft cannot participate in the impeachment inquiry being conducted by the House of Representatives and these committees. Under Secretary Bulatao's letter stated that these instructions were issued pursuant to a directive from the Office of White House Counsel. Nonetheless, Ms. Croft has been served with a valid subpoena, and so she is obliged to be here today.³³⁶

During Mr. Anderson's deposition, his personal attorney stated:

On October 28th, 2019, Mr. Anderson received a letter, through his lawyers, from Under Secretary of State Brian Bulatao in which we were instructed that Mr. Anderson cannot participate in the impeachment inquiry being conducted by the House of Representatives and these committees. Under Secretary Bulatao's letter stated that these instructions were issued pursuant to a directive from the Office of White House Counsel. Nonetheless, Mr. Anderson has been served with a valid subpoena, and so he is obliged to be here today.³³⁷

***Laura K. Cooper, Deputy Assistant Secretary of Defense for
Russia, Ukraine, and Eurasia, Department of Defense***

On October 11, the Committees sent a letter to Deputy Assistant Secretary of Defense Laura K. Cooper seeking her attendance at a deposition on October 18.³³⁸

After consulting with Ms. Cooper's personal attorney, the Committees rescheduled her deposition for October 23.

On October 22, Deputy Secretary of Defense David L. Norquist sent a letter to Ms. Cooper's personal attorney, stating:

This letter informs you and Ms. Cooper of the Administration-wide direction that Executive Branch personnel "cannot participate in [the impeachment] inquiry under these circumstances" [Tab C]. In the event that the Committees issue a subpoena to compel Ms. Cooper's appearance, you should be aware that the Supreme Court has held, in *United States v. Rumely*, 345 U.S. 41 (1953), that a person cannot be sanctioned for refusing to comply with a congressional subpoena unauthorized by House Rule or Resolution.³³⁹

On October 23, the Committees sent an email transmitting a subpoena compelling Ms. Cooper to appear at a deposition on that date, stating:

In light of recent attempts by the Administration to direct witnesses not to appear voluntarily for depositions, the enclosed subpoena compels your client's mandatory appearance at today's deposition.³⁴⁰

Ms. Cooper participated in the deposition on October 23, in compliance with the Committees' subpoena.³⁴¹

During her deposition, Ms. Cooper stated with regard to the Department of Defense, "They instructed me yesterday not to participate."³⁴²

On November 20, the Committees transmitted a subpoena to Ms. Cooper compelling her to testify at a public hearing before the Intelligence Committee on that day.³⁴³ Ms. Cooper complied with the Committees' subpoena and testified at the public hearing.³⁴⁴

***Mark Sandy, Deputy Associate Director of
National Security Programs, Office of Management and Budget***

On November 5, the Committees sent a letter to Mark Sandy, the Deputy Associate Director of National Security Programs at OMB, seeking his appearance at a deposition on November 8.³⁴⁵ On November 6, Mr. Sandy responded to confirm receipt of the Committees' letter.³⁴⁶

On November 7, an attorney at OMB sent an email to Committee staff stating:

In light of the Committee's rules that prohibit agency counsel from being present in a deposition of an executive branch witness and consistent with the November 1, 2019 OLC letter opinion addressing this issue, OMB has directed Mr. Sandy not to appear at tomorrow's deposition.³⁴⁷

After consulting with Mr. Sandy's personal attorney, the Committees rescheduled his deposition for November 16.

On November 16, the Committees sent an email transmitting a subpoena compelling Mr. Sandy to appear at a deposition on that date, stating:

In light of recent attempts by the Administration to direct witnesses not to appear voluntarily for depositions, the enclosed subpoena compels your client's mandatory appearance.³⁴⁸

Mr. Sandy participated in the deposition on November 16, in compliance with the Committees' subpoena.³⁴⁹ During his deposition, Mr. Sandy also testified that the Administration sent his personal attorney an official communication with further direction, stating: "It did direct me to have my personal counsel ask for a postponement until agency counsel could accompany me."³⁵⁰

***Dr. Fiona Hill, Former Deputy Assistant to the President and
Senior Director for Europe and Russia, National Security Council***

On October 9, 2019, the Committees sent a letter seeking Dr. Hill's testimony at a deposition on October 14.³⁵¹ On October 13, Dr. Hill's personal attorney informed the White House that she intended to appear at the scheduled deposition.³⁵² On October 14, the White House sent a letter to Dr. Hill's personal attorney stating that "Dr. Hill is not authorized to reveal or release any classified information or any information subject to executive privilege."³⁵³ Also on October 14, the Committees sent Dr. Hill a subpoena seeking her testimony the same day.³⁵⁴ Dr. Hill complied and participated in the deposition.³⁵⁵

On November 18, Dr. Hill's personal attorney sent a letter to the White House stating that Dr. Hill had been invited to provide testimony at a public hearing on November 21, and stating: "We continue to disagree with regard to the parameters of executive privilege as you articulated it on October 14 and our prior telephone calls."³⁵⁶ On November 20, the White House sent a letter to Dr. Hill's personal attorney stating that Dr. Hill "continues to be bound by important obligations to refrain from disclosing classified information or information subject to executive privilege in her upcoming testimony before the House Permanent Select Committee on Intelligence."³⁵⁷ On November 21, the Committees sent Dr. Hill a subpoena seeking her testimony the same day.³⁵⁸ Dr. Hill also complied with this subpoena and testified at the public hearing.³⁵⁹

***Lieutenant Colonel Alexander S. Vindman,
Director for Ukraine, National Security Council***

On October 16, 2019, the Committees sent a letter seeking Lt. Col. Alexander Vindman's testimony at a deposition on October 24.³⁶⁰ After discussions with Lt. Col. Vindman's personal attorneys, the deposition was rescheduled to October 29. On October 29, the Committees sent Lt. Col. Vindman a subpoena seeking his testimony the same day.³⁶¹ Lt. Col. Vindman complied.³⁶² In addition, on November 19, the Committees conveyed a subpoena seeking Lt. Col. Vindman's testimony at a public hearing that same day.³⁶³ Lt. Col. Vindman also complied with this subpoena and testified at the public hearing.³⁶⁴

***Timothy Morrison, Former Deputy Assistant to the President
and Senior Director for Europe and Russia, National Security Council***

On October 16, 2019, the Committees sent a letter to Timothy Morrison seeking his testimony at a deposition on October 25.³⁶⁵ After discussions with Mr. Morrison's personal attorney, the deposition was rescheduled to October 31. On October 31, the Committees sent Mr. Morrison a subpoena seeking his testimony the same day.³⁶⁶ Mr. Morrison complied.³⁶⁷ In addition, on November 19, the Committees conveyed a subpoena seeking Mr. Morrison's testimony at a public hearing that same day.³⁶⁸ Mr. Morrison also complied with this subpoena and testified at the public hearing.³⁶⁹

David Hale, Under Secretary for Political Affairs, Department of State

On November 1, 2019, the Committees sent a letter seeking Under Secretary David Hale's testimony at a deposition on November 6.³⁷⁰ On November 5, Mr. Hale's counsel wrote to the Committees, stating that Mr. Hale would be willing to testify pursuant to a subpoena.³⁷¹

On November 6, the Committees sent Mr. Hale a subpoena seeking his testimony the same day.³⁷² Mr. Hale complied.³⁷³ In addition, on November 20, the Committees conveyed a subpoena seeking Mr. Hale's testimony at a public hearing that same day.³⁷⁴ Mr. Hale also complied with this subpoena and testified at the public hearing.³⁷⁵

David Holmes, Counselor for Political Affairs at the U.S. Embassy in Kyiv, Ukraine, Department of State

On November 12, 2019, the Committees sent a letter to Political Counselor David Holmes' personal attorney seeking his testimony at a deposition on November 15.³⁷⁶ On November 15, the Committees conveyed a subpoena to Mr. Holmes' personal attorney seeking his testimony the same day.³⁷⁷ Mr. Holmes complied.³⁷⁸ In addition, on November 21, the Committees conveyed a subpoena seeking Mr. Holmes' testimony at a public hearing that same day.³⁷⁹ Mr. Holmes also complied with this subpoena and testified at the public hearing.³⁸⁰

Ambassador P. Michael McKinley, Former Senior Advisor to the Secretary of State, Department of State

On October 12, 2019, Committee staff emailed Ambassador P. Michael McKinley requesting his voluntary participation in a transcribed interview on October 16.³⁸¹ On October 14, the Committees sent a letter formalizing this request.³⁸² On October 16, Ambassador McKinley participated in the scheduled transcribed interview.³⁸³

Ambassador Philip T. Reeker, Acting Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State

On October 16, 2019, the Committees sent a letter seeking Ambassador Philip T. Reeker's testimony at a deposition on October 23.³⁸⁴ On October 25, the Committees sent Ambassador Reeker a subpoena seeking his testimony on October 26.³⁸⁵ Ambassador Reeker complied and testified at the scheduled deposition.³⁸⁶

Ambassador Kurt Volker, Former U.S. Special Representative for Ukraine Negotiations, Department of State

On September 13, 2019, the Committees wrote a letter to Secretary Pompeo requesting the testimony of four witnesses, including Ambassador Kurt Volker.³⁸⁷ On September 27, the Committees sent a follow up letter to Secretary Pompeo, noting that Ambassador Volker's deposition had been scheduled for October 3.³⁸⁸ On that same day, the Committees sent a letter directly to Ambassador Volker, seeking his testimony at the deposition scheduled for October 3.³⁸⁹

On October 1, Secretary Pompeo responded to the Committees, refusing to make Ambassador Volker available on the requested date.³⁹⁰ On October 2, the Department of State wrote a letter to Ambassador Volker's counsel instructing Ambassador Volker not to reveal classified or privileged information and prohibiting Ambassador Volker from producing any government documents.³⁹¹

On October 2, Ambassador Volker produced copies of text messages in response to the Committees' request.³⁹² On October 3, Ambassador Volker voluntarily participated in a transcribed interview.³⁹³ In addition, on November 19, Ambassador Volker testified voluntarily at a public hearing.³⁹⁴

***Jennifer Williams, Special Advisor for
Europe and Russia, Office of the Vice President***

On November 4, 2019, the Committees sent a letter to Jennifer Williams seeking her testimony at a deposition on November 7.³⁹⁵ On November 7, the Committees sent Ms. Williams a subpoena seeking her testimony the same day.³⁹⁶ Ms. Williams complied.³⁹⁷ On November 11, Ms. Williams sent a letter to Chairman Schiff to make one amendment to her deposition testimony.³⁹⁸ In addition, on November 19, the Committees conveyed a subpoena seeking Ms. Williams's testimony at a public hearing on November 19.³⁹⁹ Ms. Williams also complied with this subpoena and testified at the public hearing.⁴⁰⁰

6. The President's Intimidation of Witnesses

President Trump publicly attacked and intimidated witnesses who came forward to comply with duly authorized subpoenas and testify about his conduct. The President also threatened and attacked an Intelligence Community whistleblower.

Overview

President Trump engaged in a brazen effort to publicly attack and intimidate witnesses who came forward to comply with duly authorized subpoenas and testify about his conduct, raising grave concerns about potential violations of the federal obstruction statute and other criminal laws intended to protect witnesses appearing before Congressional proceedings. President Trump issued threats, openly discussed possible retaliation, made insinuations about witnesses' character and patriotism, and subjected them to mockery and derision. The President's attacks were broadcast to millions of Americans—including witnesses' families, friends, and coworkers—and his actions drew criticism from across the political spectrum, including from his own Republican supporters.

It is a federal crime to intimidate or seek to intimidate any witness appearing before Congress. This statute applies to all citizens, including federal officials. Violations of this law can carry a criminal sentence of up to 20 years in prison.

This campaign of intimidation risks discouraging witnesses from coming forward voluntarily, complying with mandatory subpoenas for documents and testimony, and disclosing evidence that may support consideration of articles of impeachment.

Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State

As discussed above, President Trump removed Marie Yovanovitch as the U.S. Ambassador to Ukraine in May 2019 following a concerted effort by Rudy Giuliani, his associates Lev Parnas and Igor Fruman, and others to spread false conspiracy theories about her. The smearing of the Ambassador was part of the larger campaign undertaken by Mr. Giuliani at President Trump's direction and in his capacity as President Trump's representative. During her deposition on October 11, Ambassador Yovanovitch explained that she felt threatened and "very concerned" after she read President Trump's statements about her during his July 25 call with President Zelensky, including President Trump's claim that "she's going to go through some things."⁴⁰¹

On November 15, Ambassador Yovanovitch testified at a public hearing that she was "shocked" and "devastated" by the President's statements about her:

I was shocked and devastated that I would feature in a phone call between two heads of state in such a manner, where President Trump said that I was bad news to another world

leader and that I would be “going through some things.” So I was—it was—it was a terrible moment. A person who saw me actually reading the transcript said that the color drained from my face. I think I even had a physical reaction. I think, you know, even now, words kind of fail me.⁴⁰²

Ambassador Yovanovitch was also asked about her reaction to the President’s comment that she would “go through some things.” She acknowledged feeling threatened, stating: “It didn’t sound good. It sounded like a threat.”⁴⁰³

As Ambassador Yovanovitch was in the process of testifying before the Committee, President Trump tweeted an attack against her. He wrote:

Everywhere Marie Yovanovitch went turned bad. She started off in Somalia, how did that go? Then fast forward to Ukraine, where the new Ukrainian President spoke unfavorably about her in my second phone call with him. It is a U.S. President’s absolute right to appoint ambassadors.⁴⁰⁴

During the hearing, Chairman Schiff asked Ambassador Yovanovitch for her reaction to the President’s attacks:

- Q: Ambassador, you’ve shown the courage to come forward today and testify, notwithstanding the fact you were urged by the White House or State Department not to; notwithstanding the fact that, as you testified earlier, the President implicitly threatened you in that call record. And now, the President in real-time is attacking you. What effect do you think that has on other witnesses’ willingness to come forward and expose wrongdoing?
- A: Well, it’s very intimidating.
- Q: It’s designed to intimidate, is it not?
- A: I—I—I mean, I can’t speak to what the President is trying to do, but I think the effect is to be intimidating.
- Q: Well, I want to let you know, Ambassador, that some of us here take witness intimidation very, very seriously.⁴⁰⁵

In response to the President’s attacks, Rep. Liz Cheney, Chair of the House Republican Caucus, stated that the President “was wrong” and that Ambassador Yovanovitch “clearly is somebody who’s been a public servant to the United States for decades and I don’t think the President should have done that.”⁴⁰⁶ Rep. Francis Rooney, also a Republican, stated: “I don’t necessarily think it’s right to be harassing or beating up on our professional diplomatic service.”⁴⁰⁷

Even after these rebukes, the President continued to attack and threaten Ambassador Yovanovitch. For example, in an interview on November 22, President Trump stated: “This was not an angel, this woman, okay? And there are a lot of things that she did that I didn’t like. And we will talk about that at some time.”⁴⁰⁸

***Lieutenant Colonel Alexander S. Vindman,
Director for Ukraine, National Security Council***

On October 29, President Trump tweeted that Lt. Col. Alexander Vindman is a “Never Trumper.”⁴⁰⁹ When asked by a reporter what evidence he had for his claim, the President responded: “We’ll be showing that to you real soon. Okay?”⁴¹⁰ President Trump continued attacking Lt. Col. Vindman during his testimony on November 19, seeking to question his loyalty to the United States. The President retweeted: “Lt. Col. Vindman was offered the position of Defense Minister for the Ukrainian Government THREE times!”⁴¹¹ Allies of the President also questioned Lt. Col. Vindman’s loyalty to the country and amplified the smear.⁴¹²

For his part, Lt. Col. Vindman stated during his testimony:

I want to take a moment to recognize the courage of my colleagues who have appeared and are scheduled to appear before this Committee. I want to state that the vile character attacks on these distinguished and honorable public servants is reprehensible.⁴¹³

***Ambassador William B. Taylor, Jr., Chargé d’Affaires for
U.S. Embassy in Kyiv, Department of State***

On October 23, one day after Ambassador William Taylor’s deposition, the President sent a tweet comparing “Never Trumper Republicans” to “human scum.”⁴¹⁴ An hour later, he described Ambassador Taylor in a tweet as a “Never Trumper.”⁴¹⁵

On October 25, the President discussed Ambassador Taylor’s testimony with reporters, and again dismissed the Ambassador as a “Never Trumper.” After a reporter noted that Secretary of State Mike Pompeo had hired Ambassador Taylor, the President responded: “Hey, everybody makes mistakes.” He then had the following exchange about Ambassador Taylor:

Q: Do you want him out now as the top diplomat?

A: He’s a Never Trumper. His lawyer is the head of the Never Trumbers. They’re a dying breed, but they’re still there.⁴¹⁶

On the morning of November 13, just before Ambassador Taylor and George Kent testified at a public hearing, the President tweeted: “NEVER TRUMPERS!”⁴¹⁷

***Jennifer Williams, Special Advisor for
Europe and Russia, Office of the Vice President***

On November 17, two days before Jennifer Williams testified at a public hearing, President Trump sent a tweet attacking her and stating that “she should meet with the other Never Trumbers, who I don’t know & mostly never even heard of, & work out a better presidential attack!”⁴¹⁸ During the hearing, Rep. Jim Himes asked Ms. Williams what impression the President’s tweet had made on her. She responded: “It certainly surprised me. I was not expecting to be called out by name.” Rep. Himes noted that the tweet “surprised me,

too, and it looks an awful lot like witness intimidation and tampering, and an effort to try to get you to perhaps shape your testimony today.”⁴¹⁹

Threats of Retaliation

The President suggested that witnesses who testified as part of the impeachment inquiry could face retaliation. For example, on November 16, the President sent a pair of tweets indicating that three witnesses appearing before the impeachment inquiry could face dismissals as a result of their testimony. The President tweeted language he attributed to radio host Rush Limbaugh:

“My support for Donald Trump has never been greater than it is right now. It is paramountly obvious watching this, these people have to go. You elected Donald Trump to drain the Swamp, well, dismissing people like Yovanovitch is what that looks like. Dismissing people like Kent ... and Taylor, dismissing everybody involved from the Obama holdover days trying to undermine Trump, getting rid of those people, dismissing them, this is what it looks like. It was never going to be clean, they were never going to sit by idly and just let Trump do this!” Rush L.⁴²⁰

Intelligence Community Whistleblower

In addition to his relentless attacks on witnesses who testified in connection with the House’s impeachment inquiry, the President also repeatedly threatened and attacked a member of the Intelligence Community who filed an anonymous whistleblower complaint raising an “urgent concern” regarding the President’s conduct. The whistleblower filed the complaint confidentially with the Inspector General of the Intelligence Community, as authorized by the relevant whistleblower law. Federal law prohibits the Inspector General from revealing the whistleblower’s identity.⁴²¹ Federal law also protects the whistleblower from retaliation.⁴²²

On September 9, the Inspector General notified Congress that this individual had filed a credible complaint regarding an “urgent concern,” but that the Acting Director of National Intelligence was withholding the complaint from Congress—contrary to his statutory obligation to have submitted the complaint to the congressional intelligence committees by no later than September 2.⁴²³ On September 13, 2019, the Intelligence Committee issued a subpoena to the Acting Director of National Intelligence for the whistleblower’s complaint and other records.⁴²⁴

On September 26, the Intelligence Committee received the declassified whistleblower complaint and made it available to the public.⁴²⁵

That day, the President issued a chilling threat against the whistleblower and those who provided information to the whistleblower regarding the President’s misconduct, suggesting that they could face the death penalty for treason. President Trump stated:

I want to know who’s the person who gave the whistle-blower the information because that’s close to a spy. You know what we used to do in the old days when we were smart with spies and treason, right? We used to handle it a little differently than we do now.⁴²⁶

In response, the Committees warned President Trump to stop attacking the whistleblower, stating:

The President's comments today constitute reprehensible witness intimidation and an attempt to obstruct Congress' impeachment inquiry. We condemn the President's attacks, and we invite our Republican counterparts to do the same because Congress must do all it can to protect this whistleblower, and all whistleblowers. Threats of violence from the leader of our country have a chilling effect on the entire whistleblower process, with grave consequences for our democracy and national security.⁴²⁷

Yet the President's attacks did not stop. Instead, he continued to threaten the whistleblower, publicly questioned the whistleblower's motives, disputed the accuracy of the whistleblower's account, and encouraged others to reveal the whistleblower's identity. The President's focus on the whistleblower has been obsessive, with the President making more than 100 public statements about the whistleblower over a period of just two months. For example, the President stated:

- "I want to meet not only my accuser, who presented SECOND & THIRD HAND INFORMATION, but also the person who illegally gave this information, which was largely incorrect, to the 'Whistleblower.' Was this person SPYING on the U.S. President? Big Consequences!"⁴²⁸
- "I think it's outrageous that a Whistleblower is a CIA agent."⁴²⁹
- "But what they said is he's an Obama person. It was involved with Brennan; Susan Rice, which means Obama. But he was like a big—a big anti-Trump person. Hated Trump."⁴³⁰
- "The Whistleblower got it sooo wrong that HE must come forward. The Fake News Media knows who he is but, being an arm of the Democrat Party, don't want to reveal him because there would be hell to pay. Reveal the Whistleblower and end the Impeachment Hoax!"⁴³¹
- "But the whistleblower should be revealed because the whistleblower gave false stories. Some people would call it a fraud; I won't go that far. But when I read it closely, I probably would. But the whistleblower should be revealed."⁴³²
- "I think that the whistleblower gave a lot of false information."⁴³³
- "The whistleblower is not a whistleblower. He's a fake. ... Everybody knows who the whistleblower is. And the whistleblower is a political operative."⁴³⁴

In response to a request from Intelligence Committee Ranking Member Nunes to call the whistleblower to testify at an open hearing, Chairman Schiff underscored the danger posed by the President's threats against the whistleblower and why the whistleblower's testimony was now unnecessary:

The Committee also will not facilitate efforts by President Trump and his allies in Congress to threaten, intimidate, and retaliate against the whistleblower who courageously raised the initial alarm. It remains the duty of the Intelligence Committee to protect whistleblowers, and until recently, this was a bipartisan priority. The

whistleblower has a right under laws championed by this Committee to remain anonymous and to be protected from harm.

The impeachment inquiry, moreover, has gathered an ever-growing body of evidence—from witnesses and documents, including the President’s own words in his July 25 call record—that not only confirms, but far exceeds, the initial information in the whistleblower’s complaint. The whistleblower’s testimony is therefore redundant and unnecessary. In light of the President’s threats, the individual’s appearance before us would only place their personal safety at grave risk.⁴³⁵

Until President Trump’s attacks on the whistleblower, Republicans and Democrats were united in protecting whistleblowers’ right to report abuses of power and be free from retaliation.⁴³⁶ For example, Ranking Member Nunes, serving in 2017 as Chairman of the Intelligence Committee, spoke in defense of whistleblowers, stating: “We want people to come forward and we will protect the identity of those people at all cost.”⁴³⁷ He also stated:

As you know, and I’ve said this several times, we don’t talk about sources at this committee. . . . The good thing is, is that we have continued to have people come forward, voluntarily, to this committee and we want to continue that and I will tell you that that will not happen if we tell you who our sources are and people that come—come to the committee.⁴³⁸

Other Republican Members of Congress have opposed efforts to expose the whistleblower. For example, Senator Charles Grassley stated:

This person appears to have followed the whistleblower protection laws and ought to be heard out and protected. We should always work to respect whistleblowers’ requests for confidentiality. Any further media reports on the whistleblower’s identity don’t serve the public interest—even if the conflict sells more papers or attracts clicks.⁴³⁹

Senator Richard Burr, the Chair of the Senate Select Committee on Intelligence, affirmed that he would “never” want the identity of the whistleblower revealed and stated, “We protect whistleblowers. We protect witnesses in our committee.”⁴⁴⁰

Senator Mitt Romney also called for support of the whistleblower’s rights, stating: “[W]histleblowers should be entitled to confidentiality and privacy, because they play a vital function in our democracy.”⁴⁴¹

SECTION II ENDNOTES

¹ U.S. Const. Art. I, § 2, cl. 5.

² Statement of George Mason, Madison Debates (July 20, 1787).

³ *McGrain v. Daugherty*, 273 U.S. 135 (1927) (“We are of [the] opinion that the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function.”); *Eastland v. United States Servicemen’s Fund*, 421 U.S. 491 (1975) (“the power to investigate is inherent in the power to make laws”); *Committee on the Judiciary v. McGahn*, Case No. 1:19-cv-02379, Memorandum Opinion, Doc. No. 46 (D.D.C. Nov. 25, 2019) (“[T]he House of Representatives has the constitutionally vested responsibility to conduct investigations of suspected abuses of power within the government, and to act to curb those improprieties, if required.”). As of this report, an appeal is pending in the D.C. Circuit. No. 19-5331 (D.C. Cir.).

⁴ *Cf. Nixon v. Fitzgerald*, 457 U.S. 731 (1982) (“Vigilant oversight by Congress also may serve to deter Presidential abuses of office, as well as to make credible the threat of impeachment.”); *Senate Select Committee on Presidential Campaign Activities v. Nixon*, 498 F.2d 725 (D.C. Cir. 1974) (discussing in dicta the “inquiry into presidential impeachment” opened by the House Judiciary Committee regarding President Nixon and explaining, “The investigative authority of the Judiciary Committee with respect to presidential conduct has an express constitutional source.”); *In re Report & Recommendation of June 5, 1972 Grand Jury Concerning Transmission of Evidence to House of Representatives*, 370 F. Supp. 1219 (D.D.C. 1974) (“[I]t should not be forgotten that we deal in a matter of the most critical moment to the Nation, an impeachment investigation involving the President of the United States. It would be difficult to conceive of a more compelling need than that of this country for an unswervingly fair inquiry based on all the pertinent information.”). In 1833, Justice Joseph Story reasoned—while explaining why pardons cannot confer immunity from impeachment—that, “The power of impeachment will generally be applied to persons holding high office under the government; and it is of great consequence that the President should not have the power of preventing a thorough investigation of their conduct, or of securing them against the disgrace of a public conviction by impeachment, should they deserve it. The constitution has, therefore, wisely interposed this check upon his power.” Joseph L. Story, 3 *Commentaries on the Constitution of the United States* § 1501 (1873 ed., T.M. Cooley (ed.)).

⁵ House Committee on the Judiciary, *Impeachment of Richard M. Nixon, President of the United States*, 93rd Cong. (1974) (H. Rep. 93-1305).

⁶ Statement of Rep. William Lyman, Annals of Congress, 4th Cong. 601 (1796).

⁷ Department of Justice, Office of Legal Counsel, *A Sitting President’s Amenability to Indictment and Criminal Prosecution* (Oct. 16, 2000) (explaining that a President “who engages in criminal behavior falling into the category of ‘high Crimes and Misdemeanors’” is “always subject to removal from office upon impeachment by the House and conviction by the Senate”) (online at www.justice.gov/sites/default/files/olc/opinions/2000/10/31/op-olc-v024-p0222_0.pdf).

⁸⁸ *Id.* (“Moreover, the constitutionally specified impeachment process ensures that the immunity [of a sitting President from prosecution] would not place the President ‘above the law.’”). President Trump’s personal lawyers have staked out the more extreme position that the President may not be investigated by law enforcement agencies while in office. For example, President Trump’s personal attorney asserted in court that the President could not be investigated by local authorities if he committed murder while in office. *If Trump Shoots Someone on 5th Ave., Does He Have Immunity? His Lawyer Says Yes*, New York Times (Oct. 23, 2019) (online at www.nytimes.com/2019/10/23/nyregion/trump-taxes-vance.html). A federal district court and appeals court rejected this argument. *Trump v. Vance*, 941 F.3d 631 (2nd Cir. 2019) (“presidential immunity does not bar the enforcement of a state grand jury subpoena directing a third party to produce non-privileged material, even when the subject matter under investigation pertains to the President”); *Trump v. Vance*, 395 F. Supp. 3d 283 (S.D.N.Y. 2019) (calling the President’s claims of “unqualified and boundless” immunity from judicial process “repugnant to the nation’s governmental structure and constitutional values”). The case is currently being appealed.

⁹ *Barenblatt v. U.S.*, 360 U.S. 109 (1959).

¹⁰ *McGrain v. Daugherty*, 273 U.S. 135 (1927) (“A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must

be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed.”); *Eastland v. United States Servicemen’s Fund*, 421 U.S. 491 (1975) (“the subpoena power may be exercised by a committee acting, as here, on behalf of one of the Houses”); *Committee on the Judiciary v. Miers*, 558 F. Supp. 2d 84 (D.D.C. 2008) (“In short, there can be no question that Congress has a right—derived from its Article I legislative function—to issue and enforce subpoenas, and a corresponding right to the information that is the subject of such subpoenas. . . . Congress’s power of inquiry is as broad as its power to legislate and lies at the very heart of Congress’s constitutional role. Indeed, the former is necessary to the proper exercise of the latter: according to the Supreme Court, the ability to compel testimony is ‘necessary to the effective functioning of courts and legislatures.’”) (citation omitted).

¹¹ U.S. Const. Art. I, § 5, cl. 2.

¹² *Watkins v. United States*, 354 U.S. 178 (1957).

¹³ See *Committee on the Judiciary v. Miers*, 558 F. Supp. 2d 84 (D.D.C. 2008) (“Thus, federal precedent dating back as far as 1807 contemplates that even the Executive is bound to comply with duly issued subpoenas.”).

¹⁴ *Committee on the Judiciary v. McGahn*, Case No. 1:19-cv-02379, Memorandum Opinion, Doc. No. 46 (D.D.C. Nov. 25, 2019). As of this report, an appeal is pending in the D.C. Circuit. No. 19-5331 (D.C. Cir.).

¹⁵ 18 U.S.C. § 1505.

¹⁶ 18 U.S.C. § 1001 (also prohibiting making “any materially false, fictitious, or fraudulent statement or representation” or making or using “any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry” in connection with a Congressional investigation).

¹⁷ 18 U.S.C. § 1512(b); See also 18 U.S.C. § 1515(a) (defining “official proceeding” to include “a proceeding before the Congress”).

¹⁸ 18 U.S.C. § 1512(d).

¹⁹ See, e.g., 5 U.S.C. § 2302; 10 U.S.C. § 1034; P.L. 113-126.

²⁰ P.L. 116-6, § 713 (“No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who . . . prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee.”).

²¹ House Committee on the Judiciary, *Impeachment of Richard M. Nixon, President of the United States*, 93rd Cong. (1974) (H. Rep. 93-1305).

²² House Committee on the Judiciary, *Impeachment of William Jefferson Clinton, President of the United States*, 105th Cong. (1998) (H. Rep. 105-830).

²³ The White House, *The President’s Remarks Announcing Developments and Procedures to be Followed in Connection with the Investigation* (Apr. 17, 1973). President Nixon initially stated that members of his “personal staff” would “decline a request for a formal appearance before a committee of the Congress,” but reversed course approximately one month later. The White House, *Statement by the President, Executive Privilege* (Mar. 12, 1973).

²⁴ See, e.g., Senate Select Committee on Presidential Campaign Activities, Testimony of John Dean, *Watergate and Related Activities, Phase I: Watergate Investigation*, 93rd Cong. (June 25, 1973); Senate Select Committee on Presidential Campaign Activities, Testimony of H.R. Haldeman, *Watergate and Related Activities, Phase I: Watergate Investigation*, 93rd Cong. (July 30, 1973); Senate Select Committee on Presidential Campaign Activities, Testimony of Alexander Butterfield, *Watergate and Related Activities, Phase I: Watergate Investigation*, 93rd Cong. (July 16, 1973); Senate Select Committee on Presidential Campaign Activities, Testimony of John Ehrlichman, *Watergate and Related Activities, Phase I: Watergate Investigation*, 93rd Cong. (July 24, 1973).

²⁵ See House Committee on the Judiciary, *Impeachment of Richard M. Nixon, President of the United States*, 93rd Cong. (1974) (H. Rep. 93-1305).

²⁶ *Id.*

²⁷ *Id.* (quoting letter from Chairman Peter W. Rodino, Jr., House Committee on the Judiciary, to President Richard M. Nixon (May 30, 1974)).

²⁸ H.R. Jour., 29th Cong., 1st Sess., 693 (Apr. 20, 1846).

²⁹ Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition and House Select Committee to Investigate Covert Arms Transactions with Iran, Testimony of Oliver North, *Iran-Contra Investigation: Joint Hearings Before the House Select Committee to Investigate Covert Arms Transactions with Iran and the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Oppositions*, 100th Cong. (July 7, 1987); Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition and House Select Committee to Investigate Covert Arms Transactions with Iran, Testimony of John Poindexter, *Iran-Contra Investigation: Joint Hearings Before the House Select Committee to Investigate Covert Arms Transactions with Iran and the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Oppositions*, 100th Cong. (July 15, 1987).

³⁰ *Committee on the Judiciary v. McGahn*, Civ. No. 1:19-cv-02379, Memorandum Opinion, Doc. No. 46 (D.D.C. Nov. 25, 2019). As of this report, an appeal is pending in the D.C. Circuit. No. 19-5331 (D.C. Cir.).

³¹ Committee on Government Reform, Democratic Staff, *Congressional Oversight of the Clinton Administration* (Jan. 17, 2006) (online at <https://wayback.archive-it.org/4949/20141031200116/http://oversight-archive.waxman.house.gov/documents/20060117103516-91336.pdf>) (noting that Republican Dan Burton, Chairman of the Committee on Government Reform, deposed 141 Clinton Administration officials during his tenure).

³² Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, *Final Report of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi*, 114th Cong. (2016) (H. Rep. 114-848) (noting that the Select Committee interviewed or received testimony from 107 people—none of whom was instructed not to appear—including 57 current and former State Department officials such as Secretary of State Hillary Clinton, Chief of Staff and Counselor to the Secretary of State Cheryl Mills, Deputy Chief of Staff and Director of Policy Planning Jacob Sullivan, and Deputy Chief of Staff for Operations Huma Abedin; 24 Defense Department officials such as Secretary Leon Panetta and General Carter Ham; and 19 Central Intelligence Agency (CIA) officials such as Director David Petraeus and former Deputy Director Michael Morell).

³³ *Id.* (including productions of 71,640 pages of State Department documents, 300 pages of CIA intelligence analyses, 200 pages of Federal Bureau of Investigation (FBI) documents, 900 pages of Defense Department documents, and 750 pages of National Security Agency documents).

³⁴ See, e.g., House rule X, clause 2(a) (assigning “general oversight responsibilities” to committees); House Rule XI, clause 2(m) (authorizing Committees to “hold such hearings as it considers necessary” and to “require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary”); H. Res. 6 (2019) (granting deposition authority to committees); 116th Congress Regulations for Use of Deposition Authority, Congressional Record (Jan. 25, 2019) (establishing procedures for committee depositions).

³⁵ See, e.g., House Rules (2017); H. Res. 5 (2017); 115th Congress Staff Deposition Authority Procedures, Congressional Record (Jan. 13, 2017).

³⁶ Special Counsel Robert S. Mueller III, Department of Justice, *Report on The Investigation Into Russian Interference In The 2016 Presidential Election*, Vol. I (March 2019) (online at www.justice.gov/storage/report.pdf); Special Counsel Robert S. Mueller, III, Department of Justice, *Report on The Investigation Into Russian Interference In The 2016 Presidential Election*, Vol. II (March 2019) (online at www.justice.gov/storage/report_volume2.pdf).

³⁷ See H. Res. 430; see also H. Rep. 116-105 (2019) (the purposes of the Judiciary Committee’s investigation include “considering whether any of the conduct described in the Special Counsel’s Report warrants the Committee in taking any further steps under Congress’ Article I powers,” including “whether to approve articles of impeachment with respect to the President or any other Administration official”).

³⁸ See Letter from Chairman Jerrold Nadler, House Committee on the Judiciary, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairwoman Maxine Waters, House Committee on Financial Services, Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs (Aug. 22, 2019) (online at <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/FiveChairsLetter8.22.pdf>).

³⁹ *Id.*

⁴⁰ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat A. Cipollone, Counsel to the President, The White House (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_cipollone_on_ukraine.pdf); Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_sec_pompeo_on_ukraine.pdf); Letter from Chairman Eliot L. Engel, Committee on Foreign Affairs, Chairman Adam B. Schiff, Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 13, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-09-13.EEC%20ELE%20Schiff%20re%20Ukraine.pdf>).

⁴¹ The White House, *Remarks by President Trump Before Marine One Departure* (Sept. 22, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-66/) (“We had a great conversation. The conversation I had was largely congratulatory. It was largely corruption—all of the corruption taking place. It was largely the fact that we don’t want our people, like Vice President Biden and his son, creating to the corruption already in the Ukraine.”).

⁴² Speaker of the House Nancy Pelosi, *Pelosi Remarks Announcing Impeachment Inquiry* (Sept. 24, 2019) (online at www.speaker.gov/newsroom/92419-0).

⁴³ The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

⁴⁴ See, e.g., Letter from Chairman Elijah E. Cummings, House Committee on Oversight and Reform, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Mick Mulvaney, Acting Chief of Staff, The White House (Oct. 4, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-10-04.EEC%20Engel%20Schiff%20to%20Mulvaney-WH%20re%20Subpoena.pdf>).

⁴⁵ H. Res. 660 (2019).

⁴⁶ *Trump Vows Stonewall of ‘All’ House Subpoenas, Setting Up Fight Over Powers*, New York Times (Apr. 24, 2019) (online at www.nytimes.com/2019/04/24/us/politics/donald-trump-subpoenas.html).

⁴⁷ *While Bemoaning Mueller Probe, Trump Falsely Says the Constitution Gives Him ‘The Right to do Whatever I Want’*, Washington Post (July 23, 2019) (online at www.washingtonpost.com/politics/2019/07/23/trump-falsely-tells-auditorium-full-teens-constitution-gives-him-right-do-whatever-i-want/).

⁴⁸ Donald J. Trump, Twitter (Oct. 1, 2019) (online at <https://twitter.com/realDonaldTrump/status/1179179573541511176>).

⁴⁹ *At Louisiana Rally, Trump Lashes Out at Impeachment Inquiry and Pelosi*, New York Times (Oct. 11, 2019) (online at www.nytimes.com/2019/10/11/us/trump-rally-louisiana-lake-charles.html).

⁵⁰ Donald J. Trump, Twitter (Oct. 18, 2019) (online at <https://twitter.com/realDonaldTrump/status/1185374394350215169>) (purporting to quote former Rep. Jason Chaffetz).

⁵¹ Donald J. Trump, Twitter (Sept. 21, 2019) (online at <https://twitter.com/realDonaldTrump/status/1175409914384125952>).

⁵² Donald J. Trump, Twitter (Sept. 24, 2019) (online at <https://twitter.com/realDonaldTrump/status/1176559970390806530>).

⁵³ Donald J. Trump, Twitter (Sept. 24, 2019) (online at <https://twitter.com/realDonaldTrump/status/1176623010230525953>).

⁵⁴ The White House, *Remarks by President Trump and President Salih of Iraq Before Bilateral Meeting* (Sept. 24, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-president-salih-iraq-bilateral-meeting-new-york-ny-2/).

⁵⁵ The White House, *Remarks by President Trump and President Bukele of El Salvador Before Bilateral Meeting* (Sept. 25, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-president-bukele-el-salvador-bilateral-meeting-new-york-ny/).

⁵⁶ The White House, *Remarks by President Trump in a Multilateral Meeting on the Bolivarian Republic of Venezuela* (Sept. 25, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-multilateral-meeting-bolivarian-republic-venezuela-new-york-ny/).

⁵⁷ Donald J. Trump, Twitter (Sept. 26, 2019) (online at <https://twitter.com/realDonaldTrump/status/1177285017636093953>).

⁵⁸ Donald J. Trump, Twitter (Oct. 1, 2019) (online at <https://twitter.com/realDonaldTrump/status/1179023004241727489>).

⁵⁹ Donald J. Trump, Twitter (Oct. 5, 2019) (online at <https://twitter.com/realDonaldTrump/status/1180482408522629120>).

⁶⁰ Donald J. Trump, Twitter (Oct. 8, 2019) (online at <https://twitter.com/realDonaldTrump/status/1181761045486080002>).

⁶¹ The White House, *Remarks by President Trump at Signing of Executive Orders on Transparency in Federal Guidance and Enforcement* (Oct. 9, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-signing-executive-orders-transparency-federal-guidance-enforcement/).

⁶² Donald J. Trump, Twitter (Oct. 9, 2019) (online at <https://twitter.com/realDonaldTrump/status/1181913137483829250>).

⁶³ Donald J. Trump, Twitter (Oct. 9, 2019) (online at <https://twitter.com/realdonaldtrump/status/1181969511697788928>).

⁶⁴ Donald J. Trump, Twitter (Oct. 20, 2019) (online at <https://twitter.com/realDonaldTrump/status/1186035686396321793>).

⁶⁵ Donald J. Trump, Twitter (Nov. 12, 2019) (online at <https://twitter.com/realDonaldTrump/status/1194214569591394304>).

⁶⁶ Donald J. Trump, Twitter (Nov. 24, 2019) (online at <https://twitter.com/realDonaldTrump/status/1198733640722718725>).

⁶⁷ Donald J. Trump, Twitter (Nov. 26, 2019) (online at <https://twitter.com/realDonaldTrump/status/1199352977934487553>).

⁶⁸ The White House, *Remarks by President Trump Upon Air Force One Arrival* (Sept. 26, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-upon-air-force-one-arrival-prince-georges-county-md/).

⁶⁹ See, e.g., Co-Equal, *Investigative Rules and Practices Followed by House Republicans* (online at www.co-equal.org/guide-to-congressional-oversight/investigative-rules-and-practices-followed-by-house-republicans). See also Committee on Government Reform, Democratic Staff, *Congressional Oversight of the Clinton Administration* (Jan. 17, 2006) (online at <https://wayback.archive-it.org/4949/20141031200116/http://oversight-archive.waxman.house.gov/documents/20060117103516-91336.pdf>) (noting that House Republicans conducted hundreds of confidential depositions of both political appointees and career officials without agency counsel present, with one Committee alone conducting over 140 depositions of Clinton Administration officials).

⁷⁰ Letter from Pat A. Cipollone, Counsel to the President, The White House, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs Committee, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

⁷¹ *Speech: Donald Trump Holds a Political Rally in Minneapolis, Minnesota*, Factbase Videos (Oct. 10, 2019) (online at www.youtube.com/watch?time_continue=742&v=_y8Al_mGwmc&feature=emb_logo).

⁷² Gregg Nunziata, a former legal counsel and senior policy advisor to Senator Marco Rubio, stated: “This letter is bananas. A barely-lawyered temper tantrum.” Gregg Nunziata, Twitter (Oct. 8, 2019) (online at <https://twitter.com/greggnunziata/status/1181685021926662144>). Jonathan Turley, a law professor who has represented House Republicans, stated: “A President cannot simply pick up his marbles and leave the game because he does not like the other players. A refusal to cooperate with a constitutionally mandated process can itself be an abuse of power.” *White House Issues Defiant Letter Refusing to Cooperate in Impeachment Proceedings*, Res Ipsa Loquitur (Oct. 9, 2019) (online at <https://jonathanturley.org/2019/10/09/white-house-issues-defiant-letter-refusing-to-cooperate-in-impeachment-proceedings/>). Preet Bharara, the former U.S. Attorney for the Southern District of New York, stated, “It’s one of the worst letters I’ve seen from the White House counsel’s office.” George Conway, a prominent conservative attorney, called Mr. Cipollone’s letter “a disgrace to the country, a disgrace to the presidency, and a disgrace to the legal profession.” He accused the White House of “clearly engaging in obstructionist tactics.” *Diagnosing Trump (with George Conway)*, Stay Tuned with Preet Bharara (Oct. 9, 2019) (online at <https://cafe.com/stay-tuned-transcript-diagnosing-trump-with-george-conway/>). Mr. Conway also stated: “I cannot fathom how any self-respecting member of the bar could affix his name to this letter. It’s pure hackery, and it disgraces the profession.” George T. Conway, III, Twitter (Oct. 8, 2019) (online at <https://twitter.com/gtconway3d/status/1181685229687394307>).

⁷³ Letter from Pat A. Cipollone, Counsel to the President, The White House, to Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence Chairman Eliot L. Engel, Chairman, House Committee on Foreign Affairs (Oct. 18, 2019).

⁷⁴ Department of Justice, Office of Legal Counsel, *Exclusion of Agency Counsel from Congressional Depositions in the Impeachment Context* (Nov. 1, 2019) (online at www.justice.gov/olc/file/1214996/download).

⁷⁵ Department of Justice, Office of Legal Counsel, *Legal Aspects of Impeachment: An Overview* (1974) (quoting President James K. Polk) (online at www.justice.gov/olc/page/file/980036/download).

⁷⁶ *Position of the Executive Department Regarding Investigative Reports*, 40 Op. Atty Gen. 45 (1941).

⁷⁷ Letter from Pat A. Cipollone, Counsel to the President, The White House, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs Committee, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

⁷⁸ See, e.g., The White House, *Remarks by President Trump and President Salih of Iraq Before Bilateral Meeting* (Sept. 24, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-president-salih-iraq-bilateral-meeting-new-york-ny/) (“The phone call was perfect.”); The White House, *Remarks by President Trump Upon Arriving at the U.N. General Assembly* (Sept. 24, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-upon-arriving-u-n-general-assembly-new-york-ny/) (“That call was perfect.”); Donald J. Trump, Twitter (Nov. 11, 2019) (online at <https://twitter.com/realDonaldTrump/status/1193615188311912449>) (“The call to the Ukrainian President was PERFECT.”).

⁷⁹ Letter from Pat A. Cipollone, Counsel to the President, The White House, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs Committee, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

⁸⁰ See House Committee on the Judiciary, *Impeachment of Richard M. Nixon, President of the United States*, 93rd Cong. (1974) (H. Rep. 93-1305) (Impeachment Article III: “In refusing to produce these papers and things, Richard M. Nixon, substituting his judgment as to what materials were necessary for the inquiry, interposed the powers of the presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives.”).

⁸¹ In this case, one Republican Member of the House of Representatives supported impeaching President Trump—Rep. Justin Amash from Michigan. In explaining his support, Rep. Amash noted the importance of upholding Congress’ “duties under our Constitution” rather than “loyalty to a political party.” After Rep. Amash announced his support for impeachment, President Trump denounced him as a “total lightweight” and a “loser.” Rep. Amash subsequently declared that he was leaving the Republican party. See Justin Amash, Twitter (May 18, 2019) (online at <https://twitter.com/justinamash/status/1129831626844921862>); *Trump Calls Representative Justin Amash a ‘Loser’ Over Impeachment Talk*, New York Times (May 19, 2019) (online at www.nytimes.com/2019/05/19/us/politics/trump-justin-amash-impeachment.html); *Justin Amash: Our politics is in a partisan death spiral. That’s why I’m leaving the GOP*, Washington Post (July 4, 2019) (online at www.washingtonpost.com/opinions/justin-amash-our-politics-is-in-a-partisan-death-spiral-thats-why-im-leaving-the-gop/2019/07/04/afbe0480-9e3d-11e9-b27f-ed2942f73d70_story.html).

⁸² Letter from Pat A. Cipollone, Counsel to the President, The White House, to Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, Chairman, House Committee on Foreign Affairs (Oct. 18, 2019).

⁸³ Jefferson’s Manual of Parliamentary Practice § 603 (stating that “various events have been credited with setting an impeachment in motion,” including “facts developed and reported by an investigating committee of the House”). On October 25, 2019, a federal district court affirmed that “no governing law requires” the House to hold a such a vote. *In re Application of the Committee on the Judiciary, United States House of Representatives*, 2019 U.S. Dist. LEXIS 184857 (D.D.C. 2019). More than 300 legal scholars agreed, concluding that “the Constitution does not mandate the process for impeachment and there is no constitutional requirement that the House of Representatives authorize an impeachment inquiry before one begins.” *An Open Letter from Legal Scholars on Trump Impeachment Inquiry* (Oct. 17, 2019) (online at www.law.berkeley.edu/wp-content/uploads/2019/10/Open-Letter-from-Legal-Scholars-re-Impeachment.pdf).

⁸⁴ *In re Application of the Committee on the Judiciary, United States House of Representatives*, 2019 U.S. Dist. LEXIS 184857 (D.D.C. 2019).

⁸⁵ See, e.g., 3 Deschler Ch. 14 § 5 (discussing impeachment of Justice William O. Douglas).

⁸⁶ See, e.g., H. Res. 87, 101st Cong. (1989) (impeachment of Judge Walter L. Nixon, Jr.); H. Res. 461, 99th Cong. (1986) (impeachment of Judge Harry E. Claiborne).

⁸⁷ H. Res. 6 (2019); H. Res. 660 (2019). In addition, on June 11, 2019, the House approved House Resolution 430, which, in part, authorized the House Committee on the Judiciary to seek judicial enforcement of subpoenas in the ongoing investigation related to Special Counsel Mueller’s report. The resolution granted the Committee “any and all necessary authority under Article I of the Constitution” to seek judicial enforcement. The accompanying report by the House Committee on Rules explained that this authority is intended to further the Judiciary Committee’s ongoing investigation, the purpose of which includes assessing whether to recommend “articles of impeachment with respect to the President.” H. Rep. 116-108, quoting H. Rep. 116-105.

⁸⁸ Letter from Pat A. Cipollone, Counsel to the President, The White House, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs Committee, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf). President Trump has also made these claims directly, stating: “we had a great two weeks watching these crooked politicians, not giving us due process, not giving us lawyers, not giving us the right to speak, and destroying their witnesses,” and “we weren’t allowed any rights.” *Speech: Donald Trump Holds a Political Rally in Sunrise, Florida*, Factbase Videos (Nov. 26, 2019) (online at www.youtube.com/watch?v=zoRcCRULQI8&feature=youtu.be).

⁸⁹ Indeed, Mr. Cipollone articulated no basis under the Constitution for his various “due process” demands—and there is no such basis, especially when the House is engaged in a fact-finding investigation as part of its efforts to ascertain whether to consider articles of impeachment. See H. Rept. 116-266 (2019).

⁹⁰ H. Res. 660 (2019).

⁹¹ H. Rept. 116-266 (2019) (“The purpose of providing these protections is to ensure that the president has a fair opportunity to present evidence to the Judiciary Committee if it must weigh whether to recommend articles of impeachment against him to the full House.”).

⁹² Letter from Pat A. Cipollone, Counsel to the President, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

⁹³ In a September 25, 2019, statement, a Department of Justice spokesperson stated: “The Attorney General was first notified of the President’s conversation with Ukrainian President Zelensky several weeks after the call took place, when the Department of Justice learned of a potential referral. The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine—on this or any other matter. The Attorney General has not communicated with Ukraine—on this or any other subject. Nor has the Attorney General discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.” As to the President’s conduct with regard to Ukraine, the Department stated: “In August, the Department of Justice was referred a matter relating to a letter the Director of National Intelligence had received from the Inspector General for the Intelligence Community regarding a purported whistleblower complaint. The Inspector General’s letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law, while acknowledging that neither the Inspector General nor the complainant had firsthand knowledge of the conversation. Relying on established procedures set forth in the Justice Manual, the Department’s Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted. All relevant components of the Department agreed with this legal conclusion, and the Department has concluded the matter.” *Department of Justice* (Sept. 25, 2019) (as emailed by the Department of Justice to the House Permanent Select Committee on Intelligence).

⁹⁴ H. Rept. 116-266 (2019) (The report continued: “As previously described, an impeachment inquiry is not a criminal trial and should not be confused with one. The president’s liberty is not at stake and the constitutional protections afforded a criminal defendant do not as a matter of course apply. The constitutionally permitted consequences of impeachment are limited to immediate removal from office and potentially being barred from holding future federal office. Moreover, it is the Senate that conducts the trial to determine whether the conduct outlined in the articles warrant the president’s removal from office, which requires a 2/3 majority vote. Indeed, given the nature of the ongoing investigation into the Ukraine matter, President Trump has received additional procedural protections. During closed door depositions held by HPSCI and others related to the Ukraine matter, minority members have been present and granted equal time to question witnesses brought before the committees. This is unlike the process in the preceding two presidential impeachment inquiries, which relied significantly upon information gathered by third-party investigators.”).

⁹⁵ See Committee on Government Reform, Democratic Staff, *Congressional Oversight of the Clinton Administration* (Jan. 17, 2006) (online at <https://wayback.archive-it.org/4949/20141031200116/http://oversight-archive.waxman.house.gov/documents/20060117103516-91336.pdf>) (explaining that when Rep. Dan Burton served as Chairman of the Committee on Government Reform, the Committee deposed 141 Clinton Administration officials without agency counsel present—including White House Chief of Staff Mack McLarty; White House Chief of Staff Erskine Bowles; White House Counsel Bernard Nussbaum; White House Counsel Jack Quinn; Deputy White House Counsel Bruce Lindsey; Deputy White House Counsel Cheryl Mills; Deputy White House Chief of Staff Harold Ickes; Chief of Staff to the Vice President Roy Neel; and Chief of Staff to the First Lady Margaret Williams).

⁹⁶ Letter from Pat A. Cipollone, Counsel to the President, The White House, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf). On

November 1, 2019, after the House approved H. Res. 660, the Administration continued to press this spurious claim, with the Office of Legal Counsel issuing an opinion asserting that “Congressional committees participating in an impeachment inquiry may not validly compel executive branch witnesses to testify about matters that potentially involve information protected by executive privilege without the assistance of agency counsel.” Department of Justice, Office of Legal Counsel, *Exclusion of Agency Counsel from Congressional Depositions in the Impeachment Context* (Nov. 1, 2019) (online at www.justice.gov/olc/file/1214996/download). As discussed in this section, this position is entirely unsupported by judicial precedent and erroneous.

⁹⁷ U.S. Const., Art. I, sec. 5, cl. 2.

⁹⁸ The regulations that govern House depositions state: “Only members, Committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness’s counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.” 116th Congress Regulations for Use of Deposition Authority, Congressional Record, H1216 (Jan. 25, 2019) (online at www.congress.gov/116/crec/2019/01/25/CREC-2019-01-25-pt1-PgH1216-2.pdf).

⁹⁹ Committee on Oversight and Reform, *Committee Depositions in the House of Representatives: Longstanding Republican and Democratic Practice of Excluding Agency Counsel* (Nov. 5, 2019) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Committee%20Depositions%20in%20the%20House%20of%20Representatives_Longstanding%20Republican%20and%20Democratic%20Practice%20of%20Excluding%20Agency%20Counsel.pdf).

¹⁰⁰ Letter from Pat A. Cipollone, Counsel to the President, The White House, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs Committee, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

¹⁰¹ *Barenblatt v. United States*, 360 U.S. 109 (1959).

¹⁰² See, e.g., S. 2537 (requiring an investigation by the State Department Inspector General into the withholding of aid to Ukraine, directing the President to immediately obligate previously appropriated funds, and authorizing funds to counter Russian influence); H.R. 3047 (providing support to Ukraine to defend its independence, sovereignty, and territorial integrity).

¹⁰³ *In re Application of the Committee on the Judiciary, United States House of Representatives*, 2019 U.S. Dist. LEXIS 184857 (D.D.C. 2019), quoting *Trump v. Mazars USA, LLP*, 2019 U.S. App. LEXIS 30475 (D.D.C. 2019) (“Nothing ‘in the Constitution or case law ... compels Congress to abandon its legislative role at the first scent of potential illegality and confine itself exclusively to the impeachment process.’”).

¹⁰⁴ See, e.g., the 1974 Amendments to the Freedom of Information Act, P.L. 93-502; Ethics in Government Act of 1978, P.L. 95-52; Presidential Records Act of 1978, P.L. 95-591; Federal Election Campaign Act Amendments of 1974, P.L. 93-443.

¹⁰⁵ Letter from Pat A. Cipollone, Counsel to the President, The White House, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs Committee, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf); Letter from Pat A. Cipollone, Counsel to the President, The White House, to Acting Chairwoman Carolyn Maloney, House Committee on Oversight and Reform, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence Chairman Eliot L. Engel, Chairman, House Committee on Foreign Affairs (Oct. 18, 2019).

¹⁰⁶ *United States v. American Tel. & Tel. Co.*, 567 F.2d 121 (D.C. Cir. 1977) (“Rather, each branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation.”).

¹⁰⁷ For example, on November 22, 2019, the Department of State produced to a private party 99 pages of emails, letters, notes, timelines, and news articles under a court order pursuant to the Freedom of Information Act. *State Department Releases Ukraine Documents to American Oversight*, American Oversight (Nov. 22, 2019) (online at www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight).

¹⁰⁸ Even if the President were to make a colorable assertion of executive privilege, which he has not, the Supreme Court has held that the privilege is not absolute. In the context of a grand jury subpoena, the Supreme Court found that the President's "generalized assertion of privilege must yield to the demonstrated, specific need for evidence in a pending criminal trial." *United States v. Nixon*, 418 U.S. 683 (1974). Similarly, the D.C. Circuit has held that executive privilege is a "qualified" privilege and that "courts must balance the public interests at stake in determining whether the privilege should yield in a particular case, and must specifically consider the need of the party seeking privileged evidence." *In re Sealed Case*, 121 F.3d 729 (D.C. Cir. 1997). As described above, Congress' need for information during an impeachment inquiry is particularly "compelling." *In re Report & Recommendation of June 5, 1972 Grand Jury Concerning Transmission of Evidence to House of Representatives*, 370 F. Supp. 1219 (D.D.C. 1974) ("[I]t should not be forgotten that we deal in a matter of the most critical moment to the Nation, an impeachment investigation involving the President of the United States. It would be difficult to conceive of a more compelling need than that of this country for an unswervingly fair inquiry based on all the pertinent information.").

¹⁰⁹ See, e.g., Letter from Pat A. Cipollone, Counsel to the President, The White House, to William Pittard, Counsel to Mick Mulvaney, Acting Chief of Staff, The White House (Nov. 8, 2019) (asserting that Acting Chief of Staff Mick Mulvaney "is absolutely immune from compelled congressional testimony with respect to matters related to his service as a senior advisor to the President" and that "[s]ubjecting a senior presidential advisor to the congressional subpoena power would be akin to requiring the President himself to appear before Congress on matters relating to the performance of his constitutionally assigned executive functions").

¹¹⁰ *Committee on the Judiciary v. Miers*, 558 F. Supp. 2d 53 (D.D.C. 2008) ("The Executive cannot identify a single judicial opinion that recognizes absolute immunity for senior presidential advisors in this or any other context. That simple yet critical fact bears repeating: the asserted absolute immunity claim here is entirely unsupported by existing case law. In fact, there is Supreme Court authority that is all but conclusive on this question and that powerfully suggests that such advisors do not enjoy absolute immunity. The Court therefore rejects the Executive's claim of absolute immunity for senior presidential aides.").

¹¹¹ *Committee on the Judiciary v. McGahn*, Case No. 1:19-cv-02379, Memorandum Opinion, Doc. No. 46 (D.D.C. Nov. 25, 2019). As of this report, an appeal is pending in the U.S. Court of Appeals for the D.C. Circuit. No. 19-5331 (D.C. Cir.).

¹¹² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat A. Cipollone, Counsel to the President, The White House (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_cipollone_on_ukraine.pdf).

¹¹³ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat A. Cipollone, Counsel to the President, The White House (Sept. 24, 2019) (online at https://intelligence.house.gov/uploadedfiles/2019-09-24.eec_engel_schiff_to_cipollone-wh_re_potus_ukraine.pdf).

¹¹⁴ Letter from Chairman Elijah E. Cummings, House Committee on Oversight and Reform, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Pat A. Cipollone, Counsel to the President, The White House (Oct. 4, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-10-04.EEC%20Engel%20Schiff%20to%20Mulvaney-WH%20re%20Subpoena.pdf>).

¹¹⁵ Letter from Pat A. Cipollone, Counsel to the President, The White House, to Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, (Oct. 18, 2019).

¹¹⁶ Email from Bureau of Legislative Affairs, Department of State, to Committee Staff (Oct. 2, 2019).

¹¹⁷ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat A. Cipollone, Counsel to the President, The White House (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_cipollone_on_ukraine.pdf).

¹¹⁸ *Id.*

¹¹⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Pat A. Cipollone, Counsel to the President, The White House (Sept. 24, 2019).

¹²⁰ Memorandum from Chairman Elijah E. Cummings to Members of the House Committee on Oversight and Reform, Notice of Intent to Issue Subpoenas (Oct. 2, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-10-02.COR%20WH%20Subpoena%20Memo%20and%20Schedule.pdf>).

¹²¹ Letter from Chairman Elijah E. Cummings, House Committee on Oversight and Reform, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Pat A. Cipollone, Counsel to the President, The White House (Oct. 4, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-10-04.EEC%20Engel%20Schiff%20to%20Mulvaney-WH%20re%20Subpoena.pdf>).

¹²² Letter from Pat A. Cipollone, Counsel to the President, The White House, to Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

¹²³ Letter from Pat A. Cipollone, Counsel to the President, The White House, to Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Eliot L. Engel, House Committee on Foreign Affairs (Oct. 18, 2019).

¹²⁴ On September 13, the Intelligence Committee issued a subpoena pursuant to its oversight authority to the Acting Director of National Intelligence to compel the production of a complaint submitted by an Intelligence Community whistleblower, as well as other records. The Intelligence Committee issued this subpoena before Speaker Pelosi announced on September 24 that the Intelligence Committee and other committees would be continuing their work under the umbrella of the impeachment inquiry being conducted by the Judiciary Committee. As a result, this subpoena should not be conflated with subpoenas issued as part of the impeachment inquiry. See Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, to Joseph Maguire, Acting Director of National Intelligence, Office of the Director of National Intelligence (Sept. 13, 2019).

¹²⁵ The White House, *Memorandum of Telephone Conversation* (Apr. 21, 2019) (online at <http://cdn.cnn.com/cnn/2019/images/11/15/4-21-19.trump-zelensky.call.pdf>); The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf).

¹²⁶ Vindman-Williams Hearing Tr. at 31-32.

¹²⁷ Vindman Dep. Tr. at 53; Morrison Dep. Tr. at 19-20.

¹²⁸ Vindman Dep. Tr. at 186-187; Morrison Dep. Tr. at 166-167.

¹²⁹ See, e.g., Cooper Dep. Tr. at 42-43.

¹³⁰ Sondland Hearing Tr. at 78-79.

¹³¹ Vindman Dep. Tr. at 36-37.

¹³² Holmes Dep. Tr. at 31.

¹³³ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong. (Nov. 20, 2019).

¹³⁴ The review reportedly uncovered “early August email exchanges between acting chief of staff Mick Mulvaney and White House budget officials seeking to provide an explanation for withholding the funds after the president had already ordered a hold in mid-July on the nearly \$400 million in security assistance.” The review also reportedly included interviews with “some key White House officials involved in handling Ukraine aid and dealing with complaints and concerns in the aftermath of the call between Trump and Zelensky.” *White House Review Turns Up Emails Showing Extensive Effort to Justify Trump’s Decision to Block Ukraine Military Aid*, Washington Post (Nov. 24, 2019) (online at www.washingtonpost.com/politics/white-house-review-turns-up-emails-showing-

extensive-effort-to-justify-trumps-decision-to-block-ukraine-military-aid/2019/11/24/2121cf98-0d57-11ea-bd9d-c628fd48b3a0_story.html).

¹³⁵ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Vice President Michael R. Pence (Oct. 4, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-10-04.EEC%20Engel%20Schiff%20%20re%20Request%20to%20VP%2010-04-19%20Letter%20and%20Schedule.pdf>).

¹³⁶ *Id.*

¹³⁷ Letter from Matthew E. Morgan, Counsel to the Vice President, Office of the Vice President, to Chairman Elijah E. Cummings, House Committee on Oversight and Reform, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Oct. 15, 2019).

¹³⁸ Vindman-Williams Hearing Tr. at 61.

¹³⁹ Williams Dep. Tr. at 129.

¹⁴⁰ Vindman-Williams Hearing Tr. at 15.

¹⁴¹ *Id.* at 23-24.

¹⁴² Williams Dep. Tr. at 74-75.

¹⁴³ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Acting Director Russell T. Vought, Office of Management and Budget (Oct. 7, 2019) (online at https://intelligence.house.gov/uploadedfiles/2019-10-07.eec_engel_schiff_to_vought_omb_re_subpoena.pdf).

¹⁴⁴ *Id.*

¹⁴⁵ Letter from Jason Yaworske, Associate Director for Legislative Affairs, Office of Management and Budget, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Oct. 15, 2019).

¹⁴⁶ Sandy Dep. Tr. at 23-26.

¹⁴⁷ *Id.* at 36-41.

¹⁴⁸ *Id.* at 57-60, 62-63.

¹⁴⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 9, 2019) (online at https://intelligence.house.gov/uploadedfiles/ele_schiff_cummings_letter_to_sec_pompeo_on_ukraine.pdf).

¹⁵⁰ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 23, 2019).

¹⁵¹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 27, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-09-27.EEC%20Engel%20Schiff%20%20to%20Pompeo-%20State%20re%20Document%20Subpoena.pdf>).

¹⁵² Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Ambassador Gordon Sondland, Department of State (Oct. 8, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-10-08.EEC%20Engel%20Schiff%20to%20Sondland%20re%20Subpoena.pdf>); Letter from Chairman Eliot L. Engel,

House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Ambassador William Taylor, Department of State (Oct. 4, 2019); Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Counselor T. Ulrich Brechbuhl, Department of State (Sept. 27, 2019) (online at https://intelligence.house.gov/uploadedfiles/20190927_-_eec_engel_schiff_to_brechbuhl_re_individual_deposition_request.pdf); Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Deputy Assistant Secretary George P. Kent, Department of State (Sept. 27, 2019); Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Ambassador Kurt Volker, Department of State (Sept. 27, 2019); Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Ambassador Marie Yovanovitch, Department of State (Sept. 27, 2019).

¹⁵³ Letter from Secretary Michael R. Pompeo, Department of State, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (Oct. 1, 2019) (Secretary Pompeo sent identical letters to Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, the same day).

¹⁵⁴ *Id.*

¹⁵⁵ Kent Dep. Tr. at 27.

¹⁵⁶ *Id.* at 33-34.

¹⁵⁷ *Id.* at 34-35.

¹⁵⁸ Letter from Secretary Michael R. Pompeo, Department of State, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (Oct. 1, 2019) (Secretary Pompeo sent identical letters to Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, the same day).

¹⁵⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Deputy Secretary John J. Sullivan, Department of State (Oct. 1, 2019) (online at https://foreignaffairs.house.gov/_cache/files/4/6/4683bc86-be2a-49fc-9e76-7cdbf669592f/98BEBD8006DE62BA36BEBD175775F744.2019-10-1-cle-abs-ec-to-depsec-sullivan.pdf).

¹⁶⁰ Pompeo: 'I Was on the Phone Call' with Trump and Ukrainian President, CNN (Oct. 2, 2019) (online at www.cnn.com/2019/10/02/politics/mike-pompeo-ukraine-call/index.html).

¹⁶¹ Email from Committee Staff to Bureau of Legislative Affairs, Department of State (Oct. 7, 2019).

¹⁶² Letter from Brian Bulatao, Under Secretary of State for Management, Department of State, to Andrew Wright, Counsel to Deputy Assistant Secretary George P. Kent, Department of State (Oct. 14, 2019).

¹⁶³ Kent Dep. Tr. at 30-31, 46.

¹⁶⁴ *Id.* at 32.

¹⁶⁵ *Id.* at 35.

¹⁶⁶ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong. (Nov. 20, 2019).

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* In addition, Dr. Fiona Hill, the former Senior Director for Europe and Russia at the National Security Council, produced calendar entries relating to relevant meetings. Fiona Hill Document Production, Bates Hill0001-Hill0049 (Oct. 13, 2019).

¹⁶⁹ Kurt Volker Document Production, Bates KV00000001-KV00000065 (Oct. 2, 2019).

¹⁷⁰ 18 U.S.C. § 1505.

¹⁷¹ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 3-4 (Nov. 20, 2019).

¹⁷² Sondland Hearing Tr. at 160.

¹⁷³ Declaration of Ambassador Gordon Sondland, Department of State, at 3 (Nov. 4, 2019).

¹⁷⁴ *State Department Releases Ukraine Documents to American Oversight*, American Oversight (Nov. 22, 2019) (online at www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight); *American Oversight v. Dep't of State*, Case No. 19-cv-2934, Doc. No. 15 (D.D.C. November 25, 2019).

¹⁷⁵ Email from Office Manager to the Secretary of State to S_All (Mar. 26, 2019) (online at www.americanoversight.org/wp-content/uploads/2019/11/AO_State_Ukraine_Docs_11-22.pdf).

¹⁷⁶ Email from Madeleine Westerhout to State Department Official, (Mar. 27, 2019) (online at www.americanoversight.org/wp-content/uploads/2019/11/AO_State_Ukraine_Docs_11-22.pdf).

¹⁷⁷ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 27, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-09-27.EEC%20Engel%20Schiff%20to%20to%20Pompeo-%20State%20re%20Document%20Subpoena.pdf>).

¹⁷⁸ Taylor Dep. Tr. at 33-34.

¹⁷⁹ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong., at 20-23 (Nov. 20, 2019).

¹⁸⁰ Taylor Dep. Tr. at 45-46.

¹⁸¹ Hale Dep. Tr. at 147-148.

¹⁸² Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Mark Esper, Department of Defense (Oct. 7, 2019) (online at https://intelligence.house.gov/uploadedfiles/2019-10-07.eec_engel_schiff_to_esper-dod_re_subpoena.pdf).

¹⁸³ *Transcript: Secretary of Defense Mark Esper on "Face the Nation," October 13, 2019*, CBS News (Oct. 13, 2019) (online at www.cbsnews.com/news/transcript-secretary-of-defense-mark-esper-on-face-the-nation-october-13-2019/).

¹⁸⁴ Letter from Robert R. Hood, Assistant Secretary of Defense for Legislative Affairs, Department of Defense, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 15, 2019).

¹⁸⁵ *Transcript: Secretary of Defense Mark Esper on "Face the Nation," October 13, 2019*, CBS News (Oct. 13, 2019) (online at www.cbsnews.com/news/transcript-secretary-of-defense-mark-esper-on-face-the-nation-october-13-2019/).

¹⁸⁶ *See, e.g.*, Cooper Dep. Tr. at 42-43.

¹⁸⁷ *Id.* at 33.

¹⁸⁸ *Id.* at 33-38.

¹⁸⁹ Cooper Hearing Tr. at 13-14.

¹⁹⁰ *Id.* at 14.

¹⁹¹ *Id.*

¹⁹² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Rick Perry, Department of Energy (Oct. 10, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-10-10.EEC%20Engel%20Schiff%20to%20Perry-DOE%20Joint%20Cover%20Letter%20re%20Subpoena.pdf>).

¹⁹³ Letter from Melissa F. Burnison, Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy, to Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 18, 2019).

¹⁹⁴ Hill-Holmes Hearing Tr. at 160.

¹⁹⁵ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong. (Nov. 20, 2019).

¹⁹⁶ House Permanent Select Committee on Intelligence, Opening Statement of Ambassador Gordon Sondland, Department of State, *Impeachment*, 116th Cong. (Nov. 20, 2019).

¹⁹⁷ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Rudy Giuliani (Sept. 30, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/20190930%20-%20Giuliani%20HPSCI%20Subpoena%20Letter.pdf>).

¹⁹⁸ Letter from Jon A. Sale, Counsel to Rudy Giuliani, to Committee Staff (Oct. 15, 2019).

¹⁹⁹ *Id.*

²⁰⁰ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Igor Fruman (Sept. 30, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/20190930%20-%20Fruman%20Letter%20and%20Doc%20Request%20Schedule.pdf>); Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Lev Parnas (Sept. 30, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/20190930%20-%20Parnas%20Letter%20and%20Doc%20Request%20Schedule.pdf>).

²⁰¹ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to John M. Dowd, Counsel to Igor Fruman and Lev Parnas (Oct. 10, 2019) (online at https://intelligence.house.gov/uploadedfiles/2019-10-09.eec_engel_schiff_to_parnas_fruman_re_subpoena.pdf).

²⁰² Letter from John M. Dowd, Counsel to Igor Fruman and Lev Parnas, to Committee Staff (Oct. 3, 2019).

²⁰³ Letter from John M. Dowd, Counsel to Igor Fruman and Lev Parnas, to Committee Staff (Oct. 8, 2019).

²⁰⁴ Email from John M. Dowd, Counsel to Igor Fruman and Lev Parnas, to Committee Staff (Oct. 9, 2019).

²⁰⁵ Email from Committee Staff to John M. Dowd, Counsel to Igor Fruman and Lev Parnas (Oct. 10, 2019).

²⁰⁶ Email from John M. Dowd, Counsel to Igor Fruman and Lev Parnas, to Committee Staff (Oct. 10, 2019).

²⁰⁷ *Exclusive: Giuliani Associate Parnas Will Comply with Trump Impeachment Inquiry—Lawyer*, Reuters (Nov. 4, 2019) (online at www.reuters.com/article/us-usa-trump-impeachment-parnas-exclusiv/exclusive-giuliani-associate-now-willing-to-comply-with-trump-impeachment-inquiry-lawyer-idUSKBN1XE297). On November 23, 2019, Mr. Parnas' attorney informed the press that "Mr. Parnas learned from former Ukrainian Prosecutor General Victor Shokin that [Ranking Member Devin] Nunes had met with Shokin in Vienna last December." According to the report, "Parnas says he worked to put Nunes in touch with Ukrainians who could help Nunes dig up dirt on Biden and Democrats in Ukraine, according to Bondy." *Exclusive: Giuliani Associate Willing to Tell Congress Nunes Met with Ex-Ukrainian Official to Get Dirt on Biden*, CNN (Nov. 23, 2019) (online at

www.cnn.com/2019/11/22/politics/nunes-vienna-trip-ukrainian-prosecutor-biden/index.html). On November 24, 2019, Mr. Parnas' attorney told press that his client had arranged skype and phone calls earlier this year between Ranking Member Nunes' staff and Ukraine's chief anti-corruption prosecutor, Nazar Kholodnytsky, as well as a deputy in Ukraine's Prosecutor General's office, Kostantyn Kulyk. According to Mr. Parnas' attorney, Ranking Member Nunes had actually planned a trip to Ukraine instead of the calls, but cancelled the trip when his staff realized it would require alerting Chairman Schiff about the travel. *Giuliani Associate Parnas Wants to Testify that Nunes Aides Hid Ukraine Meetings on Biden Dirt from Schiff*, CNBC (Nov. 24, 2019) (online at www.cnbc.com/2019/11/24/giuliani-ally-would-testify-that-nunes-staffers-hid-ukraine-meetings-from-schiff.html).

²⁰⁸ Letter from Pat A. Cipollone, Counsel to the President, The White House, to House Speaker Nancy Pelosi, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs Committee, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

²⁰⁹ See 2 U.S.C. §§ 192, 194. Witnesses who received subpoenas that were subsequently withdrawn would not face a similar risk of being held in contempt of Congress.

²¹⁰ See, e.g., Email from Committee Staff to Mick Mulvaney, Acting Chief of Staff, The White House (Nov. 7, 2019) ("Your failure or refusal to comply with the subpoena, including at the direction or behest of the President, shall constitute further evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against you and the President. Moreover, your failure to appear shall constitute evidence that may be used against you in a contempt proceeding.")

²¹¹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, Mick Mulvaney, Acting Chief of Staff, The White House (Nov. 5, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-11-05.CBM%20Engel%20Schiff%20to%20Mulvaney-WH%20re%20Depo%20Notice.pdf>).

²¹² House Permanent Select Committee on Intelligence, Subpoena to Mick Mulvaney, Acting Chief of Staff, The White House (Nov. 7, 2019).

²¹³ Email from William Pittard, Counsel to Mick Mulvaney, Acting Chief of Staff, The White House, to Committee Staff (Nov. 8, 2019).

²¹⁴ Letter from Pat A. Cipollone, Counsel to the President, The White House, to William Pittard, Counsel to Mick Mulvaney, Acting Chief of Staff, The White House (Nov. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

²¹⁵ Letter from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel, Department of Justice, to Pat A. Cipollone, Counsel to the President, The White House (Nov. 7, 2019).

²¹⁶ Mulvaney Dep. Tr. at 5.

²¹⁷ *Id.* at 7-9.

²¹⁸ On November 8, 2019, Mr. Mulvaney filed a motion in federal court seeking to join a lawsuit, discussed below, filed by Dr. Charles Kupperman seeking a declaratory judgment as to whether he should comply with the Committees' subpoena. On November 11, 2019, Mr. Mulvaney withdrew his request to join the case. *White House Chief of Staff Mulvaney Drops Bid to Join Kupperman Impeachment Lawsuit*, Washington Post (Nov. 11, 2019) (online at www.washingtonpost.com/local/legal-issues/bolton-and-kupperman-reject-white-house-chief-of-staff-mulvaney-bid-to-join-impeachment-lawsuit/2019/11/11/cdf40226-04ac-11ea-8292-c46ee8cb3dce_story.html).

²¹⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff, The White House (Oct. 24, 2019).

²²⁰ Letter from Whitney C. Ellerman, Counsel to Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff, The White House, to Chairman Eliot L. Engel, House Committee on Foreign Affairs,

Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform (Nov. 2, 2019).

²²¹ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Whitney C. Ellerman, Counsel to Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff, The White House (Nov. 3, 2019); House Permanent Select Committee on Intelligence, Subpoena to Robert B. Blair, Assistant to the President and Senior Advisor to the Chief of Staff, The White House (Nov. 3, 2019).

²²² Blair Dep. Tr. at 6-7.

²²³ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Charles J. Cooper and Michael W. Kirk, Counsel to Ambassador John Bolton, Former National Security Advisor, The White House (Oct. 30, 2019).

²²⁴ Email from Charles J. Cooper, Counsel to Ambassador John Bolton, Former National Security Advisor, The White House, to Committee Staff (Oct. 30, 2019).

²²⁵ Letter from Charles J. Cooper, Counsel to Ambassador John Bolton, Former National Security Advisor, The White House, to Douglas N. Letter, General Counsel, House of Representatives (Nov. 8, 2019).

²²⁶ In early November 2019, Ambassador Bolton's personal attorney also informed Committee staff that if the Committees were to issue a subpoena to compel his testimony, he would seek to join the lawsuit filed by Dr. Kupperman. On November 24, 2019, Chairman Schiff stated, "We've certainly been in touch with his lawyer and what we've been informed by his lawyer—because we invited him and he did not choose to come in and testify, notwithstanding the fact that his deputy Fiona Hill and his other deputy Colonel Vindman and Tim Morrison and others on the National Security Council have shown the courage to come in—is if we subpoena him, they will sue us in court." *Schiff Pushes Bolton to Testify But Will Not Go to Court to Force Him*, CNN (Nov. 24, 2019) (online at www.cnn.com/2019/11/24/politics/adam-schiff-house-democrats-impeachment-state-of-the-union-cmntv/index.html).

²²⁷ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to John A. Eisenberg, Deputy Counsel to the President for National Security Affairs and Legal Advisor to the National Security Council, National Security Council, The White House (Oct. 30, 2019).

²²⁸ Eisenberg Dep. Tr. at 6 ("Mr. Eisenberg never acknowledged receipt or otherwise responded to the committees' deposition request, nor did any official at the White House.").

²²⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to John A. Eisenberg, Deputy Counsel to the President for National Security Affairs and Legal Advisor to the National Security Council, National Security Council, The White House (Nov. 1, 2019); House Permanent Select Committee on Intelligence, Subpoena to John A. Eisenberg, Deputy Counsel to the President for National Security Affairs and Legal Advisor to the National Security Council, The White House (Nov. 1, 2019).

²³⁰ Letter from William A. Burck, Counsel to John A. Eisenberg, Deputy Counsel to the President for National Security Affairs and Legal Advisor to the National Security Council, National Security Council, The White House, to Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform (Nov. 4, 2019).

²³¹ Letter from Pat A. Cipollone, Counsel to the President, The White House, to William A. Burck, Counsel to John A. Eisenberg, Deputy Counsel to the President for National Security Affairs and Legal Advisor to the National Security Council, National Security Council, The White House (Nov. 3, 2019).

²³² Letter from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel, Department of Justice, to Pat A. Cipollone, Counsel to the President, The White House (Nov. 3, 2019).

²³³ Eisenberg Dep. Tr. at 6-8.

²³⁴ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Michael Ellis, Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council, National Security Council, The White House (Oct. 30, 2019).

²³⁵ Email from Paul Butler, Counsel to Michael Ellis, Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council, National Security Council, The White House, to Committee Staff (Nov. 2, 2019).

²³⁶ Email from Paul Butler, Counsel to Michael Ellis, Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council, National Security Council, The White House, to Committee Staff (Nov. 3, 2019).

²³⁷ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Paul W. Butler, Counsel to Michael Ellis, Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council, National Security Council, The White House (Nov. 3, 2019); House Permanent Select Committee on Intelligence, Subpoena to Michael Ellis, Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council, National Security Council, The White House (Nov. 3, 2019).

²³⁸ Ellis Dep. Tr. at 7.

²³⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council (Oct. 24, 2019).

²⁴⁰ Letter from Karen D. Williams, Counsel to Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council, to Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform (Nov. 4, 2019).

²⁴¹ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Karen D. Williams, Counsel to Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council (Nov. 4, 2019); House Permanent Select Committee on Intelligence, Subpoena to Preston Wells Griffith, Senior Director for International Energy and Environment, National Security Council (Nov. 4, 2019).

²⁴² Griffith Dep. Tr. at 5-6.

²⁴³ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council (Oct. 16, 2019).

²⁴⁴ Email from Committee Staff to Charles J. Cooper and Michael W. Kirk, Counsel to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council (Oct. 25, 2019); House Permanent Select Committee on Intelligence, Subpoena to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council (Oct. 25, 2019).

²⁴⁵ Compl., *Kupperman v. U.S. House of Representatives et al.*, No. 19 Civ. 3224 (D.D.C. filed Oct. 25, 2019).

²⁴⁶ Email from Michael W. Kirk, Counsel to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council, to Committee Staff (Oct. 25, 2019).

²⁴⁷ Letter from Pat A. Cipollone, Counsel to the President, The White House, to Charles J. Cooper, Counsel to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council (Oct. 25, 2019).

²⁴⁸ Letter from Steven A. Engel, Assistant Attorney General, Office of Legal Counsel, Department of Justice, to Pat A. Cipollone, Counsel to the President, The White House (Oct. 25, 2019).

²⁴⁹ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Charles J. Cooper and Michael W. Kirk, Counsel to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council (Oct. 26, 2019).

²⁵⁰ Letter from Charles J. Cooper, Counsel to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council, to Committee Staff (Oct. 26, 2019).

²⁵¹ Letter from Charles J. Cooper, Counsel to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council, to Committee Staff (Oct. 27, 2019).

²⁵² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform to Charles J. Cooper and Michael W. Kirk, Counsel to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council, (Nov. 5, 2019).

²⁵³ Letter from Charles J. Cooper, Counsel to Dr. Charles M. Kupperman, Former Deputy Assistant to the President for National Security Affairs, National Security Council, to Douglas N. Letter, General Counsel, House of Representatives (Nov. 8, 2019).

²⁵⁴ *Committee on the Judiciary v. McGahn*, Memorandum Opinion (D.D.C. Nov. 25, 2019) (“To make the point as plain as possible, it is clear to this Court for the reasons explained above that, with respect to senior-level presidential aides, absolute immunity from compelled congressional process simply does not exist. Indeed, absolute testimonial immunity for senior-level White House aides appears to be a fiction that has been fastidiously maintained over time through the force of sheer repetition in OLC opinions, and through accommodations that have permitted its proponents to avoid having the proposition tested in the crucible of litigation. And because the contention that a President’s top advisors cannot be subjected to compulsory congressional process simply has no basis in the law, it does not matter whether such immunity would theoretically be available to only a handful of presidential aides due to the sensitivity of their positions, or to the entire Executive branch. Nor does it make any difference whether the aides in question are privy to national security matters, or work solely on domestic issues.”). As of this report, an appeal is pending in the D.C. Circuit. No. 19-5331 (D.C. Cir.).

²⁵⁵ *See Kupperman v. U.S. House of Representatives, et al.*, No. 19 Civ. 3224 (D.D.C.). As of this report, the House Defendants’ Motion to Dismiss (Nov. 14, 2019), ECF No. 41, remains pending. Although the Committee will not reissue the subpoena to Dr. Kupperman and the court case is moot, he could choose to appear on a voluntary basis to assist Congress in the discharge of its Constitutional responsibilities.

²⁵⁶ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Acting Director Russell T. Vought, Office of Management and Budget (Oct. 11, 2019).

²⁵⁷ Email from Jessica L. Donlon, Deputy General Counsel for Oversight, Office of Management and Budget, to Committee Staff (Oct. 21, 2019).

²⁵⁸ Russell T. Vought, Twitter (Oct. 21, 2019) (online at <https://twitter.com/RussVought45/status/1186276793172578306?s=20>).

²⁵⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Acting Director Russell T. Vought, Office of Management and Budget (Oct. 25, 2019).

²⁶⁰ Letter from Jason A. Yaworske, Associate Director for Legislative Affairs, Office of Management and Budget, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Nov. 4, 2019).

²⁶¹ Vought Dep. Tr. at 10-11.

²⁶² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Associate Director Michael Duffey, Office of Management and Budget (Oct. 11, 2019).

²⁶³ Email from Jessica L. Donlon, Deputy General Counsel for Oversight, Office of Management and Budget, to Committee Staff (Oct. 21, 2019).

²⁶⁴ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Michael Duffey, Associate Director of National Security Programs, Office of Management and Budget (Oct. 25, 2019) (online at https://intelligence.house.gov/uploadedfiles/20191025_-_letter_duffey_re_subpoena.pdf); House Permanent Select Committee on Intelligence, Subpoena to Michael Duffey, Associate Director of National Security Programs, Office of Management and Budget (Oct. 25, 2019).

²⁶⁵ Letter from Jason A. Yaworske, Associate Director for Legislative Affairs, Office of Management and Budget, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Nov. 4, 2019).

²⁶⁶ Duffey Dep. Tr. at 7.

²⁶⁷ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Brian McCormack, Associate Director for Natural Resources, Energy, and Science, Office of Management and Budget (Oct. 24, 2019).

²⁶⁸ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Brian McCormack, Associate Director for Natural Resources, Energy, and Science, Office of Management and Budget (Nov. 1, 2019); House Permanent Select Committee on Intelligence, Subpoena to Brian McCormack, Associate Director for Natural Resources, Energy, and Science, Office of Management and Budget (Nov. 1, 2019).

²⁶⁹ Letter from Jason A. Yaworske, Associate Director for Legislative Affairs, Office of Management and Budget, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Nov. 4, 2019).

²⁷⁰ McCormack Dep. Tr. at 6.

²⁷¹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 13, 2019).

²⁷² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 27, 2019) (internal citations omitted) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-09-27.EEC%20Engel%20Schiff%20to%20Pompeo-%20State%20re%20Depositions.pdf>).

²⁷³ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to T. Ulrich Brechbuhl, Counselor, Department of State (Sept. 27, 2019).

²⁷⁴ Letter from Secretary Michael R. Pompeo, Department of State, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (Oct. 1, 2019) (Secretary Pompeo sent identical letters to Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, the same day).

²⁷⁵ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Deputy Secretary of State John J. Sullivan, Department of State (Oct. 1, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-10-01%20ELEC%20ABS%20to%20TOD%20DEPSEC%20SULLIVAN.pdf>).

²⁷⁶ Email from Ronald J. Tenpas, Counsel to T. Ulrich Brechbuhl, Counselor, Department of State, to Committee Staff (Oct. 2, 2019).

²⁷⁷ Email from Committee Staff, to Ronald J. Tenpas, Counsel to T. Ulrich Brechbuhl, Counselor, Department of State (Oct. 8, 2019).

²⁷⁸ Email from Committee Staff, to Ronald J. Tenpas, Counsel to T. Ulrich Brechbuhl, Counselor, Department of State (Oct. 9, 2019).

²⁷⁹ Email from Ronald J. Tenpas, Counsel to T. Ulrich Brechbuhl, Counselor, Department of State, to Committee Staff (Oct. 9, 2019).

²⁸⁰ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to T. Ulrich Brechbuhl, Counselor, Department of State (Oct. 25, 2019); House Permanent Select Committee on Intelligence, Subpoena to T. Ulrich Brechbuhl, Counselor, Department of State (Oct. 25, 2019).

²⁸¹ Letter from Ronald J. Tenpas, Counsel to T. Ulrich Brechbuhl, Counselor, Department of State to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform (Nov. 5, 2019).

²⁸² Brechbuhl Dep. Tr. at 4-5.

²⁸³ Email from Committee staff to Ronald J. Tenpas, Counsel to T. Ulrich Brechbuhl, Counselor, Department of State (Nov. 5, 2019); Email from Committee Staff to Ronald J. Tenpas, Counsel to T. Ulrich Brechbuhl, Counselor (Nov. 22, 2019).

²⁸⁴ Letter from Brian Bulatao, Under Secretary of State for Management, to Ronald J. Tenpas, Counsel to T. Ulrich Brechbuhl, Counselor, Department of State (Nov. 4, 2019.)

²⁸⁵ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Secretary Rick Perry, Department of Energy (Nov. 1, 2019).

²⁸⁶ Letter from General Counsel Bill Cooper, Department of Energy, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform (Nov. 5, 2019).

²⁸⁷ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 13, 2019).

²⁸⁸ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 27, 2019) (internal citations omitted).

²⁸⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State (Sept. 27, 2019).

²⁹⁰ Letter from Secretary Michael R. Pompeo, Department of State, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (Oct. 1, 2019) (Secretary Pompeo sent identical letters to Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, the same day).

²⁹¹ Letter from Brian Bulatao, Under Secretary of State for Management, Department of State, to Lawrence S. Robbins, Counsel to Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State (Oct. 10, 2019).

²⁹² The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 10, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-69/).

²⁹³ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Lawrence S. Robbins, Counsel to Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State (Oct. 11, 2019); House Permanent Select Committee on Intelligence, Subpoena to Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State (Oct. 11, 2019).

²⁹⁴ Letter from Lawrence S. Robbins, Counsel to Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State, to Brian Bulatao, Under Secretary of State for Management, Department of State (Oct. 11, 2019) (citations omitted).

²⁹⁵ Yovanovitch Dep. Tr.

²⁹⁶ *Id.* at 70.

²⁹⁷ Email from Committee Staff to Lawrence S. Robbins, Counsel to Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State (Nov. 15, 2019); House Permanent Select Committee on Intelligence, Subpoena to Ambassador Marie Yovanovitch, Former U.S. Ambassador to Ukraine, Department of State (Nov. 15, 2019).

²⁹⁸ Yovanovitch Hearing Tr. at 157-158.

²⁹⁹ Letter from Chairman Elijah E. Cummings, House Committee on Oversight and Reform, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, to Secretary Michael R. Pompeo, Department of State (Sept. 27, 2019) (internal citations omitted) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-09-27.EEC%20Engel%20Schiff%20to%20Pompeo-%20State%20re%20Depositions.pdf>).

³⁰⁰ Letter from Chairman Elijah E. Cummings, House Committee on Oversight and Reform, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, to Ambassador Gordon Sondland, U.S. Ambassador to the European Union, Department of State (Sept. 27, 2019).

³⁰¹ Letter from Secretary Michael R. Pompeo, Department of State, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (Oct. 1, 2019) (Secretary Pompeo sent identical letters to Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, the same day).

³⁰² Letter from Brian Bulatao, Under Secretary of State for Management, Department of State, to Robert Luskin, Counsel to Ambassador Gordon Sondland, U.S. Ambassador to the European Union, Department of State (Oct. 7, 2019).

³⁰³ Email from Robert Luskin, Counsel to Ambassador Gordon Sondland, U.S. Ambassador to the European Union, Department of State, to Committee Staff (Oct. 8, 2019).

³⁰⁴ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Ambassador Gordon Sondland, U.S. Ambassador to the European Union, Department of State (Oct. 8, 2019); House Permanent Select Committee on Intelligence, Subpoena to Ambassador Gordon Sondland, U.S. Ambassador to the European Union, Department of State (Oct. 11, 2019).

³⁰⁵ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Ambassador Gordon Sondland, U.S. Ambassador to the European Union, Department of State (Oct. 14, 2019).

³⁰⁶ Sondland Dep. Tr.

³⁰⁷ *Id.* at 16.

³⁰⁸ *Id.* at 17.

³⁰⁹ Letter from Robert Luskin, Counsel to Ambassador Gordon Sondland, U.S. Ambassador to the European Union, Department of State, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Nov. 4, 2019); Declaration of Ambassador Gordon Sondland, Department of State (Nov. 4, 2019).

³¹⁰ House Permanent Select Committee on Intelligence, Subpoena to Ambassador Gordon Sondland, U.S. Ambassador to the European Union, Department of State (Nov. 20, 2019).

³¹¹ Sondland Hearing Tr. at 160.

³¹² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 13, 2019).

³¹³ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 27, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-09-27.EEC%20Engel%20Schiff%20%20to%20Pompeo-%20State%20re%20Depositions.pdf>) (internal citations omitted).

³¹⁴ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to George P. Kent, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, Department of State (Sept. 27, 2019).

³¹⁵ Email from George P. Kent, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, Department of State, to Committee Staff (Sept. 27, 2019).

³¹⁶ Letter from Secretary Michael R. Pompeo, Department of State, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (Oct. 1, 2019) (Secretary Pompeo sent identical letters to Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, the same day).

³¹⁷ Email from Committee Staff to Andrew M. Wright, Counsel to George P. Kent, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, Department of State (Oct. 8, 2019).

³¹⁸ Letter from Brian Bulatao, Under Secretary of State for Management, Department of State, to Andrew M. Wright, Counsel to George P. Kent, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, Department of State (Oct. 10, 2019).

³¹⁹ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Andrew M. Wright, Counsel to George P. Kent, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, Department of State (Oct. 15, 2019); House Permanent Select Committee on Intelligence, Subpoena to George P. Kent, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, Department of State (Oct. 15, 2019).

³²⁰ Kent Dep. Tr.

³²¹ *Id.* at 17.

³²² House Permanent Select Committee on Intelligence, Subpoena to George P. Kent, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, Department of State (Nov. 20, 2019).

³²³ Kent-Taylor Hearing Tr. at 142-143.

³²⁴ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to John J. Sullivan, Deputy Secretary of State, Department of State (Oct. 4, 2019).

³²⁵ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Ambassador William B. Taylor, Jr., Chargé d' Affaires, U.S. Embassy, Kyiv, Department of State (Oct. 4, 2019).

³²⁶ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Ambassador William B. Taylor, Jr., Ambassador William B. Taylor, Jr., Chargé d' Affaires, U.S. Embassy, Kyiv, Department of State (Oct. 14, 2019).

³²⁷ Email from Committee Staff to John B. Bellinger, III, and Jeffrey H. Smith, Counsel to Ambassador William B. Taylor, Jr., Chargé d' Affaires, U.S. Embassy, Kyiv, Department of State (Oct. 22, 2019); House Permanent Select Committee on Intelligence, Subpoena to Ambassador William B. Taylor, Jr., Chargé d' Affaires, U.S. Embassy, Kyiv, Department of State (Oct. 22, 2019).

³²⁸ Taylor Dep. Tr. at 83.

³²⁹ House Permanent Select Committee on Intelligence, Subpoena to Ambassador William B. Taylor, Jr., Chargé d' Affaires, U.S. Embassy, Kyiv, Department of State (Nov. 13, 2019).

³³⁰ Kent-Taylor Hearing Tr. at 143.

³³¹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Mark J. MacDougall, Counsel to Catherine Croft, Foreign Service Officer, Department of State (Oct. 24, 2019); Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Mark J. MacDougall, Counsel to Christopher Anderson, Foreign Service Officer, Department of State (Oct. 24, 2019).

³³² Letter from Mark J. MacDougall, Counsel to Catherine Croft, Foreign Service Officer, Department of State, and Christopher Anderson, Foreign Service Officer, Department of State, to Committee Staff (Oct. 25, 2019).

³³³ Letter from Brian Bulatao, Under Secretary of State for Management, Department of State, to Mark J. MacDougall, Counsel to Catherine Croft, Foreign Service Officer, Department of State (Oct. 28, 2019) (bracketed text in original); Letter from Brian Bulatao, Under Secretary of State for Management, Department of State, to Mark J. MacDougall, Counsel to Christopher Anderson, Foreign Service Officer, Department of State (Oct. 28, 2019) (bracketed text in original); *see* Letter from Pat A. Cipollone, Counsel to the President, The White House, to Speaker Nancy Pelosi, Chairman Elijah E. Cummings, House Committee on Oversight and Reform, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Oct. 8, 2019) (online at www.whitehouse.gov/wp-content/uploads/2019/10/PAC-Letter-10.08.2019.pdf).

³³⁴ Email from Committee Staff to Mark J. MacDougall and Abbey McNaughton, Counsel to Catherine Croft, Foreign Service Officer, Department of State and Christopher Anderson, Foreign Service Officer, Department of State (Oct. 30, 2019); House Permanent Select Committee on Intelligence, Subpoena to Catherine Croft, Foreign Service Officer, Department of State (Oct. 30, 2019); House Permanent Select Committee on Intelligence, Subpoena to Christopher Anderson, Foreign Service Officer, Department of State (Oct. 30, 2019).

³³⁵ Croft Dep. Tr.; Anderson Dep. Tr.

³³⁶ Croft Dep. Tr. at 12.

³³⁷ Anderson Dep. Tr. at 11-12.

³³⁸ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Laura K. Cooper, Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia, Department of Defense (Oct. 11, 2019).

³³⁹ Letter from Deputy Secretary of Defense David L. Norquist to Daniel Levin, Counsel to Laura K. Cooper, Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia, Department of Defense (Oct. 22, 2019).

³⁴⁰ Email from Committee Staff to Dan Levin, Counsel to Laura K. Cooper, Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia, Department of Defense (Oct. 23, 2019); House Permanent Select Committee on Intelligence, Subpoena to Laura K. Cooper, Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia, Department of Defense (Oct. 23, 2019).

³⁴¹ Cooper Dep. Tr.

³⁴² *Id.* at 108.

³⁴³ Email from Committee Staff to Dan Levin, Counsel to Laura K. Cooper, Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia, Department of Defense (Nov. 20, 2019); House Permanent Select Committee on Intelligence, Subpoena to Laura K. Cooper, Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia, Department of Defense (Nov. 20, 2019).

³⁴⁴ Cooper-Hale Hearing Tr.

³⁴⁵ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Mark Sandy, Deputy Associate Director of National Security Programs, Office of Management and Budget (Nov. 5, 2019).

³⁴⁶ Email from Mark Sandy, Deputy Associate Director of National Security Programs, Office of Management and Budget, to Committee Staff (Nov. 6, 2019).

³⁴⁷ Email from Jessica L. Donlon, Deputy General Counsel for Oversight, Office of Management and Budget, to Committee Staff (Nov. 7, 2019).

³⁴⁸ Email from Committee Staff to Barbara Van Gelder, Counsel to Mark Sandy, Deputy Associate Director of National Security Programs, Office of Management and Budget (Nov. 16, 2019); House Permanent Select Committee on Intelligence, Subpoena to Mark Sandy, Deputy Associate Director of National Security Programs, Office of Management and Budget (Nov. 16, 2019).

³⁴⁹ Sandy Dep. Tr.

³⁵⁰ *Id.* at 161.

³⁵¹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Oct. 9, 2019).

³⁵² Letter from Lee S. Wolosky, Counsel to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council, to Michael M. Purpura, Deputy Counsel and Deputy Assistant to the President, The White House, and Patrick F. Philbin, Deputy Counsel and Deputy Assistant to the President, The White House (Oct. 13, 2019).

³⁵³ Letter from Michael M. Purpura, Deputy Counsel and Deputy Assistant to the President, The White House, to Lee S. Wolosky, Counsel to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Oct. 14, 2019).

³⁵⁴ Email from Committee Staff to Lee S. Wolosky and Samuel S. Ungar, Counsel to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Oct. 14, 2019); House Permanent Select Committee on Intelligence, Subpoena to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Oct. 14, 2019).

³⁵⁵ Hill Dep. Tr.

³⁵⁶ Letter from Lee S. Wolosky, Counsel to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council, to Michael M. Purpura, Deputy Counsel and Deputy Assistant to the President, The White House (Nov. 18, 2019).

³⁵⁷ Letter from Michael M. Purpura, Deputy Counsel and Deputy Assistant to the President, The White House, to Lee S. Wolosky, Counsel to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Nov. 20, 2019).

³⁵⁸ Email from Committee Staff to Lee S. Wolosky and Samuel S. Ungar, Counsel to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Nov. 21, 2019); House Permanent Select Committee on Intelligence, Subpoena to Dr. Fiona Hill, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Nov. 21, 2019).

³⁵⁹ Hill-Holmes Hearing Tr.

³⁶⁰ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Lieutenant Colonel Alexander S. Vindman, Director for Ukraine, National Security Council (Oct. 16, 2019).

³⁶¹ Email from Committee Staff to Michael Volkov and Matt Stankiewicz, Counsel to Lieutenant Colonel Alexander S. Vindman, Director for Ukraine, National Security Council (Oct. 29, 2019); House Permanent Select Committee on Intelligence, Subpoena to Lieutenant Colonel Alexander S. Vindman, Director for Ukraine, National Security Council (Oct. 29, 2019).

³⁶² Vindman Dep. Tr. (During the deposition, Lieutenant Colonel Vindman stated: "I was subpoenaed to appear here. You know, absent a subpoena, I would believe I was operating under the President's guidance to not appear, but I was subpoenaed and I presented myself." Vindman Dep. Tr. at 232).

³⁶³ Email from Committee Staff, to Michael Volkov and Matt Stankiewicz, Counsel to Lieutenant Colonel Alexander S. Vindman, Director for Ukraine, National Security Council (Nov. 19, 2019); House Permanent Select Committee on Intelligence, Subpoena to Lieutenant Colonel Alexander S. Vindman, Director for Ukraine, National Security Council (Nov. 19, 2019).

³⁶⁴ Vindman-Williams Hearing Tr.

³⁶⁵ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Timothy Morrison, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Oct. 16, 2019).

³⁶⁶ Email from Committee Staff to Barbara Van Gelder, Counsel to Timothy Morrison, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Oct. 31, 2019); House Permanent Select Committee on Intelligence, Subpoena to Timothy Morrison, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Oct. 31, 2019).

³⁶⁷ Morrison Dep. Tr.

³⁶⁸ Email from Committee Staff to Barbara Van Gelder, Counsel to Timothy Morrison, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Nov. 19, 2019); House Permanent Select Committee on Intelligence, Subpoena to Timothy Morrison, Former Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council (Nov. 19, 2019).

³⁶⁹ Morrison-Volker Hearing Tr.

³⁷⁰ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to David Hale, Under Secretary of State for Political Affairs, Department of State (Nov. 1, 2019).

³⁷¹ Letter from Brian A. Glasser, Counsel to David Hale, Under Secretary of State for Political Affairs, Department of State, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform (Nov. 5, 2019).

³⁷² Email from Committee Staff to Brian Glasser and Cary Joshi, Counsel for David Hale, Under Secretary of State for Political Affairs, Department of State (Nov. 6, 2019); House Permanent Select Committee on Intelligence, Subpoena to David Hale, Under Secretary of State for Political Affairs, Department of State (Nov. 6, 2019).

³⁷³ Hale Dep. Tr.

³⁷⁴ Email from Committee Staff to Brian A. Glasser, Counsel to David Hale, Under Secretary of State for Political Affairs, Department of State (Nov. 20, 2019); House Permanent Select Committee on Intelligence, Subpoena to David Hale, Under Secretary of State for Political Affairs, Department of State (Nov. 20, 2019).

³⁷⁵ Cooper-Hale Hearing Tr.

³⁷⁶ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and from Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Kenneth L. Wainstein, Counsel to David Holmes, Political Counselor at the U.S. Embassy in Kyiv, Ukraine, Department of State (Nov. 12, 2019).

³⁷⁷ Email from Committee Staff to Kenneth L. Wainstein, Paul J. Nathanson, and Katherine Swan, Counsel to David Holmes, Political Counselor at the U.S. Embassy in Kyiv, Ukraine, Department of State (Nov. 15, 2019); House Permanent Select Committee on Intelligence, Subpoena to David Holmes, Political Counselor at the U.S. Embassy in Kyiv, Ukraine, Department of State (Nov. 15, 2019).

³⁷⁸ Holmes Dep. Tr.

³⁷⁹ Email from Committee Staff to Kenneth L. Wainstein, Paul J. Nathanson, and Katherine Swan, Counsel to David Holmes, Political Counselor at the U.S. Embassy in Kyiv, Ukraine, Department of State (Nov. 21, 2019); House Permanent Select Committee on Intelligence, Subpoena to David Holmes, Political Counselor at the U.S. Embassy in Kyiv, Ukraine, Department of State (Nov. 21, 2019).

³⁸⁰ Hill-Holmes Hearing Tr.

³⁸¹ Email from Committee Staff to Ambassador P. Michael McKinley, Former Senior Advisor to the Secretary of State, Department of State (Oct. 12, 2019).

³⁸² Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to John B. Bellinger, III, Counsel to Ambassador P. Michael McKinley, Former Senior Advisor to the Secretary of State, Department of State (Oct. 14, 2019).

³⁸³ McKinley Transcribed Interview Tr.

³⁸⁴ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Ambassador Philip T. Reeker, Acting Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State (Oct. 16, 2019).

³⁸⁵ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, Chairman Eliot L. Engel, House Committee on Foreign Affairs, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Margaret E. Daum, Counsel to Ambassador Philip T. Reeker, Acting Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State (Oct. 25, 2019); House Permanent Select Committee on Intelligence, Subpoena to Ambassador Philip T. Reeker, Acting Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State (Oct. 25, 2019).

³⁸⁶ Reeker Dep. Tr.

³⁸⁷ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 13, 2019).

³⁸⁸ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Michael R. Pompeo, Department of State (Sept. 27, 2019).

³⁸⁹ Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Ambassador Kurt Volker, U.S. Special Representative for Ukraine Negotiations, Department of State (Sept. 27, 2019).

³⁹⁰ Letter from Secretary Michael F. Pompeo, Department of State, to Chairman Eliot L. Engel, House Committee on Foreign Affairs (Oct. 1, 2019) (Identical letters transmitted to Chairman Schiff and Chairman Cummings).

³⁹¹ Letter from Marik A. String, Acting Legal Advisor, Department of State, to Margaret E. Daum, Counsel to Ambassador Kurt Volker, U.S. Special Representative for Ukraine Negotiations, Department of State (Oct. 2, 2019).

³⁹² Letter from Margaret E. Daum, Counsel to Ambassador Kurt Volker, U.S. Special Representative for Ukraine Negotiations, Department of State, to Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform (Oct. 2, 2019); Kurt Volker Document Production, Bates KV0000000-KV00000065 (Oct. 2, 2019).

³⁹³ Volker Transcribed Interview Tr.

³⁹⁴ Morrison-Volker Hearing Tr.

³⁹⁵ Letter from Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Acting Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and Chairman Eliot L. Engel, House Committee on Foreign Affairs, to Justin Shur, Counsel to Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President (Nov. 4, 2019).

³⁹⁶ Email from Committee Staff to Justin Shur, Counsel to Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President (Nov. 7, 2019); House Permanent Select Committee on Intelligence, Subpoena to Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President (Nov. 7, 2019).

³⁹⁷ Williams Dep. Tr.

³⁹⁸ Letter from Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President, Justin Shur, Emily K. Damrau, and Caleb Hayes-Deats, Counsel to Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence (Nov. 11, 2019).

³⁹⁹ Email from Committee Staff to Justin Shur and Caleb Hayes-Deats, Counsel to Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President (Nov. 19, 2019); House Permanent Select Committee on Intelligence, Subpoena to Jennifer Williams, Special Advisor for Europe and Russia, Office of the Vice President (Nov. 19, 2019).

⁴⁰⁰ Vindman-Williams Hearing Tr.

⁴⁰¹ Yovanovitch Dep. Tr. at 193.

⁴⁰² Yovanovitch Hearing Tr. at 37-38.

⁴⁰³ *Id.* at 38.

⁴⁰⁴ Donald J. Trump, Twitter (Nov. 15, 2019) (online at <https://twitter.com/realDonaldTrump/status/1195356198347956224>).

⁴⁰⁵ Yovanovitch Hearing Tr. at 46.

⁴⁰⁶ *The Latest: Ousted Ukraine Ambassador Has Her Say in Hearing*, Associated Press (Nov. 16, 2019) (online at <https://apnews.com/2f420045618b4106b6fa7419a3d75b8e>).

⁴⁰⁷ *Impeachment Inquiry Hearing with Former US Ambassador to Ukraine*, CNN (Nov. 15, 2019) (online at www.cnn.com/politics/live-news/impeachment-hearing-11-15-19/h_fb32b149181437e02e5d937c6fc64f35). During a recess in the hearing at which Ambassador Yovanovitch was testifying, a federal jury returned a verdict of guilty against President Trump's longest-serving political advisor, Roger Stone, on seven criminal counts, including witness tampering and obstruction of Congress' investigation into Russian interference in the 2016 election and possible links to President Trump's campaign. Mr. Stone used threats and intimidation to attempt to persuade a witness to withhold information and lie to Congress. He has yet to be sentenced. See *Roger Stone Guilty on All Counts of Lying to Congress, Witness Tampering*, Washington Post (Nov. 15, 2019) (online at www.washingtonpost.com/local/public-safety/roger-stone-jury-weighs-evidence-and-a-defense-move-to-make-case-about-mueller/2019/11/15/554fff5a-06ff-11ea-8292-c46ee8cb3dce_story.html). Mr. Stone was convicted of giving false and misleading statements to the Intelligence Committee, failing to produce and lying about the existence of records responsive to Committee requests, and attempting to persuade a witness to give false testimony to the Committee. Among other acts of witness tampering, Mr. Stone told the witness to "Stonewall it. Plead the Fifth" and to "be honest w fbi" that "there was no back channel." He also called the witness a "rat" and "stoolie" and threatened retaliation. *United States v. Roger Stone*, Indictment, No. 1:19-cr-00018-ABJ (Jan. 24, 2019). Mr. Stone

was convicted of violating 18 U.S.C. § 1505 (obstruction), 18 U.S.C. § 1001 (false statements), and 18 U.S.C. § 1512(b) (witness tampering).

⁴⁰⁸ *Fox and Friends*, Fox News (Nov. 22, 2019) (online at www.youtube.com/watch?v=WNqKhRcpktU).

⁴⁰⁹ Donald J. Trump, Twitter (Oct. 23, 2019) (online at <https://twitter.com/realDonaldTrump/status/1189167309455331328>).

⁴¹⁰ The White House, *Remarks by President Trump Before Marine One Departure* (Nov. 3, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-74/).

⁴¹¹ Donald J. Trump, Twitter (Nov. 19, 2019) (retweeting Dan Scavino Jr., Twitter (Nov. 19, 2019) (online at <https://twitter.com/Scavino45/status/1196860213233684480>)).

⁴¹² See, e.g. *Berman Shocked by Republican's Attacks on US War Vet*, CNN (Oct. 29, 2019) (online at www.cnn.com/videos/politics/2019/10/29/duffy-berman-spar-over-vindman-loyalty-newday-vpx.cnn) (former Rep. Sean Duffy claiming that Lt. Col Vindman “has an affinity, I think for the Ukraine,” that “it seems very clear that he is incredibly concerned about Ukrainian defense,” and that “I don’t know that he’s concerned about American policy”); see also Rudy Giuliani, Twitter (Oct. 30, 2019) (online at <https://twitter.com/RudyGiuliani/status/1189732605383630850>) (claiming that Lt. Col. Vindman was “giving advice to two countries” and stating that “I thought he worked for US”).

⁴¹³ House Permanent Select Committee on Intelligence, *Written Statement of Lieutenant Colonel Alexander S. Vindman, Impeachment*, 116th Cong. (Nov. 19, 2019).

⁴¹⁴ Donald J. Trump, Twitter (Oct. 23, 2019) (online at <https://twitter.com/realDonaldTrump/status/1187063301731209220>).

⁴¹⁵ Donald J. Trump, Twitter (Oct. 23, 2019) (online at <https://twitter.com/realDonaldTrump/status/1187080923961012228>).

⁴¹⁶ The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 25, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-72/).

⁴¹⁷ Donald J. Trump, Twitter (Nov. 13, 2019) (online at <https://twitter.com/realdonaldtrump/status/1194608482793795584>).

⁴¹⁸ Donald J. Trump, Twitter (Nov. 17, 2019) (online at <https://twitter.com/realDonaldTrump/status/1196155347117002752>).

⁴¹⁹ Vindman-Williams Hearing Tr. at 97.

⁴²⁰ Donald J. Trump, Twitter (Nov. 16, 2019) (online at <https://twitter.com/realDonaldTrump/status/1195727871765073921>); Donald J. Trump, Twitter (Nov. 16, 2019) (online at <https://twitter.com/realDonaldTrump/status/1195727879780360193>).

⁴²¹ 50 U.S.C. § 3033(g)(3) (when a complaint is received from a member of the Intelligence Community, “the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken”).

⁴²² 50 U.S.C. § 3234(b).

⁴²³ Letter from Michael K. Atkinson, Inspector General of the Intelligence Community, to Chairman Adam B. Schiff, House Permanent Select Committee on Intelligence, and Ranking Member Devin Nunes, House Permanent Select Committee on Intelligence (Sept. 9, 2019); see also 50 U.S.C. § 3033(k)(5)(C) (“Upon receipt of the transmittal from the ICI, the Director shall within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.”)

⁴²⁴ Letter from Chairman, Adam B. Schiff, House Permanent Select Committee on Intelligence, to Joseph Maguire, Acting Director of National Intelligence, Office of the Director of National Intelligence (Sept. 13, 2019).

⁴²⁵ House Permanent Select Committee on Intelligence, *House Intelligence Committee Releases Whistleblower Complaint* (Sept. 26, 2019) (online at <https://intelligence.house.gov/news/documentsingle.aspx?DocumentID=708>).

⁴²⁶ *Listen: Audio of Trump Discussing Whistleblower at Private Event: 'That's Close to a Spy,'* Los Angeles Times (Sept. 26, 2019) (online at www.latimes.com/politics/story/2019-09-26/trump-at-private-breakfast-who-gave-the-whistle-blower-the-information-because-thats-almost-a-spy).

⁴²⁷ House Permanent Select Committee on Intelligence, *Chairmen Warn President to Stop Attacking Whistleblower and Witnesses to His Misconduct and to Halt Efforts to Obstruct Impeachment Inquiry* (Sept. 26, 2019) (online at <https://intelligence.house.gov/news/documentsingle.aspx?DocumentID=709>).

⁴²⁸ Donald J. Trump, Twitter (Sept. 29, 2019) (online at <https://twitter.com/realDonaldTrump/status/1178442765736333313?s=20>).

⁴²⁹ Donald J. Trump, Twitter (Oct. 4, 2019) (online at <https://twitter.com/realDonaldTrump/status/1180123504924151809>).

⁴³⁰ The White House, *Remarks by President Trump Before Marine One Departure* (Nov. 3, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-74/).

⁴³¹ Donald J. Trump, Twitter (Nov. 3, 2019) (online at <https://twitter.com/realdonaldtrump/status/1191000516580519937>).

⁴³² The White House, *Remarks by President Trump Before Marine One Departure* (Nov. 3, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-74/).

⁴³³ The White House, *Remarks by President Trump Before Marine One Departure* (Nov. 4, 2019) (online at www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-75/).

⁴³⁴ The White House, *Remarks by President Trump After Tour of Apple Manufacturing Plant* (Nov. 20, 2019) (online www.whitehouse.gov/briefings-statements/remarks-president-trump-tour-apple-manufacturing-plant-austin-tx/).

⁴³⁵ Letter from Chairman Adam B. Schiff to Ranking Member Devin Nunes, House Permanent Select Committee on Intelligence (Nov. 9, 2019).

⁴³⁶ In 2017, every Republican Member of Congress joined a unanimous vote in the House of Representatives to increase penalties for retaliation against whistleblowers. U.S. House of Representatives, Roll Call Vote Approving S. 585, The Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 (Oct. 12, 2017) (420 yeas, 0 nays) (online at www.govtrack.us/congress/votes/115-2017/h568).

⁴³⁷ *House Intelligence Chair News Conference*, C-SPAN (Mar. 24, 2017) (online at www.c-span.org/video/?425953-1/paul-manafort-volunteered-intelligence-committee-chairman-nunes).

⁴³⁸ *Id.*

⁴³⁹ Office of Senator Chuck Grassley, *Grassley Statement Regarding Intel Community Whistleblower* (Oct. 1, 2019) (online at www.grassley.senate.gov/news/news-releases/grassley-statement-regarding-intel-community-whistleblower).

⁴⁴⁰ *Senate Intel Chair Doesn't Want Whistleblower's Identity Disclosed*, The Hill (Nov. 7, 2019) (online at <https://thehill.com/homenews/senate/469455-senate-intel-chair-doesnt-want-whistleblowers-identity-disclosed>).

⁴⁴¹ *Republicans Break with Trump and Rand Paul on Whistleblower Unmasking*, Politico (Nov. 5, 2019) (online at www.politico.com/news/2019/11/05/rand-paul-trump-whistleblower-065917).

APPENDIX A: KEY PEOPLE AND ENTITIES

Anderson, Christopher J.	Special Advisor for Ukraine Negotiations, Department of State, August 2017-July 2019
Atkinson, Michael K.	Inspector General of the Intelligence Community, May 2018-present
Avakov, Arsen	Ukrainian Minister of Internal Affairs, February 2014-present
Bakanov, Ivan	Head of Security Service of Ukraine, August 2019-present; First Deputy Chief of the Security Service of Ukraine, May 2019-August 2019
Barr, William P.	Attorney General, Department of Justice, February 2019-present
Biden, Hunter	Son of former Vice President Joe Biden
Biden, Joseph R., Jr.	U.S. Vice President, January 2009-January 2017
Blair, Robert B.	Assistant to the President and Senior Advisor to the Chief of Staff, February 2019-present
Bohdan (Bogdan), Andriy	Head of Ukrainian Presidential Administration, May 2019-present
Bolton, John	National Security Advisor, March 2018-September 2019
Brechbuhl, T. Ulrich	Counselor, Department of State, May 2018-present
Bulatao, Brian	Under Secretary of State for Management, Department of State, May 2019-present
Burisma Holdings	Ukrainian energy company
Cipollone, Pat	White House Counsel, December 2018-present
Clinton, Hillary Rodham	Democratic Presidential candidate, November 2016
Cooper, Laura K.	Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia, Department of Defense, 2016-present
Croft, Catherine M.	Special Advisor for Ukraine Negotiations, Department of State, July 2019-present; Ukraine director, National Security Council, July 2017-July 2018

CrowdStrike	Cybersecurity company; object of conspiracy theories claiming that CrowdStrike framed Russia in hack of the DNC server in the 2016 U.S. election
Danyliuk (Danylyuk), Oleksandr “Sasha”	Secretary, Ukrainian National Security and Defense Council, May 2019-September 2019
diGenova, Joseph	Attorney allegedly working for President Trump to obtain information from Ukrainian officials on the Bidens
Duffey, Michael	Associate Director, National Security Programs, Office of Management and Budget, May 2019-present
Eisenberg, John	Legal Advisor to the National Security Council and Deputy Counsel to the President for National Security Affairs, February 2017-present
Ellis, Michael	Senior Associate Counsel to the President and Deputy Legal Advisor to the National Security Council, March 2017-present
Elwood, Courtney Simmons	General Counsel, Central Intelligence Agency, June 2017-present
Engel, Steven A.	Assistant Attorney General, Office of Legal Counsel, Department of Justice, November 2017-present
Esper, Mark	Secretary of Defense, Department of Defense, July 2019-present; Acting Secretary of Defense, June 2019-July 2019
Fruman, Igor	Giuliani associate named in indictment unsealed on October 10, 2019
Giuliani, Rudolph “Rudy”	President Trump’s agent and personal attorney
Griffith, P. Wells	Senior Director for International Energy and Environment, National Security Council, April 2018-present
Hale, David M.	Under Secretary of State for Political Affairs, Department of State, August 2018-present
Hannity, Sean	Host of <i>Hannity</i> , Fox News, January 2009-present
Hill, Fiona	Deputy Assistant to the President and Senior Director for Europe and Russia, National Security Council, April 2017-July 2019
Hochstein, Amos J.	Supervisory Board Member, Naftogaz, November 2017-present

Holmes, David A.	Political Counselor, U.S. Embassy in Kyiv, Ukraine, August 2017-present
Johnson, Ron	Senator from Wisconsin, Chairman, Senate Homeland Security and Governmental Affairs Committee, January 2015-present
Kellogg, Keith	National Security Advisor to the Vice President, April 2018-present
Kenna, Lisa D.	Executive Secretary in the Office of the Secretary, Department of State, June 2017-present
Kent, George P.	Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, September 2018-present; Deputy Chief of Mission in Kyiv, Ukraine, 2015-2018
Kholodnitsky, Nazar	Head, Ukrainian Specialized Anti-Corruption Prosecutor's Office, November 2015-present
Klitenic, Jason	General Counsel, Office of the Director of National Intelligence
Kulyk, Kostiantyn	Deputy Head of the Ukrainian Department of International Legal Cooperation of the Prosecutor General's Office, November 2018-November 2019
Kupperman, Charles M.	Deputy National Security Advisor, January 2019-September 2019
Kushner, Jared	Assistant to the President and Senior Advisor, 2017-present
Kvien, Kristina	Deputy Chief of Mission, U.S. Embassy in Kyiv, May 2019-present
Lutsenko, Yuriy	Ukrainian Prosecutor General, May 2016-August 2019
McCormack, Brian	Associate Director for Natural Resources, Office of Management and Budget, September 2019-present; Chief of Staff, Department of Energy, March 2017-September 2019
McKinley, P. Michael	Senior Advisor to the Secretary, Department of State, May 2018-October 2019
McKusker, Elaine A.	Deputy Under Secretary of Defense (Comptroller), Department of Defense, August 2017-present
Maguire, Joseph	Acting Director of National Intelligence, August 2019-present

Manafort, Paul	Chairman, Donald J. Trump presidential campaign, May 2016-August 2016; convicted in August 2018 on two counts of bank fraud, five counts of tax fraud, and one count of failure to disclose a foreign bank account
Morrison, Tim	Deputy Assistant to the President for National Security, National Security Council, July 2019-October 2019
Mueller, Robert S., III	Special Counsel, Department of Justice, May 2017-May 2019
Mulvaney, John Michael “Mick”	Acting Chief of Staff, White House, January 2019-present
Murphy, Chris	Senator from Connecticut, Ranking Member, Subcommittee on Near East, South Asia, Central Asia, and Counterterrorism, Senate Committee on Foreign Relations, formerly Ranking Member, Subcommittee on Europe and Regional Security Cooperation, Senate Committee on Foreign Relations, January 2017-January 2019
Naftogaz	Ukrainian state-owned national gas company
Parnas, Lev	Giuliani associate named in indictment unsealed on October 10, 2019
Patel, Kashyap “Kash”	Senior Director for Counterterrorism, National Security Council, July 2019-present; former Staff, Directorate of International Organizations and Alliances, National Security Council, February 2019-July 2019; former National Security Advisor, House Permanent Select Committee on Intelligence, March 2018-January 2019; former Senior Counsel for Counterterrorism, House Permanent Select Committee on Intelligence, April 2017-March 2018
Pence, Michael R.	Vice President, January 2017-present
Pennington, Joseph	Chargé d’Affaires, of the U.S. Embassy in Ukraine, May 2019
Perez, Carol Z.	Director General of the Foreign Service and Director of Human Services, January 2019-present
Perry, James Richard “Rick”	Secretary of Energy, March 2017-December 2019
Pompeo, Michael	Secretary of State, April 2018-present
Poroshenko, Petro	President of Ukraine, June 2014-May 2019

Portman, Robert	U.S. Senator from Ohio, January 2011-present; Chairman, Permanent Subcommittee on Investigations, Senate Homeland Security and Governmental Affairs Committee, January 2015-present
Purpura, Michael	Deputy Counsel to the President, December 2018-present
Putin, Vladimir	Russian President, May 2012-present
Reeker, Philip T.	Acting Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State, March 2019-present
Rood, John C.	Under Secretary of Defense for Policy, Department of Defense, January 2018-present
Sandy, Mark	Deputy Associate Director for National Security at the Office of Management and Budget, December 2013-present; Acting Director of the Office of Management and Budget, January 2017-February 2017
Sekulow, Jay	Personal attorney for President Trump
Shokin, Viktor	Ukrainian Prosecutor General of Ukraine, February 2015-March 2016
Short, Marc	Chief of Staff to Vice President Mike Pence, February 2019-present
Solomon, John	Author of articles promoting debunked conspiracy theories about the Bidens, CrowdStrike, and the 2016 U.S. election
Sondland, Gordon	U.S. Ambassador to the European Union, July 2018-present
String, Marik	Acting Legal Advisor, Office of the Legal Advisor, Department of State, June 2019-present
Sullivan, John J.	Deputy Secretary of State, Department of State, June 2017-present
Taylor, William B., Jr.	Chargé d’Affaires for the U.S. Embassy in Kyiv, Ukraine, June 2019-present
“Three Amigos”	Secretary of Energy Rick Perry, Ambassador Gordon Sondland, and Ambassador Kurt Volker
Toensing, Victoria	Attorney allegedly working “off the books” for President Trump to obtain information from Ukrainian officials on the Bidens

Trump, Donald J.	U.S. President, January 2017-present
Trump, Donald J., Jr.	Son of President Trump
Vindman, Alexander S.	Director for Ukraine, National Security Council, July 2018-present; Lieutenant Colonel, U.S. Army
Volker, Kurt	U.S. Special Representative for Ukraine Negotiations, Department of State, July 2017-September 2019
Vought, Russell T.	Acting Director, Office of Management and Budget, January 2019-present
Whistleblower	Author of complaint declassified by the Office of the Director of National Intelligence on September 25, 2019
Williams, Jennifer	Special Advisor for Europe and Russia, Office of the Vice President, April 2019-present
Yermak, Andriy	Assistant to the President of Ukraine, May 2019-present
Yovanovitch, Marie L.	U.S. Ambassador to Ukraine, August 2016-May 2019
Zakaria, Fareed	Host, <i>Fareed Zakaria GPS</i> , June 2008-present
Zelensky, Volodymyr	President of Ukraine, May 2019-present

APPENDIX B: ABBREVIATIONS AND COMMON TERMS

AntAC	Anti-Corruption Action Center
CDA	Chargé d'Affaires / Acting Ambassador
CIA	Central Intelligence Agency
Chargé d'Affaires	Acting Ambassador
CN	Congressional Notification
COM	Chief of Mission
DAS	Deputy Assistant Secretary
DC	Deputies Committee
DCM	Deputy Chief of Mission
DNI	Director of National Intelligence
DNC	Democratic National Committee
DOD	Department of Defense
DOE	Department of Energy
DOJ	Department of Justice
DOS	Department of State
DSCA	Defense Security Cooperation Agency
EDI	European Deterrence Initiative
ERI	European Reassurance Initiative
FBI	Federal Bureau of Investigation
FMF	Foreign Military Financing
FMS	Foreign Military Sales
FSB	Russian Federal Security Service
IC	Intelligence Community
ICIG	Inspector General for the Intelligence Community
IO	Bureau of International Organizations
IG	Inspector General
Legatt	Legal Attaché
LNG	Liquefied Natural Gas
MEMCON	Memorandum of Conversation
MLAT	Mutual Legal Assistance Treaty
NABU	National Anti-Corruption Bureau of Ukraine
NBU	National Bank of Ukraine
NDAA	National Defense Authorization Act
NSC	National Security Council
ODNI	Office of the Director of National Intelligence
OFAC	Office of Foreign Assets Control
OMB	Office of Management and Budget
OSCE	Organization for Security and Co-operation in Europe
OVP	Office of the Vice President
PAC	Political Action Committee
PC	Principals Committee
PCC	Policy Coordination Committee
PDB	President's Daily Briefing
PDM	Presidential Decision Memorandum

PGO	Prosecutor General's Office
SAPO	Specialized Anti-Corruption Prosecutor's Office
SBU	Security Service of Ukraine
SDN	Specially Designated Nationals and Blocked Persons
SMM	Special Monitoring Mission
SOC	Summary of Conclusions
SVTC	Secure Video Teleconference
TCG	Trilateral Contact Group
UNSCR	United Nations Security Council Resolution
USAI	Ukraine Security Assistance Initiative
USAID	United States Agency for International Development
WHSR	White House Situation Room
YES	Yalta European Strategy

**REPORT OF EVIDENCE IN THE DEMOCRATS' IMPEACHMENT INQUIRY
IN THE HOUSE OF REPRESENTATIVES**

Republican Staff Report Prepared For

Devin Nunes
Ranking Member
Permanent Select Committee on Intelligence

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Ranking Member
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Ranking Member
Committee on Foreign Affairs



December 2, 2019

EXECUTIVE SUMMARY

On November 8, 2016, nearly 63 million Americans from around the country chose Donald J. Trump to be the 45th President of the United States. Now, less than a year before the next presidential election, 231 House Democrats in Washington, D.C., are trying to undo the will of the American people.* As one Democrat admitted, the pursuit of this extreme course of action is because they want to stop President Trump’s re-election.†

Democrats in the House of Representatives have been working to impeach President Trump since his election. Democrats introduced four separate resolutions in 2017 and 2018 seeking to impeach President Trump.‡ In January 2019, on their first day in power, House Democrats again introduced articles of impeachment.§ That same day, a newly elected Congresswoman promised to an audience of her supporters, “we’re going to go in there and we’re going to impeach the [expletive deleted].”** Her comments are not isolated. Speaker Nancy Pelosi called President Trump “an impostor” and said it is “dangerous” to allow American voters to evaluate his performance in 2020.††

The Democrats’ impeachment inquiry is not the organic outgrowth of serious misconduct; it is an orchestrated campaign to upend our political system. The Democrats are trying to impeach a duly elected President based on the accusations and assumptions of unelected bureaucrats who disagreed with President Trump’s policy initiatives and processes. They are trying to impeach President Trump because some unelected bureaucrats were discomforted by an elected President’s telephone call with Ukrainian President Volodymyr Zelensky. They are trying to impeach President Trump because some unelected bureaucrats chafed at an elected President’s “outside the beltway” approach to diplomacy.

The sum and substance of the Democrats’ case for impeachment is that President Trump abused his authority to pressure Ukraine to investigate former Vice President Joe Biden, President Trump’s potential political rival, for President Trump’s benefit in the 2020 election. Democrats say this pressure campaign encompassed leveraging a White House meeting and the release of U.S. security assistance to force the Ukrainian President to succumb to President Trump’s political wishes. Democrats say that Mayor Rudy Giuliani, the President’s personal attorney, and a “shadow” group of U.S. officials conspired to benefit the President politically.

The evidence presented does not prove any of these Democrat allegations, and none of the Democrats’ witnesses testified to having evidence of bribery, extortion, or any high crime or misdemeanor.

* H. Res. 660, 116th Cong. (2019) (Roll call vote 604).

† *Weekends with Alex Witt* (MSNBC television broadcast May 5 2019) (interview with Rep. Al Green).

‡ H., Res. 705, 115th Cong. (2018); H. Res. 646, 115th Cong. (2017); H. Res. 621, 115th Cong. (2017); H. Res. 438, 115th Cong. (2017).

§ H. Res. 13, 116th Cong. (2019).

** Amy B. Wong, *Rep. Rashida Tlaib profanely promised to impeach Trump. She’s not sorry.*, Wash. Post, Jan. 4, 2019.

†† Emily Tillet, *Nancy Pelosi says Trump’s attacks on witnesses “very significant” to impeachment probe*, CBS News, Nov. 15, 2019; Dear Colleague Letter from Speaker Nancy Pelosi (Nov. 18, 2019).

The evidence does not support the accusation that President Trump pressured President Zelensky to initiate investigations for the purpose of benefiting the President in the 2020 election. The evidence does not support the accusation that President Trump covered up the summary of his phone conversation with President Zelensky. The evidence does not support the accusation that President Trump obstructed the Democrats' impeachment inquiry.

At the heart of the matter, the impeachment inquiry involves the actions of only two people: President Trump and President Zelensky. The summary of their July 25, 2019, telephone conversation shows no *quid pro quo* or indication of conditionality, threats, or pressure—much less evidence of bribery or extortion. The summary reflects laughter, pleasantries, and cordiality. President Zelensky has said publicly and repeatedly that he felt no pressure. President Trump has said publicly and repeatedly that he exerted no pressure.

Even examining evidence beyond the presidential phone call shows no *quid pro quo*, bribery, extortion, or abuse of power. The evidence shows that President Trump holds a deep-seated, genuine, and reasonable skepticism of Ukraine due to its history of pervasive corruption. The President has also been vocal about his skepticism of U.S. foreign aid and the need for European allies to shoulder more of the financial burden for regional defense. Senior Ukrainian officials under former President Petro Poroshenko publicly attacked then-candidate Trump during the 2016 campaign—including some senior Ukrainian officials who remained in their positions after President Zelensky's term began. All of these factors bear on the President's state of mind and help to explain the President's actions toward Ukraine and President Zelensky.

Understood in this proper context, the President's initial hesitation to meet with President Zelensky or to provide U.S. taxpayer-funded security assistance to Ukraine without thoughtful review is entirely prudent. Ultimately, President Zelensky took decisive action demonstrating his commitment to promoting reform, combatting corruption, and replacing Poroshenko-era holdovers with new leadership in his Administration. President Trump then released security assistance to Ukraine and met with President Zelensky in September 2019—all without Ukraine taking any action to investigate President Trump's political rival.

House Democrats allege that Ukraine felt pressure to bend to the President's political will, but the evidence shows a different reality. Ukraine felt good about its relationship with the United States in the early months of the Zelensky Administration, having had several high-level meetings with senior U.S. officials between July and September. Although U.S. security assistance was temporarily paused, the U.S. government did not convey the pause to the Ukrainians because U.S. officials believed the pause would get worked out and, if publicized, may be mischaracterized as a shift in U.S. policy towards Ukraine. U.S. officials said that the Ukrainian government in Kyiv never knew the aid was delayed until reading about it in the U.S. media. Ambassador Kurt Volker, the key American interlocutor trusted by the Ukrainian government, said the Ukrainians never raised concerns to him until after the pause became public in late August.

The Democrats' impeachment narrative ignores Ukraine's dramatic transformation in its fight against endemic corruption. President Trump was skeptical of Ukrainian corruption and his Administration sought proof that newly-elected President Zelensky was a true reformer. And

after winning a parliamentary majority, the new Zelensky administration took rapid strides to crack down on corruption. Several high-level U.S. officials observed firsthand these anti-corruption achievements in Kyiv, and the security assistance was released soon afterward.

The Democrats' impeachment narrative also ignores President Trump's steadfast support for Ukraine in its war against Russian occupation. Several of the Democrats' witnesses described how President Trump's policies toward Ukraine to combat Russian aggression have been substantially stronger than those of President Obama—then under the stewardship of Vice President Biden. Where President Obama and Vice President Biden gave the Ukrainians night-vision goggles and blankets, the Trump Administration provided the Ukrainians with lethal defensive assistance, including Javelin anti-tank missiles.

The Democrats nonetheless tell a story of an illicit pressure campaign run by President Trump through his personal attorney, Mayor Giuliani, to coerce Ukraine to investigate the President's political rival by withholding a meeting and security assistance. There is, however, no direct, firsthand evidence of any such scheme. The Democrats are alleging guilt on the basis of hearsay, presumptions, and speculation—all of which are reflected in the anonymous whistleblower complaint that sparked this inquiry. The Democrats' narrative is so dependent on speculation that one Democrat publicly justified hearsay as “better” than direct evidence.^{‡‡} Where there are ambiguous facts, the Democrats interpret them in a light most unfavorable to the President. In the absence of real evidence, the Democrats appeal to emotion—evaluating how unelected bureaucrats *felt* about the events in question.

The fundamental disagreement apparent in the Democrats' impeachment inquiry is a difference of world views and a discomfort with President Trump's policy decisions. To the extent that some unelected bureaucrats believed President Trump had established an “irregular” foreign policy apparatus, it was because they were not a part of that apparatus. There is nothing illicit about three senior U.S. officials—each with official interests relating to Ukraine—shepherding the U.S.-Ukraine relationship and reporting their actions to State Department and NSC leadership. There is nothing inherently improper with Mayor Giuliani's involvement as well because the Ukrainians knew that he was a conduit to convince President Trump that President Zelensky was serious about reform.

There is also nothing wrong with asking serious questions about the presence of Vice President Biden's son, Hunter Biden, on the board of directors of Burisma, a corrupt Ukrainian company, or about Ukraine's attempts to influence the 2016 presidential election. Biden's Burisma has an international reputation as a corrupt company. As far back as 2015, the Obama State Department had concerns about Hunter Biden's role on Burisma's board. Ukrainian anti-corruption activists noted concerns as well. Publicly available—and irrefutable—evidence shows how senior Ukrainian government officials sought to influence the 2016 U.S. presidential election in opposition to President Trump's candidacy, and that some in the Ukrainian embassy in Washington worked with a Democrat operative to achieve that goal. While Democrats reflexively dismiss these truths as conspiracy theories, the facts are indisputable and bear heavily on the Democrats' impeachment inquiry.

^{‡‡} *“Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent”*: Hearing before the H. Perm. Sel. Comm. on Intelligence, 116th Cong. (2019) (statement of Rep. Mike Quigley).

* * *

In our system of government, power resides with the American people, who delegate executive power to the President through an election once every four years. Unelected officials and career bureaucrats assist in the execution of the laws. The unelected bureaucracy exists to serve the elected representatives of the American people. The Democrats' impeachment narrative flips our system on its head in service of their political ambitions.

The Democrats' impeachment inquiry, led by House Intelligence Committee Chairman Adam Schiff, is merely the outgrowth of their obsession with re-litigating the results of the 2016 presidential election. Despite their best efforts, the evidence gathered during the Democrats' partisan and one-sided impeachment inquiry does not support that President Trump pressured Ukraine to investigate his political rival to benefit the President in the 2020 presidential election. The evidence does not establish any impeachable offense.

But that is not for Democrats' want of trying.

For the first phase of the Democrats' impeachment inquiry, Chairman Schiff led the inquiry from his Capitol basement bunker, preventing transparency on the process and accountability for his actions. Because the fact-finding was unclassified, the closed-door process was purely for information control. This arrangement allowed Chairman Schiff—who had already publicly fabricated evidence and misled Americans about his interaction with the anonymous whistleblower—to selectively leak information to paint misleading public narratives, while simultaneously imposing a gag rule on Republican members. From his basement bunker, Chairman Schiff provided no due process protections for the President and he directed witnesses called by the Democrats not to answer Republican questions. Chairman Schiff also ignored Republican requests to secure the testimony of the anonymous whistleblower, despite promising earlier that the whistleblower would provide “unfiltered testimony.”

When the Democrats emerged from the bunker for the public phase of their impeachment inquiry, Chairman Schiff continued to deny fundamental fairness and minority rights. Chairman Schiff interrupted Republican Members and directed witnesses not to answer Republican questions. Chairman Schiff refused to allow Republicans to exercise the limited procedural rights afforded to them. Chairman Schiff rejected witnesses identified by Republicans who would inject some semblance of fairness and objectivity. Chairman Schiff denied Republican subpoenas for testimony and documents, violating the Democrats' own rules to vote down these subpoenas with no notice to Republicans.

Speaker Pelosi, Chairman Schiff, and House Democrats seek to impeach President Trump—not because they have proof of a high crime or misdemeanor, but because they disagreed with the President's actions and his policies. But in our system of government, the President is accountable to the American people. The accountability to the American people comes at the ballot box, not in House Democrats' star chamber.

FINDINGS

Democrats allege that President Trump pressured Ukraine to initiate investigations into his political rival, former Vice President Biden, for the purpose of benefiting the President in the 2020 U.S. presidential election. The evidence does not support the Democrats' allegations. Instead, the findings outlined below are based on the evidence presented and information available in the public realm.

- President Trump has a deep-seated, genuine, and reasonable skepticism of Ukraine due to its history of pervasive corruption.
- President Trump has a long-held skepticism of U.S. foreign assistance and believes that Europe should pay its fair share for mutual defense.
- President Trump's concerns about Hunter Biden's role on Burisma's board are valid. The Obama State Department noted concerns about Hunter Biden's relationship with Burisma in 2015 and 2016.
- There is indisputable evidence that senior Ukrainian government officials opposed President Trump's candidacy in the 2016 election and did so publicly. It has been publicly reported that a Democratic National Committee operative worked with Ukrainian officials, including the Ukrainian Embassy, to dig up dirt on then-candidate Trump.
- The evidence does not establish that President Trump pressured Ukraine to investigate Burisma Holdings, Vice President Joe Biden, Hunter Biden, or Ukrainian influence in the 2016 election for the purpose of benefiting him in the 2020 election.
- The evidence does not establish that President Trump withheld a meeting with President Zelensky for the purpose of pressuring Ukraine to investigate Burisma Holdings, Vice President Joe Biden, Hunter Biden, or Ukrainian influence in the 2016 election.
- The evidence does not support that President Trump withheld U.S. security assistance to Ukraine for the purpose of pressuring Ukraine to investigate Burisma Holdings, Vice President Joe Biden, Hunter Biden, or Ukrainian influence in the 2016 election.
- The evidence does not support that President Trump orchestrated a shadow foreign policy apparatus for the purpose of pressuring Ukraine to investigate Burisma Holdings, Vice President Joe Biden, Hunter Biden, or Ukrainian influence in the 2016 election.
- The evidence does not support that President Trump covered up the substance of his telephone conversation with President Zelensky by restricting access to the call summary.
- President Trump's assertion of longstanding claims of executive privilege is a legitimate response to an unfair, abusive, and partisan process, and does not constitute obstruction of a legitimate impeachment inquiry.

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TABLE OF NAMES

Christopher Anderson	Foreign Service Officer, U.S. Department of State
Michael Atkinson	Inspector General of the Intelligence Community (May 2018–present)
Arsen Avakov	Ukrainian Minister of Internal Affairs (February 2014–present)
Hunter Biden	Board Member, Burisma Holdings (April 2014–October 2019)
Joseph R. Biden	Vice President of the United States (January 2009–January 2017)
Robert Blair	Senior Advisor to the White House Chief of Staff (January 2019–present)
Andriy Bohdan	Head of Ukrainian Office of Presidential Administration (May 2019–present)
John Bolton	U.S. National Security Advisor (April 2018–September 2019)
T. Ulrich Brechbuhl	Counselor to the U.S. Secretary of State, U.S. Department of State (May 2018–present)
Alexandra Chalupa	Former contractor, Democratic National Committee
Valeriy Chaly	Ukrainian Ambassador to the United States (July 2015–July 2019)
Laura Cooper	Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia, U.S. Department of Defense
Catherine Croft	Foreign Service Officer, U.S. Department of State Director for European Affairs, National Security Council (July 2017–July 2018)
Oleksandr Danylyuk	Secretary of the Ukrainian National Security and Defense Council (May 2019–September 2019)
Michael Duffey	Associate Director for National Security Programs, U.S. Office of Management and Budget (May 2019–present)
John Eisenberg	Legal Advisor, National Security Council (2017–present)
Michael Ellis	Deputy Legal Advisor, National Security Council (March 2017–present)
Rudy Giuliani	Mayor of New York City (1994–2001) Personal Attorney to President Trump (April 2018–present)
Preston Wells Griffith	Associate Director for Natural Resources, Energy & Science, U.S. Office of Management and Budget (April 2018–present)
David Hale	Under Secretary of State for Political Affairs, U.S. Department of State (August 2018–present)
Fiona Hill	Senior Director for European and Russian Affairs, National Security Council (April 2017–July 2019)
David Holmes	Political Counselor, U.S. Embassy Kyiv ^{§§} (August 2017–present)

^{§§} Consistent with the U.S. Board on Geographic Names, this report spells the Ukrainian capital as “Kyiv” throughout.

Keith Kellogg	National Security Advisor to the Vice President (April 2018–present)
George Kent	Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs, U.S. Department of State (September 2018–present)
Igor Kolomoisky	Co-owner, PrivatBank Co-owner, 1+1 Media Group
Charles Kupperman	U.S. Deputy National Security Advisor (January 2019–September 2019)
Serhiy Leshchenko	Ukrainian Member of Parliament (November 2014–July 2019)
Yuriy Lutsenko	Prosecutor General of Ukraine (May 2016–August 2019)
Joseph Maguire	Acting U.S. Director of National Intelligence (August 2019–present)
Brian McCormack	Associate Director for Natural Resources, Energy & Science, U.S. Office of Management and Budget (September 2018–present)
Michael McKinley	Senior Advisor to the U.S. Secretary of State, U.S. Department of State (November 2018–October 2019)
Tim Morrison	Senior Director for European and Russian Affairs, National Security Council (July 2019–November 2019)
Mick Mulvaney	Director of the U.S. Office of Management and Budget (February 2017–present) Acting Chief of Staff to the President (January 2019–present)
Nellie Ohr	Contractor, Fusion GPS
Mike Pence	Vice President of the United States (January 2017–present)
Rick Perry	U.S. Secretary of Energy (March 2017–present)
Mike Pompeo	U.S. Secretary of State (April 2018–present)
Petro Poroshenko	President of Ukraine (June 2014–May 2019)
Vadym Prystaiko	Minister of Foreign Affairs of Ukraine (August 2019–present)
Philip Reeker	Acting Assistant Secretary of State, Bureau of European and Eurasian Affairs, U.S. Department of State (March 2019–present)
Mark Sandy	Deputy Associate Director for National Security, U.S. Office of Management and Budget (December 2013–present)
Viktor Shokin	Prosecutor General of Ukraine (February 2015–March 2016)
Oksana Shulyar	Deputy Chief of Mission, Embassy of Ukraine to the U.S.
Gordon Sondland	U.S. Ambassador to the European Union (July 2018–present)
William Taylor	U.S. Ambassador to Ukraine (June 2006–May 2009) U.S. Chargé d'Affaires, <i>a.i.</i> , U.S. Embassy Kyiv (June 2019–present)
Andrii Telizhenko	Political officer, Embassy of Ukraine to the U.S.
Donald J. Trump	President of the United States (January 2017–present)

Alexander Vindman	Director for European Affairs, National Security Council (July 2018–present)
Kurt Volker	U.S. Special Representative for Ukraine Negotiations, U.S. Department of State (July 2017–September 2019)
Russell Vought	Acting Director, U.S. Office of Management and Budget
Kathryn Wheelbarger	Acting Assistant Secretary of Defense for International Affairs, U.S. Department of Defense (November 2018–present)
Jennifer Williams	Special Adviser for Europe and Russia, Office of the Vice President
Viktor Yanukovych	President of Ukraine (February 2010–February 2014)
Arseniy Yatsenyuk	Prime Minister of Ukraine (February 2014–April 2016)
Andrey Yermak	Adviser to President of Ukraine Volodymyr Zelensky
Marie Yovanovitch	U.S. Ambassador to Ukraine (August 2016–May 2019)
Volodymyr Zelensky ^{***}	President of Ukraine (May 2019–present)
Mykola Zlochevsky	Co-founder, Burisma Holdings (2002–present) Ukrainian Minister of Ecology and Natural Resources (July 2010–April 2012)

^{***} Although some sources use alternate spellings of the Ukrainian President’s surname, this report uses the spelling “Zelensky” for consistency throughout.

I. The evidence does not establish that President Trump pressured the Ukrainian government to investigate his political rival for the purpose of benefiting him in the 2020 U.S. presidential election.

Democrats have alleged that President Trump exerted pressure on Ukrainian President Zelensky to force the Ukrainian government to manufacture “dirt” or otherwise investigate a potential Democrat candidate in the 2020 U.S. presidential election for President Trump’s political benefit.¹ Democrats allege that President Trump sought to use the possibility of a White House meeting with President Zelensky and release of U.S. security assistance to Ukraine as leverage to force Ukraine to help the President politically. Democrats allege that President Trump orchestrated a “shadow” foreign policy apparatus that worked to accomplish the President’s political goals.

The evidence obtained in the Democrats’ impeachment inquiry, however, does not support these Democrat allegations. In fact, witnesses called by the Democrats denied having any awareness of criminal activity or an impeachable offense. Rep. John Ratcliffe asked Ambassador Bill Taylor and Deputy Assistant Secretary George Kent whether they were “assert[ing] there was an impeachable offense in [the July 25] call.”² Neither said there was.³ Rep. Chris Stewart asked Ambassador Marie Yovanovitch if she had any information about President Trump’s involvement in criminal activity.⁴ Ambassador Yovanovitch said no.⁵ Rep. Ratcliffe asked National Security Council (NSC) staff member LTC Alexander Vindman and Office of the Vice President special adviser Jennifer Williams if they have labeled the President’s conduct as “bribery.”⁶ Both said no.⁷ Rep. Elise Stefanik asked Ambassador Kurt Volker, the U.S. special envoy for Ukraine negotiations, and Tim Morrison, the NSC senior director for Europe, whether they saw any bribery, extortion, or *quid pro quo*.⁸ Both said no.⁹

Contrary to Democrat assertions, the evidence does not show that President Trump pressured President Zelensky to investigate his political rival during the July 25 phone call. The best evidence of the conversation—the call summary—shows no evidence of conditionality, threats, or pressure. President Zelensky and President Trump have both said there was no

¹ “Whistleblower Disclosure”: *Hearing of the H. Perm. Sel. Comm. on Intelligence*, 116th Cong. (2019) (statement of Rep. Adam Schiff, Chairman); Rep. Adam Schiff (@RepAdamSchiff), Twitter (Oct. 12, 2019, 2:53 p.m.), <https://twitter.com/repadamshiff/status/1183138629130035200>; *Lieu accuses Trump of asking Ukraine to “manufacture dirt” on Biden*, The Hill, Sept. 25, 2019.

² “Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent”: *Hearing before the H. Perm. Sel. Comm. on Intelligence*, 116th Cong. (2019).

³ *Id.*

⁴ “Impeachment Inquiry: Ambassador Marie Yovanovitch”: *Hearing before the H. Perm. Sel. Comm. on Intelligence*, 116th Cong. (2019).

⁵ *Id.*

⁶ “Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams”: *Hearing before the H. Perm. Sel. Comm. on Intelligence*, 116th Cong. (2019). This report abbreviates military titles consistent with the U.S. Government Printing Office style manual. See U.S. Gov’t Printing Off., *Style Manual* 227 (2016).

⁷ *Id.*

⁸ “Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison”: *Hearing before the H. Perm. Sel. Comm. on Intelligence*, 116th Cong. (2019).

⁹ *Id.*

pressure, the initial read-out from the State Department and the Ukrainian government reflected no concerns, and the NSC leadership saw no illegality or impropriety with the call.

The evidence does not show that President Trump withheld a meeting with President Zelensky to pressure Ukraine to investigate his political rival. The evidence shows that President Trump has a long-standing, deep-seated skepticism of Ukraine due to its history of pervasive corruption. President Zelensky was a political newcomer with untested views on anti-corruption and a close association with a Ukrainian oligarch. Even so, President Trump agreed to invite President Zelensky to the White House, and in the interim, Ukrainian officials had several high-level meetings with U.S. officials. President Trump and President Zelensky met in September 2019 without Ukraine ever taking any action on investigating President Trump's political rival.

In addition, the evidence does not show that President Trump withheld U.S. security assistance to Ukraine to pressure Ukraine to investigate his political rival. The evidence shows that President Trump has a skepticism of U.S. taxpayer-funded foreign aid and believes Europe should carry more financial burden for its regional defense. Although U.S. security assistance was paused temporarily, Democrats' witnesses denied there being any direct link to investigations of the President's political rival. Both the Ukrainian government and President Trump separately denied any linkage. U.S. officials did not tell the Ukrainian officials about the delay because they thought it would get worked out. Ambassador Volker, a senior U.S. diplomat and primary interlocutor with senior Ukrainian government officials, testified that the Ukrainians did not raise concerns to him about a delay in aid until after the pause was made public in late August 2019. The U.S. security assistance to Ukraine was ultimately disbursed without Ukraine taking any action to investigate President Trump's political rival.

The evidence does not show that President Trump established a "shadow" foreign policy apparatus to pressure Ukraine to investigate his political rival. The President has broad Constitutional authority over U.S. foreign policy, and President Trump is likely suspicious of the national security apparatus due to continual leaks of sensitive information and the resistance within the federal bureaucracy. The three U.S. officials who Democrats accuse of conducting an "irregular" foreign policy channel had legitimate responsibilities for Ukraine policy. They kept the State Department and NSC aware of their actions. To the extent Mayor Giuliani was involved, he was in communication with these officials and the Ukrainians did not see him as speaking on behalf of the President.

Although Democrats reflexively criticize President Trump for promoting "conspiracy theories" about Hunter Biden's role on Burisma's board or Ukrainian attempts to influence the 2016 election, evidence suggests there are legitimate questions about both issues. The Democrats' witnesses testified that it would be appropriate for Ukraine to investigate allegations of corruption in Ukraine.

Finally, there are fundamental flaws with the anonymous whistleblower complaint that initiated the Democrats' impeachment inquiry. The complaint contained inaccurate and misleading information that prejudiced the public understanding of President Trump's conversation with President Zelensky. The whistleblower had no firsthand knowledge of the events in question and a bias against President Trump. The whistleblower communicated with

Chairman Schiff or his staff prior to submitting the whistleblower complaint to the Inspector General of the Intelligence Community. Several witnesses contradicted assertions made by the anonymous whistleblower. The whistleblower's complaint did not accurately reflect the tone and substance of the phone call, which is unsurprising given the whistleblower's reliance on secondhand information that had likely already been colored by biases of the original sources.

A. The evidence does not establish that President Trump pressured President Zelensky during the July 25 phone call to investigate the President's political rival for the purpose of benefiting him in the 2020 election.

On July 25, 2019, President Trump and President Zelensky spoke by telephone.¹⁰ This conversation would later serve as the basis for the anonymous whistleblower complaint and the spark for the Democrats' impeachment inquiry. Contrary to allegations that President Trump pressured Ukraine to investigate a domestic political rival during this call,¹¹ the evidence shows that President Trump did not pressure President Zelensky to investigate his political rival.

The call summary and initial read-outs of the conversation reflect no indication of conditionality, coercion, or intimidation—elements that would have been present if President Trump had used his authority to pressure President Zelensky to investigate his political rival. Importantly, both President Zelensky and President Trump have said publicly there was no pressure or anything inappropriate about their conversation. The anonymous whistleblower complaint—which sparked the impeachment inquiry—contains sensational rhetoric about the July 25 phone conversation that has prejudged subsequent views of the call.

1. The call summary does not reflect any improper pressure or conditionality to pressure Ukraine to investigate President Trump's political rival.

The best evidence of the telephone conversation between President Trump and President Zelensky is the contemporaneous summary prepared by the White House Situation Room. The Democrats' witnesses described how National Security Council (NSC) policy staffers and White House Situation Room duty officers typically listen in on presidential conversations with foreign leaders to transcribe the contents of the conversation.¹² This process occurred for President Trump's July 25 phone call with President Zelensky.

¹⁰ President Trump had spoken with then-President-elect Zelensky on April 21, 2019, to congratulate him on his election. See The White House, *Memorandum of Telephone Conversation* (Apr. 21, 2019). This conversation too contained no indication of pressure, intimidation or threats. See *id.*

¹¹ See, e.g., Josh Dawsey et al., *How Trump and Giuliani pressured Ukraine to investigate the President's rivals*, Wash. Post, (Sept. 20, 2019).

¹² See, e.g., Deposition of Dr. Fiona Hill, in Wash., D.C., at 297-300 (Oct. 14, 2019) [hereinafter "Hill deposition"]. Although some have alleged that the presence of ellipses in the call summary connotes missing text, witnesses testified that call summaries often use ellipses to denote unfinished thoughts and not to "read too much" into the use of ellipses. See, e.g., *id.* at 307. LTC Vindman testified in his closed-door deposition that any editing decisions or missing words were not done maliciously. See Deposition of LTC Alexander Vindman, in Wash., D.C., at 253 (Oct. 29, 2019) [hereinafter "Vindman deposition"]. In his public testimony, LTC Vindman explained that although the summary did not mention the word "Burisma," it was "not a significant omission." *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6. Morrison testified in his deposition that he believed

As transcribed, the call summary denotes laughter, pleasantries, and compliments exchanged between President Trump and President Zelensky. The summary does not evince any threats, coercion, intimidation, or indication of conditionality. Democrats even acknowledged that the call summary reflected no *quid pro quo*.¹³ The summary bears absolutely no resemblance to House Intelligence Committee Chairman Adam Schiff’s self-described “parody” interpretation of the call, which the Chairman performed at a public hearing on September 26.¹⁴

The summary of the July 25 phone call begins by President Trump congratulating President Zelensky on a “great victory,” a “terrific job,” and a “fantastic achievement.”¹⁵ President Zelensky reciprocated by complimenting President Trump, saying:

Well, yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many, many new people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.¹⁶

President Trump expressed his concern that European countries were not providing their fair share in terms of assistance to Ukraine¹⁷—a topic about which President Trump has been vocal.¹⁸ President Zelensky responded that President Trump was “absolutely right” and that he had expressed concerns to German Chancellor Angela Merkel and French President Emmanuel Macron.¹⁹ President Zelensky thanked President Trump for U.S. military support and said Ukraine was “almost ready to buy more Javelins from the United States for defense purposes.”²⁰

President Trump then transitioned to discuss the allegation that some Ukrainian officials sought to influence the 2016 U.S. presidential election. Although Democrats have seized on the President’s phrasing—“I would like you to do us a favor though”²¹—to accuse the President of pressuring President Zelensky to target his 2020 political rival for his political benefit,²² they omit the remainder of his sentence. The full sentence shows that President Trump was not asking President Zelensky to investigate his political rival, but rather asking him to assist in “get[ting] to

the call memorandum was an “accurate and complete” reflection of the substance of the call. Deposition of Timothy Morrison, in Wash., D.C., at 60 (Oct. 31, 2019) [hereinafter “Morrison deposition”].

¹³ See, e.g., *MSNBC Live with Craig Melvin* (MSNBC television broadcast Sept. 25, 2019) (interview with Rep. Ro Khanna) (saying evidence of a *quid pro quo* on the call summary is “irrelevant”).

¹⁴ *Whistleblower Disclosure*, *supra* note 1.

¹⁵ The White House, *Memorandum of Telephone Conversation 1* (July 25, 2019).

¹⁶ *Id.* at 2.

¹⁷ *Id.*

¹⁸ See *infra* section I.C.2.

¹⁹ *Memorandum of Telephone Conversation*, *supra* note 15, at 2.

²⁰ *Id.*

²¹ *Id.* at 3.

²² See, e.g., *Whistleblower Disclosure*, *supra* note 1 (statement of Rep. Adam Schiff, Chairman).

the bottom” of potential Ukrainian involvement in the 2016 election.²³ This reading is supported by President Trump’s subsequent reference to Special Counsel Robert Mueller, who had testified the day before about his findings,²⁴ and to Attorney General William Barr, who had initiated an official inquiry into the origins of the U.S. government’s 2016 Russia investigation.²⁵

President Zelensky did not express any concern that President Trump had raised the allegations about Ukrainian influence in the 2016 election. In fact, President Zelensky responded by reiterating his commitment to cooperation between Ukraine and the United States and mentioning that he had recalled the Ukrainian Ambassador to the United States, Valeriy Chaly.²⁶ Ambassador Chaly had authored an op-ed in *The Hill* during the height of the presidential campaign in 2016 criticizing a statement that President Trump had made by Crimea.²⁷ President Zelensky said he planned to surround himself with “the best and most experienced people” and pledged that “as the President of Ukraine that all the investigations will be done openly and candidly.”²⁸ President Zelensky also raised former New York Mayor Rudy Giuliani, saying “we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine.”²⁹

The call summary shows that the discussion then intertwined several different topics. In response to President Zelensky’s statement about new personnel, President Trump and President Zelensky discussed the position of prosecutor general.³⁰ President Zelensky did not express any discomfort discussing the prosecutor general position. He said the new prosecutor general would be “100% my person, my candidate” and said the prosecutor would look into the matters raised by President Trump to “mak[e] sure to restore the honesty” of the investigation.³¹ President Zelensky later said “we will be very serious about the case and will work on the investigation.”³²

In response to President Zelensky’s reference to Mayor Giuliani, President Trump said Mayor Giuliani is “a highly respected man” who “very much knows what’s happening and he is a very capable guy.”³³ President Trump said that he would ask Mayor Giuliani to call President Zelensky, along with Attorney General Barr, to “get to the bottom of it.”³⁴ President Zelensky did not express any concern about Mayor Giuliani’s engagement—in fact, President Zelensky, not President Trump, first referenced Mayor Giuliani in the conversation.

²³ *Memorandum of Telephone Conversation*, *supra* note 15, at 3. The President’s reference to “Crowdstrike” during the conversation refers to a cybersecurity firm that examined the Democratic National Committee server following intrusion by the Russian government in 2016.

²⁴ “*Oversight of the Report on the Investigation into Russian Interference in the 2016 Presidential Election: Former Special Counsel Robert S. Mueller, III*”: *Hearing before the H. Comm. on the Judiciary*, 116th Cong. (2019).

²⁵ *See, e.g.*, Adam Goldman et al., *Barr assigns U.S. Attorney in Connecticut to review origins of Russia inquiry*, *N.Y. Times*, May 13, 2019.

²⁶ *Memorandum of Telephone Conversation*, *supra* note 15, at 3.

²⁷ Valeriy Chaly, *Ukraine’s ambassador: Trump’s comments send wrong message to world*, *The Hill*, Aug. 4, 2016.

²⁸ *Memorandum of Telephone Conversation*, *supra* note 15, at 3.

²⁹ *Id.*

³⁰ *Id.* at 3-4.

³¹ *Id.* at 4.

³² *Id.* at 5.

³³ *Id.* at 3-4.

³⁴ *Id.* at 4.

President Trump then raised former U.S. Ambassador to Ukraine, Marie Yovanovitch, saying that she was “bad news” and “the people she was dealing with in the Ukraine were bad news.”³⁵ President Zelensky did not express any hesitancy in discussing the ambassador. Contrary to Democrats’ assertion that he felt obligated to agree with President Trump’s assessment, President Zelensky stated his independent negative assessment of Ambassador Yovanovitch:

Her attitude toward me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.³⁶

President Trump also raised in passing—using the transition phrase “the other thing”—the topic of Vice President Joe Biden’s son, Hunter Biden, referring to his position on the board of a Ukrainian energy company, Burisma, known for its corruption.³⁷ President Trump said “a lot of people want to find out about that so whatever you can do with the Attorney General would be great.”³⁸ President Zelensky did not reply to President Trump’s reference to the Bidens, and the two did not discuss the topic substantively.

The call concluded with President Zelensky raising energy cooperation between Ukraine and the United States and with President Trump reiterating his invitation for President Zelensky to visit the White House.³⁹

Although some later expressed concern about the call, the call summary—the best evidence of the conversation—shows no indication of conflict, intimidation, or pressure. President Trump never conditioned a White House meeting on any action by President Zelensky. President Trump never mentioned U.S. security assistance to Ukraine. President Zelensky never verbalized any disagreement, hostility, or concern about any facet of the U.S.-Ukrainian relationship.

2. President Zelensky has publicly and repeatedly said he felt no pressure to investigate President Trump’s political rival.

Since President Trump declassified and publicly released the content of his July 25 phone conversation with President Zelensky, President Zelensky and other senior Ukrainian officials have publicly and repeatedly asserted that President Zelensky felt no pressure to investigate President Trump’s political rival. President Zelensky has variously asserted, “nobody pushed . . . me,” “I was never pressured,” and there was no “blackmail.”

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at 5.

On September 25, President Zelensky and President Trump met face-to-face for a bilateral meeting on the margins of the 74th United Nations (U.N.) General Assembly in New York. The presidents jointly participated in a media availability, during which President Zelensky asserted that he felt no pressure.⁴⁰ President Zelensky said then:

Q. President Zelensky, have you felt any pressure from President Trump to investigate Joe Biden and Hunter Biden?

A. I think you read everything. So I think you read text. I'm sorry, but I don't want to be involved to democratic, open elections — elections of USA. *No, you heard that we had, I think, good phone call. It was normal. We spoke about many things. And I — so I think, and you read it, that nobody pushed — pushed me.*⁴¹

President Zelensky again reiterated that he was not pressured to investigate President Trump's political rival during an interview with a Kyodo News, a Japanese media outlet, published on October 6. Kyodo News quoted President Zelensky as saying, "I was never pressured and there were no conditions being imposed" on a White House meeting or U.S. security assistance to Ukraine.⁴² President Zelensky denied "reports by U.S. media that [President] Trump's requests were conditions" for a White House meeting or U.S. security assistance.⁴³

On October 10, during an all-day media availability in Kyiv, President Zelensky again emphasized that he felt no pressure to investigate President Trump's political rival. President Zelensky said there was "no blackmail" during the conversation, explaining: "This is not corruption. It was just a call."⁴⁴

In addition, on September 21—before President Trump had even declassified and released the call summary—Ukrainian Foreign Minister Vadym Prystaiko denied that President Trump had pressured President Zelensky to investigate President Trump's political rival.⁴⁵ Foreign Minister Prystaiko said:

I know what the conversation was about and I think there was no pressure. There was talk, conversations are different, leaders have the right to discuss any problems that exist. This conversation was

⁴⁰ Press Release, The White House, Remarks by President Trump and President Zelensky of Ukraine Before Bilateral Meeting (Sept. 25, 2019), available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-zelensky-ukraine-bilateral-meeting-new-york-ny/>.

⁴¹ *Id.* (emphasis added).

⁴² *Ukraine president denies being pushed by Trump to investigate Biden*, Kyodo News, Oct. 6, 2019.

⁴³ *Id.*

⁴⁴ *Ukraine's president says 'no blackmail' in Trump call*, BBC, Oct. 10, 2019.

⁴⁵ "Trump did not pressure Zelenskyy, Ukraine is independent state" — *Foreign Minister Prystaiko*, Hromadske, Sept. 21, 2019.

long, friendly, and it touched on a lot of questions, including those requiring serious answers.⁴⁶

Similarly, Ambassador Bill Taylor explained that he had dinner with Oleksandr Danylyuk, then-Secretary of the National Security and Defense Council, the night of the phone conversation between President Trump and President Zelensky.⁴⁷ He explained that Danylyuk said that the Ukrainian government “seemed to think that the call went fine, the call went well. He wasn’t disturbed by anything. He wasn’t disturbed that he told us about the phone call.”⁴⁸

President Zelensky’s repeated denials that President Trump pressured him to investigate domestic political rival—corroborated by Foreign Minister Prystaiko’s similar denial—carry significant weight.

3. President Trump has publicly and repeatedly said he did not pressure President Zelensky to investigate his political rival.

Like President Zelensky, President Trump has repeatedly and publicly stated that he did not pressure President Zelensky to investigate his political rival. During the September 25 bilateral meeting with President Zelensky, President Trump said to the assembled members of the media: “There was no pressure. And you know there was—and, by the way, you know there was no pressure. All you have to do to it see it, what went on the call.”⁴⁹ When asked whether he wanted President Zelensky to “do more” to investigate Vice President Biden, President Trump responded: “No. I want him to do whatever he can. This was not his fault; he wasn’t there. He’s just been here recently. But whatever he can do in terms of corruption, because the corruption is massive.”⁵⁰

Despite the President’s statements, some allege that an overheard conversation the day after President Trump’s conversation with President Zelensky shows that the President sought to pressure President Zelensky. On July 26, following a meeting with President Zelensky, Ambassador Gordon Sondland, the U.S. Ambassador to the European Union, telephoned President Trump from Kyiv.⁵¹ According to a subsequent account of David Holmes, a Political Counselor at U.S. Embassy Kyiv, Ambassador Sondland told the President that he was in Ukraine and stated President Zelensky “loves your ass.”⁵² Holmes recounted that President Trump asked Ambassador Sondland, “So he’s going to do the investigation?”⁵³ Ambassador Sondland allegedly replied, “He’s going to do it.”⁵⁴

⁴⁶ *Id.* (emphasis added).

⁴⁷ Deposition of Ambassador William B. Taylor, in Wash., D.C., at 80 (Oct. 22, 2019).

⁴⁸ *Id.*

⁴⁹ Remarks by President Trump and President Zelensky of Ukraine Before Bilateral Meeting, *supra* note 40.

⁵⁰ *Id.*

⁵¹ Deposition of David Holmes, in Wash., D.C., at 23-25 (Nov. 15, 2019) [hereinafter “Holmes deposition”].

Ambassador Sondland did not mention this phone call in his deposition. *See generally* Deposition of Ambassador Gordon D. Sondland, in Wash., D.C. (Oct. 17, 2019) [hereinafter “Sondland deposition”].

⁵² Holmes deposition, *supra* note 51, at 24

⁵³ *Id.*

⁵⁴ *Id.*

This conversation is not definitive evidence that President Trump pressured President Zelensky to investigate his political rival. First, according to Ambassador Sondland, it was not clear that President Trump meant an investigation into the Bidens. In his closed-door deposition, Ambassador Sondland testified that he only had “five or six” conversations with the President and did not mention this particular conversation.⁵⁵ In his public testimony, however, Ambassador Sondland suddenly recalled the conversation, saying that it “did not strike me as significant at the time” and that the primary purpose of the call was to discuss rapper A\$AP Rocky, who was imprisoned in Sweden.⁵⁶ Ambassador Sondland testified that he has no recollection of discussing Vice President Biden or his son, Hunter Biden, with President Trump.⁵⁷

Second, Holmes testified that although he disclosed Ambassador Sondland’s conversation with the President to multiple friends on multiple occasions, he did not feel compelled to disclose it to the State Department or Congress until weeks into the impeachment inquiry.⁵⁸ Although Holmes testified that he told his boss, Ambassador Taylor, about the call on August 6 and received a “knowing” response, and that he referred to the call often in staff meetings, Ambassador Taylor testified publicly that he was “not aware of this information” at the time of his October 22 deposition, and that he only became aware of the Holmes account on November 8, 2019, two days after his hearing was publicly announced, at which point he referred it (for the first time) to the Legal Adviser for the Department of State.⁵⁹

4. Read-outs of the phone call from both the State Department and the Ukrainian government did not reflect that President Trump pressured President Zelensky to investigate his political rival.

Immediately following the telephone conversation between President Trump and President Zelensky, senior U.S. and Ukrainian government officials provided read-outs of the conversation. According to witness testimony, none of these read-outs indicated that the conversation between the presidents was substantively concerning.

Ambassador Volker testified that he received informal read-outs of the call from both his State Department assistant and his high-level Ukrainian contacts.⁶⁰ These read-outs did not indicate any concern with the phone call. Ambassador Volker explained:

⁵⁵ Sondland deposition, *supra* note 51, at 56.

⁵⁶ “*Impeachment Inquiry: Ambassador Gordon Sondland*”: *Hearing before the H. Perm. Sel. Comm. on Intelligence*, 116th Cong. (2019).

⁵⁷ *Id.*

⁵⁸ Holmes deposition, *supra* note 51, at 31, 158-62.

⁵⁹ *Id.* at 81-82, 121-22, 167; *see generally* Taylor deposition, *supra* note 47; *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent*, *supra* note 2.

⁶⁰ Transcribed interview of Ambassador Kurt Volker, in Wash., D.C., at 102-03 (Oct. 3, 2019) [hereinafter “Volker transcribed interview”]. Ambassador Volker’s assistant at the time, Catherine Croft, testified that she only received a read-out of the phone call was based on what President Zelensky told Ambassador Volker, Ambassador Taylor, and Ambassador Sondland on July 26. Deposition of Catherine Croft, in Wash., D.C., at 16 (Oct. 30, 2019) [hereinafter “Croft deposition”].

A. I got an oral readout from the staffer who works for me in the State Department and our chargé, as well as from Andrey Yermak, who had been on the call in Ukraine himself.

Q. So you got two readouts?

A. Yeah.

Q. One from each side?

A. Correct.

Q. What was the top line message you got from the State Department?

A. Well, they were the same, actually, which is interesting. But the message was congratulations from the President to President Zelensky; President Zelensky reiterating that he is committed to fighting corruption and reform in the Ukraine; and President Trump reiterating an invitation for President Zelensky to visit him at the White House. That was it.⁶¹

In fact, in his public testimony, Ambassador Volker testified that President Zelensky was “very upbeat about the fact of the call.”⁶²

Ambassador Sondland received a summary of the phone call from his staff.⁶³ Ambassador Sondland testified that he was pleased to learn that it was a “good call.”⁶⁴ George Kent, the Deputy Assistant Secretary of State covering Ukraine, testified that he received a readout of the call from NSC staffer LTC Alexander Vindman.⁶⁵ According to Kent, although LTC Vindman said the “atmospherics” of the conversation was cooler and reserved, LTC Vindman did not mention Vice President Biden’s name or anything relating to 2016.⁶⁶

In addition, the Office of the President of Ukraine issued an official statement following the phone call.⁶⁷ The official statement also signaled no concern about the call or any indication of coercion, intimidation, or pressure from President Trump. The statement read in full:

President of Ukraine Volodymyr Zelensky had a phone conversation with President of the United States Donald Trump. President of the United States congratulated Ukraine on successful holding free and

⁶¹ Volker transcribed interview, *supra* note 60, at 102-03.

⁶² *Impeachment Inquiry: Ambassador Kurt Volker and Timothy Morrison*, *supra* note 8.

⁶³ Sondland deposition, *supra* note 51, at 116.

⁶⁴ *Id.*

⁶⁵ Deposition of George Kent, in Wash., D.C., at 163 (Oct. 15, 2019) [hereinafter “Kent deposition”].

⁶⁶ *Id.* at 163-65.

⁶⁷ Press Release, Office of the President of Ukraine, Volodymyr Zelenskyy had a phone conversation with President of the United States (July 25, 2019), *available at* <https://www.president.gov.ua/en/news/volodimir-zelenskij-proviv-telefonnu-rozmovu-z-prezidentom-s-56617>.

democratic parliamentary elections as well as Volodymyr Zelensky with victory the Servant of the People Party.

Donald Trump is convinced that the new Ukrainian government will be able to quickly improve image of Ukraine, complete investigation of corruption cases, which inhibited the interaction between Ukraine and the USA.

He also confirmed continued support of the sovereignty and territorial integrity of Ukraine by the United States and the readiness of the American side to fully contribute to the implementation of a Large-Scale Reform Program in our country.

Volodymyr Zelensky thanked Donald Trump for US leadership in preserving and strengthening the sanctions pressure on Russia.

The Presidents agreed to discuss practical issues of Ukrainian-American cooperation during the visit of Volodymyr Zelensky to the United States.⁶⁸

The initial read-outs of the July 25 telephone conversation between President Trump and President Zelensky provide compelling evidence that the key message conveyed during the conversation was about fighting corruption in Ukraine—and not about digging up dirt on President Trump’s political rival for the President’s political benefit.

5. The National Security Council leadership did not see the call as illegal or improper.

The evidence shows that the NSC leadership did not see the telephone conversation between President Trump and President Zelensky as improper. Timothy Morrison, who served as the Deputy Assistant to the President for National Security, listened in on the conversation.⁶⁹ He testified that he was concerned information from the call could leak, but he was not concerned that anything discussed on the call was illegal or improper.⁷⁰

LTG Keith Kellogg, Vice President Pence’s National Security Advisor, also listened in on the July 25 telephone conversation.⁷¹ LTG Kellogg stated that like Morrison: “I heard nothing wrong or improper on the call. I had and have no concerns.”⁷² LTG Kellogg’s subordinate, Jennifer Williams, testified that although she found the call to be “unusual,” she did not raise

⁶⁸ *Id.*

⁶⁹ Morrison deposition, *supra* note 12, at 15.

⁷⁰ *Id.* at 16, 60-61.

⁷¹ The White House, Statement from Lieutenant General Keith Kellogg, National Security Advisor to Vice President Mike Pence (Nov. 19, 2019) [hereinafter “Statement from Lieutenant General Kellogg”].

⁷² *Id.*

concerns to LTG Kellogg.⁷³ LTG Kellogg similarly noted that Williams never raised concerns to him.⁷⁴

Morrison's subordinate, LTC Vindman, listened in on the conversation.⁷⁵ At the time of the call, LTC Vindman handled Ukraine policy for the NSC.⁷⁶ He testified that he was concerned by the conversation and raised his concerns to the NSC's Legal Advisor, John Eisenberg.⁷⁷ Eisenberg, according to LTC Vindman, did not share the concern.⁷⁸ LTC Vindman did not raise any concerns to Morrison, his immediate supervisor.⁷⁹ In his public testimony, Morrison explained that he had concerns with LTC Vindman's judgment and deviation from the chain of command.⁸⁰

The evidence suggests that any wider concerns about the July 25 phone call originated from LTC Vindman. Williams testified that she discussed the call with no one outside the NSC.⁸¹ LTC Vindman, on the other hand, testified that he discussed the phone call with two people outside of the NSC, Deputy Assistant Secretary Kent and an unidentified intelligence community employee.⁸² Deputy Assistant Secretary Kent explained that LTC Vindman felt "uncomfortable" and would not share the majority of the substance of the conversation.⁸³ According to Kent's recollection, LTC Vindman did not mention that the conversation included any reference to Vice President Biden.⁸⁴

6. The anonymous, secondhand whistleblower complaint misstated details about the July 25 call, which has falsely colored the call's public characterization.

The anonymous whistleblower did not listen in on the July 25 call between President Trump and President Zelensky. The whistleblower's subsequent complaint about the conversation, compiled with secondhand information, misstated key details about the conversation.

The whistleblower sensationally alleged that President Trump "sought to pressure the Ukrainian leader to take actions to help the President's 2020 reelection bid."⁸⁵ The call summary, however, contains no reference to 2020 or President Trump's reelection bid.⁸⁶

⁷³ Deposition of Jennifer Williams, in Wash., D.C., at 129 (Nov. 7, 2019) [hereinafter "Williams deposition"]; *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

⁷⁴ Statement from Lieutenant General Kellogg, *supra* note 71.

⁷⁵ Vindman deposition, *supra* note 12, at 18.

⁷⁶ *Id.* at 16.

⁷⁷ *Id.* at 96.

⁷⁸ *Id.* at 97, 258.

⁷⁹ Morrison deposition, *supra* note 12, at 59.

⁸⁰ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

⁸¹ *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

⁸² *Id.*

⁸³ Kent deposition, *supra* note 65, at 163-64.

⁸⁴ *Id.* at 165-66.

⁸⁵ Letter to Richard Burr, Chairman, S. Sel. Comm. on Intelligence, & Adam Schiff, Chairman, H. Perm. Sel. Comm. on Intelligence 2 (Aug. 12, 2019) [hereinafter "Whistleblower letter"].

⁸⁶ *Memorandum of Telephone Conversation*, *supra* note 15.

The whistleblower alleged that President Trump “pressured” President Zelensky to “initiate or continue an investigation into the activities of former Vice President Joseph Biden and his son, Hunter Biden.”⁸⁷ The call summary, however, shows that President Trump referenced the Bidens only in passing and that the presidents did not discuss the topic substantively.⁸⁸

The whistleblower alleged that President Trump “pressured” President Zelensky to “locate and turn over servers used by the Democratic National Committee (DNC) and examined by the U.S. cyber security firm CrowdStrike.”⁸⁹ The call summary, however, demonstrates that while President Trump mentioned CrowdStrike and “the server,” President Trump never made any request that President Zelensky locate or turn over any material.⁹⁰

The whistleblower alleged that President Trump “praised Ukraine’s Prosecutor General, Mr. Yuriy Lutsenko, and suggested that Mr. Zelensky might want to keep him in his position.”⁹¹ The call summary is not clear about which prosecutor general President Trump is referring to—Ambassador Volker testified he believed President Trump was referring to Lutsenko’s predecessor, Viktor Shokin⁹²—and President Trump never specifically referenced Lutsenko.⁹³ President Trump also never suggested or intimated that President Zelensky should “keep [Lutsenko] in his position.”⁹⁴

The whistleblower also alleged that T. Ulrich Brechbuhl, Counselor to Secretary of State Mike Pompeo, listened in on the July 25 phone call.⁹⁵ Subsequent reporting, confirmed by a letter sent by Brechbuhl’s attorney, indicated that Brechbuhl was not on the call.⁹⁶

* * *

Setting aside the whistleblower’s mischaracterization of President Trump’s phone call with President Zelensky, the best available evidence shows no coercion, threats, or pressure for Ukraine to investigate the President’s political rival for the President’s political benefit. The call summary shows no *quid pro quo*, the initial read-outs relayed no substantive concerns, and both President Zelensky and President Trump have repeatedly said publicly there was no pressure. These facts refute the Democrats’ allegations.

⁸⁷ Whistleblower letter, *supra* note 85, at 2.

⁸⁸ *Memorandum of Telephone Conversation*, *supra* note 15.

⁸⁹ Whistleblower letter, *supra* note 85, at 2.

⁹⁰ *Memorandum of Telephone Conversation*, *supra* note 15, at 3.

⁹¹ Whistleblower letter, *supra* note 85, at 3.

⁹² Volker transcribed interview, *supra* note 60, at 355.

⁹³ *Memorandum of Telephone Conversation*, *supra* note 15.

⁹⁴ *Id.*

⁹⁵ Whistleblower letter, *supra* note 85, at 3.

⁹⁶ Christina Ruffini (@EenaRuffini), Twitter (Sept. 26, 2019, 12:41 p.m.), <https://twitter.com/EenaRuffini/status/1177307225024544768>; Letter from Ronald Tenpas to Adam Schiff, Chairman, H. Perm. Sel. Comm. on Intelligence (Nov. 5, 2019).

B. The evidence does not establish that President Trump withheld a meeting with President Zelensky to pressure Ukraine to investigate the President’s political rival for the purpose of benefiting him in the 2020 election.

Democrats allege that President Trump withheld a meeting with President Zelensky as a way of pressuring Ukraine to investigate President Trump’s political rival.⁹⁷ Here, too, the evidence obtained during the impeachment inquiry does not support this allegation. President Trump and President Zelensky met *without* Ukraine ever investigating Vice Present Biden or his son, Hunter Biden.

The evidence strongly suggests, instead, that President Trump was reluctant to meet with President Zelensky for a different reason—Ukraine’s long history of pervasive corruption and uncertainty about whether President Zelensky would break from this history and live up to his anti-corruption campaign platform. The Democrats’ witnesses described how President Trump has a deep-seated and genuine skepticism of Ukraine due to its corruption and that the President’s view was reasonable. Because of President Trump’s skepticism and because President Zelensky was a first-time candidate with relatively untested views, Ukraine and U.S. officials sought to convince President Trump that President Zelensky was the “real deal” on reform. President Trump ultimately signed a letter to President Zelensky on May 29 inviting him to the White House.

Although there were several months between President Trump’s invitation on May 29 and the bilateral meeting on September 25, the evidence does not show the delay was intentional or aimed at pressuring President Zelensky. The Democrats’ witnesses described the difficulty in scheduling high-level meetings and how an anticipated presidential meeting in Poland in early September was cancelled due to Hurricane Dorian. Nonetheless, U.S. foreign policy officials believed that the Ukrainian government felt good about its relationship with the Trump Administration because of several high-level bilateral meetings held between May and September 2019, including President Zelensky’s meeting with Vice President Pence on September 1. Ultimately, of course, President Trump and President Zelensky met during the U.N. General Assembly in New York on September 25, without Ukraine taking steps to investigate President Trump’s political rival.

1. Ukraine has a long history of pervasive corruption.

Since it became an independent nation following the collapse of the Soviet Union, Ukraine has been plagued by systemic corruption. *The Guardian* has called Ukraine “the most corrupt nation in Europe”⁹⁸ and Ernst & Young cites Ukraine among the three most-corrupt nations of the world.⁹⁹

⁹⁷ See, e.g., Karoun Demirjian et al., *Officials’ texts reveals belief that Trump wanted probes as condition of Ukraine meeting*, Wash. Post, Oct. 4, 2019.

⁹⁸ Oliver Bullough, *Welcome to Ukraine, the Most Corrupt Nation in Europe*, Guardian, (Feb. 6, 2015).

⁹⁹ See, e.g., *14th Global Fraud Survey*, Ernst & Young, (2016), [https://www.ey.com/Publication/vwLUAssets/EY-corporate-misconduct-individual-consequences/\\$FILE/EY-corporate-misconduct-individual-consequences.pdf](https://www.ey.com/Publication/vwLUAssets/EY-corporate-misconduct-individual-consequences/$FILE/EY-corporate-misconduct-individual-consequences.pdf) (noting that 88% of Ukrainian’s agree that “bribery/corrupt practices happen widely in business in [Ukraine]”). See also Viktor Tkachuk, *People First: The Latest in the Watch on Ukrainian Democracy*, Kyiv Post, (Sept. 11, 2012),

The United States Agency for International Development (USAID) explained Ukraine's history of corruption in a 2006 report:

From the early 1990s, powerful officials in [the Ukrainian] government and politics acquired and privatized key economic resources of the state. As well, shadowy businesses, allegedly close to organized crime, became powerful economic forces in several regions of the country. Over the course of the past decade, these business groupings—or clans—as they became called, grew into major financial-industrial structures that used their very close links with and influence over government, political parties, the mass media and the state bureaucracy to enlarge and fortify their control over the economy and sources of wealth. They used ownership ties, special privileges, relations with government and direct influence over the courts and law enforcement and regulatory organizations to circumvent weaknesses in governmental institutions.¹⁰⁰

Corruption is so pervasive in Ukraine that in 2011, 68.8% of Ukrainian citizens reported that they had bribed a public official within the preceding twelve months.¹⁰¹ Bribery and facilitation payments¹⁰² are common schemes by which Ukrainian officials demand payment in exchange for ensuring public services are delivered either on time or at all.¹⁰³ Corruption also presents an obstacle to private and public business in Ukraine.¹⁰⁴ In 2011, then-President Petro Poroshenko estimated that 15%, or \$7.4 billion, of the state budget “ends up in the pockets of officials” through corrupt public procurement practices.¹⁰⁵

Pervasive corruption in Ukraine has been one of the primary impediments to Ukraine joining the European Union.¹⁰⁶ Corruption-related concerns also figure prominently in the E.U.-Ukrainian Association Agreement, the document establishing a political and economic

<https://www.kyivpost.com/article/opinion/op-ed/people-first-the-latest-in-the-watch-on-ukrainian-democracy-5-312797.html>.

¹⁰⁰ U.S. Agency for International Development, Final Report, Corruption Assessment: Ukraine (2006), https://pdf.usaid.gov/pdf_docs/PNADK247.pdf.

¹⁰¹ *Fighting Corruption in Ukraine: Ukrainian Style*, Gorshenin Inst., (Mar. 7, 2011), http://gpf-europe.com/upload/iblock/333/round_table_eng.pdf.

¹⁰² See Facilitation Payments, *Corruption Dictionary*, Ganintegrity.com, (last visited Oct. 23, 2019), <https://www.ganintegrity.com/portal/corruption-dictionary/>. Facilitation payments, also known as “grease payments,” are a form of bribery made with the purpose of expediting or securing the performance of a routine action to which the payer is legally entitled. *Id.*

¹⁰³ *People & Corruption: Citizens' Voices from Around the World*, Transparency Int'l, (2017), https://www.transparency.org/whatwedo/publication/people_and_corruption_citizens_voices_from_around_the_world.

¹⁰⁴ *Id.*

¹⁰⁵ Mark Rachkevych, *Under Yanukovich, Ukraine Slides Deeper in Ranks of Corrupt Nations*, Kyiv Post, (Dec. 1, 2011).

¹⁰⁶ See, e.g., Vladimir Isachenkov, *Ukraine's integration into West dashed by war and corruption*, Assoc. Press, Mar. 26, 2019.

association between the E.U. and Ukraine.¹⁰⁷ The Agreement was entered into with the intent of Ukraine committing to gradually conform to E.U. technical and consumer standards.

State Department witnesses called by the Democrats during the impeachment inquiry confirmed Ukraine's reputation for corruption. Deputy Assistant Secretary of State George Kent described Ukraine's corruption problem as "serious" and said corruption has long been "part of the high-level dialogue" between the United States and Ukraine.¹⁰⁸ Ambassador Bill Taylor said corruption in Ukraine is a "big issue."¹⁰⁹ Ambassador Kurt Volker testified that "Ukraine has a long history of pervasive corruption throughout the economy[,] throughout the country, and it has been incredibly difficult for Ukraine as a country to deal with this, to investigate it, to prosecute it."¹¹⁰ He later elaborated:

Ukraine had for decades a reputation of being just a corrupt place. There are a handful of people who own a disproportionate amount of the economy. Oligarchs, they use corruption as kind of the coin of the realm to get what they want, including influencing the Parliament, the judiciary, the government, state-owned industries. And so businessmen generally don't want to invest in Ukraine, even to this day, because they just fear that it's a horrible environment to be working in, and they don't want to put – expose themselves to that risk. I would have to believe that President Trump would be aware of that general climate.¹¹¹

2. President Trump has a deep-seated, genuine, and reasonable skepticism of Ukraine due to its history of pervasive corruption.

Multiple Democrat witnesses offered firsthand testimony of President Trump's skeptical view of Ukraine, as far back as September 2017. Ambassador Volker explained: "President Trump demonstrated that he had a very deeply rooted negative view of Ukraine based on past corruption. And that's a reasonable position. Most people who would know anything about Ukraine would think that."¹¹² He elaborated that the President's concern about Ukraine was genuine,¹¹³ and that this concern contributed to a delay in the meeting with President Zelensky. He explained:

¹⁰⁷ E.U.-Ukraine Ass'n Agreement, art. 14, Mar. 21, 2014, 57 Off. J. of the E.U. L161/3 ("In their cooperation on justice, freedom and security, the Parties shall attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the administration of justice in particular. Cooperation will, in particular, aim at strengthening the judiciary, improving its efficiency, safeguarding its independence and impartiality, and combating corruption. Respect for human rights and fundamental freedoms will guide all cooperation on justice, freedom and security.").

¹⁰⁸ Kent deposition, *supra* note 65 at 105, 151.

¹⁰⁹ Taylor deposition, *supra* note 47, at 86.

¹¹⁰ Volker transcribed interview, *supra* note 60, at 76.

¹¹¹ *Id.* at 148-49.

¹¹² *Id.* at 30.

¹¹³ *Id.* at 295.

So the issue as I understood it was this deep-rooted, skeptical view of Ukraine, a negative view of Ukraine, preexisting 2019, you know, going back. When I started this, I had one other meeting with President Trump and [then-Ukrainian] President Poroshenko. It was in September of 2017. And at that time he had a very skeptical view of Ukraine. So I know he had a very deep-rooted skeptical view. And my understanding at the time was that even though he agreed in the [May23] meeting that we had with him, say, okay, I'll invite him, he didn't really want to do it. And that's why the meeting kept being delayed and delayed.¹¹⁴

Other testimony confirms Ambassador Volker's statements. Former U.S. Ambassador to Ukraine Marie Yovanovitch confirmed the President's skepticism, saying that she observed it during President Trump's meeting with President Poroshenko in September 2017.¹¹⁵ She testified:

Q. Were you aware of the President's deep-rooted skepticism about Ukraine's business environment?

A. Yes.

Q. And what did you know about that?

A. That he—I mean, he shared that concern directly with President Poroshenko in their first meeting in the Oval Office.¹¹⁶

Dr. Fiona Hill, NSC Senior Director for Europe, also testified that President Trump was “quite publicly” skeptical of Ukraine and that “everyone has expressed great concerns about corruption in Ukraine.”¹¹⁷ Catherine Croft, a former NSC director, similarly attested to President's Trump skepticism when she staffed President Trump for two Ukraine matters in 2017, explaining: “Throughout both, I heard, directly and indirectly, President Trump described Ukraine as a corrupt country.”¹¹⁸

3. Senior Ukrainian government officials publicly attacked President Trump during the 2016 campaign.

President Trump's skepticism about Ukraine was compounded by statements made by senior Ukrainian government officials in 2016 that were critical of then-candidate Trump and supportive of his opponent, former Secretary of State Hillary Clinton. Although Democrats have attempted to discredit these assertions as “debunked,” the statements by Ukrainian leaders speak

¹¹⁴ *Id.* at 41.

¹¹⁵ Deposition of Ambassador Marie Yovanovitch, in Wash., D.C., at 142 (Oct. 11, 2019).

¹¹⁶ *Id.*

¹¹⁷ Hill deposition, *supra* note 12, at 118.

¹¹⁸ Croft deposition, *supra* note 60, at 14.

for themselves and shed light on President Trump's mindset when interacting with President Zelensky in 2019.

In August 2016, less than three months before the election, Valeriy Chaly, then-Ukrainian Ambassador to the United States, authored an op-ed in the Washington-based publication *The Hill* criticizing candidate Trump for comments he made about Russia's occupation of Crimea.¹¹⁹ Ambassador Chaly wrote that candidate Trump's comments "have raised serious concerns in [Kyiv] and beyond Ukraine."¹²⁰ Although President Zelensky dismissed Ambassador Chaly on July 19, 2019,¹²¹ the ambassador's op-ed remains on the website of the Ukrainian Embassy in the U.S. as of the date of this report.¹²²

Later that month, the *Financial Times* published an article asserting that Trump's candidacy led "Kyiv's wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a US election."¹²³ The article quoted Serhiy Leshchenko, a Ukrainian Member of Parliament, to detail how the Ukrainian government was supporting Secretary Clinton's candidacy.¹²⁴ The article explained:

Though most Ukrainians are disillusioned with the country's current leadership for stalled reforms and lackluster anti-corruption efforts, Mr. Leshchenko said events of the past two years had locked Ukraine on to a pro-western course. *The majority of Ukraine's politicians, he added, are "on Hillary Clinton's side."*¹²⁵

The *Financial Times* reported that during the U.S. presidential campaign, former Ukrainian Prime Minister Arseniy Yatsenyuk had warned on Facebook that candidate Trump "challenged the very values of the free world."¹²⁶ On Twitter, Ukrainian Internal Affairs Minister Arsen Avakov called Trump a "clown" who is "an even bigger danger to the US than terrorism."¹²⁷ In a Facebook post, Avakov called Trump "dangerous for Ukraine and the US" and said that Trump's Crimea comments were the "diagnosis of a dangerous misfit."¹²⁸ Avakov continues to serve in President Zelensky's government.

Multiple Democrat witnesses testified that these Ukrainian actions during the 2016 election campaign likely also colored President Trump's views of President Zelensky. Ambassador Volker said:

¹¹⁹ See Chaly, *supra* note 27.

¹²⁰ *Id.*

¹²¹ Zelensky dismisses Valeriy Chaly from post of Ukraine's envoy to US, Kyiv Post (July 19, 2019).

¹²² Embassy of Ukraine in the United States of America, *Op-ed by Ambassador of Ukraine to the USA Valeriy Chaly for the Hill: "Trump's comments send wrong message to world,"* <https://usa.mfa.gov.ua/en/press-center/publications/4744-posol-ukrajini-vislovluyvannya-trampa-nadsilajuty-nevirmij-signal-svitu>.

¹²³ Roman Olearchyk, *Ukraine's leaders campaign against 'pro-Putin' Trump*, *Financial Times*, Aug. 28, 2016.

¹²⁴ *Id.*

¹²⁵ *Id.* (emphasis added).

¹²⁶ *Id.*

¹²⁷ Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, *Politico*, Jan. 11, 2017.

¹²⁸ *Id.*

Q. And you mentioned that the President was skeptical, had a deep-rooted view of the Ukraine. Is that correct?

A. That is correct.

Q. And that, whether fair or unfair, he believed there were officials in Ukraine that were out to get him in the run-up to his election?

A. That is correct.

Q. So, to the extent there are allegations lodged, credible or uncredible, if the president was made aware of those allegations, whether it was via The Hill or, you know, via Mr. Giuliani or via cable news, if the President was made aware of these allegations, isn't it fair to say that he may, in fact, have believed they were credible?

A. Yes, I believe so.¹²⁹

Ambassador Sondland similarly testified:

Q. Did [President Trump] mention anything about Ukraine's involvement in the 2016 election?

A. I think he said: They tried to take me down. He kept saying that over and over.

Q. In connection with the 2016 election?

A. Probably, yeah.

Q. That was what your understanding was?

A. That was my understanding, yeah.¹³⁰

4. U.S. foreign policy officials were split on President Zelensky, a political novice with untested views on anti-corruption and a close relationship with a controversial oligarch.

Evidence obtained during the Democrats' impeachment inquiry shows that the U.S. foreign policy apparatus was divided on the question of whether President Trump should meet with President Zelensky. President Zelensky was a first-time candidate and a newcomer to the Ukrainian political scene. Although President Zelensky ran on an anti-corruption and reform platform, the Democrats' witnesses explained that the State Department was unsure how he

¹²⁹ Volker transcribed interview, *supra* note 60, at 70-71.

¹³⁰ Sondland deposition, *supra* note 51, at 75.

would govern as president. In addition, others in the U.S. government worried about President Zelensky's association with Ukrainian oligarch Igor Kolomoisky.

President Zelensky won a landslide victory on April 21, 2019, defeating incumbent President Petro Poroshenko by a 73-24 percent margin.¹³¹ The win came as a surprise to many.¹³² At the time of his election, Mr. Zelensky was a comedic television personality. Ambassador Volker testified that "Zelensky kind of came up out of nowhere. . . . When he arose kind of meteorically, as an outside figure and a popular candidate, I think it did take everybody by surprise."¹³³

Ambassador Yovanovitch also testified that Zelensky's election came as a surprise. She explained:

And I think that there was, you know, as is true, I think, probably in any country during Presidential elections, a lot of – a lot of concerns among people. This was I think a big surprise for the political elite of Ukraine, which is relatively small. And so, I don't think they saw it coming really until the very end. And, so, there was surprise and, you know, all the stages of grief, anger, disbelief, how is this happening?¹³⁴

Ambassador Yovanovitch agreed that President Zelensky was an "untried" politician:

- Q. And how did you feel about [Zelensky winning the election]? What were your views of Zelensky? Did you think he was going to be a good advocate for the anticorruption initiatives, as he was campaigning on?
- A. We didn't know. I mean, he was an untried politician. Obviously, he has a background as a comedian, as an actor, as a businessperson, but we didn't know what he would be like as a President.¹³⁵

Ambassador Sondland testified that there was a difference in opinion regarding whether to schedule a call between Presidents Trump and Zelensky. Ambassador Sondland recalled that he, Ambassador Volker, and Secretary Perry advocated for a call between the presidents, while NSC officials disagreed.¹³⁶

Evidence suggests that U.S. officials had concerns about some people surrounding President Zelensky. Ambassador Volker testified that President Zelensky's chief of presidential administration, Andriy Bohdan, had earlier been an attorney for "a very famous oligarch in

¹³¹ *Ukraine election: Comedian Zelensky wins presidency by landslide*, BBC News (Apr. 22, 2019).

¹³² *Id.*

¹³³ Volker transcribed interview, *supra* note 60 at 152-53.

¹³⁴ Yovanovitch deposition, *supra* note 115, at 73-74.

¹³⁵ *Id.* at 74.

¹³⁶ Sondland note 51, at 27-28.

Ukraine.”¹³⁷ Senator Ron Johnson, who attended President Zelensky’s inauguration in May 2019, recalled “concern over rumors that [President] Zelensky was going to appoint Andriy Bohdan, the lawyer for oligarch Igor Kolomoisky, as his chief of staff. The delegation [to the inauguration] viewed Bohdan’s rumored appointment to be contrary to the goal of fighting corruption and maintaining U.S. support.”¹³⁸ President Zelensky appointed Bohdan to be head of presidential administration in May 2019.¹³⁹

In addition, Dr. Hill explained that the NSC had a concern about President Zelensky’s relationship with Kolomoisky, an oligarch who had owned the television station on which Zelensky’s comedy show aired.¹⁴⁰ Under the Poroshenko regime, the Ukrainian government had accused Kolomoisky of embezzling from PrivatBank, which he co-owned, causing Kolomoisky to flee Ukraine.¹⁴¹ According to Ambassador Volker, “the Ukrainian taxpayer officially is bailing out the bank for the money that Kolomoisky stole. Because the IMF provides budgetary support to Ukraine, we [the U.S. taxpayers] actually ended up bailing out this bank.”¹⁴²

Ambassador Taylor testified that he discussed these concerns about Kolomoisky directly with President Zelensky:

[T]he influence of one particular oligarch over Mr. Zelensky is of particular concern, and that’s this fellow Kolomoisky, so – and Kolomoisky has growing influence. And this is one of the concerns that I have expressed to President Zelensky and his team on several occasions very explicitly, saying that, you know, Mr. President, Kolomoisky was not elected. You were elected and he, Mr. Kolomoisky, is increasing his influence in your government, which could cause you to fail. So I’ve had that conversation with him a couple of times.¹⁴³

Kolomoisky returned to Ukraine following President Zelensky’s victory.¹⁴⁴

5. President Trump extended an invitation to the White House to President Zelensky on three occasions without conditions.

The evidence demonstrates that President Trump had a deep skepticism of Ukraine based on its history of pervasive corruption. This inherent skepticism, coupled with certain Ukrainian government officials’ criticism of candidate Trump during the 2016 campaign and President Zelensky’s untested views, contributed to President Trump’s reticence to meet with President

¹³⁷ Volker transcribed interview, *supra* note 60, at 137.

¹³⁸ Letter from Sen. Ron Johnson to Jim Jordan, Ranking Member, H. Comm. on Oversight & Reform, & Devin Nunes, Ranking Member, H. Perm. Sel. Comm. on Intelligence 3 (Nov. 18, 2019).

¹³⁹ Roman Olearchyk, *Volodymyr Zelensky hires oligarch’s lawyer as chief of staff*, Financial Times, May 22, 2019.

¹⁴⁰ Hill deposition, *supra* note 12, at 76-77.

¹⁴¹ Andrew E. Kramer, *Oligarch’s return raises alarm in Ukraine*, N.Y. Times, May 16, 2019.

¹⁴² Volker transcribed interview, *supra* note 60, at 246.

¹⁴³ Taylor deposition, *supra* note 47, at 86.

¹⁴⁴ Kramer, *supra* note 141.

Zelensky. In spring and summer 2019, however, the President extended an invitation to the White House to President Zelensky on three occasions—without any conditions.

On April 21, 2019, President Trump placed a brief congratulatory call to President-elect Zelensky.¹⁴⁵ President Trump said: “When you’re settled in and ready, I’d like to invite you to the White House.”¹⁴⁶ The presidents did not discuss any investigations, and President Trump placed no conditions on his invitation.

On May 23, President Trump met with Ambassador Volker, Ambassador Sondland, Secretary Perry, and Senator Johnson—the senior U.S. officials who had comprised the official U.S. delegation to President Zelensky’s inauguration days before. The delegation sought to convey to President Trump a positive impression of President Zelensky.¹⁴⁷ According to Ambassador Volker:

President Trump demonstrated that he had a very deeply rooted negative view of Ukraine based on past corruption. And that’s a reasonable position. Most people who would know anything about Ukraine would think that. That’s why it was important that we wanted to brief him, because we were saying, it’s different, this guy is different. But the President had a very deeply rooted negative view. We urged that he invite President Zelensky to meet with him at the White House. He was skeptical of that. We persisted. And he finally agreed, okay, I’ll do it.¹⁴⁸

Later in his transcribed interview, Ambassador Volker provided more context for the May 23 discussion:

What I heard from President Trump in the meeting in the oval office was blanket, like, “this—these are terrible people, this is a corrupt country,” you know, “I don’t believe it.” I made the argument that President Zelensky is the real deal, he is going to try to fix things, and, you know, he just did not believe it. He waved it off. So there’s a general issue there.

He did not mention investigations to me in that meeting, or call for investigations. I was not aware that he did so in the July 25th call later. His attitude towards Ukraine was just general and negative.¹⁴⁹

Ambassador Sondland similarly testified that President Trump expressed negative views about Ukraine in this meeting and mentioned how “they tried to take me down” in 2016.¹⁵⁰

¹⁴⁵ *Memorandum of Telephone Conversation*, *supra* note 10.

¹⁴⁶ *Id.*

¹⁴⁷ Hill deposition, *supra* note 12, at 320.

¹⁴⁸ Volker transcribed interview, *supra* note 60, at 30-31.

¹⁴⁹ *Id.* at 280.

¹⁵⁰ Sondland deposition, *supra* note 51, at 74-75.

Although Ambassador Sondland said he was discouraged by the President's viewpoint, he was pleased and surprised that the President later agreed to invite President Zelensky to the White House.¹⁵¹

Senator Johnson recalled that in this meeting, President Trump "expressed strong reservations about support for Ukraine. He made it crystal clear that he viewed Ukraine as a thoroughly corrupt country both generally and, specifically, regarding rumored meddling in the 2016 election."¹⁵² Senator Johnson further explained:

It was obvious that [the President's] viewpoint and reservations were strongly held, and that we would have a significant sales job ahead of us in getting him to change his mind. I specifically asked him to keep his viewpoint and reservations private and not to express them publicly until he had a chance to meet [President] Zelensky. He agreed to do so, but he added that he wanted [President] Zelensky to know exactly how he felt about the corruption in Ukraine prior to any future meeting.¹⁵³

Senator Johnson recounted that he did not recall President Trump mentioning Burisma or the Bidens, but it was "obvious" that President Trump was aware of "rumors that corrupt actors in Ukraine might have played a part in helping create the false Russia collusion narrative."¹⁵⁴

On May 29, President Trump wrote to President Zelensky to invite him to Washington, D.C. "as soon as we can find a mutually convenient time."¹⁵⁵ President Trump's letter did not mention any investigations and placed no conditions on President Zelensky's invitation to the White House. On July 25, during their phone conversation, President Trump reiterated his invitation to President Zelensky, again without conditions.¹⁵⁶

6. Despite difficulty scheduling a face-to-face presidential meeting, senior Ukrainian officials interacted often with senior American officials between May and September 2019.

By late May 2019, President Trump had formally extended an invitation for President Zelensky to visit the White House. Although the two presidents did not meet face-to-face until September 25, the Democrats' witnesses testified that presidential meetings can often take time to schedule and that senior Ukrainian officials met frequently with American counterparts in the

¹⁵¹ *Id.* at 74, 81, 85-87.

¹⁵² Letter from Sen. Ron Johnson, *supra* note 138, at 4.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ Letter from President Donald J. Trump to His Excellency Volodymyr Zelenskyy, President of Ukraine (May 29, 2019). Dr. Hill testified that Ambassador Sondland claimed he had dictated the paragraph inviting President Zelensky to the White House, *see* Hill deposition, *supra* note 12, at 74; however, Ambassador Sondland testified that he had no role in drafting the letter. Sondland deposition, *supra* note 51, at 81.

¹⁵⁶ *Memorandum of Telephone Conversation*, *supra* note 15.

interim.¹⁵⁷ Ambassador Volker explained that the new Zelensky regime was “actually feeling pretty good by then” about its relationship with the Trump Administration.¹⁵⁸

On June 4, President Zelensky attended an Independence Day dinner at the U.S. mission to the E.U. hosted by Ambassador Sondland and also attended by White House Senior Advisor Jared Kushner.¹⁵⁹

On July 3, while in Toronto, Canada, for the Ukraine Reform Conference, President Zelensky met with Ambassador Volker and Deputy Assistant Secretary of State George Kent.¹⁶⁰

On July 9, Oleksandr Danylyuk, then-Secretary of the National Security and Defense Council of Ukraine, and Andrey Yermak, a senior adviser to President Zelensky, met with LTG Keith Kellogg, Vice President Pence’s National Security Advisor; Jennifer Williams, a special advisor covering European issues for Vice President Pence; and NSC staff member LTC Alexander Vindman.¹⁶¹

On July 10, Danylyuk and Yermak met at the White House with National Security Advisor John Bolton, Secretary Perry, Ambassador Volker, Ambassador Sondland, Dr. Hill, and LTC Vindman.¹⁶²

On July 25, President Trump and President Zelensky spoke by telephone.¹⁶³

On July 26, President Zelensky met with Ambassador Volker, Ambassador Sondland, and Ambassador Taylor in Kyiv.¹⁶⁴ Ambassador Volker testified that the meeting was scheduled before the presidents’ phone call.¹⁶⁵ He said President Zelensky was “pleased that the call had taken place They thought it went well. And they were encouraged again because the President had asked them to pick dates for coming to the White House.”¹⁶⁶

On August 27, President Zelensky met with National Security Advisor Bolton in Kyiv.¹⁶⁷

On September 1, President Zelensky met with Vice President Pence in Warsaw, Poland, after an event commemorating the 80th anniversary of the beginning of World War II.¹⁶⁸ President Trump had been scheduled to attend but was forced to cancel due to Hurricane

¹⁵⁷ Kent deposition, *supra* note 65, at 231; Volker transcribed interview, *supra* note 60, at 127.

¹⁵⁸ Volker transcribed interview, *supra* note 60, at 127.

¹⁵⁹ Sondland deposition, *supra* note 51, at 26-27, 148-49.

¹⁶⁰ Kent deposition, *supra* note 65, at 241; Volker transcribed interview, *supra* note 60, at 137.

¹⁶¹ Williams deposition, *supra* note 73, at 51-53.

¹⁶² Volker transcribed interview, *supra* note 60, at 66-67; Hill deposition, *supra* note 12, at 62-63.

¹⁶³ *Memorandum of Telephone Conversation*, *supra* note 15.

¹⁶⁴ Volker transcribed interview, *supra* note 60, at 312-33; Sondland deposition, *supra* note 51, at 29.

¹⁶⁵ Volker transcribed interview, *supra* note 60, at 102.

¹⁶⁶ *Id.* at 313.

¹⁶⁷ Taylor deposition, *supra* note 47, at 229-30.

¹⁶⁸ The White House, Readout of Vice President Mike Pence’s Meeting with Ukrainian President Volodymyr Zelenskyy (Sept. 1, 2019); Taylor deposition, *supra* note 47, at 34-35.

Dorian.¹⁶⁹ According to Ambassador Taylor’s testimony, Vice President Pence reiterated President Trump’s views for “Europeans to do more to support Ukraine and that he wanted the Ukrainians to do more to fight corruption.”¹⁷⁰

On September 17, Secretary of State Pompeo had a telephone conversation with Ukrainian Foreign Minister Vadym Prystaiko.¹⁷¹ According to a readout from the U.S. Embassy in Kyiv, Secretary Pompeo “affirmed U.S. support for Ukraine as it advances critical reforms to tackle corruption, strengthen the rule of law, and foster an economic environment that promotes competition and investment. The Secretary expressed unwavering U.S. support for Ukraine’s sovereignty and territorial integrity.”¹⁷²

On September 18, President Zelensky and Vice President Pence spoke by telephone.¹⁷³ The two discussed President Zelensky’s upcoming meeting with President Trump on the margins of the U.N. General Assembly and Ukraine’s effort to address its corruption challenges.¹⁷⁴

7. The evidence does not establish a linkage between a White House meeting and Ukrainian investigations into President Trump’s political rival.

The evidence in the Democrats’ impeachment inquiry does not show that a White House meeting was conditioned on Ukraine’s willingness to investigate President Trump’s political rival. Although the anonymous whistleblower, citing “multiple” secondhand sources, alleged that President Trump sought to withhold a meeting to pressure President Zelensky to “play ball,”¹⁷⁵ publicly available information contradicts the whistleblower’s claim. For example, Andrey Yermak, a senior adviser to President Zelensky, admitted in an August 2019 *New York Times* article that he discussed with Mayor Giuliani both meeting between President Trump and President Zelensky and investigations.¹⁷⁶ The *Times* reported, however, that Yermak and Mayor Giuliani “did not discuss a link between the two.”¹⁷⁷

Other firsthand testimony obtained during the impeachment inquiry supports this finding. For example, Ambassador Volker, the key interlocutor with the Ukrainian government, clearly testified that there was no “linkage” between a White House meeting and Ukrainian actions to investigate President Trump’s political rival. He explained:

Q. Did the President ever withhold a meeting with President Zelensky until the Ukrainians committed to investigating those allegations?

¹⁶⁹ Volker transcribed interview, *supra* note 60, at 130; Taylor deposition, *supra* note 47, at 35.

¹⁷⁰ Taylor deposition, *supra* note 47, at 35.

¹⁷¹ U.S. Embassy in Ukraine, Secretary Michael R. Pompeo’s Call with Ukrainian Foreign Minister Vadym Prystayko (Sept. 17, 2019), <https://ua.usembassy.gov/secretary-michael-r-pompeos-call-with-ukrainian-foreign-minister-vadym-prystayko/>.

¹⁷² *Id.*

¹⁷³ The White House, Readout of Vice President Mike Pence’s Phone Call with President of Ukraine (Sept. 18, 2019).

¹⁷⁴ *Id.*; see also Volker transcribed interview, *supra* note 60, at 317-18.

¹⁷⁵ Whistleblower letter, *supra* note 85, at 7.

¹⁷⁶ Kenneth P. Vogel & Andrew E. Kramer, *Giuliani renews push for Ukraine to investigate Trump’s political opponents*, N.Y. Times, Aug. 21, 2019.

¹⁷⁷ *Id.*

A. We had a difficult time scheduling a bilateral meeting between President Zelensky and President Trump.

Q. Ambassador Volker, that was a yes-or-no question.

A. Well, if I – can you repeat the question then?

Q. Sure. Did President Trump ever withhold a meeting with President Zelensky or delay a meeting with President Zelensky until the Ukrainians committed to investigate the allegations that you just described concerning the 2016 Presidential election?

A. The answer to the question is no, if you want a yes-or-no answer. But the reason the answer is no is we did have difficulty scheduling a meeting, but there was no linkage like that.¹⁷⁸

Q. So before we move to the text messages, I want to ask you a clarifying question. You said that you were not aware of any linkage between the delay in the Oval Office meeting between President Trump and President Zelensky and the Ukrainian commitment to investigate the two allegations as you described them, correct?

A. Correct.¹⁷⁹

Ambassador Sondland was the only witness to allege a *quid pro quo* with respect to a White House meeting. However, to the extent that Ambassador Sondland testified that he believed a White House meeting was conditioned on Ukrainian actions, his belief was that a meeting was conditioned on a public statement about anti-corruption—not on investigations into President Trump’s political rival.¹⁸⁰ Ambassador Sondland testified in his closed-door deposition that “nothing about the request raised any red flags for me, Ambassador Volker, or Ambassador Taylor.”¹⁸¹ In his public testimony, Ambassador Sondland clarified that he *believed* there was linkage, but that President Trump had never discussed with him any preconditions for a White House visit by President Zelensky.¹⁸²

In addition, there is conflicting testimony about what occurred during a July 10 meeting between two senior Ukrainian officials and senior U.S. officials in National Security Advisor John Bolton’s office. Ambassador Volker, Ambassador Sondland, Secretary Perry joined

¹⁷⁸ Volker transcribed interview, *supra* note 60, at 35-36.

¹⁷⁹ *Id.* at 40.

¹⁸⁰ Sondland deposition, *supra* note 51, at 30, 331.

¹⁸¹ *Id.* at 30.

¹⁸² *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 56.

Ambassador Bolton to meet with Oleksandr Danylyuk, then-Secretary of Ukraine’s National Security and Defense Council, and Andrey Yermak, an adviser to President Zelensky.¹⁸³ Dr. Hill and LTC Vindman from the NSC staff attended as well.¹⁸⁴

Dr. Hill and LTC Vindman alleged that during the meeting, Ambassador Sondland raised potential Ukrainian actions on investigations, leading Ambassador Bolton to abruptly end the meeting.¹⁸⁵ Dr. Hill recounted that Ambassador Bolton told her to brief the NSC Legal Advisor, John Eisenberg, and said he would not be a part of what he termed a “drug deal.”¹⁸⁶

Although Dr. Hill testified that she confronted Ambassador Sondland over his discussion of investigations,¹⁸⁷ Ambassador Sondland testified in his closed-door deposition that “neither Ambassador Bolton, Dr. Hill, or anyone else on the NSC staff ever expressed any concerns to me about our efforts . . . or, most importantly, any concerns that we were acting improperly.”¹⁸⁸ Ambassador Sondland testified in his deposition that he recalled no “unpleasant conversation” with Dr. Hill.¹⁸⁹ Likewise, although Ambassador Volker assessed that the meeting was “not good,” he said it was because Danylyuk poorly conveyed the appropriate top-level message to Ambassador Bolton during the meeting.¹⁹⁰

In his public testimony, Ambassador Volker acknowledged that Ambassador Sondland made a “general comment about investigations,” but he disputed that the July 10 meeting ended abruptly.¹⁹¹ He also testified that preconditions were not discussed during the meeting.¹⁹² Although Ambassador Sondland denied in his closed-door depositions that he raised investigations during July 10 meeting,¹⁹³ he acknowledged that he did in his public testimony.¹⁹⁴ Even still, Ambassador Sondland denied that the July 10 meeting ended abruptly: “I don’t recall any abrupt ending of the meeting or people storming out or anything like that. That would have been very memorable if someone had stormed out of a meeting, based on something I said.”¹⁹⁵ He explained that Dr. Hill never raised concerns to him, and that any discussion of investigations did not mention specific investigations.¹⁹⁶ He testified:

Q. And, in fact, after the meeting, you went out and you took a picture, right?

¹⁸³ Sondland deposition, *supra* note 51, at 27; Volker transcribed interview, *supra* note 60, at 50-51.

¹⁸⁴ Hill deposition, *supra* note 12, at 63; Vindman deposition, *supra* note 12, at 17-18.

¹⁸⁵ Hill deposition, *supra* note 12, at 67; Vindman deposition, *supra* note 12, at 17.

¹⁸⁶ Hill deposition, *supra* note 12, at 70-71.

¹⁸⁷ *Id.* at 68-71. Dr. Hill testified that she also had a “blow up” with Ambassador Sondland in June about Ukraine, saying that Ambassador Sondland got “testy.” *Id.* at 113.

¹⁸⁸ Sondland deposition, *supra* note 51, at 28.

¹⁸⁹ *Id.* at 114.

¹⁹⁰ Volker transcribed interview, *supra* note 60, at 66.

¹⁹¹ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

¹⁹² *Id.*

¹⁹³ *Id.* at 109-10.

¹⁹⁴ *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 56.

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

A. Yeah. We – Ambassador Bolton – or his assistant indicated that he was out of time, that he needed – he had another meeting to attend. And we all walked out of the White House. Everyone was smiling, everyone was happy, and we took a picture on the lawn on a nice sunny day.

Q. Okay. Then did you retire to the Ward Room?

A. I think Secretary Perry asked to use the Ward Room to continue the conversation. And the real subject that was under debate – and it wasn't an angry debate, it was a debate – should the call from President Trump to President Zelensky be made prior to the parliamentary elections in Ukraine or after the parliamentary elections? And there was good reason for both. We felt – Ambassador Perry, Ambassador Volker, and I thought it would help President Zelensky to have President Trump speak to him prior to the parliamentary elections, because it would give President Zelensky more credibility, and ultimately he would do better with his people in the parliamentary elections. Others, I believe, pushed back and said, no, it's not appropriate to do it before. It should be done after. And ultimately, it was done after.

Q. Okay. There was no mention of Vice President Biden in the Ward Room?

A. Not that I remember, no.

Q. Or any specific investigation?

A. Just the generic investigations.¹⁹⁷

Contemporaneous evidence contradicts the idea that there was serious discord during the meeting. Following the meeting, Ambassador Bolton retweeted a statement from Secretary Perry about the July 10 meeting, writing it was a “great discussion . . . on U.S. support for Ukrainian reforms and the peaceful restoration of Ukrainian territory.”¹⁹⁸ The picture in the tweet of the U.S. and Ukrainian officials—taken immediately after the meeting in Ambassador Bolton’s office¹⁹⁹—shows smiling faces and no indication of hostility or discord between Ambassador Bolton and Ambassador Sondland.

¹⁹⁷ *Id.*

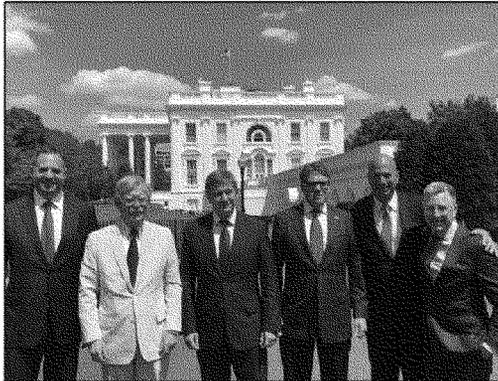
¹⁹⁸ John Bolton (@AmbJohnBolton), Twitter (July 10, 2019, 4:39 p.m.), <https://twitter.com/AmbJohnBolton/status/1149100798632026112>.

¹⁹⁹ Sondland deposition, *supra* note 51, at 110.

Figure 1: Ambassador Bolton tweet following July 10 meeting



Figure 2: Picture of smiling U.S. and Ukrainian officials following July 10 meeting



8. The evidence does not establish that President Trump directed Vice President Pence not to attend President Zelensky's inauguration to pressure Ukraine to investigate the President's political rival.

The evidence also does not establish that President Trump directed Vice President Pence not to attend President Zelensky's inauguration as a means of pressuring Ukraine to investigate the President's political rival. During their initial April 21 phone call, President Trump told President Zelensky that a "great" representative of the U.S. would attend the Zelensky inauguration.²⁰⁰ The anonymous whistleblower alleged that President Trump later "instructed Vice President Pence to cancel his planned travel to Ukraine to attend President Zelensky's

²⁰⁰ Memorandum of Telephone Conversation, *supra* note 10.

inauguration [I]t was also ‘made clear’ to them that the President did not want to meet with Mr. Zelensky until he saw how Zelensky ‘chose to act’ in office.”²⁰¹ The evidence in the Democrats’ impeachment inquiry does not support this assertion.

Although Jennifer Williams, a special adviser in the Office of the Vice President, testified in her closed-door deposition that a colleague told her that President Trump directed Vice President Pence not to attend the inauguration,²⁰² she had no firsthand knowledge of any such direction or the reasons given for any such direction.²⁰³ Williams explained that the Office of the Vice President provided three dates—May 30, May 31 and June 1—during which Vice President Pence would be available to attend the inauguration.²⁰⁴ Williams explained that “if it wasn’t one of those dates it would be very difficult or impossible” for Vice President Pence to attend.²⁰⁵ Neither the Secret Service nor advance teams deployed to Ukraine to prepare for Vice President Pence’s travel.²⁰⁶

During this same period, Vice Present Pence was planning travel to Ottawa, Canada, on May 30 to promote the U.S.-Mexico-Canada Agreement (USMCA).²⁰⁷ Williams acknowledged in her public testimony that the Office of the Vice President had “competing trips . . . for the same window.”²⁰⁸ Williams elaborated that due to international travel by President Trump and Vice President Pence, there was a “narrow window” within which Vice President Pence was able to attend President Zelensky’s inauguration.²⁰⁹ Dr. Hill explained that the President and Vice President cannot travel internationally at the same time, testifying that Vice President Pence’s attendance at President Zelensky’s inauguration was just dependent on scheduling and she had no knowledge that the Vice President was directed not to attend the inauguration.²¹⁰

Ultimately, on May 16, the Ukrainian Parliament scheduled President Zelensky’s inauguration for only four days later, May 20, which was a date not offered by the Vice President’s Office.²¹¹ Williams testified that this scheduling posed a problem: “To be honest, we hadn’t looked that closely at the Vice President’s schedule before the President’s trip [to Japan]

²⁰¹ Whistleblower letter, *supra* note 85, at app. 1-2.

²⁰² Williams deposition, *supra* note 73, at 37.

²⁰³ *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

²⁰⁴ Williams deposition, *supra* note 73, at 58; *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

²⁰⁵ Williams deposition, *supra* note 73, at 58.

²⁰⁶ *Id.* at 59.

²⁰⁷ See The White House, Joint Statement by Vice President Mike Pence and Canadian Prime Minister Justin Trudeau (May 30, 2019).

²⁰⁸ *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

²⁰⁹ *Id.*

²¹⁰ “*Impeachment Inquiry: Dr. Fiona Hill and Mr. David Holmes*”; *Hearing before the H. Perm. Sel. Comm. on Intelligence*, 116th Cong. (2019); Hill deposition, *supra* note 12, at 185 (“It depended on the date. I mean, we were hoping, you know, if others couldn’t attend that [Vice President Pence] could. I mean, I myself couldn’t attend because of the date, that the way that it – again, there were several different dates, and then the date that was announced in May was very quickly announced.”); *id.* at 316 (“And it was going to be very tight for the Vice President to make it for the inauguration. So I, you know, have no knowledge that he was actually ordered not to go, but it was going to be very difficult for him to go.”).

²¹¹ Kent deposition, *supra* note 65, at 189.

at the end of May just because we weren't expecting the Ukrainians to look at that timeframe."²¹² Kent explained that this short notice sent the State Department "scrambl[ing]" to find a U.S. official to lead the delegation.²¹³ Secretary Pompeo was traveling, so the decision was made to ask Secretary Perry to lead the delegation.²¹⁴ On May 20, the day of President Zelensky's inauguration, Vice President Pence attended an event in Jacksonville, Florida, to promote the USMCA.²¹⁵

9. President Trump and President Zelensky met during the United Nations General Assembly in September 2019 without any Ukrainian action to investigate President Trump's political rival.

On September 25, President Trump and President Zelensky met during the U.N. General Assembly in New York.²¹⁶ Ambassador Volker said that President Trump and President Zelensky had a "positive" meeting. He testified:

Q. Turning back to President Trump's skepticism of Ukraine and the corruption there, do you think you made any inroads in convincing him that Zelensky was a good partner?

A. I do. I do. I attended the President's meeting with President Zelensky in New York on, I guess it was the 25th of September. And I could see the body language and the chemistry between them was positive, and I felt that this is what we needed all along.²¹⁷

Ambassador Taylor testified that the meeting was "good" and President Trump "left pleased that they had finally met face to face."²¹⁸ Ambassador Taylor said there was no discussion about investigations during the September 25 meeting.²¹⁹

Notably, President Trump and President Zelensky met in New York without Ukraine ever investigating President Trump's political rival.

* * *

The evidence presented in the impeachment inquiry does not support the Democrats' assertion that President Trump sought to withhold a White House meeting to pressure the Ukrainian government to investigate the President's political rival. President Trump and President Zelensky met in September 2019 *without* Ukraine ever investigating Vice President Biden or Hunter Biden.

²¹² Williams deposition, *supra* note 73, at 60.

²¹³ Kent deposition, *supra* note 65, at 190.

²¹⁴ *Id.* at 190-91.

²¹⁵ The White House, Remarks by Vice President Pence at America First Policies Event USMCA: A Better Deal for American Worker (May 20, 2019).

²¹⁶ Remarks by President Trump and President Zelensky of Ukraine Before Bilateral Meeting, *supra* note 40.

²¹⁷ Volker transcribed interview, *supra* note 60, at 87-88.

²¹⁸ Taylor deposition, *supra* note 47, at 288.

²¹⁹ *Id.*

Contrary to the assertions in the anonymous whistleblower complaint, the evidence shows that President Trump has a genuine, deep-seated, and reasonable skepticism of Ukraine given its history of pervasive corruption. In addition, U.S. foreign policy officials were divided on whether President Trump should meet with President Zelensky, in part due to President Zelensky's close association with an oligarch accused of embezzlement. In May 2019, President Trump formally invited President Zelensky to the White House. For several months, there were attempts to arrange a meeting between President Trump and President Zelensky. Although President Trump indicated during their July 25 call that they may meet in Warsaw in September, Hurricane Dorian forced President Trump to cancel. Vice President Pence met with President Zelensky instead. President Trump and President Zelensky ultimately met without Ukraine ever investigating any of President Trump's political rival.

C. The evidence does not establish that President Trump withheld U.S. security assistance to Ukraine to pressure Ukraine to investigate the President's political rival for the purpose of benefiting him in the 2020 election.

Democrats allege that President Trump conspired to withhold U.S. security assistance to Ukraine as a way of pressuring Ukraine to investigate President Trump's political rival.²²⁰ Here, too, the evidence obtained during the impeachment inquiry does not support this allegation.

The evidence suggests a far less nefarious reality. Just as President Trump holds a deep-seated skepticism about Ukraine, the President is highly skeptical of foreign assistance. Any examination of the President's actions must consider this factor. President Trump has been vocal about his view that U.S. allies in Europe should contribute a fair share for regional security. As Ukrainian government officials worked with U.S. officials to convince President Trump that President Zelensky was serious about reform and worthy of U.S. assistance, they discussed a public statement conveying that commitment. Although the security assistance was paused in July, it is not unusual for U.S. foreign assistance to become delayed. Assistance to Ukraine has been delayed before. Most telling, the Trump Administration has been stronger than the Obama Administration in providing Ukraine with lethal defensive arms to deter Russian aggression.

The Democrats' witnesses testified that U.S. security assistance to Ukraine was not conditioned on Ukrainian action on investigations. U.S. officials did not raise the issue of the delay in security assistance with Ukrainian officials because they viewed it as a bureaucratic issue that would be resolved. The Ukrainian government in Kyiv was not even aware that the aid was paused until it was reported publicly, only two weeks before the aid was released, as senior U.S. officials confidently predicted it would be. Ultimately, the U.S. disbursed security assistance to Ukraine *without* Ukraine ever investigating Vice Present Biden or his son, Hunter Biden.

²²⁰ See, e.g., Rishika Dugyala, *Democratic Senator: 'No doubt' Ukraine 'felt pressure'*, Politico (Oct. 27, 2019).

1. President Trump has been skeptical about U.S. taxpayer-funded foreign assistance.

Evidence suggests that President Trump is generally skeptical of U.S. taxpayer-funded foreign assistance. President Trump’s skepticism of U.S. taxpayer-funded foreign assistance is long-standing. On June 16, 2015, when President Trump announced his candidacy for president, he said:

It is time to stop sending jobs overseas through bad foreign trade deals. We will renegotiate our trade deals with the toughest negotiators our country has... the ones who have actually read “The Art of the Deal” and know how to make great deals for our country.

It is time to close loopholes for Wall Street and create far more opportunities for small businesses.

It is necessary that we invest in our infrastructure, *stop sending foreign aid to countries that hate us and use that money to rebuild our tunnels, roads, bridges and schools—and nobody can do that better than me.*²²¹

During the 2016 presidential campaign, then-candidate Trump continued to express his skepticism of U.S. taxpayer-funded foreign aid. In March 2016, he told the *Washington Post*, “I do think it’s a different world today and I don’t think we should be nation building anymore. I think it’s proven not to work. And we have a different country than we did then. You know we have 19 trillion dollars in debt. . . . And I just think we have to rebuild our country.”²²² That same month, then-candidate Trump told the *New York Times*, “We’re going to be friendly with everybody, but we’re not going to be taken advantage of by anybody. . . . I think we’ll be very worldview [*sic*], but we’re not going to be ripped off anymore by all of these countries.”²²³

As president, President Trump has sought to reduce U.S. taxpayer-funded foreign assistance. In his fiscal year 2018 budget proposal, the President proposed “to reduce or end direct funding for international programs and organizations whose missions do not substantially advance U.S. foreign policy interests. The Budget also renews attention on the appropriate U.S. share of international spending . . . for many other global issues where the United States currently pays more than its fair share.”²²⁴ The President’s 2020 budget proposal—submitted in March 2019—likewise “supports America’s reliable allies, but reflects a new approach toward countries that have taken unfair advantage of the United States’ generosity.”²²⁵ The President’s

²²¹ Donald Trump, Announcement of Candidacy for President of the United States, in New York, N.Y. (June 16, 2015) (emphasis added).

²²² *A transcript of Donald Trump’s meeting with the Washington Post editorial board*, Wash. Post, Mar. 21, 2016.

²²³ Maggie Haberman & David Sanger, *Transcript: Donald Trump Expounds on His Foreign Policy Views*, N.Y. Times, Mar. 26, 2016.

²²⁴ Budget of the U.S. Government Fiscal Year 2018 at 13 (May 23, 2017).

²²⁵ Budget of the U.S. Government Fiscal Year 2020 at 71 (Mar. 11, 2019).

Budget specifically sought “greater accountability by international partners along with donor burden sharing that is more balanced.”²²⁶

Testimony from the Democrats’ witnesses reinforces the President’s skepticism of foreign assistance. Ambassador Taylor, U.S. chargé *a.i.* in Kyiv, testified that on August 22, 2019, he had a phone conversation with NSC Senior Director for Europe Tim Morrison in which Morrison said that the “President doesn’t want to provide any assistance at all.”²²⁷ Morrison testified that President Trump generally does not like giving foreign aid to other countries and believes U.S. “ought not” to be the only country providing security assistance.²²⁸ LTC Vindman, the NSC director handling Ukraine policy, similarly testified that President Trump is skeptical of foreign aid.²²⁹

In fact, evidence suggests that President Trump sought to review U.S. taxpayer-funded foreign assistance across the board. Ambassador David Hale, the Under Secretary of State for Political Affairs, testified that the Trump Administration was undertaking a “review” of foreign assistance globally.²³⁰ He testified:

Q. You mentioned that there was a foreign assistance review undergoing –

A. Yes.

Q. – at that time. What can you tell us about that?

A. Well, it had been going on for quite a while, and the concept, you know, the administration did not want to take a, sort of, business-as-usual approach to foreign assistance, a feeling that once a country has received a certain assistance package, it’s a – it’s something that continues forever. It’s very difficult to end those programs and to make sure that we have a very rigorous measure of why we are providing the assistance.

We didn’t go to zero base, but almost a zero-based concept that each assistance program and each country that receives the program had to be evaluated that they were actually worthy beneficiaries of our assistance; that the program made sense; that we have embarked on, you know, calling everything that we do around the world countering violent extremism, but, rather, that’s actually focused on tangible and proven means to deal with extremist problems; that we avoid nation-building strategies; and that we not provide assistance to countries that are lost to us in terms of policy, to our adversaries.

²²⁶ *Id.* at 73.

²²⁷ Taylor deposition, *supra* note 47, at 33.

²²⁸ Morrison deposition, *supra* note 12, at 78-79, 132.

²²⁹ *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

²³⁰ Deposition of Ambassador David Hale, in Wash., D.C., at 80 (Nov. 6, 2019) [hereinafter “Hale deposition”].

- Q. And do you know if the President also had concerns about whether the allies of Ukraine, in this example, were contributing their fair share?
- A. That's another factor in the foreign affairs review is appropriate burden sharing. But it was not, in the deputies committee meeting, OMB [the U.S. Office of Management and Budget] did not really explain why they were taking the position other than they had been directed to do so.
- Q. Okay. You are aware of the President's skeptical views on foreign assistance? Right?
- A. Absolutely.
- Q. And that's a genuinely held belief, correct?
- A. It is what guided the foreign affairs review.
- Q. Okay. It's not just related to Ukraine?
- A. Absolutely not. It's global in nature.²³¹

2. President Trump has been clear and consistent in his view that Europe should pay its fair share for regional defense.

Since his 2016 presidential campaign, President Trump has emphasized his view that U.S. foreign assistance should be spent wisely and cautiously. As President, he has continued to be critical of sending U.S. taxpayer dollars to foreign countries and asked our allies to share the financial burden for international stewardship.

In a March 2016 interview with the *New York Times*, then-candidate Trump said: “Now, I’m a person that—you notice I talk about economics quite a bit [in foreign policy] because it is about economics, because we don’t have money anymore because we’ve been taking care of so many people in so many different forms that we don’t have money.”²³² Then-candidate Trump elaborated about the North Atlantic Treaty Organization (NATO), a collective defense alliance between the U.S., Canada, and European countries:

I mean, we defend everybody. (Laughs.) We defend everybody. No matter who it is, we defend everybody. We’re defending the world. But we owe, soon, it’s soon to be \$21 trillion. You know, it’s 19 now but it’s soon to be \$21 trillion. But we defend everybody. When in doubt, come to the United States. We’ll defend you. In some cases

²³¹ *Id.* at 81-83.

²³² Haberman & Sanger, *supra* note 223.

free of charge. And in all cases for a substantially, you know, greater amount. We spend a substantially greater amount than what the people are paying.²³³

That same month, candidate Trump spoke to CBS News about U.S. spending to NATO. He said then:

NATO was set up when we were a richer country. We're not a rich country anymore. We're borrowing, we're borrowing all of this money . . . NATO is costing us a fortune and yes, we're protecting Europe with NATO but we're spending a lot of money. Number one, I think the distribution of costs has to be changed.²³⁴

As president, President Trump has continued to press European allies to contribute more NATO defense. For example, in a tweet on July 9, 2018, President Trump wrote:

The United States is spending far more on NATO than any other Country. This is not fair, nor is it acceptable. While these countries have been increasing their contributions since I took office, they must do much more. Germany is at 1%, the U.S. is at 4%, and NATO benefits.....²³⁵

Jens Stoltenberg, the NATO Secretary-General, acknowledged in an interview that President Trump's message has "helped" NATO member countries to increase defense spending, commending the President on "his strong message on burden sharing."²³⁶

NSC Senior Director Tim Morrison explained the President's specific views about burden sharing regarding Ukraine during his public testimony. He testified:

Q. And the President was also interested, was he not, in better understanding opportunities for increased burden sharing among the Europeans?

A. Yes.

Q. And what can you tell us about that?

A. The President was concerned that the United States seemed to – to bear the exclusive brunt of security assistance to Ukraine. He wanted to see the Europeans step up and contribute more security assistance.

²³³ *Id.*

²³⁴ Shayna Freisleben, *A Guide to Trump's Past Comments about NATO*, CBS News, (Apr. 12, 2017).

²³⁵ Donald J. Trump (@realDonaldTrump), Twitter (Jul. 9, 2018, 7:55 a.m.),

<https://twitter.com/realDonaldTrump/status/1016289620596789248>.

²³⁶ David Greene, *After Trump's NATO Criticism, Countries Spend More on Defense*, NPR.org, (May 18, 2018).

Q. And was there any interagency activity, whether it be with the State Department for or the Defense Department, in coordination by the National Security Council, to look into that a little bit for the President?

A. We were surveying the data to understand who was contributing what and sort of in what categories.

Q. And so the President's evinced concerns, the interagency tried to address them?

A. Yes.²³⁷

In his public testimony, LTC Vindman confirmed the President's concerns about U.S. allies sharing the burden for mutual defense.²³⁸

3. U.S. foreign aid is often conditioned or paused, and U.S. security assistance to Ukraine has been paused before.

U.S. taxpayer-funded assistance to foreign governments is not an entitlement. The United States often conditions foreign aid on actions by recipient nations. In addition, foreign aid can, and often does, get delayed for various reasons. The pause of U.S. security assistance to Ukraine in this case is therefore not presumptive evidence of misconduct.

The United States conditions foreign assistance to a number of nations as a result of concerns about corruption, human rights abuses, or other issues. On October 31, 2019, the Trump Administration announced that it would withhold \$105 million in security assistance for Lebanon shortly after the resignation of Lebanese Prime Minister Saad al-Hariri.²³⁹ In September 2019, the State Department announced that it was withholding \$160 million in aid from Afghanistan, citing corruption.²⁴⁰ In June 2019, the Administration told Congress that it would reallocate \$370 million in aid to Central American nations and suspend an additional \$180 million in an effort to incentivize those countries to reduce the number of migrants reaching the U.S. border.²⁴¹ In 2017, President Trump froze \$195 million in security assistance to Egypt—one of the largest recipients of U.S. aid—due to frustration with the country's poor track record on human rights and a recently enacted law regarding nongovernmental organizations.²⁴²

²³⁷ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

²³⁸ *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

²³⁹ Patricia Zengerle & Mike Stone, *Exclusive: U.S. withholding \$105 million in security aid for Lebanon—sources*, Reuters, Oct. 31, 2019.

²⁴⁰ Tal Axelrod, *US withholds \$160M in Afghan aid citing corruption*, The Hill, Sept. 9, 2019.

²⁴¹ Lesley Wroughton & Patricia Zengerle, *As promised, Trump slashes aid to Central America over migrants*, Reuters, Jun. 17, 2019.

²⁴² Gardiner Harris & Declan Walsh, *U.S. Slaps Egypt on Human Rights Record and Ties to North Korea*, N.Y. Times, Aug. 22, 2017.

The Democrats' witnesses explained that it is not unusual for foreign aid to be paused or even withheld. Ambassador Taylor testified that U.S. aid to foreign countries can be paused in various instances, such as a Congressional hold.²⁴³ Ambassador Volker testified that foreign assistance can be delayed for a multitude of reasons and that "this hold on security assistance [to Ukraine] was not significant."²⁴⁴ Ambassador Volker elaborated during his public testimony:

Q. Ambassador Volker, you testified during your deposition that aid, in fact, does get held up from time-to-time for a whole assortment of reasons. Is that your understanding?

A. That is true.

Q. And sometimes the holdups are rooted in something at OMB, sometimes it's at the Defense Department, sometimes it's at the State Department, sometimes it's on the Hill. Is that correct?

A. That is correct.

Q. And so, when the aid was held up for 55 days for Ukraine, that didn't in and of itself strike you as uncommon?

A. No. It's something that had happened in my career in the past. I had seen holdups of assistance. I just assumed it was part of the decision-making process. Somebody had an objection, and we had to overcome it.²⁴⁵

Ambassador David Hale, the Under Secretary of State for Political Affairs, agreed that U.S. taxpayer-funded aid has been paused from several countries around the world for various reasons and, in some cases, for unknown reasons.²⁴⁶ Ambassador Hale elaborated:

We've often heard at the State Department that the President of the United States wants to make sure that foreign assistance is reviewed scrupulously to make sure that it's truly in U.S. national interests, and that we evaluate it continuously, so that it meets certain criteria that the President has established.²⁴⁷

Ambassador Hale explained that the NSC launched a review of U.S. foreign assistance to ensure U.S. taxpayer money was spent efficiently and to advance "[t]he principle of burden sharing by allies and other like-minded states."²⁴⁸ Dr. Hill, the NSC's Senior Director for Europe, testified that as she was leaving NSC in July 2019, "there had been more scrutiny" to assistance:

²⁴³ Taylor deposition, *supra* note 47, at 170-71.

²⁴⁴ Volker transcribed interview, *supra* note 60, at 78-80.

²⁴⁵ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

²⁴⁶ "*Impeachment Inquiry: Ms. Laura Cooper and Mr. David Hale*": *Hearing before the H. Perm. Sel. Comm. on Intelligence*, 116th Cong. (2019).

²⁴⁷ *Id.*

²⁴⁸ *Id.*

As I understood them, there had been a directive for whole-scale review of our foreign policy, foreign policy assistance, and the ties between our foreign policy objectives and the assistance. This had been going on actually for many months. And in the period when I was wrapping up my time there, there had been more scrutiny than specific assistance to specific sets of countries as a result of that overall view – review.²⁴⁹

The Democrats’ witnesses also described how U.S. foreign assistance to Ukraine has been delayed in the past. Dr. Hill testified that security assistance to Ukraine has been paused before “at multiple junctures” during her time at NSC, even with bipartisan support for the assistance.²⁵⁰ Dr. Hill testified:

Q. On the issue of the security assistance freeze, had assistance for Ukraine ever been held up before during your time at NSC?

A. Yes.

Q. For what – and when was that?

A. At multiple junctures. You know, it gets back to the question that [Republican staff] asked before. There’s often a question raised about assistance, you know, a range of assistance –

Q. But for Ukraine specifically?

A. Yeah, that’s correct.

Q. Okay. Even though there’s been bipartisan support for the assistance?

A. Correct.²⁵¹

Catherine Croft, a former NSC director, offered an example in her deposition, explaining that OMB paused the sale of Javelin missiles to Ukraine in November or December 2017.²⁵² This pause, too, was eventually lifted and Ukraine received the missiles.²⁵³

²⁴⁹ *Impeachment Inquiry: Dr. Fiona Hill and Mr. David Holmes*, *supra* note 210.

²⁵⁰ Hill deposition, *supra* note 12, at 304.

²⁵¹ *Id.* at 303-04.

²⁵² Croft deposition, *supra* note 60, at 67.

²⁵³ *Id.* at 68.

4. Despite President Trump’s skepticism, the Trump Administration’s policies have shown greater commitment and support to Ukraine than those of the Obama Administration.

Several of the Democrats’ witnesses testified that President Trump has taken a stronger stance in supporting Ukraine. Dr. Hill testified that President Trump’s decision to support Ukraine with lethal defensive weapons was a more robust policy than under the Obama Administration.²⁵⁴ Ambassador Taylor characterized President Trump’s policy as a “substantial improvement.”²⁵⁵ Ambassador Yovanovitch agreed, testifying:

And I actually felt that in the 3 years that I was there, partly because of my efforts, but also the interagency team, and President Trump’s decision to provide lethal weapons to Ukraine, that our policy actually got stronger over the three last 3 years [*sic*].²⁵⁶

She added:

Q. Can you testify to the difference [to] the changes in aid to Ukraine with the new administration starting in 2017? The different initiatives, you know, as far as providing lethal weapons and –

A. Yeah. Well, I think that most of the assistance programs that we had, you know, continued, and due to the generosity of the Congress actually were increased. And so that was a really positive thing, I think, for Ukraine and for us. In terms of lethal assistance, we all felt *it was very significant that this administration made the decision to provide lethal weapons to Ukraine.*²⁵⁷

Ambassador Volker also explained how President Trump’s policies of providing lethal defensive assistance to Ukraine have been “extremely helpful” in deterring Russian aggression in Ukraine.²⁵⁸ He explained:

So there has been U.S. assistance provided to Ukraine for some time, under the Bush administration, Obama administration, and now under the Trump administration. I was particularly interested in the security assistance and lethal defensive weapons. The reason for this is this was something that the Obama administration did not approve. They did not want to send lethal defensive arms to Ukraine.

I fundamentally disagreed with that decision. It is not my – you know, I was just a private citizen, but that’s my opinion. I thought

²⁵⁴ Hill deposition, *supra* note 12, at 196.

²⁵⁵ Taylor deposition, *supra* note 47, at 155.

²⁵⁶ Yovanovitch deposition, *supra* note 115, at 140-41 (emphasis added).

²⁵⁷ *Id.* at 144.

²⁵⁸ Volker transcribed interview, *supra* note 60, at 87.

that this is a country that is defending itself against Russian aggression. They had their military largely destroyed by Russia in 2014 and '15 and needed the help. And humanitarian assistance is great, and nonlethal assistance, you know, MREs and blankets and all, that's fine, but if you're being attacked with mortars and artilleries and tanks, you need to be able to fight back.

The argument against this assistance being provided, the lethal defensive assistance, was that it would be provocative and could escalate the fighting with Russia. I had a fundamentally different view that if we did not provide it, it's an inducement to Russia to keep up the aggression, and there's no deterrence of Russia from trying to go further into Ukraine. So I believed it was important to help them rebuild their defensive capabilities and to deter Russia. It's also a symbol of U.S. support.

So I argued very strongly from the time I was appointed by Secretary Tillerson that the rationale for why we were not providing lethal defensive assistance to me doesn't hold water and that is a much stronger rationale that we should be doing it.

That eventually became administration policy. It took a while, but Secretary Tillerson, you know, he wanted to think it through, see how that would play out. How would the allies react to this? How would Russia react to this? How would the Ukrainians handle it? And we managed those issues. Secretary Mattis was very much in favor. And they met. I did not meet with the President about this, but they met with the President and the President approved it.²⁵⁹

5. Although security assistance to Ukraine was paused in July 2019, several witnesses testified that U.S. security assistance was not linked to any Ukrainian action on investigations.

Several witnesses testified that U.S. security assistance was not linked to or conditioned on any Ukrainian action to investigate President Trump's political rival. Even after U.S. officials learned in early- to mid-July that the security assistance had been paused for unknown reasons, evidence suggests that there was not a link between U.S. security assistance and Ukrainian action to investigate President Trump's political rival.

LTC Vindman testified that he learned about a pause on security assistance on July 3.²⁶⁰ Morrison said he learned of the pause around July 15.²⁶¹ According to Ambassador Taylor, he learned via conference call on July 18 that OMB had paused the security assistance to

²⁵⁹ *Id.* at 84-86.

²⁶⁰ Vindman deposition, *supra* note 12, at 178.

²⁶¹ Morrison deposition, *supra* note 12, at 16.

Ukraine.²⁶² Ambassador Taylor relayed that according to the OMB representative on the call, the pause was done at the direction of the President and the chief of staff.²⁶³ Although a reason was not provided for the pause at the time, OMB official Mark Sandy testified that he learned in early September 2019 that the pause was related “to the President’s concern about other countries contributing more to Ukraine.”²⁶⁴

Despite the pause, testimony from the Democrats’ witnesses suggests the assistance was not linked to Ukraine investigating President Trump’s political rival. Ambassador Volker, the key intermediary between the Ukrainian government and U.S. officials, testified that he was aware of no *quid pro quo* and that the Ukrainian government never raised concerns to him about a *quid pro quo*.²⁶⁵ He said that when Ambassador Taylor raised questions about the appearance of a *quid pro quo*, “I discussed with him that there is no linkage here. I view this as an internal thing, and we are going to get it fixed.”²⁶⁶ Ambassador Volker further explained that even if Ukrainians perceived the aid was linked to investigations, they “never raised” that possibility with him.²⁶⁷ Ambassador Volker believed that given the trust he had developed with the Ukrainian government, the Ukrainians would have come to him with concerns about the security assistance.²⁶⁸

House Intelligence Committee Chairman Adam Schiff attempted to get Ambassador Volker to testify in his closed-door deposition that the Ukrainian government would have felt pressure to investigate President Trump’s political rival once they learned that the security assistance was delayed.²⁶⁹ Ambassador Volker refused to accept Chairman Schiff’s conclusion. He testified:

Q. The request is made. And even though the suspension may have occurred earlier, the request is made to investigate the Bidens, and then Ukraine learns, for mysterious reasons, hundreds of millions in military support is being withheld. Do I have the chronology correct?

A. Yes.

Q. At the point they learned that, wouldn’t that give them added urgency to meet the President’s request on the Bidens?

A. I don’t know the answer to that. The –

²⁶² Taylor deposition, *supra* note 47, at 27.

²⁶³ *Id.* at 28.

²⁶⁴ Deposition of Mark Sandy, in Wash., D.C., at 42 (Nov. 16, 2019). Sandy testified that in early September, OMB received “requests for information on what additional countries were contributing to Ukraine.” *Id.* at 44. OMB provided that information sometime in the first week of September. *Id.* at 82.

²⁶⁵ Volker transcribed interview, *supra* note 60, at 170, 300-01.

²⁶⁶ *Id.* at 130.

²⁶⁷ *Id.* at 284.

²⁶⁸ *Id.* at 300-01.

²⁶⁹ *Id.* at 124-28.

Q. Ambassador –

A. When that – no –

Q. – as a career diplomat, you can't venture –

A. But, Congressman, this is why I'm trying to say the context is different, because at the time they learned that, if we assume it's August 29th, they had just had a visit from the National Security Advisor, John Bolton. That's a high level meeting already. He was recommending and working on scheduling the visit of President Zelensky to Washington. We were also working on a bilateral meeting to take place in Warsaw on the margins of a commemoration on the beginning of World War II. And in that context, I think the Ukrainians felt like things are going the right direction, and they had not done anything on – they had not done anything on an investigation, they had not done anything on a statement, and things were ramping up in terms of their engagement with the administration. So I think they were actually feeling pretty good by then.

Q. Ambassador, I find it remarkable as a career diplomat that you have difficulty acknowledging that when Ukraine learned that their aid had been suspended for unknown reasons, that this wouldn't add additional urgency to a request by the President of the United States. I find that remarkable.²⁷⁰

During his public testimony, in an exchange with Rep. Mike Turner, Ambassador Volker reiterated that there was no linkage between U.S. security assistance and investigations. He testified:

Q. Did the President of the United States ever say to you that he was not going to allow aid from the United States to go to the Ukraine unless there were investigations into Burisma, the Bidens, or the 2016 elections?

A. No, he did not.

Q. Did the Ukrainians ever tell you that they understood that they would not get a meeting with the President of the United States, a phone call with the President of the United States, military aid or foreign aid from the United States unless they undertook investigations of Burisma, the Bidens, or the 2016 elections?

A. No, they did not.

²⁷⁰ *Id.* at 126-28 (question and answer with Chairman Adam Schiff).

Q. So I would assume, then, that the Ukrainians never told you that [Mayor] Giuliani had told them that, in order to get a meeting with the President, a phone call with the President, military aid or foreign aid from the United States, that they would have to do these investigations.

A. No.²⁷¹

Similarly, Deputy Assistant Secretary Kent testified in his closed-door deposition that he also did not “associate” the security assistance to investigations.²⁷² Kent relayed how Ambassador Taylor had told him that Ambassador Sondland was “pushing” President Zelensky to give an interview during the Yalta European Strategy (YES) conference in Kyiv in mid-September.²⁷³ Ambassador Taylor told Kent that the “hope” was if President Zelensky gave a public signal on investigations, the security assistance pause would lift; however, Ambassador Taylor asserted that “both Tim Morrison and Gordon Sondland said that they did not believe the two issues were linked.”²⁷⁴

During his sworn deposition, Ambassador Sondland testified that he could not recall “any discussions with the White House about withholding U.S. security assistance from Ukraine in exchange for assistance with President Trump’s 2020 election campaign.”²⁷⁵ Ambassador Sondland testified that he was “never” aware of any preconditions on the delay of security assistance to Ukraine, or that the aid was tied to Ukraine undertaking any investigations.²⁷⁶

Although media reports allege that Ambassador Sondland later recanted this testimony to “confirm” a *quid pro quo*,²⁷⁷ those reports exaggerate the supplemental information that Ambassador Sondland later provided. In a written supplement to his deposition testimony, Ambassador Sondland asserted that by the beginning of September 2019, “in the absence of any credible explanation for the suspension of aid, [he] *presumed* that the aid suspension had become linked to the proposed anti-corruption statement.”²⁷⁸ Ambassador Sondland asserted that he spoke to Yermak in Warsaw on September 1 and conveyed that U.S. aid would not “likely” flow until Ukraine provided an anti-corruption statement.²⁷⁹ Yermak, however, in an interview with *Bloomberg*, disputed Ambassador Sondland’s account, saying that he “bumped into” Ambassador Sondland and “doesn’t remember any reference to military aid.”²⁸⁰

²⁷¹ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

²⁷² Kent deposition, *supra* note 65, at 323.

²⁷³ *Id.* at 269.

²⁷⁴ *Id.*; *see also id.* at 323.

²⁷⁵ Sondland deposition, *supra* note 51, at 35.

²⁷⁶ *Id.* at 197.

²⁷⁷ *See, e.g.*, Andrew Desiderio & Kyle Cheney, *Sondland reverses himself on Ukraine, confirming quid pro quo*, *Politico*, Nov. 5, 2019.

²⁷⁸ Declaration of Ambassador Gordon D. Sondland at ¶ 4 (Nov. 4, 2019) (emphasis added) [hereinafter “Sondland declaration”].

²⁷⁹ *Id.* at ¶ 5.

²⁸⁰ Stephanie Baker & Daryna Krasnolutska, *Ukraine’s fraught summer included a rogue embassy in Washington*, *Bloomberg*, Nov. 22, 2019.

Ambassador Sondland’s addendum does not prove a nefarious *quid pro quo*. At most, and even discounting Yermak’s subsequent denial, the addendum shows that as of September 1, Ambassador Sondland assumed there was a connection and relayed this assumption to Yermak—an assumption that the President would later tell Ambassador Sondland was inaccurate.²⁸¹

During his deposition, Ambassador Taylor testified that he spoke by phone with Ambassador Sondland on September 8.²⁸² Ambassador Taylor recounted how Ambassador Sondland told him that President Trump wanted President Zelensky to “clear things up and do it in public” but there was no “*quid pro quo*.”²⁸³

On September 9, Ambassador Sondland texted Ambassador Volker and Ambassador Taylor: “The President has been crystal clear: no *quid pro quo*’s [*sic*] of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign.”²⁸⁴ When asked about this text message during his transcribed interview, Ambassador Volker testified that “Gordon was repeating here what we all understood.”²⁸⁵

In his public testimony, Ambassador Taylor clarified his statement from his closed-door deposition that he had “clear understanding” that Ukraine would not receive security assistance until President Zelensky committed to investigations.²⁸⁶ He explained his “clear understanding” came from Ambassador Sondland, who acknowledged that he had *presumed* there to be a linkage. In an exchange with Rep. Jim Jordan, Ambassador Taylor testified:

Q. So what I’m wondering is, where did you get this clear understanding?

A. As I testified, Mr. Jordan, this came from Ambassador Sondland.

Q. You said you got this from Ambassador Sondland.

A. That is correct. Ambassador Sondland also said he had talked to President Zelensky and Mr. Yermak and had told them that, although this was not a *quid pro quo*, if President Zelensky did not clear things up in public, we would be at a stalemate. That was the – that was one point.

²⁸¹ See *infra* note 297 and accompanying text.

²⁸² Taylor deposition, *supra* note 47, at 39.

²⁸³ *Id.*

²⁸⁴ Text message from Gordon Sondland to William Taylor and Kurt Volker (Sept. 9, 2019, 5:19 a.m.) [K V00000053].

²⁸⁵ Volker transcribed interview, *supra* note 60, at 170.

²⁸⁶ *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent*, *supra* note 2.

- Q. All right. So, again, just to recap, you had three meetings with President Zelensky; no linkage in those three meetings came up. Ambassador Zelensky didn't announce that he was going [to] do any investigation of the Bidens or Burisma before the aid was released. He didn't –
- A. That was President –
- Q. – do a tweet, didn't do anything on CNN, didn't do any of that. President Zelensky. Excuse me.
- A. Yeah. Right.
- Q. And then what you have in front of you is an addendum that Mr. Sondland made to his testimony that we got a couple weeks ago. It says, "Declaration of Ambassador Gordon Sondland. I, Gordon Sondland, do hereby swear and affirm as follows." I want to you look at point number two, bullet point number two, second sentence. "Ambassador Taylor recalls that Mr. Morrison told Ambassador Taylor that I told Mr. Morrison that I conveyed this message to Mr. Yermak on September 1st, 2019, in connection with Vice President Pence's visit to Warsaw and a meeting with President Zelensky." Now, this is his clarification. Let me read it one more time. "Ambassador Taylor recalls that Mr. Morrison told Ambassador Taylor that I told Mr. Morrison that I had conveyed this message to Mr. Yermak on September 1st, 2019, in connection with Vice President Pence's visit to Warsaw and a meeting with President Zelensky." We've got six people having four conversations in one sentence, and you just told me this is where you got your clear understanding, which – I mean, even though you had three opportunities with President Zelensky for him to tell you, "You know what? We're going to do these investigations to get the aid," he didn't tell you, three different times. Never makes an announcement, never tweets about it, never does the CNN interview. Ambassador, you weren't on the call, were you? The President – you didn't listen in on President Trump's call and President Zelensky's call?
- A. I did not.
- Q. You never talked with Chief of Staff Mulvaney.
- A. I never did.
- Q. You never met the President.

- A. That's correct.
- Q. You had three meetings again with Zelensky and it didn't come up.
- A. And two of those, they had never heard about it, as far as I know, so there was no reason for it to come up.
- Q. And President Zelensky never made an announcement. This is what I can't believe. And you're their star witness. You're their first witness.
- A. Mr. Jordan –
- Q. You're the guy. You're the guy based on this, based on – I mean, I've seen church prayer chains that are easier to understand than this.²⁸⁷

During his public testimony, Ambassador Sondland made clear that no one had ever told him that the security assistance was tied to Ukraine investigating the President's political rival. In particular, Ambassador Sondland explained that "President Trump never told me directly that the aid was conditioned on the meetings."²⁸⁸ In an exchange with Rep. Turner, Ambassador Sondland elaborated:

- Q. What about the aid? [Ambassador Volker] says that they weren't tied, that the aid was not tied—
- A. And I didn't say they were conclusively tied either. I said I was presuming it.
- Q. Okay. And so the President never told you they were tied.
- A. That is correct.
- Q. So your testimony and [Ambassador Volker's] testimony is consistent, and the President did not tie aid to investigations.
- A. That is correct.

- Q. So no one told you, not just the President. [Mayor] Giuliani didn't tell you. [Acting Chief of Staff] Mulvaney didn't tell you. Nobody— [Secretary] Pompeo didn't tell you. Nobody else on this planet told

²⁸⁷ *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent*, *supra* note 2.

²⁸⁸ *Impeachment inquiry: Ambassador Gordon Sondland*, *supra* note 56.

you that Donald Trump was tying aid to these investigations. Is that correct?

A. I think I already testified to that.

Q. No. Answer the question. Is it correct? No one on this planet told you that Donald Trump was tying aid to the investigations? Because if your answer is yes, then the chairman is wrong and the headline on CNN is wrong. No one on this planet told you that President Trump was tying aid to investigations, yes or no?

A. Yes.²⁸⁹

6. President Trump rejected any linkage between U.S. security assistance and Ukrainian action on investigations.

The evidence also shows that when President Trump was asked about a potential linkage between U.S. security assistance and Ukrainian investigations into the President's political rival, the President vehemently denied any connection. This evidence is persuasive because the President made the same denial twice to two separate senior U.S. officials in private, where there is no reason for the President to be anything less than completely candid.

In an interview with the *Wall Street Journal* and a detailed written submission to the impeachment inquiry, Senator Ron Johnson, the Chairman of the Senate Foreign Relations Subcommittee on Europe, disclosed that he spoke to President Trump on August 31, after learning from Ambassador Sondland that U.S. security assistance may be linked to Ukraine's willingness to demonstrate its commitment to fight corruption.²⁹⁰ Senator Johnson explained that his purpose for calling President Trump was "to inform President Trump of my upcoming trip to Ukraine and to try to persuade him to authorize me to tell [President] Zelensky that the hold would be lifted on military aid."²⁹¹

Senator Johnson recounted that President Trump was "not prepared" to lift the pause on security assistance to Ukraine, citing Ukrainian corruption and frustration that Europe did not share more of the burden.²⁹² Echoing his continual statements about U.S. allies sharing the financial burden for mutual defense, President Trump told Senator Johnson: "Ron, I talk to Angela [Merkel, German chancellor] and ask her, 'why don't you fund these things,' and she tells me, 'because we know you will.' We're schmucks, Ron. We're schmucks."²⁹³

When Senator Johnson raised the potential of a linkage between U.S. security assistance and investigations, President Trump vehemently denied it.²⁹⁴ According to Senator Johnson,

²⁸⁹ *Id.*

²⁹⁰ Letter from Sen. Johnson, *supra* note 138, at 5; Siobhan Hughes & Rebecca Ballhaus, *Trump, in August call with GOP Senator, denied official's claim on Ukraine aid*, *Wall St. J.*, Oct. 4, 2019.

²⁹¹ Letter from Sen. Johnson, *supra* note 138, at 5.

²⁹² *Id.*

²⁹³ *Id.*

²⁹⁴ *Id.*

Without hesitation, President Trump immediately denied such an arrangement existed. As reported in the *Wall Street Journal*, I quoted the President as saying, “[Expletive deleted]—No way. I would never do that. Who told you that?” ***I have accurately characterized his reaction as adamant, vehement and angry*** – there was more than one expletive that I have deleted.²⁹⁵

At the end of the phone call, President Trump circled back to Senator Johnson’s request to release the pause on security assistance. President Trump said: “Ron, I understand your position. We’re reviewing it now, and you’ll probably like my final decision.”²⁹⁶ This conversation occurred on August 31, well before the Democrats initiated their impeachment inquiry, and undermines the assertion that the President fabricated legitimate reasons for the pause in security assistance in response to the Democrats’ impeachment inquiry.

During his deposition, Ambassador Sondland testified that he called President Trump on September 9 and asked him “What do you want from Ukraine?” The President’s response was “Nothing. There is *no quid pro quo*.”²⁹⁷ During his deposition, Ambassador Sondland testified:

Q. So when you telephoned the President, tell us what happened.

A. Well, from the time that the aid was help up until I telephoned the President there were a lot of rumors swirling around as to why the aid had been help up, including they wanted a review, they wanted Europe to do more. There were all kinds of rumors. And I know in my few previous conversations with the President he’s not big on small talk to I would have one shot to ask him. And rather than asking him, “Are you doing X because of X or because of Y or because of Z?” ***I asked him one open-ended question: What do you want from Ukraine? And as I recall, he was in a very bad mood. It was a very quick conversation. He said: I wanted nothing. I want no quid pro quo. I want Zelensky to do the right thing. And I said: What does that mean? And he said: I want him to do what he ran on.***²⁹⁸

When asked about his conversation with Senator Johnson—which prompted Senator Johnson to call President Trump—Ambassador Sondland testified that he was “speculating” about the linkage between security assistance and investigations.²⁹⁹ He explained:

I noticed in the media [Senator Johnson] had come out and said that he and I had a conversation on the phone about it. And he had said

²⁹⁵ *Id.* (emphasis added).

²⁹⁶ *Id.*

²⁹⁷ Sondland deposition, *supra* note 51, at 106.

²⁹⁸ *Id.* at 105-06 (emphasis added).

²⁹⁹ *Id.* at 196.

that I told him – this is in the media report, and I haven’t discussed this with him since that media report – that I had said there was a *quid pro quo*. And I don’t remember telling him that because I’m not sure I knew that at that point. I think what I might have done is I might have been speculating – I hope there’s no, I hope this isn’t being held up for nefarious reasons.³⁰⁰

Although Democrats and some in the media believe that Acting Chief of Staff Mick Mulvaney confirmed the existence of a *quid pro quo* during an October 2019 press briefing,³⁰¹ a careful reading of his statements shows otherwise. Chief of Staff Mulvaney cited President Trump’s concerns about Ukrainian corruption and foreign aid in general as the “driving factors” in the temporary pause on security assistance.³⁰² He explained that Ukraine’s actions in the 2016 election “was part of the thing that [the President] was worried about in corruption with that nation.”³⁰³ Chief of Staff Mulvaney specified, however, that “the money held up had absolutely nothing to do with [Vice President] Biden.”³⁰⁴

7. Senior U.S. officials never substantively discussed the delay in security assistance with Ukrainian officials before the July 25 call.

Evidence also suggests that the senior levels of the Ukrainian government did not know that U.S. security assistance was delayed until some point after the July 25 phone call between President Trump and President Zelensky. Although the assistance was delayed at the time of the July 25 call, President Trump never raised the assistance with President Zelensky or implied that the aid was in danger. As Ambassador Volker testified, because Ukrainian officials were unaware of the pause on security assistance, “there was no leverage implied.”³⁰⁵ This evidence undercuts the allegation that the President withheld U.S. security assistance to pressure President Zelensky to investigate his political rival.

Most of the Democrats’ witnesses, including Ambassador Taylor, traced their knowledge of the pause to a July 18 interagency conference call, during which OMB announced a pause on security assistance to Ukraine.³⁰⁶ However, the two U.S. diplomats closest the Ukrainian government—Ambassador Volker and Ambassador Taylor—testified that Ukraine did not know about the delay “until the end of August,” six weeks later, after it was reported publicly by *Politico* on August 28.³⁰⁷

³⁰⁰ *Id.*

³⁰¹ *Impeachment Inquiry: Dr. Fiona Hill and Mr. David Holmes*, *supra* note 210 (statement of Rep. Adam Schiff, Chairman); Aaron Blake, *Trump’s acting chief of staff admits it: There was a Ukraine quid pro quo*, Wash. Post, Oct. 17, 2019.

³⁰² The White House, Press Briefing by Acting Chief of Staff Mick Mulvaney (Oct. 17, 2019).

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ Volker transcribed interview, *supra* note 60, at 124-25.

³⁰⁶ *See, e.g.*, Taylor deposition, *supra* note 47, at 27.

³⁰⁷ Volker transcribed interview, *supra* note 60, at 125, 266-67; Taylor deposition, *supra* note 47, at 119-20.

Ambassador Volker, the chief interlocutor with the Ukrainian government, testified that he never informed the Ukrainians about the delay.³⁰⁸ The Ukrainian government only raised the issue with Ambassador Volker after reading about the delay in *Politico* in late August.³⁰⁹ Explaining why the delay was not “significant, Ambassador Volker testified:

Q. Looking back on it now, is [the delayed security assistance] something, in the grand scheme of things, that’s very significant? I mean, is this worthy of investigating, or is this just another chapter in the rough and tumble world of diplomacy and foreign assistance?

A. In my view, this hold on security assistance was not significant. I don’t believe – in fact, I am quite sure that at least I, Secretary Pompeo, the official representatives of the U.S., never communicated to Ukrainians that it is being held for a reason. We never had a reason. And I tried to avoid talking to Ukrainians about it for as long as I could until it came out in *Politico* a month later because I was confident we were going to get it fixed internally.³¹⁰

During his public testimony, Ambassador Volker confirmed that he did not have any communication with the Ukrainian government about the pause on U.S. security assistance until they raised the topic with him.³¹¹ Morrison likewise testified that he avoided discussing the pause on security assistance with the Ukrainian government.³¹²

Ambassador Taylor similarly testified that the Ukrainian government was not aware of the pause on U.S. security assistance until late August 2019. In an exchange with Rep. Ratcliffe, he explained:

Q. So, based on your knowledge, nobody in the Ukrainian government became aware of a hold on military aid until 2 days later, on August 29th.

A. That’s my understanding.

Q. That’s your understanding. And that would have been well over a month after the July 25th call between President Trump and President Zelensky.

A. Correct.

Q. So you’re not a lawyer, are you, Ambassador Taylor?

³⁰⁸ Volker transcribed interview, *supra* note 60, at 80.

³⁰⁹ *Id.* at 80-81; Text message from Andrey Yermak to Kurt Volker, (Aug. 29, 2019, 03:06:14 AM), [KV00000020]; see Caitlin Emma & Connor O’Brien, *Trump holds up Ukraine military aid meant to confront Russia*, *Politico*, Aug. 28, 2019.

³¹⁰ Volker transcribed interview, *supra* note 60, at 80.

³¹¹ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

³¹² *Id.*

A. I am not.

Q. Okay. So the idea of a *quid pro quo* is it's a concept where there is a demand for an action or an attempt to influence action in exchange for something else. And in this case, when people are talking about a *quid pro quo*, that something else is military aid. So, if nobody in the Ukrainian government is aware of a military hold at the time of the Trump-Zelensky call, then, as a matter of law and as a matter of fact, there can be no *quid pro quo* based on military aid. I just want to be real clear that, again, as of July 25th, you have no knowledge of a *quid pro quo* involving military aid.

A. July 25th is a week after the hold was put on the security assistance. And July 25th, they had a conversation between the two presidents where it was not discussed.

Q. And to your knowledge, nobody in the Ukrainian government was aware of the hold?

A. That is correct.³¹³

Likewise, Philip Reeker, the Acting Assistant Secretary of State for European Affairs, testified that he was unaware of any U.S. official conveying to a Ukrainian official that President Trump sought political investigations.³¹⁴ Acting Assistant Secretary Reeker testified that he was not aware of whether Ambassador Volker or Ambassador Sondland had such conversations with the Ukrainians.³¹⁵

Some witnesses testified that the Ukrainian embassy made informal inquiries about the status of the security assistance. LTC Vindman recalled receiving “light queries” from his Ukrainian embassy counterparts about the aid in either early- or mid-August, but he was unable to pinpoint specific dates, or even the week, that he had such conversations.³¹⁶ LTC Vindman testified that Ukrainian questions about the delay were not “substantive” or “definitive” until around the time of the Warsaw summit, on September 1.³¹⁷ State Department official Catherine Croft testified that two individuals from the Ukrainian embassy approached her about a pause on security assistance at some point before August 28, but Croft told them she “was confident that any issues in process would get resolved.”³¹⁸ Deputy Assistant Secretary of Defense Laura Cooper testified publicly that her staff received inquiries from the Ukrainian embassy in July that “there was some kind of issue” with the security assistance; however, she did not know what the Ukrainian government knew at the time.³¹⁹

³¹³ Taylor deposition, *supra* note 47, at 119-20.

³¹⁴ Deposition of Philip Reeker in Wash., D.C., at 149 (Oct. 26, 2019).

³¹⁵ *Id.* at 150.

³¹⁶ Vindman deposition, *supra* note 12, at 135-37, 189-90.

³¹⁷ *Id.* at 189-90.

³¹⁸ Croft deposition, *supra* note 60, at 86-87.

³¹⁹ *Impeachment Inquiry: Ms. Laura Cooper and Mr. David Hale*, *supra* note 246.

Although this evidence suggests that Ukrainian officials in Washington were vaguely aware of an issue with the security assistance before August 28, the evidence does not show that the senior leadership of Ukrainian government in Kyiv was aware of the pause until late August. A *New York Times* story claimed that unidentified Ukrainian officials were aware of a delay in “early August” 2019 but said there was no stated link between that delay and any investigative demands.³²⁰ However, a subsequent *Bloomberg* story reported that President Zelensky “and his key advisers learned of [the pause on U.S. security assistance] only in a *Politico* report in late August.”³²¹

The *Bloomberg* story detailed how Ukraine’s embassy in Washington—led by then-Ambassador Chaly, who had been appointed by President Zelensky’s predecessor—went “rogue” in the early months of the Zelensky administration.³²² According to Andrey Yermak, a close adviser to President Zelensky, the Ukrainian embassy officials, who were loyal to former President Poroshenko, did not inform President Zelensky that there was any issue with the U.S. security assistance.³²³ This information explains the conflicting testimony between witnesses like LTC Vindman and Deputy Assistant Secretary Cooper, who testified that the Ukrainian embassy raised questions about the security assistance, and Ambassador Volker and Ambassador Taylor, who testified that the Zelensky government did not know about any pause in security assistance.

According to the Ukrainian government, President Zelensky and his senior advisers only learned of the pause on security assistance from *Politico*—severely undercutting the idea that President Trump was seeking to pressure Ukraine to investigate his political rival.

8. The Ukrainian government denied any awareness of a linkage between U.S. security assistance and investigations.

Publicly available information also shows clearly that the Ukrainian government leadership denied any awareness of a linkage between U.S. security assistance and investigations into the President’s political rival. The Ukrainian government leaders made this assertion following public reports that Ambassador Sondland had raised the potential connection in early September. This understanding is supported by information provided by Senator Johnson.

In Ambassador Sondland’s addendum to his closed-door testimony, dated November 5, 2019, he wrote how he came to perceive a connection between security assistance and the investigations. He wrote:

[B]y the beginning of September 2019, and in the absence of any credible explanation for the suspension of aid, I presumed that the aid suspension had become linked to the proposed anti-corruption

³²⁰ Andrew E. Kramer & Kenneth P. Vogel, *Ukraine knew of aid freeze by early August, undermining Trump defense*, N.Y. Times, Oct. 23, 2019.

³²¹ Baker & Krasnolutska, *supra* note 280.

³²² *Id.*

³²³ *Id.*

statement. . . . And it would have been natural for me to have voiced what I had presumed to Ambassador Taylor, Senator Johnson, the Ukrainians, and Mr. Morrison.³²⁴

Following media reports of Ambassador Sondland’s addendum, Ukrainian Foreign Minister Prystaiko told the media that Ambassador Sondland had not linked the security assistance to Ukrainian action on investigations.³²⁵ He said: “Ambassador Sondland did not tell us, and certainly did not tell me, about a connection between the assistance and the investigations.”³²⁶ Minister Prystaiko went further to say that he was never aware of any connection between security assistance and investigations: “*I have never seen a direct relationship between investigations and security assistance.* Yes, the investigations were mentioned, you know, in the conversation of the presidents. But there was no clear connection between these events.”³²⁷

Senator Johnson explained that he had three meetings with senior Ukrainian government officials in June and July 2019.³²⁸ Two of meetings were with Oleksandr Danylyuk, then-secretary of Ukraine’s National Security and Defense Council, and Valeriy Chaly, then-Ukrainian Ambassador to the U.S.³²⁹ Senator Johnson said that none of the these Ukrainian officials raised any concerns with him about security assistance or investigations: “At no time during those meetings did anyone from Ukraine raise the issue of the withholding of military aid or express concerns regarding pressure being applied by the president or his administration.”³³⁰

9. The Ukrainian government considered issuing a public anti-corruption statement to convey that President Zelensky was “serious and different” from previous Ukrainian regimes.

Evidence shows that in light of President Trump’s deep-rooted skepticism about Ukraine, and working in tandem with senior U.S. officials, the Ukrainian government sought to convince President Trump that the new regime took corruption seriously. This commitment took two potential forms: a public statement that Ukraine would investigate corruption or a media interview about investigations. Although the parties later discussed the inclusion of specific investigations proposed by Mayor Giuliani, U.S. officials explained that the intent of the statement was to convey a public commitment to anti-corruption reform and that they did not associate the statement with an investigation of the President’s political rival.

Ambassador Volker explained the goal of having Ukraine convey President Zelensky’s commitment to reform and fighting corruption in a public message. He testified:

A. So the issue as I understood it was this deep-rooted, skeptical view of Ukraine, a negative view of Ukraine, preexisting 2019, you know,

³²⁴ Sondland declaration, *supra* note 278, at ¶4.

³²⁵ *U.S. envoy Sondland did not link Biden probe to aid: Ukraine minister*, Reuters, Nov. 14, 2019.

³²⁶ *Id.*

³²⁷ *Id.* (emphasis added).

³²⁸ Letter from Sen. Ron Johnson, *supra* note 138, at 4.

³²⁹ *Id.*

³³⁰ *Id.* at 4-5.

going back. When I started this I had one other meeting with President Trump and President Poroshenko. It was in September of 2017. And at that time he had a very skeptical view of Ukraine. So I know he had a very deep-rooted skeptical view. And my understanding at the time was that even though he agreed in the [May 23] meeting that we had with him, say, okay, I'll invite him, he didn't really want to do it. And that's why the meeting kept being delayed and delayed. And we ended up at a point in talking with the Ukrainians – who we'll come to this, but, you know, who had asked to communicate with Giuliani – that they wanted to convey that they really are different. And we ended up talking about, well, then, make a statement about investigating corruption and your commitment to reform and so forth.

Q. Is that the statement that you discussed in your text messages –

A. Yes.

Q. – around August of 2019?

A. Yes.

Q. Okay.

A. Yeah. To say make a statement along those lines. And *the thought behind that was just trying to be convincing that they are serious and different from the Ukraine of the past.*³³¹

Ambassador Volker elaborated during his public testimony that a public statement is not unusual. He explained:

I didn't find it that unusual. I think when you're dealing with a situation where I believe the President was highly skeptical about President Zelensky being committed to really changing Ukraine after his entirely negative view of the country, that he would want to hear something more from President Zelensky to be convinced that, "Okay, I'll give this guy a chance."³³²

The Democrats' witnesses explained how the idea of a public statement arose. Ambassador Volker testified that Andrey Yermak, a senior adviser to President Zelensky, sent him a draft statement following Yermak's meeting with Mayor Giuliani on August 2.³³³ Ambassador Volker said that he believed the statement was "valuable for getting the Ukrainian

³³¹ Volker transcribed interview, *supra* note 60, at 41-42 (emphasis added).

³³² *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

³³³ Volker transcribed interview, *supra* note 60, at 71.

Government on the record about their commitment to reform and change and fighting corruption because I believed that would be helpful in overcoming this deep skepticism that the President had about Ukraine.”³³⁴ Ambassador Volker, however, did not see the statement as a “necessary condition” for President Zelensky securing a White House meeting.³³⁵

Ambassador Volker explained that although the statement evolved to include specific references to “Burisma” and “2016,” the goal was still to show that President Zelensky was “different.” He testified:

Q. And the draft statement went through some iterations. Is that correct?

A. Yeah. It was pretty quick, though. I don’t know the timeline exactly. We have it. But, basically, Andrey [Yermak] sends me a text. I share it with Gordon Sondland. We have a conversation with Rudy to say: The Ukrainians are looking at this text. Rudy says: Well, if it doesn’t say Burisma and if it doesn’t say 2016, what does it mean? You know, it’s not credible. You know, they’re hiding something. And so we talked and I said: So what you’re saying is just at the end of the – same statement, just insert Burisma and 2016, you think that would be more credible? And he said: Yes. So I sent that back to Andrey, conveyed the conversation with him – because he had spoken with Rudy prior to that, not me – conveyed the conversation, and Andrey said that he was not – he did not think this was a good idea, and I shared his view.

Q. You had testified from the beginning you didn’t think it was a good idea to mention Burisma or 2016.

A. Correct.

Q. But then, as I understand it, you came to believe that if we’re going to do the statement, maybe it’s necessary to have that reference in there, correct?

A. I’d say I was in the middle. I wouldn’t say I thought it was necessary to have it in there because I thought the target here is not the specific investigations. The target is getting Ukraine to be seen as credible in changing the country, fighting corruption, introducing reform, that Zelensky is the real deal. You may remember that there was a statement that Rudy Giuliani made when he canceled his visit to Ukraine in May of 2019 that President Zelensky is surrounded by enemies of the United States. And I just knew that to be

³³⁴ *Id.*

³³⁵ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison, supra* note 8

fundamentally not true. And so I think, when you talk about overcoming skepticism, that's kind of what I'm talking about, getting these guys out there publicly saying: We are different.³³⁶

Although subsequent reporting has connoted a connection between “Burisma” and the Bidens,³³⁷ the Democrats’ witnesses testified that they did not have that understanding while working with the Ukrainian government about a potential statement. Ambassador Volker explained that “there is an important distinction about Burisma” and that Vice President Biden or Hunter Biden were “never part of the conversation” with the Ukrainians.³³⁸ He also testified that the Ukrainians did not link Burisma to the Bidens: “They never mentioned Biden to me.”³³⁹ Ambassador Volker also made clear that following his initial conversation with Mayor Giuliani in May 2019, Mayor Giuliani “never brought up Biden or Bidens with me again. And so when we talked or heard Burisma, I literally meant Burisma and that, not the conflation of that with the Bidens.”³⁴⁰

Ambassador Sondland testified that he was unaware that “Burisma” may have meant “Biden” until the White House released the July 25th call transcript on September 25.³⁴¹ In fact, Ambassador Sondland testified that he recalled no discussions with any State Department or White House official about former Vice President Joe Biden or Hunter Biden.³⁴² Ambassador Sondland testified that he did not recall Mayor Giuliani ever discussing the Bidens with him.³⁴³

Testimony and text messages reflect that Ambassador Volker, Ambassador Sondland, and Ambassador Taylor communicated about Ukraine’s commitment to fight corruption throughout the summer. Ambassador Taylor testified that in a phone conversation on June 27, Ambassador Sondland told him that President Zelensky “needed to make clear to President Trump that he, President Zelensky, was not standing in the way of ‘investigations.’”³⁴⁴ Ambassador Taylor said he did not know to what “investigations” Ambassador Sondland was referring, but that Ambassador Volker “intended to pass that message [to President Zelensky] in Toronto several days later.”³⁴⁵

In early July, Ambassador Volker explained the dynamic directly to President Zelensky in Toronto, emphasizing the need to demonstrate a commitment to reform. Ambassador Volker testified:

³³⁶ Volker transcribed interview, *supra* note 60, at 71-73.

³³⁷ See, e.g., Paul Sonne, Michael Kranish, & Matt Viser, *The gas tycoon and the vice president's son: The story of Hunter Biden's foray into Ukraine*, Wash. Post, Sept. 28, 2019.

³³⁸ Volker transcribed interview, *supra* note 60, at 73.

³³⁹ *Id.* at 193.

³⁴⁰ *Id.* at 213.

³⁴¹ Sondland deposition, *supra* note 51, at 70.

³⁴² *Id.* at 33. Ambassador Sondland testified that Burisma was “one of many examples” of Ukrainian corruption. *Id.* Ambassador Sondland mentioned Naftogaz as another example of Ukrainian corruption and lack of transparency that “[came] up at every conversation.” *Id.* at 71, 99.

³⁴³ *Id.* at 33.

³⁴⁴ Taylor deposition, *supra* note 47, at 25.

³⁴⁵ *Id.* at 62-65.

I believe [Mayor Giuliani] was getting bad information, and I believe that his negative messaging about Ukraine would be reinforcing the President's already negative position about Ukraine. So I discussed this with President Zelensky when I saw him in Toronto on July 3rd, and I said I think this is a problem that we have Mayor Giuliani – so I didn't discuss his meeting with Lutsenko then. That came later. I only learned about that later. But I discussed even on July 3rd with President Zelensky that you have a problem with your message of being, you know, clean, reform, that we need to support you, is not getting – or is getting countermanded or contradicted by a negative narrative about Ukraine, that it is still corrupt, there's still terrible people around you. At this time, there was concern about his chief of presidential administration, Andriy Bohdan, who had been a lawyer for a very famous oligarch in Ukraine. And so I discussed this negative narrative about Ukraine that Mr. Giuliani seemed to be furthering with the President.³⁴⁶

On July 21, Ambassador Sondland sent a text message to Ambassador Taylor that read: “[W]e need to get the conversation started and the relationship built, irrespective of the pretext. I am worried about the alternative.”³⁴⁷ Ambassador Sondland testified that the word “pretext” concerned agreement on an interview or press statement and that the “alternative” was no engagement at all between President Trump and President Zelensky.³⁴⁸ Ambassador Sondland testified that he viewed giving a press interview or making a press statement as different from pressuring Ukraine to investigate political rival.³⁴⁹

On August 9, Ambassador Sondland sent a text message to Ambassador Volker, writing in part: “I think potus [*sic*] really wants the deliverable.”³⁵⁰ Ambassador Sondland testified that “deliverable” referred to the Ukrainian press statement.³⁵¹ Ambassador Volker testified that President Trump wanted a public commitment to reform as a “deliverable”:

- Q. And what – yeah, what did you understand what the President wanted by deliverable?
- A. That statement that had been under conversation.
- Q. That was the deliverable from Zelensky that the President wanted before he would commit to –

³⁴⁶ Volker transcribed interview, *supra* note 60, at 137.

³⁴⁷ Text message from Gordon Sondland to Kurt Volker & William Taylor (July 21, 2019, 4:45 a.m.) [KV00000037].

³⁴⁸ Sondland deposition, *supra* note 51, at 183-84.

³⁴⁹ *Id.* at 170-71.

³⁵⁰ Text message from Gordon Sondland to Kurt Volker (Aug. 9, 2019, 5:47 p.m.) [KV00000042].

³⁵¹ Sondland deposition, *supra* note 51, at 290.

A. *He wanted to see that they're going to come out publicly and commit to reform, investigate the past, et cetera.*³⁵²

According to Ambassador Taylor, on September 8, Ambassador Sondland relayed to Ambassador Taylor that he had told President Zelensky and Yermak that if President Zelensky “did not clear things up in public, we would be at a stalemate.”³⁵³ Ambassador Taylor interpreted Ambassador Sondland’s use of “stalemate” to mean that there would be no security assistance to Ukraine.³⁵⁴ Ambassador Taylor recounted that Ambassador Sondland said that President Trump is a businessman and businessmen ask for something before “signing a check.”³⁵⁵ Ambassador Taylor testified that he understood that “signing a check” related to security assistance.³⁵⁶ Ambassador Sondland did not recall the conversation with Ambassador Taylor and denied making a statement about President Trump seeking something for signing a check to Ukraine.³⁵⁷ He testified:

Q. So you hadn’t – did you ever, in the course of this, ever make a statement to the effect of, you know, we’re cutting a big check to the Ukraine, you know, what should we get for his?

A. That’s not something I would have said. I don’t remember that at all.

Q. Okay. So you’ve never made a statement relating the aid to conditions that the Ukrainians ought to comply with?

A. I don’t remember that, no.

Q. But if someone suggested that you made that statement, that would be out of your own character, you’re saying?

A. Yes.³⁵⁸

Although Ambassador Sondland’s statements imply that the President personally sought a conditionality on the security assistance, other witnesses testified that Ambassador Sondland had a habit of exaggerating his interactions with President Trump.³⁵⁹ Ambassador Sondland himself acknowledged that he only spoke with the President five or six times, one of which was a Christmas greeting.³⁶⁰ It is not readily apparent that Ambassador Sondland was speaking on behalf of President Trump in this context.

³⁵² Volker transcribed interview, *supra* note 60, at 184 (emphasis added).

³⁵³ Taylor deposition, *supra* note 47, at 39.

³⁵⁴ *Id.*

³⁵⁵ *Id.* at 40

³⁵⁶ *Id.*

³⁵⁷ Sondland deposition, *supra* note 51, at 198-99, 351.

³⁵⁸ *Id.* at 198-99.

³⁵⁹ Hill deposition, *supra* note 12, at 240-41; Kent deposition, *supra* note 65, at 257.

³⁶⁰ Sondland deposition, *supra* note 51, at 56.

10. President Zelensky never raised a linkage between security assistance and investigations in his meetings with senior U.S. government officials.

Between July 18—the date on which OMB announced the pause on security assistance to Ukraine during an interagency conference call—and September 11—when the pause was lifted—President Zelensky had five separate meetings with high-ranking U.S. government officials. The evidence shows that President Zelensky never raised any concerns in those meetings that he felt pressure to investigate President Trump’s political rival or that U.S. security assistance to Ukraine was conditioned on any such investigations.

On July 25, President Zelensky spoke by telephone with President Trump. Although President Zelensky noted a desire to purchase additional Javelin missiles from the United States—an expenditure separate from security assistance—the call summary otherwise does not show that the President discussed a pause on U.S. security assistance to Ukraine.³⁶¹

On July 26, President Zelensky met in Kyiv with Ambassador Volker, Ambassador Taylor, and Ambassador Sondland.³⁶² According to Ambassador Sondland’s closed-door deposition, President Zelensky did not raise any concern about a pause on security assistance or a linkage between the aid and investigations into President Trump’s political rival.³⁶³

On August 27, President Zelensky met in Kyiv with President Trump’s then-National Security Advisor John Bolton.³⁶⁴ According to Ambassador Taylor, President Zelensky and Ambassador Bolton did not discuss U.S. security assistance.³⁶⁵

On September 1, President Zelensky met in Warsaw with Vice President Pence, after the existence of the security assistance pause became public. Tim Morrison, Senior Director at the NSC, testified that President Zelensky raised the security assistance directly with Vice President Pence during their meeting.³⁶⁶ According to Morrison, Vice President Pence relayed President Trump’s concern about corruption, the need for reform in Ukraine, and his desire for other countries to contribute more to Ukrainian defense.³⁶⁷ As Jennifer Williams, senior adviser for Europe in the Office of the Vice President, testified:

Once the cameras left the room, the very first question that President Zelensky had was about the status of security assistance. And the VP responded by really expressing our ongoing support for Ukraine, but wanting to hear from President Zelensky, you know, what the status of his reform efforts were that he could then convey back to

³⁶¹ *Memorandum of Telephone Conversation*, *supra* note 15.

³⁶² Taylor deposition, *supra* note 47, at 31; Sondland deposition, *supra* note 51, at 29.

³⁶³ Sondland deposition, *supra* note 51, at 252.

³⁶⁴ Taylor deposition, *supra* note 47, at 33.

³⁶⁵ *Id.*

³⁶⁶ Morrison deposition, *supra* note 12, at 131-34.

³⁶⁷ *Id.*

the President, and also wanting to hear if there was more that European countries could do to support Ukraine.³⁶⁸

Vice President Pence did not discuss any investigations with President Zelensky.³⁶⁹ Morrison said that Vice President Pence spoke to President Trump that evening, who was “still skeptical” due to the fact that U.S. allies were not adequately contributing to Ukraine.³⁷⁰ Although Ambassador Sondland claimed in his public hearing that he informed Vice President Pence of his assumption of a link between security assistance and investigations in advance of the Vice President’s meeting with President Zelensky,³⁷¹ the Vice President’s office said Ambassador Sondland never raised investigations or conditionality on the security assistance.³⁷²

On September 5, President Zelensky met in Kyiv with Senator Ron Johnson, Senator Chris Murphy, and Ambassador Taylor.³⁷³ President Zelensky raised the issue of the security assistance, and Senator Johnson relayed to him what President Trump had told Senator Johnson during their August 31 conversation.³⁷⁴ Senator Murphy then warned President Zelensky “not to respond to requests from American political actors or he would risk losing Ukraine’s bipartisan support.”³⁷⁵ Senator Johnson recalled that he did not comment on Senator Murphy’s statement but began discussing a potential presidential meeting.³⁷⁶ To help President Zelensky understand President Trump’s mindset, Senator Johnson “tried to portray [President Trump’s] strongly held attitude and reiterated the reasons President Trump consistently gave [Senator Johnson] for his reservations regarding Ukraine: endemic corruption and inadequate European support.”³⁷⁷ Senator Johnson recounted how President Zelensky raised no concerns about pressure:

This was a very open, frank, and supportive discussion. There was no reason for anyone on either side not to be completely honest or to withhold any concerns. *At no time during this meeting—or any other meeting on this trip—was there any mention by [President] Zelensky or any Ukrainian that they were feeling pressure to do anything in return for military aid*, not even after [Senator] Murphy warned them about getting involved in the 2020 election—which would have been the perfect time to discuss any pressure.³⁷⁸

³⁶⁸ Williams deposition, *supra* note 73, at 81.

³⁶⁹ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8; *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6. In fact, Williams testified that Vice President Pence has “never brought up” these investigations. *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

³⁷⁰ Morrison deposition, *supra* note 12, at 133-34.

³⁷¹ *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 56.

³⁷² Office of the Vice President, Statement from VP Chief of Staff Marc Short (Nov. 20, 2019). In addition, the summary of President Trump’s July 25 call with President Zelensky was not included in Vice President Pence’s briefing book for his meeting with President Zelensky. Williams deposition, *supra* note 73, at 108.

³⁷³ Sen. Johnson letter, *supra* note 138, at 6.

³⁷⁴ *Id.*

³⁷⁵ *Id.* at 7.

³⁷⁶ *Id.*

³⁷⁷ *Id.*

³⁷⁸ *Id.* at 8 (emphasis added).

After Senator Johnson offered his perspective, Senator Murphy similarly provided an account of the September 5 meeting.³⁷⁹ Senator Murphy did not dispute the facts as recounted by Senator Johnson, including that President Zelensky raised no concerns about feeling pressure to investigate the President's political rival.³⁸⁰ Senator Murphy, however, interpreted President Zelensky's silence to mean that he felt pressure.³⁸¹ This "interpretation"—based on what President Zelensky did not say—is unpersuasive in light of President Zelensky's repeated and consistent statements that he felt no pressure.³⁸²

11. In early September 2019, President Zelensky's government implemented several anti-corruption reform measures.

Publicly available information shows that following the seating of Ukraine's new parliament, the Verkhovna Rada (Rada), on August 29, 2019, the Zelensky government initiated aggressive anti-corruption reforms. Almost immediately, President Zelensky appointed a new prosecutor general and opened Ukraine's Supreme Anti-Corruption Court.³⁸³ On September 3, the Rada passed a bill that removed parliamentary immunity.³⁸⁴ President Zelensky signed the bill on September 11.³⁸⁵ On September 18, the Rada approved a bill streamlining corruption prosecutions and allowing the Supreme Anti-Corruption Court to focus on high-level corruption cases.³⁸⁶

Witnesses described how these legislative initiatives instilled confidence that Ukraine was delivering on anti-corruption reform. NSC staffer LTC Vindman testified that the Rada's efforts were significant.³⁸⁷ In his deposition, Ambassador Taylor lauded President Zelensky for this demonstrable commitment to reform. He testified:

President Zelensky was taking over Ukraine in a hurry. He had appointed reformist ministers and supported long-stalled anticorruption legislation. He took quick executive action, including opening Ukraine's High Anti-Corruption Court, which was established under previous Presidential administration but was never allowed to operate. . . . With his new parliamentary majority, President Zelensky changed the Ukrainian constitution to remove absolute immunity from Rada deputies, which had been the source of raw corruption for decades.³⁸⁸

³⁷⁹ Letter from Sen. Chris Murphy to Adam Schiff, Chairman, H. Perm. Sel. Comm. on Intelligence, & Carolyn Maloney, Acting Chairwoman, H. Comm. on Oversight & Reform (Nov. 19, 2019).

³⁸⁰ *Id.* at 5.

³⁸¹ *Id.*

³⁸² See *supra* Section I.A.2.

³⁸³ Stefan Wolff & Tatyana Malyarenko, *In Ukraine, Volodymyr Zelenskiy must tread carefully or may end up facing another Maidan uprising*, *The Conversation*, Nov. 11, 2019.

³⁸⁴ *Bill on lifting parliamentary immunity submitted to Zelensky for signature*, *Unian*, Sept. 4, 2019.

³⁸⁵ *Zelensky signs law on stripping parliamentary immunity*, *Interfax-Ukraine*, Sept. 11, 2019.

³⁸⁶ *Anti-corruption Court to receive cases from NABU, SAPO*, 112 UA, Sept. 18, 2019.

³⁸⁷ *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

³⁸⁸ Taylor deposition, *supra* note 47, at 22-23.

Likewise, NSC Senior Director Tim Morrison recalled that President Zelensky's team had literally been working through the night on anti-corruption reforms. He testified:

Q: And after the Rada was seated, do you know if President Zelensky made an effort to implement those [anti-corruption] reforms?

A: I do.

Q: And what reforms generally can you speak to?

A: Well, he named a new prosecutor general. That was something that we were specifically interested in. He had his party introduce a spate of legislative reforms, one of which was particularly significant was stripping Rada members of their parliamentary immunity. That passed fairly quickly, as I recall. Those kinds of things.

Q: And within what time period were some of those initial reforms passed?

A: Very, very quickly.

Q: Okay. So in the month of August?

A: When we were – when Ambassador Bolton was in Ukraine and he met with President Zelensky, we observed that everybody on the Ukrainian side of the table was exhausted, because they had been up for days working on, you know, reform legislation, working on the new Cabinet, to get through as much as possible on the first day.

Q: Remind me again of Ambassador Bolton's visit. Was that August, at the end of August?

A: It was at the end of August. It was between the G7 and the Warsaw commemoration

Q: So by Labor Day, for example?

A: I seem to recall we were – we – we were there on the opening day of the Rada. President – President Zelensky met with Ambassador Bolton on the opening day of the Rada, and they were in an all-night session. Yeah. So, I mean, things were happening that day.³⁸⁹

These actions by the Ukrainian government in early September 2019 are significant in demonstrating President Zelensky's commitment to fighting corruption. Although the

³⁸⁹ Morrison deposition, *supra* note 12, at 128-29.

Department of Defense had certified Ukraine met its anti-corruption benchmarks in Spring 2019, that certification occurred before President Zelensky's inauguration.³⁹⁰ Deputy Assistant Secretary of Defense Laura Cooper testified during her public hearing that the anti-corruption review examined the efforts of the Poroshenko administration and that President Zelensky had appointed a new Minister of Defense.³⁹¹

As President Trump told Ambassador Sondland on September 9, he sought “nothing” from the Ukrainian government; he only wanted President Zelensky to “do what he ran on.”³⁹² President Zelensky had run on an anti-corruption platform, and these early aggressive actions provided confirmation that he was the “real deal,” as U.S. officials advised President Trump.

12. The security assistance was ultimately disbursed to Ukraine in September 2019 without any Ukrainian action to investigate President Trump's political rival.

On September 11, President Trump met with Vice President Pence, Senator Rob Portman, and Acting Chief of Staff Mick Mulvaney to discuss U.S. security assistance to Ukraine.³⁹³ As recounted by NSC Senior Director Tim Morrison, the group discussed whether President Zelensky's progress on anti-corruption reform—which Vice President Pence discussed during his bilateral meeting with President Zelensky on September 1—was significant enough to justify releasing the aid.³⁹⁴ He testified:

I believe Senator Portman was relating, and I believe the Vice President as well, related their view of the importance of the assistance. The Vice President was obviously armed with his conversation with President Zelensky, and they were – they convinced the President that the aid should be disbursed immediately.³⁹⁵

Following this meeting, the President decided to lift the pause on U.S. security assistance to Ukraine.³⁹⁶ The release was conveyed to the interagency the following morning.³⁹⁷ The U.S. disbursed this assistance without Ukraine ever acting to investigate President Trump's political rival.

Democrats cannot show conclusively that the Trump Administration lifted the pause on security assistance only as a result of their impeachment inquiry. In a private conversation with Senator Johnson on August 31, President Trump signaled that the aid would be released, saying then: “We're reviewing it now, and you'll probably like my final decision.”³⁹⁸ A number of other

³⁹⁰ Deposition of Laura Cooper, in Wash., D.C., at 19, 99 (Oct. 23, 2019).

³⁹¹ *Impeachment Inquiry: Ms. Laura Cooper and Mr. David Hale*, *supra* note 246.

³⁹² Sondland deposition, *supra* note 51, at 106.

³⁹³ Morrison deposition, *supra* note 12, at 242-43.

³⁹⁴ *Id.* at 243.

³⁹⁵ *Id.*

³⁹⁶ *Id.* at 211.

³⁹⁷ *Id.*

³⁹⁸ Letter from Sen. Johnson, *supra* note 138, at 5.

events occurred within the same period. President Zelensky implemented serious anti-corruption reforms in Ukraine and OMB conducted a review of foreign assistance globally and provided data on what other countries contribute to Ukraine. Bipartisan senators contacted the White House, telling the Administration that the Senate would act legislatively to undo the pause on security assistance.³⁹⁹ In fact, Senator Dick Durbin credited the release of the security assistance to the Senate's potential action.⁴⁰⁰ Senator Durbin said, "It's beyond a coincidence that they released it the night before our vote in the committee."⁴⁰¹

* * *

The evidence does not support the Democrats' allegation that President Trump sought to withhold U.S. security assistance to Ukraine to pressure President Zelensky to investigate his political rival for the President's political benefit. The Democrats' witnesses denied the two were linked. The U.S. officials never informed the Ukrainian government that the security assistance was delayed, and senior Ukrainian officials did not raise concerns to U.S. officials until after the delay was publicly reported. President Trump never raised the security assistance during his phone call with President Zelensky. President Zelensky never voiced concerns about pressure or conditionality on security assistance in any meetings he had with senior U.S. government officials. U.S. security assistance ultimately flowed to Ukraine without the Ukrainian government taking any action to investigate President Trump's political rival.

D. The evidence does not establish that President Trump set up a shadow foreign policy apparatus to pressure Ukraine to investigate the President's political rival for the purpose of benefiting him in the 2020 election.

Democrats allege that President Trump established an unauthorized, so-called "shadow" foreign policy apparatus to pressure Ukraine to investigate his political rival to benefit the President in the 2020 election.⁴⁰² Democrats also alleged that President Trump's recall of Ambassador Yovanovitch was a "politically motivated" decision to appease "allies of President Trump."⁴⁰³ Although the Constitution gives the President broad authority to conduct the foreign policy of the United States, the Democrats say that President Trump abused his power by disregarding the traditional State Department bureaucratic channels for his personal political benefit. These allegations fall flat.

It is impossible to fairly assess the facts without appreciating the circumstances in which they occurred. From the very first days of the Trump Administration—indeed even before it began—the unelected bureaucracy rejected President Trump and his policies. The self-proclaimed "resistance" organized protests and parody social media accounts, while high-level

³⁹⁹ See Byron York, *Why did Trump release Ukraine aid? The answer is simple*, Wash. Exam., Nov. 24, 2019.

⁴⁰⁰ Caitlin Emma et al., *Trump administration backs off hold on Ukraine military aid*, Politico, Sept. 12, 2019.

⁴⁰¹ *Id.*

⁴⁰² Press Release, H. Comm. On Foreign Affairs, Engel Floor Remarks on Resolution for Open Hearings on Trump's Abuse of Power (Oct. 31, 2019); Adam Schiff (@RepAdamSchiff) (Nov. 6, 2019, 10:58 AM), <https://twitter.com/RepAdamSchiff/status/1192154367199260672>.

⁴⁰³ Press Release, H. Comm. on Foreign Affairs, Engel & Hoyer Statement on U.S. Ambassador to Ukraine Masha Yovanovitch (May 7, 2019).

bureaucrats received praise from colleagues for openly defying the Administration’s policies. Leaks of secret information became almost daily occurrence, including details about the President’s sensitive conversations with foreign leaders. Meanwhile, the Department of Justice and FBI spent 22 months thoroughly investigating false allegations that the Trump campaign had colluded with the Russian government in the 2016 election.

The evidence shows that following President Zelensky’s inauguration, the three senior U.S. officials who attended his inauguration—Ambassador Kurt Volker, Ambassador Gordon Sondland, and Secretary Rick Perry—assumed responsibility for shepherding the U.S.-Ukrainian relationship. Contrary to assertions of an “irregular” foreign policy channel, all three men were senior U.S. leaders who had important official interests in Ukraine. The three men maintained regular communication with the NSC and the State Department about their work in Ukraine.

Following President Zelensky’s inauguration, Ambassador Volker, Ambassador Sondland, and Secretary Perry sought to convince President Trump of Ukraine’s commitment to reform. In that meeting, President Trump referenced Mayor Rudy Giuliani, who had experience in Ukraine. When President Zelensky’s adviser Andrey Yermak asked Ambassador Volker to connect him with Mayor Giuliani, Ambassador Volker did so because he believed it would advance U.S.-Ukrainian interests. Mayor Giuliani informed Ambassador Volker about his communications with Yermak. Volker and Yermak both have said that Mayor Giuliani did not speak on behalf of the President in these discussions.

Some pockets of the State Department and NSC grumbled that Ambassador Volker, Ambassador Sondland, and Secretary Perry had become so active in U.S-Ukraine policy. Others criticized Ambassador Marie Yovanovitch’s recall or fretted about Mayor Giuliani’s involvement. Yet, despite these bureaucratic misgivings, there is no evidence that the involvement of Ambassador Volker, Ambassador Sondland, Secretary Perry, or Mayor Giuliani was illegal or hurt U.S. strategic interests. There is also no evidence that President Trump made this arrangement or recalled Ambassador Yovanovitch for the purpose of pressuring Ukraine to investigate the President’s political rival for his benefit in the 2020 presidential election.

1. The President has broad Constitutional authority to conduct the foreign policy of the United States.

The Constitution vests the President of the United States with considerable authority over foreign policy.⁴⁰⁴ The President is the Commander-in-Chief of U.S. Armed Forces. The President has the power to make treaties with foreign nations, and he appoints and receives “Ambassadors and other public ministers.”⁴⁰⁵ The Supreme Court has explained that the Constitution gives the President “plenary and exclusive authority” over the conduct of foreign affairs.⁴⁰⁶ The President is the “sole organ of the federal government” with respect to foreign affairs.⁴⁰⁷

⁴⁰⁴ U.S. Const. Art. II.

⁴⁰⁵ *Id.*

⁴⁰⁶ *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 320 (1936).

⁴⁰⁷ *Id.* Although the President makes treaties with the advice and consent of the Senate; the President alone negotiates. *Cf.* H. Jefferson Powell, *The President’s Authority Over Foreign Affairs: An Executive Branch Perspective*, 67 *Geo. Wash. L. Rev.* 527, 546-47 (1999). Dealings with foreign nations require “caution and unity of design,” which depend on the President’s authority to speak with “one voice” on behalf of U.S. interests. *Id.* at 546.

2. President Trump was likely skeptical of the established national security apparatus as a result of continual leaks and resistance from the federal bureaucracy.

In the wake of President Trump’s electoral victory in 2016, he faced almost immediate intransigence from unelected—and often anonymous—federal employees. Since then, the “Resistance” has protested President Trump and leaked sensitive national security information about the Trump Administration’s policies and objectives. In this context, one can see how President Trump would be justifiably skeptical of the national security apparatus.

Since the beginning of the Trump Administration, leaks of sensitive national security information have occurred at unprecedented rate. As the *Washington Post* noted, “[e]very presidential administration leaks. So far, the Trump White House has gushed.”⁴⁰⁸ According to an analysis from the Senate Homeland Security and Governmental Affairs Committee in May 2017, the Trump Administration faced about one national security leak per day—flowing seven times faster in the Trump Administration than during the Obama or Bush Administrations.⁴⁰⁹ Unelected bureaucrats leaked details about President Trump’s private conversations with world leaders and the investigation into Russian interference in the 2016 election.⁴¹⁰

In Kimberley Strassel’s book *Resistance (At All Costs)*, she described the Resistance as “the legions of Americans who were resolutely opposed to the election of Trump, and who remain angrily determined to remove him from office.”⁴¹¹ This resistance included anonymous federal employees who criticized President Trump and his policies on parody U.S. government social media accounts.⁴¹² This resistance included high-level bureaucrats—including then-Acting Attorney General Sally Yates—who openly defied implementing Administration policies.⁴¹³ The resistance included an anonymous employee who published an op-ed in the *New York Times* in September 2018 titled, “I Am Part of the Resistance Inside the Trump Administration,” detailing how he or she and other unelected bureaucrats were actively working at odds with the President.⁴¹⁴ The op-ed earned the anonymous employee a book deal.⁴¹⁵

The “Resistance” extended to the U.S. national security apparatus as well, including FBI agents investigating unproven allegations of collusion between the Trump campaign and the Russian government.⁴¹⁶ An FBI lawyer working the investigation, and later assigned to Special Counsel Robert Mueller’s office, texted another FBI employee, “Vive le resistance,” in the

⁴⁰⁸ Paul Farhi, *The Trump administration has sprung a leak. Many of them, in fact*, Wash. Post, Feb. 5, 2017.

⁴⁰⁹ Maj. Staff on S. Comm. on Homeland Sec. & Gov’t Affairs, 115th Cong., *State Secrets: How An Avalanche Of Media Leaks Is Harming National Security* (2017) [hereinafter “HSGAC report”].

⁴¹⁰ *Id.*

⁴¹¹ Kimberley Strassel, *Resistance (At All Costs): How Trump Haters Are Breaking America* (2019).

⁴¹² Kimberley A. Strassel, *Whistleblowers and the Real Deep State*, Wall St. J., Oct. 11, 2019.

⁴¹³ *Id.*

⁴¹⁴ *I Am Part of the Resistance Inside the Trump Administration*, N.Y. Times, Sep. 5, 2018.

⁴¹⁵ Alexa Diaz, *Anonymous Trump official who wrote ‘resistance’ op-ed to publish tell-all book*, L.A. Times, Oct. 22, 2019.

⁴¹⁶ Special Counsel Robert S. Mueller, III, *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*, 1-2. Vol. 1 (2019) [hereinafter “Mueller report”].

month that President Trump was elected.⁴¹⁷ In the week after election night, FBI Agent Peter Strzok and FBI lawyer Lisa Page—who were both involved in the Russia collusion investigation—wrote to each other: “OMG THIS IS F*CKING TERRIFYING” and “I bought all the president’s men. Figure I needed to brush up on watergate [*sic*].”⁴¹⁸

The FBI surveilled Trump campaign associates using evidence delivered by Christopher Steele—a confidential human source funded by then-candidate Trump’s political opponents and who admitted he was “desperate” that Donald Trump lose the election.⁴¹⁹ During her deposition, Dr. Hill testified that Steele’s reporting was likely a bogus Russia misinformation campaign against Steele.⁴²⁰ Yet, the FBI accepted Steele’s information and used it to obtain surveillance warrants on Trump campaign associate Carter Page.⁴²¹ Ultimately, Special Counsel Mueller’s report concluded that the Trump campaign did not conspire or coordinate with Russian election interference actions.⁴²² In considering the President’s mindset, this context cannot be ignored.

3. The President has the constitutional authority to remove Ambassador Yovanovitch.

U.S. ambassadors are the President’s representatives abroad, serving at the pleasure of the President. Every ambassador interviewed during this impeachment inquiry recognized and appreciated this fact.⁴²³ Even Ambassador Yovanovitch understood that the President could remove any ambassador at any time for any reason, although she unsurprisingly disagreed with the reason for her removal.⁴²⁴ The removal of Ambassador Yovanovitch, therefore, is not *per se* evidence of wrongdoing for the President’s political benefit.

Evidence suggests that President Trump likely had concerns about Ambassador Yovanovitch’s ability to represent him in Ukraine,⁴²⁵ and that then-Ukrainian President

⁴¹⁷ Inspector Gen., Dep’t of Justice, *A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election*, 396, 419 (2018).

⁴¹⁸ *Id.* at 397, 400.

⁴¹⁹ F.B.I., Dep’t of Just., 302 Interview with Bruce Ohr on Dec. 19, 2016 at 3.

⁴²⁰ See Hill deposition, *supra* note 12, at 177-180 (“I think it was a rabbit hole The way that the Russians operate is that they will use whatever conduit they can to put out information that is both real and credible but that also masks a great deal of disinformation . . .”).

⁴²¹ Transcribed Interview of Sally Moyer, in Wash., D.C., at 162 (Oct. 23, 2018).

⁴²² Mueller report, *supra* note 416.

⁴²³ Sondland deposition, *supra* note 51, at 19; Volker transcribed interview, *supra* note 60, at 88-89; Transcribed interview of Ambassador Michael McKinley, in Wash., D.C., at 37 (Oct. 16, 2019) [hereinafter “McKinley transcribed interview”]; Yovanovitch deposition, *supra* note 115, at 23; Taylor deposition, *supra* note 47, at 297; Hale deposition, *supra* note 230, at 38.

⁴²⁴ Yovanovitch deposition, *supra* note 115, at 23. Evidence suggests that Ambassador Yovanovitch took steps to gain the President’s trust. Deputy Assistant Secretary of State George Kent testified that Ambassador Yovanovitch taped videos in which she proclaimed support for the Trump Administration’s foreign policies. Kent deposition, *supra* note 65, at 118-19. Ambassador Yovanovitch testified that she sought Ambassador Sondland’s guidance on how to address negative news reports critical of her work as Ambassador to Ukraine. She said that Ambassador Sondland told her to “go big or go home” in publicly supporting the President. Yovanovitch deposition, *supra* note 115, at 267-28, 306-07. Ambassador Sondland, however, testified that he did not recall advising Ambassador Yovanovitch to make a public statement. Sondland deposition, *supra* note 51, at 58-59.

⁴²⁵ Memorandum of Telephone Conversation, *supra* note 15.

Poroshenko had authorized an effort to criticize Ambassador Yovanovitch.⁴²⁶ Ambassador Volker testified that he had no firsthand knowledge of Ambassador Yovanovitch criticizing the President; however, he said that “President Trump would understandably be concerned if that was true because you want to have trust and confidence in your Ambassadors.”⁴²⁷

Despite recognizing the President’s prerogative to dismiss ambassadors, some in the U.S. foreign policy apparatus voiced concerns about Ambassador Yovanovitch’s removal. Ambassador McKinley testified that he resigned from the State Department because he believed that it failed to protect its diplomats.⁴²⁸ However, Ambassador McKinley did not resign when he first learned that Ambassador Yovanovitch had been called home, despite knowing that she had been recalled.⁴²⁹ He only resigned months later, after the whistleblower’s account and the President’s comments to President Zelensky about Ambassador Yovanovitch during the July 25 call transcript became public.⁴³⁰

Ambassador Yovanovitch testified that her removal from Kyiv had little effect on her career with the State Department. Her post was scheduled to end only a matter of weeks after her recall.⁴³¹ Although she had considered extending her tour, a decision had not been officially made.⁴³² Ambassador Yovanovitch explained that she had been planning to retire following her tour in Ukraine and “[s]o I don’t think from a State Department point of view [the recall] has had any effect.”⁴³³ The recall also did not affect her compensation.⁴³⁴ Ambassador Yovanovitch explained that the State Department was helpful in securing her a position with Georgetown University.⁴³⁵

4. Ambassador Volker, Ambassador Sondland, and Secretary Perry were all senior U.S. government officers with official interests in Ukraine policy.

Contrary to allegations that President Trump orchestrated a “shadow” foreign policy channel to pressure Ukraine to investigate his political rival, evidence shows that the U.S. interactions with Ukraine were led by senior U.S. officials. These officials, Ambassador Volker, Ambassador Sondland, and Secretary Perry, had attended President Zelensky’s inauguration in May 2019 and all had official interests in U.S. policy toward Ukraine.

Ambassador Volker explained that “we viewed ourselves as having been empowered as a Presidential delegation to go there, meet, make an assessment [of whether President Zelensky was a legitimate anti-corruption reformer], and report” to President Trump.⁴³⁶ He said that they

⁴²⁶ Kent deposition, *supra* note 65, at 232.

⁴²⁷ Volker transcribed interview, *supra* note 60, at 90.

⁴²⁸ McKinley transcribed interview, *supra* note 423, at 20, 24-25.

⁴²⁹ *Id.* at 33-34.

⁴³⁰ *Id.* at 35-36. *See also* Karen DeYoung, *Senior adviser to Pompeo resigns*, Wash. Post, Oct. 10, 2019.

⁴³¹ Yovanovitch deposition, *supra* note 115, at 114-16, 140.

⁴³² *Id.* at 22, 114-16, 122.

⁴³³ *Id.* at 139-40.

⁴³⁴ *Impeachment Inquiry: Ambassador Marie Yovanovitch*, *supra* note 4.

⁴³⁵ Yovanovitch deposition, *supra* note 115, at 139.

⁴³⁶ Volker transcribed interview, *supra* note 60, at 206.

assumed responsibility to “shepherd this [U.S.-Ukrainian] relationship together as best we could.”⁴³⁷ The delegation assumed this responsibility at a time when the U.S. government lacked an experienced chief of mission in Kyiv.

Importantly, cutting against the idea of a “shadow” channel, each of these three men had an official role with respect to U.S. policy toward Ukraine.⁴³⁸ Ambassador Volker described his role as the Special Representative for Ukraine Negotiations as “supporting democracy and reform in Ukraine, helping Ukraine better defend itself and deter Russian aggression, and leading U.S. negotiating efforts to end the war and restore Ukraine’s territorial integrity.”⁴³⁹ As Ambassador to the European Union, Ambassador Sondland said that Ukraine issues were “central” to his responsibilities.⁴⁴⁰ In addition, the Department of Energy, led by Secretary Perry, has significant equities in energy policies in Ukraine.⁴⁴¹

In the absence of a seasoned chief of mission in Kyiv—before Ambassador Taylor’s arrival—these three individuals assumed responsibility following President Zelensky’s inauguration for shepherding U.S. engagement with President Zelensky’s government. That each individual had an official interest in U.S. policy toward Ukraine undercuts the notion that they engaged in “shadow” diplomacy for illegitimate purposes.

5. Referencing Ukrainian corruption, President Trump told Ambassador Volker, Ambassador Sondland, and Secretary Perry to talk to Mayor Giuliani.

Evidence suggests that Mayor Giuliani’s negative assessment of President Zelensky may have reinforced President Trump’s existing skepticism about Ukraine and its history of corruption. In May 2019, Mayor Giuliani said that President-elect Zelensky was “surrounded by enemies” of President Trump.⁴⁴² When the U.S. delegation to President Zelensky’s inauguration later tried to assure President Trump that President Zelensky was different, the President referenced Mayor Giuliani as someone knowledgeable about Ukrainian corruption and told the men to talk to Mayor Giuliani.⁴⁴³ Testimony differs, however, on whether the President’s reference to Mayor Giuliani was a direction or an aside. Either way, because President Trump—constitutionally, the nation’s “sole organ of foreign affairs”⁴⁴⁴—raised Mayor Giuliani as

⁴³⁷ *Id.* at 67.

⁴³⁸ See *Impeachment Inquiry: Dr. Fiona Hill and Mr. David Holmes*, *supra* note 210.

⁴³⁹ Volker transcribed interview, *supra* note 60, at 13.

⁴⁴⁰ Sondland deposition, *supra* note 51, at 20. During her deposition, Dr. Hill testified that Ambassador Sondland told her that President Trump had “given him broad authority on all things related to Europe, that he was the President’s point man on Europe.” Hill deposition, *supra* note 12, at 60. Dr. Hill later acknowledged it that Ambassador Sondland could have been exaggerating, explaining that she often saw Ambassador Sondland coming out of West Wing saying he was seeing the President but she learned later that he was really seeing other staff. *Id.* at 204.

⁴⁴¹ James Osborne, *What Rick Perry was doing in Ukraine*, Houston Chronicle, Oct. 16, 2019.

⁴⁴² See Charles Creitz, *Giuliani cancels Ukraine trip, says he’d be ‘walking into a group of people that are enemies of the US,’* Fox News, May 11, 2019.

⁴⁴³ Sondland deposition, *supra* note 51, at 25. According to public reports, Mayor Giuliani has over a decade of experience working in Ukraine. See, e.g., Rosalind S. Helderman et al., *Impeachment Inquiry Puts New Focus on Giuliani’s Work for Prominent Figures in Ukraine*, Wash. Post, Oct. 2, 2019.

⁴⁴⁴ *Curtiss-Wright Export Corp.*, 299 U.S. at 320.

someone knowledgeable about Ukraine, this arrangement is not evidence of an unsanctioned and nefarious “shadow” foreign policy apparatus.

On May 23, the U.S. delegation to President Zelensky’s inauguration briefed President Trump about their impressions of President Zelensky. Ambassador Sondland testified that the President relayed concerns about Ukrainian corruption, saying “Ukraine is a problem,” “tried to take me down,” and “talk to Rudy.”⁴⁴⁵ During his transcribed interview, Ambassador Volker elaborated:

Q. And can you describe the discussion –

A. Yes.

Q. – that occurred?

A. Yes. The President started the meeting and started with kind of a negative assessment of the Ukraine. As I’ve said earlier –

Q. Yep.

A. – it’s a terrible place, all corrupt, terrible people, just dumping on Ukraine.

Q. And they were out to get me in 2016.

A. And they were out to get – and they tried to take me down.

Q. In 2016?

A. Yes. And each of us took turns from this delegation giving our point of view, which was that this is a new crowd, it’s a new President, he is committed to doing the right things. I believe I said, he agrees with you. That’s why he got elected. It is a terrible place, and he campaigned on cleaning it up, and that’s why the Ukrainian people supported him.

So, you know, we strongly encouraged him to engage with this new President because he’s committed to fighting all of those things that President Trump was complaining about.

Q. And how did the President react?

A. He just didn’t believe it. He was skeptical. And he also said, that’s not what I hear. I hear, you know, he’s got some terrible people

⁴⁴⁵ Sondland deposition, *supra* note 51, at 61-62, 75.

around him. And he referenced that he hears from Mr. Giuliani as part of that.

Q. Can you explain a little bit more about what the President said about Rudy Giuliani in that meeting?

A. He said that's not what I hear. I hear a whole bunch of other things. And I don't know how he phrased it with Rudy, but it was – I think he said, not as an instruction but just as a comment, talk to Rudy, you know. He knows all of these things, and they've got some bad people around him. And that was the nature of it. It was clear that he also had other sources. It wasn't only Rudy Giuliani. I don't know who those might be, but he – or at least he said, I hear from people.⁴⁴⁶

In his public testimony, Ambassador Volker reiterated that he did not understand the President's comment, "talk to Rudy," to be a direction.⁴⁴⁷ He explained:

I didn't take it as an instruction. I want to be clear about that. He said: That's not what I hear. You know, when we were giving him our assessment about President Zelensky and where Ukraine is headed: That's not what I hear. I hear terrible things. He's got terrible people around him. Talk to Rudy. And I understood, in that context, him just saying that's where he hears it from. I didn't take it as an instruction.⁴⁴⁸

Ambassador Sondland, however, in both his closed-door deposition and his public testimony, characterized the President's comment as a "direction."⁴⁴⁹ In an interview with the *Wall Street Journal*, Energy Secretary Rick Perry stated that he called Mayor Giuliani following the May 23 meeting, and that Mayor Giuliani told him "to be careful with regards" to President Zelensky.⁴⁵⁰ Secretary Perry said "he never heard the president, any of his appointees, Mr. Giuliani, or the Ukrainian regime discuss the possibility of specifically investigating former Vice President Joe Biden, a Democratic presidential contender, and his son Hunter Biden."⁴⁵¹

⁴⁴⁶ Volker transcribed interview, *supra* note 60, at 304-05. Deputy Assistant Secretary Kent testified that Dr. Hill relayed to him that President Trump had conversations with Viktor Orban, the Prime Minister of Hungary, and Vladimir Putin, the President of Russia, which he said may have also colored President Trump's view of Ukraine. Kent deposition, *supra* note 65, at 253-54.

⁴⁴⁷ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

⁴⁴⁸ *Id.*

⁴⁴⁹ *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 56; Sondland deposition, *supra* note 51, at 25-26.

⁴⁵⁰ Timothy Puko & Rebecca Ballhaus, *Rick Perry called Rudy Giuliani at Trump's direction on Ukraine concerns*, *Wall St. J.*, Oct. 16, 2019.

⁴⁵¹ *Id.*

6. At the Ukrainian government’s request, Ambassador Volker connected them with Mayor Giuliani to change his impression about the Zelensky regime.

Evidence shows that the Ukrainian government, and specifically Zelensky adviser Andrey Yermak, initiated contact with Mayor Giuliani—and not the other way around—to attempt to refute Mayor Giuliani’s views about President Zelensky. Yermak later told *Bloomberg* that he had informed both Republicans and Democrats in Congress in July 2019 that he planned to engage with Mayor Giuliani and heard no objections.⁴⁵²

According to Ambassador Volker, in May 2019, he “became concerned that a negative narrative about Ukraine fueled by assertions made by Ukraine’s departing prosecutor general” was reaching President Trump via Mayor Giuliani.⁴⁵³ In July, Ambassador Volker shared his concerns with Yermak, who asked Ambassador Volker to connect him with Mayor Giuliani directly.⁴⁵⁴ Ambassador Volker explained:

After sharing my concerns with the Ukrainian leadership, an adviser to President Zelensky asked me to connect him to the President’s personal lawyer, Mayor Rudy Giuliani. I did so. I did so solely because I understood that the new Ukrainian leadership wanted to convince those, like Mayor Giuliani, who believed such a negative narrative about Ukraine, that times have changed and that, under President Zelensky, Ukraine is worthy of U.S. support. I also made clear to the Ukrainians on a number of occasions that Mayor Giuliani is a private citizen and the President’s personal lawyer and that he does not represent the United States Government.⁴⁵⁵

Ambassador Volker was clear during his transcribed interview that his action connecting Yermak with Mayor Giuliani was in the best interests of the United States. He testified:

Q. And so any of the facts here, you connecting Mr. Giuliani with Mr. Yermak and to the extent you were facilitating Mr. Giuliani’s communication with anybody in the Ukraine, you were operating under the best interests of the United States?

A. Absolutely.

Q. And to the extent Mr. Giuliani is tight with the President, has a good relationship with him, has the ability to influence him, is it fair to say that, at times, it was in the U.S.’s interest to have Mr. Giuliani connecting with these Ukrainian officials?

⁴⁵² Baker & Krasnolutska, *supra* note 280.

⁴⁵³ Volker transcribed interview, *supra* note 60, at 18.

⁴⁵⁴ *Id.*; see also *id.* at 137-38.

⁴⁵⁵ *Id.* at 18.

- A. Yes. I would say it this way: It was I think in the U.S. interest for the information that was reaching the President to be accurate and fresh and coming from the right people. And if some of what Mr. Giuliani believed or heard from, for instance, the former [Ukrainian] Prosecutor General Lutsenko was self-serving, inaccurate, wrong, et cetera, I think correcting that perception that he has is important, because to the extent that the President does hear from him, as he would, you don't want this dissonant information reaching the President.⁴⁵⁶

In an interview with *Bloomberg*, Yermak explained that he sought to engage with Mayor Giuliani to “dispel the notion that the new Ukraine government was corrupt.”⁴⁵⁷ Yermak said the Zelensky regime was “surprised” that Mayor Giuliani believed them to be “enemies of the U.S.” and they sought to ask Mayor Giuliani directly why he believed that.⁴⁵⁸ Yermak recounted how, before his engaged with Mayor Giuliani, he sought bipartisan feedback from Congress about this approach.⁴⁵⁹ He said that he spoke with “the top national security advisers to the minority and majority leaders in both the U.S. House and Senate” and told them that “he planned to talk to [Mayor] Giuliani to explain the nation’s reform agenda and to urge him not to communicate with Ukraine through the media.”⁴⁶⁰ Yermak recalled, “Everyone said: ‘good idea.’”⁴⁶¹

7. The Ukrainian government understood that Mayor Giuliani was not speaking on behalf of President Trump.

Ambassador Volker was the chief interlocutor with the Ukrainian government. He described himself as someone who had the Ukrainian government’s trust and who offered them counsel on how to address the negative narrative about Ukrainian corruption.⁴⁶² Ambassador Volker testified that the Ukrainian government did not view Mayor Giuliani as President Trump’s “agent” on whose behalf he spoke.⁴⁶³ Instead, the Ukrainians saw Mayor Giuliani as a one-way method for conveying information to President Trump about President Zelensky’s commitment to reform.

Under examination by House Intelligence Committee Chairman Adam Schiff in his closed-door deposition, Ambassador Volker was resolute that the Ukrainian government saw Mayor Giuliani as someone who “had the President’s ear,” not someone who spoke for the President. He explained:

- Q. You understood that the Ukrainians recognized that Rudy Giuliani represented the President, that he was an agent of the President, that

⁴⁵⁶ *Id.* at 69-70.

⁴⁵⁷ Baker & Krasnolutska, *supra* note 280.

⁴⁵⁸ *Id.*

⁴⁵⁹ *Id.*

⁴⁶⁰ *Id.*

⁴⁶¹ *Id.*

⁴⁶² Volker transcribed interview, *supra* note 60, at 168-69.

⁴⁶³ *Id.* at 116.

he was a direct channel to the President. Ukrainian officials you were dealing with would have understood that, would they not?

A. *I would not say that they thought of him as an agent*, but that he was a way of communicating, that you could get something to Giuliani and he would be someone who would be talking to the President anyway, so it would flow information that way.

Q. So this was someone who had the President's ear?

A. Yes. That's fair.⁴⁶⁴

In his public testimony, Ambassador Volker reiterated that Mayor Giuliani was not speaking on the President's behalf. He explained:

I made clear to the Ukrainians that Mayor Giuliani was a private citizen, the President's personal lawyer, and not representing the U.S. Government. Likewise, in my conversations with Mayor Giuliani, I never considered him to be speaking on the President's behalf, or giving instructions. Rather, the information flow was the other way, from Ukraine to Mayor Giuliani, in the hopes that this would clear up the information reaching President Trump.⁴⁶⁵

During her closed-door deposition, Dr. Hill confirmed this assessment, explaining that she could not say that Mayor Giuliani was acting on President Trump's behalf.⁴⁶⁶

Andrey Yermak, in an August 2019 *New York Times* article, said it was also not clear to him whether Mayor Giuliani was speaking on behalf of President Trump.⁴⁶⁷ According to the *Times*, Mayor Giuliani "explicitly stated that he was not" speaking on behalf of the President.⁴⁶⁸ President Trump confirmed this fact in a November 2019 interview, explaining that he did not direct Mayor Giuliani's Ukraine activities.⁴⁶⁹

8. Ambassador Volker, Ambassador Sondland, and Secretary Perry kept the National Security Council and the State Department informed about their actions.

As Ambassador Volker, Ambassador Sondland, and Secretary Perry engaged with Ukrainian government officials, they maintained communications with the State Department and NSC. This coordination undercuts any notion that President Trump orchestrated a "shadow" foreign policy apparatus to work outside of the State Department or NSC.

⁴⁶⁴ *Id.* (emphasis added).

⁴⁶⁵ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

⁴⁶⁶ Hill deposition, *supra* note 12, at 424-25.

⁴⁶⁷ Kramer & Vogel, *supra* note 176.

⁴⁶⁸ *Id.*

⁴⁶⁹ Daniel Chaitin, 'I didn't direct him': Trump denies sending Giuliani to Ukraine, Wash. Exam., Nov. 26, 2019.

Ambassador Volker testified that “while executing my duties, I kept my colleagues at the State Department and National Security Council informed and also briefed Congress about my actions.”⁴⁷⁰ Ambassador Volker and Ambassador Sondland also communicated regularly with Ambassador Bill Taylor once he became the *chargé d’affaires, a.i.*, in Kyiv.⁴⁷¹ These briefings went as high as the Counselor to the Secretary of State, Ulrich Brechbuhl.⁴⁷²

In his public testimony, Ambassador Sondland explained that it was “no secret” what he, Ambassador Volker, and Secretary Perry were doing. As he stated, “[w]e kept the NSC apprised of our efforts, including specifically our efforts to secure a public statement from the Ukrainians that would satisfy President Trump’s concerns.”⁴⁷³ Ambassador Sondland testified that “everyone was in the loop,” although he conceded that he “presumed” a connection between investigations and security assistance without speaking to President Trump, Acting Chief of Staff Mulvaney, or Mayor Giuliani.⁴⁷⁴

9. Although some in the U.S. foreign policy establishment bristled, the roles of Ambassador Volker, Ambassador Sondland, and Secretary Perry and their interactions with Mayor Giuliani did not violate the law or harm national security.

Evidence suggests that some in the U.S. foreign policy establishment disliked the involvement of Ambassador Volker, Ambassador Sondland, and Secretary Perry in the U.S.-Ukrainian relationship. Some also expressed discomfort with Mayor Giuliani’s interactions with Ukrainian officials. However, the use of private citizens, such as Mayor Giuliani, to assist effectuating U.S. foreign policy goals on specific issues is not *per se* inappropriate and the Democrats’ witnesses testified that the use of private citizens can sometimes be beneficial. There is no evidence that the arrangement here violated any laws or harmed national security.

Some of the Democrats’ witnesses criticized the non-traditional diplomacy. Ambassador Taylor testified about his concern for what he characterized as “two channels” of U.S. policy-making in Ukraine: a regular, State Department channel and an “irregular, informal” channel featuring Ambassador Volker, Ambassador Sondland, Secretary Perry, and Mayor Giuliani.⁴⁷⁵ Deputy Assistant Secretary Kent testified that he was concerned that discussions were occurring outside the “formal policy process.”⁴⁷⁶

Dr. Hill, too, disapproved of a non-traditional channel of communication, testifying that she disagreed with Ambassador Volker’s decision to engage with Mayor Giuliani.⁴⁷⁷ Dr. Hill

⁴⁷⁰ Volker transcribed interview, *supra* note 60, at 19.

⁴⁷¹ See generally text messages exchanged between Kurt Volker and Gordon Sondland [KV0000036-39].

⁴⁷² Volker transcribed interview, *supra* note 60, at 59.

⁴⁷³ *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 56.

⁴⁷⁴ *Id.*

⁴⁷⁵ Taylor deposition, *supra* note 47, at 23-24.

⁴⁷⁶ Kent deposition, *supra* note 65, at 266-67.

⁴⁷⁷ Hill deposition, *supra* note 12, at 113-14. Ambassador Sondland recounted that when he met with Dr. Hill prior to her departure from the White House in mid-July, she was “pretty upset about her role” in the Administration and

characterized Ambassador Sondland’s conduct as a “domestic political errand.”⁴⁷⁸ However, by the time that Dr. Hill left the NSC on July 19, Ambassador Volker had only met with Mayor Giuliani once and Ambassador Sondland had never communicated with him.⁴⁷⁹ Mayor Giuliani did not meet with the Ukrainian government until early August.⁴⁸⁰

Despite this criticism, Ambassador Volker said that Ambassador Taylor never raised concerns to him about an “irregular” foreign policy channel.⁴⁸¹ The Democrats’ witnesses also explained that unorthodox foreign policy channels are not unusual and can actually be helpful to advance U.S. interests. Ambassador Taylor testified that non-traditional channels of diplomacy “can be helpful.”⁴⁸² Ambassador Volker testified that he always operated with the best interests of the U.S. in mind and to advance “U.S. foreign policy goals with respect to Ukraine.”⁴⁸³

The impeachment inquiry has uncovered no clear evidence that President Trump directed Ambassador Volker, Ambassador Sondland, and Secretary Perry to work with Mayor Giuliani for the purpose of pressuring Ukraine to investigate his political rival. In fact, the evidence suggests that the White House actively worked to stop potential impropriety. When Mayor Giuliani attempted to obtain a visa for former Ukrainian Prosecutor General Viktor Shokin to travel to the U.S. in January 2019, the White House shut down the effort.⁴⁸⁴ The State Department had denied Shokin’s visa and Mayor Giuliani apparently appealed to the White House.⁴⁸⁵ According to Deputy Assistant Secretary Kent, in settling the matter, White House senior advisor Rob Blair said: “I heard what I need to know to protect the interest of the President.”⁴⁸⁶ Shokin did not receive a visa.

* * *

The evidence does not support the Democrats’ allegation that President Trump set up a shadow foreign policy apparatus to pressure Ukraine to investigate the President’s political rival for his political benefit in the 2020 election. The Constitution vests the President with broad authority over U.S. foreign relations. The U.S. officials accused of conducting “shadow” foreign policy—Ambassador Volker, Ambassador Sondland, and Secretary Perry—were all senior leaders with official interests in Ukraine who informed the State Department and NSC of their actions. Mayor Giuliani, whom President Trump referenced in the May 23 meeting with these three U.S. officials, also had experience in Ukraine.

so mad that Ambassador Sondland said he had “never seen anyone so upset.” Sondland deposition, *supra* note 51, at 266-67, 307. In her public testimony, Dr. Hill explained that she was angry with Ambassador Sondland for not coordinating with her sufficiently. *Impeachment Inquiry: Dr. Fiona Hill and Mr. David Holmes*, *supra* note 210.

⁴⁷⁸ *Impeachment Inquiry: Dr. Fiona Hill and Mr. David Holmes*, *supra* note 210.

⁴⁷⁹ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8; *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 56.

⁴⁸⁰ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

⁴⁸¹ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

⁴⁸² Taylor deposition, *supra* note 47, at 177.

⁴⁸³ Volker transcribed interview, *supra* note 60, at 15, 69.

⁴⁸⁴ Kent deposition, *supra* note 65, at 48-49.

⁴⁸⁵ *Id.* at 48-49.

⁴⁸⁶ *Id.* at 143.

The Ukrainian government asked Ambassador Volker to connect them with Mayor Giuliani to help change Mayor Giuliani's skeptical view of President Zelensky and "clear up" information flowing to the President. The Ukrainian government saw Mayor Giuliani as someone who had the President's ear but they did not see him as speaking on behalf of the President. While some in the U.S. foreign policy establishment disagreed with these actions, there is no indication it harmed national security or violated any laws. Notably, Ambassador Volker said he operated at all times with the U.S. national interest in mind. Ultimately, Ukraine took no actions to investigate President Trump's political rival.

E. President Trump is not wrong to raise questions about Hunter Biden's role with Burisma or Ukrainian government officials' efforts to influence the 2016 campaign.

Democrats allege that President Trump and Mayor Giuliani are spreading "conspiracy theories" by raising questions about Hunter Biden's role on the board of Burisma and certain Ukrainian government officials' efforts to influence the 2016 election.⁴⁸⁷ The evidence available, however, shows that there are legitimate, unanswered questions about both issues. As Ukraine implements anti-corruption reforms, it is appropriate for the country to examine these allegations.

The Democrats' witnesses described how Burisma has long been a subject of controversy in Ukraine. The company's founder, Mykola Zlochevsky, was Ukraine's Minister of Ecology and Natural Resources from 2010 to 2012. In that role, he allegedly granted Burisma licenses for certain mineral deposits. Hunter Biden and other well-connected Democrats joined Burisma's board at a time when the company faced criticism. Hunter Biden's role on Burisma was concerning enough to the Obama State Department that it raised the issue with Vice President Biden's office and even prepared Ambassador Yovanovitch for a potential question on the topic at her confirmation hearing in 2016.

The extent of Ukraine's involvement in the 2016 election draws a much more visceral denial from Democrats, despite harsh rhetoric from prominent Democrats condemning foreign interference in U.S. election. It is undisputed that the then-Ukraine Ambassador to the U.S. authored an op-ed criticizing candidate Trump in U.S. media at the height of the presidential campaign. It is undisputed that senior Ukrainian officials made negative and critical comments about candidate Trump. In addition, a well-researched January 2017 article in *Politico* chronicles attempts by some Ukrainian government officials to harm candidate Trump. The article quotes a former DNC contractor and Ukrainian embassy staffer to show how the Ukrainian embassy worked with Democrat operatives and the media to hurt President Trump's candidacy.

1. It is appropriate for Ukraine to investigate allegations of corruption in its country.

As Ukraine adopts anti-corruption reforms, the United States has encouraged the country's leaders to investigate and prosecute corruption. Deputy Assistant Secretary of State for

⁴⁸⁷ See, e.g., *Impeachment Inquiry: Ambassador Gordon Sondland*, *supra* note 56; *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent*, *supra* note 2;

European and Eurasian Affairs George Kent described Ukraine’s corruption problem as “serious” and said corruption has long been “part of the high-level dialogue” between the United States and Ukraine.⁴⁸⁸ Ambassador Marie Yovanovitch, the former U.S. Ambassador to Ukraine, testified that in Ukraine “corruption is not just prevalent, but frankly is the system.”⁴⁸⁹ Although Ukraine has established various anti-corruption prosecutors, courts, and investigative agencies to address the pervasive problem, corruption remains a problem.⁴⁹⁰

The Democrats’ witnesses testified that it is appropriate for Ukraine to investigate allegations of corruption, including allegations about Burisma and 2016 election influence. Dr. Fiona Hill, Senior Director for Europe at the NSC, explained that it is “not actually . . . completely ridiculous” for President Zelensky’s administration to investigate allegations of corruption arising from prior Ukrainian administrations.⁴⁹¹ Ambassador Volker testified that he “always thought [it] was fine” for Ukraine to investigate allegations about 2016 election influence.⁴⁹² Ambassador Yovanovitch testified:

Q. Ambassador Volker mentioned the fact that to the extent there are corrupt Ukrainians and the United States is advocating for the Ukraine to investigate themselves, that certainly would be an appropriate initiative for U.S. officials to advocate for. Is that right?

A. If that’s what took place.⁴⁹³

With President Trump’s deep-seated and genuine concern about corruption in Ukraine, it is not unreasonable that he would raise two examples of concern in a conversation with President Zelensky. Democrats are fundamentally wrong to argue that President Trump urged President Zelensky to “manufacture” or “dig up” “dirt” by raising these issues. As Ambassador Volker testified:

Q. Would you say that President Trump in the phone call – and you’ve read the transcript and you’re familiar with all the parties – was asking President Zelensky to manufacture dirt on the Bidens?

A. No. And I’ve seen that phrase thrown around a lot. And I think there’s a difference between the manufacture or dig up dirt versus finding out did anything happen in the 2016 campaign or did anything happen with Burisma. I think – or even if he’s asking them to investigate the Bidens, it is to find out what facts there may be rather than to manufacture something.

⁴⁸⁸ Kent deposition, *supra* note 65, at 105, 151.

⁴⁸⁹ Yovanovitch deposition, *supra* note 115, at 18.

⁴⁹⁰ *Id.* at 79-80.

⁴⁹¹ Hill deposition, *supra* note 12, at 394.

⁴⁹² Volker transcribed interview, *supra* note 60, at 146.

⁴⁹³ Yovanovitch deposition, *supra* note 115, at 294.

Q. It is not an accurate statement of what the President was asking Ukraine to sum it up as saying that President Trump was asking Ukraine to manufacture dirt?

A. Yeah, I agree with that.⁴⁹⁴

2. There are legitimate concerns surrounding Hunter Biden’s position on the board of Ukrainian energy company Burisma during his father’s term as Vice President of the United States.

Burisma Holdings had a reputation in Ukraine as a corrupt company.⁴⁹⁵ The company was founded by Mykola Zlochevsky, who served as Ukraine’s Minister of Ecology and Natural Resources from 2010 to 2012.⁴⁹⁶ During Zlochevsky’s tenure in the Ukrainian government, Burisma received oil exploration licenses without public auctions.⁴⁹⁷

According to the *New York Times*, Hunter Biden and two other well-connected Democrats—Christopher Heinz, then-Secretary of State John Kerry’s stepson, and Devon Archer—“were part of a broad effort by Burisma to bring in well-connected Democrats during a period when the company was facing investigations backed not just by domestic Ukrainian forces but by officials in the Obama administration.”⁴⁹⁸ Hunter Biden joined Burisma’s board when his father, Vice President Joe Biden, acted as the Obama Administration’s point person on Ukraine.⁴⁹⁹

The appearance of a conflict of interest raised concerns during the Obama Administration. In May 2014, the *Washington Post* reported “[t]he appointment of the vice president’s son to a Ukrainian oil board looks nepotistic at best, nefarious at worst. No matter how qualified Biden is, it ties into the idea that U.S. foreign policy is self-interested, and that’s a narrative Vladimir Putin has pushed during Ukraine’s crisis.”⁵⁰⁰ The *Post* likened Hunter Biden’s position with Burisma to “children of Russian politicians” who take “executive positions in companies at the top of the Forbes 500 list, and China’s ‘princelings’ [who] have a similar habit.”⁵⁰¹

Deputy Assistant Secretary of State George Kent testified that while he served as acting Deputy Chief of Mission in Kyiv in early 2015, he raised concerns directly to Vice President Biden’s office about Hunter Biden’s service on Burisma’s board.⁵⁰² Kent said that the “message”

⁴⁹⁴ Volker transcribed interview, *supra* note 60, at 212-213.

⁴⁹⁵ Kent deposition, *supra* note 65, at 83.

⁴⁹⁶ Paul Sonne & Laura Mills, *Ukrainians see conflict in Biden’s anticorruption message*, Wall St. J., Dec. 7, 2015.

⁴⁹⁷ *Id.*

⁴⁹⁸ Kenneth P. Vogel & Iuliia Mendel, *Biden faces conflicts of interest questions that are being promoted by Trump and allies*, N.Y. Times, May 1, 2019.

⁴⁹⁹ Adam Taylor, *Hunter Biden’s new job at a Ukrainian gas company is a problem for U.S. soft power*, Wash. Post, May 14, 2014.

⁵⁰⁰ *Id.*

⁵⁰¹ *Id.*

⁵⁰² Kent deposition, *supra* note 65, at 226-27.

he received back was that because Vice President Biden's elder son, Beau, was dying of brain cancer at the time, there was no "bandwidth" to deal with any other family issues.⁵⁰³

In December 2015, the *Wall Street Journal* reported that Ukrainian anti-corruption activists complained that Vice President Biden's anti-corruption message "is being undermined as his son receives money" from Zlochevsky.⁵⁰⁴ According to the *Journal*, "some anticorruption campaigners here [in Kyiv] worry the link with Mr. Biden may protect Mr. Zlochevsky from being prosecuted in Ukraine."⁵⁰⁵

Ambassador Yovanovitch testified that the Obama State Department actually prepared her to address Hunter Biden's role on Burisma if she received a question about it during her Senate confirmation hearing to be ambassador to Ukraine in June 2016. She explained:

Q. And you may have mentioned this when we were speaking before lunch, but when did the issues related to Burisma first get to your attention? Was that as soon as you arrived in country?

A. Not really. I first became aware of it when I was being prepared for my Senate confirmation hearing. So I'm sure you're familiar with the concept of questions and answer and various other things. And so there was one there about Burisma, and so, you know, that's when I first heard that word.

Q. Were there any other companies that were mentioned in connection with Burisma?

A. I don't recall.

Q. And was it in the general sense of corruption, there was a company bereft with corruption?

A. The way the question was phrased in this model Q&A was, what can you tell us about Hunter Biden's, you know, being named to the board of Burisma?

Q. Did anyone at the State Department – when you were coming on board as the new ambassador, did anyone at the State Department brief you about this tricky issue, that Hunter Biden was on the board of this company and the company suffered from allegations of corruption, and provide you guidance?

⁵⁰³ *Id.*

⁵⁰⁴ Sonne & Mills, *supra*, note 496.

⁵⁰⁵ *Id.*

A. Well, there was that Q&A that I mentioned.⁵⁰⁶

According to testimony, the Obama State Department actually took steps to prevent the U.S. government from associating with Burisma. In his closed-door deposition, Deputy Assistant Secretary Kent recounted a story about how he stopped a taxpayer-funded partnership with Burisma in mid-2016.⁵⁰⁷ He said he learned that Burisma sought to cosponsor a U.S. Agency for International Development (USAID) program to encourage Ukrainian school children to develop ideas for clean energy.⁵⁰⁸ Kent said he advised USAID not to work with Burisma due to its reputation for corruption.⁵⁰⁹

U.S. law enforcement in the past has examined employment arrangements in which a company hires a seemingly unqualified individual to influence government action. In 2016, the Obama Justice Department fined a Hong Kong subsidiary of a multinational bank for a scheme similar to Burisma's use of Hunter Biden and other well-connected Democrats.⁵¹⁰ There, the company hired otherwise unqualified candidates to "influence" officials toward favorable business outcomes.⁵¹¹ At the time, then-Assistant Attorney General Leslie Caldwell explained that "[a]warding prestigious employment opportunities to unqualified individuals in order to influence government officials is corruption, plain and simple."⁵¹²

During their public testimony, Democrat witnesses testified that Hunter Biden's role on Burisma's board of directors created the potential for the appearance of a conflict of interest. LTC Vindman testified that Hunter Biden did not appear qualified to serve on Burisma's board.⁵¹³ Deputy Assistant Secretary Kent explained that the issues surrounding Burisma were worthy of investigation by Ukrainian authorities.⁵¹⁴ Kent testified:

Q. But given Hunter Biden's role on Burisma's board of directors, at some point, you testified in your deposition that you expressed some concern to the Vice President's office. Is that correct?

A. That is correct.

Q. And what did they do about that concern that you expressed?

A. I have no idea. I reported my concern to the Office of the Vice President.

⁵⁰⁶ Yovanovitch deposition, *supra* note 115, at 150-53.

⁵⁰⁷ Kent deposition, *supra* note 65, at 88, 102-03.

⁵⁰⁸ *Id.* at 103.

⁵⁰⁹ *Id.* at 102.

⁵¹⁰ Press Release, U.S. Dep't of Justice, JPMorgan's Investment Bank in Hong Kong Agrees to Pay \$72 Million Penalty for Corrupt Hiring Scheme in China (Nov. 17, 2016), <https://www.justice.gov/opa/pr/jpmorgan-s-investment-bank-hong-kong-agrees-pay-72-million-penalty-corrupt-hiring-scheme>.

⁵¹¹ *Id.*

⁵¹² *Id.*

⁵¹³ *Impeachment Inquiry: LTC Alexander Vindman and Ms. Jennifer Williams*, *supra* note 6.

⁵¹⁴ *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent*, *supra* note 2.

- Q. Okay. That was the end of it? Nobody –
- A. Sir, you would have to ask people who worked in the Office of the Vice President during 2015.
- Q. But after you expressed a concern of a perceived conflict of interest, at the least, the Vice President’s engagement in the Ukraine didn’t decrease, did it?
- A. Correct, because the Vice President was promoting U.S. policy objectives in Ukraine.
- Q. And Hunter Biden’s role on the board of Burisma didn’t cease, did it?
- A. To the best of my knowledge, it didn’t. And my concern was that there was the possibility of a perception of a conflict of interest.⁵¹⁵

Similarly, in her public testimony, Ambassador Yovanovitch agreed that concerns about Hunter Biden’s presence on Burisma’s board were legitimate. In an exchange with Rep. Ratcliffe, she testified:

- Q. You understood from Deputy Assistant Secretary George Kent’s testimony, as it’s been related to you that he testified a few days ago, do you understand that that arrangement, Hunter Biden’s role on the Burisma board, caused him enough concern that, as he testified in his statement, that “in February of 2015, I raised my concern that Hunter Biden’s status as a board member could create the perception of a conflict of interest.” Then he went on to talk about the Vice President’s responsibilities over the Ukraine – or over Ukraine – Ukrainian policy as one of those factors. Do you recall that?
- A. Yes.
- Q. Did you ever – do you agree with that?
- A. Yes.
- Q. That it was a legitimate concern to raise?
- A. I think that it could raise the appearance of a conflict of interest.

⁵¹⁵ *Id.*

Q. But the legitimate concern about Hunter Biden's role was legitimate, correct?

A. I think it creates a concern that there could be an appearance of conflict of interest.⁵¹⁶

During her public testimony, Dr. Hill testified:

Q. Dr. Hill, you told us during your deposition that, indeed, that there are perceived conflict of interest troubles when the child of a government official is involved with something that government official has an official policy role in, correct?

A. I think any family member of any member of the U.S. Government, Congress or the Senate, is open to all kinds of questions about optics and of perhaps undue outside influence, if they take part in any kind of activity that could be misconstrued as being related to their parent or the family member's work. So as a matter of course, yes, I do think that's the case.⁵¹⁷

Despite this evidence, House Intelligence Committee Chairman Adam Schiff has prevented Republican Members from fully assessing the role of Hunter Biden on Burisma's board of directors. Chairman Schiff refused to invite Hunter Biden and Devon Archer to testify during public hearings.⁵¹⁸ Chairman Schiff declined to concur with a Republican subpoena for Hunter Biden to testify in a closed-door deposition.⁵¹⁹ Chairman Schiff declined to concur with a Republican subpoena for documents relating to Hunter Biden's role on Burisma.⁵²⁰

In addition to Burisma, there are questions about why the Ukrainian government fired then-Prosecutor General Shokin—according to Vice President Biden, at his insistence⁵²¹—when it did not fire his successor, Prosecutor General Yuriy Lutsenko. Although Shokin and Lutsenko were both seen by State Department officials as corrupt and ineffective prosecutors, there was no effort to remove Lutsenko to the same degree or in the same way as there was with Shokin.⁵²² Ambassador Yovanovitch testified:

Q. And was he, in your experience – because you're very knowledgeable about the region, so when I ask you in your opinion, you have a very informed opinion – was Lutsenko better or worse than Shokin?

⁵¹⁶ *Impeachment Inquiry: Ambassador Marie Yovanovitch*, *supra* note 4.

⁵¹⁷ *Impeachment Inquiry: Dr. Fiona Hill and Mr. David Holmes*, *supra* note 210.

⁵¹⁸ See, e.g., Allan Smith, *Democrats push back on GOP effort to have whistleblower, Hunter Biden testify*, NBC News, Nov. 10, 2019.

⁵¹⁹ *Impeachment Inquiry: Ms. Laura Cooper and Mr. David Hale*, *supra* note 246.

⁵²⁰ *Id.*

⁵²¹ Council on Foreign Relations, *Foreign Affairs Issue Launch with Former Vice President Joe Biden* (Jan. 23, 2018).

⁵²² Kent deposition, *supra* note 65, at 90-98, 144-49.

A. I mean, honestly, I don't know. I mean, I think they're cut from the same cloth.

Q. There was never as much of a clamor to remove Lutsenko as there was Shokin. Is that fair to say?

A. Yeah, I think that's fair.

Q. And what do you account for that?

A. I would say that there was, I think, still a hope that one could work with Mr. Lutsenko. There was also that prospect of Presidential elections coming up, and as seemed likely by, you know, December, January, February, whatever the time was, that there would be a change of government. And I think we certainly hoped that Mr. Lutsenko would be replaced in the natural order of things, which is, in fact, what happened. We also had more leverage before. I mean, this was not easy. President Poroshenko and Mr. Shokin go way back. In fact, I think that they are godfathers to each other's children. So this was, you know, this was a big deal. But we had assistance, as did the IMF, that we could condition.⁵²³

Evidence suggests that Lutsenko's misconduct was not trivial. Deputy Assistant Secretary Kent explained that the U.S. government became disillusioned with Lutsenko in 2017 when he exposed an undercover investigator working to catch Ukrainian government officials selling fraudulent biometric passports.⁵²⁴ Kent said that Lutsenko's actions could have resulted in terrorists obtaining fraudulent biometric passports.⁵²⁵ Whereas Shokin only served for little over a year, Lutsenko served for years until President Zelensky removed him.⁵²⁶ Although both prosecutors were regarded as ineffective and corrupt, the U.S. government only took an official position with respect to Shokin's removal and never as to Lutsenko's.⁵²⁷

3. There are legitimate questions about the extent to which Ukrainian government officials worked to oppose President Trump's candidacy in the 2016 election.

Democrats reflexively oppose any discussion about whether senior Ukrainian government officials worked to oppose President Trump's candidacy and support former Secretary Clinton during the 2016 election. Calling these allegations "debunked" and "conspiracy theories," Democrats ignore irrefutable evidence that is inconvenient for their

⁵²³ Yovanovitch deposition, *supra* note 115, at 102-03.

⁵²⁴ Kent deposition, *supra* note 65, at 145-47.

⁵²⁵ *Id.* at 147-48.

⁵²⁶ *Id.* at 95-103.

⁵²⁷ *Id.* at 95.

political narrative. The facts, however, show outstanding questions about Ukrainian influence in the 2016 presidential election—questions that the Democrats’ witnesses said would be appropriate for Ukraine to examine.

Prominent Democrats expressed concern about foreign interference in U.S. elections when they believed that the Russian government colluded with the Trump campaign in 2016. For example, in a 2017 hearing about Russian election interference, then-Ranking Member Schiff said that the “stakes are nothing less than the future of liberal democracy.”⁵²⁸ But where evidence suggests that Ukraine also sought to influence the election to the benefit of the Clinton campaign, now-Chairman Schiff and fellow Democrats have held their outrage.

Democrats have posited a false choice: that influence in the 2016 election is binary—it could have been conducted by Russia or by Ukraine, but not both. This is nonsense. Under then-Chairman Devin Nunes, Republicans on the House Intelligence Committee issued a report in March 2018 detailing Russia’s active measures campaign against the United States.⁵²⁹ But Russian interference in U.S. elections does not preclude Ukrainian officials from also attempting to influence the election. As Ambassador Volker testified during his public hearing, it is possible for more than one country to influence U.S. elections.⁵³⁰

Indisputable evidence shows that senior Ukrainian government officials sought to influence the 2016 election in favor of Secretary Clinton and against then-candidate Trump. In August 2016, then-Ukrainian Ambassador to the United States, Valeriy Chaly, wrote an op-ed in *The Hill* criticizing Trump’s policies toward Ukraine.⁵³¹ The same month, the *Financial Times* reported that Trump’s candidacy led “Kyiv’s wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a US election.”⁵³² Ukrainian parliamentarian Serhiy Leshchenko explained that Ukraine was “on Hillary Clinton’s side.”⁵³³ Other senior Ukrainian officials called candidate Trump a “clown,” a “dangerous misfit,” and “dangerous,” and alleged that candidate Trump “challenged the very values of the free world.”⁵³⁴

Other publicly available information reinforces the conclusion that senior Ukrainian government officials worked in 2016 to support Secretary Clinton. A January 2017 *Politico* article by current-*New York Times* reporter Ken Vogel detailed the Ukrainian effort to “sabotage” the Trump campaign.⁵³⁵ Although Democrats reflexively dismiss the information presented in this article, neither *Politico* nor Vogel have retracted the story.

⁵²⁸ *Open hearing on Russian Active Measures Campaign: Hearing before the H. Perm. Sel. Comm. on Intelligence*, 115th Cong. (2017).

⁵²⁹ H. Perm. Sel. Comm. on Intelligence, Report on Russian Active Measures (Mar. 2018).

⁵³⁰ *Impeachment Inquiry: Ambassador Kurt Volker and Mr. Timothy Morrison*, *supra* note 8.

⁵³¹ See Chaly, *supra* note 27.

⁵³² Olearchyk, *supra* note 123.

⁵³³ *Id.*

⁵³⁴ *Id.*; Vogel & Stern, *supra* note 127.

⁵³⁵ Vogel & Stern, *supra* note 127.

According to Vogel's reporting, the Ukrainian government worked with a Democrat operative and the media in 2016 to boost Secretary Clinton's candidacy and hurt President Trump's. Vogel wrote:

Ukrainian government officials tried to help Hillary Clinton and undermine Trump by publicly questioning his fitness for office. They also disseminated documents implicating a top Trump aide in corruption and suggested they were investigating the matter, only to back away after the election. And they helped Clinton's allies research damaging information on Trump and his advisers, a *Politico* investigation found.⁵³⁶

Vogel reported how Alexandra Chalupa, a Ukrainian-American contractor paid by the DNC and working with the DNC and the Clinton campaign, "traded information and leads" about Paul Manafort, Trump's campaign manager, with staff at the Ukrainian embassy.⁵³⁷ Chalupa also told Vogel that the Ukrainian embassy "worked directly with reporters researching Trump, Manafort, and Russia to point them in the right directions."⁵³⁸ With the DNC's encouragement, Chalupa asked Ukrainian embassy staff "to try to arrange an interview in which [Ukrainian President] Poroshenko might discuss Manafort's ties to [Russia-aligned former Ukrainian President Viktor] Yanukovich."⁵³⁹

Vogel also spoke on the record to Andrii Telizhenko, a political officer in the Ukrainian Embassy under Ambassador Chaly, who corroborated Chalupa's account.⁵⁴⁰ Telizhenko said that he was instructed by Ambassador Chaly's top aide, Oksana Shulyar, to "help Chalupa research connections between Trump, Manafort, and Russia" with the goal of generating a hearing in Congress.⁵⁴¹ Telizhenko also told Vogel that he was instructed not to speak to the Trump campaign:

We had an order not to talk to the Trump team, because he was critical of Ukraine and the government and his critical position on Crimea and the conflict. I was yelled at when I proposed to talk to Trump. The ambassador said not to get involved – Hillary is going to win.⁵⁴²

⁵³⁶ *Id.*

⁵³⁷ *Id.* In April 2019, then-Ambassador Chaly issued a statement to *The Hill* denying that the Ukrainian embassy sought to influence the election. See *Official April 25, 2019 statement of the Ukrainian embassy in Washington to The Hill concerning the activities of Democratic National Committee Alexandra Chalupa during the 2016 U.S. election*, <https://www.scribd.com/document/432699412/Ukraine-Chaly-Statement-on-Chalupa-042519>.

⁵³⁸ Vogel & Stern, *supra* note 127.

⁵³⁹ *Id.* Interestingly, in August 2019, when Chairman Schiff tweeted an allegation that U.S. security assistance to Ukraine was tied up with Ukrainian investigations, Alexandra Chalupa replied that she had "a lot of information on this topic." See Adam Schiff (@RepAdamSchiff), Twitter (Aug. 28, 2019, 5:17 p.m.), <https://twitter.com/RepAdamSchiff/status/1166867471862829056>. It is unknown whether Chalupa ever provided information to Chairman Schiff or his staff.

⁵⁴⁰ Vogel & Stern, *supra* note 127.

⁵⁴¹ *Id.*

⁵⁴² *Id.*

Vogel also reported on the actions of Ukrainian parliamentarian Leshchenko, who spoke out against Manafort, in part, to show that candidate Trump was a “pro-Russia candidate.”⁵⁴³ A separate congressional investigation in 2018 learned that Leshchenko was a source for Fusion GPS, the opposition research firm hired by the DNC’s law firm, Perkins Coie, to gather information about candidate Trump.⁵⁴⁴ Fusion GPS received information about Manafort that may have originated from Leshchenko.⁵⁴⁵

The Democrats’ witnesses in the impeachment inquiry testified that the allegations of Ukrainian influence in the 2016 election were appropriate to examine.⁵⁴⁶ Asked about the *Politico* reporting, Ambassador Taylor said that, if true, it is “disappointing” that some Ukrainian officials worked against President Trump. He testified:

Q. So isn’t it possible that Trump administration officials might have a good-founded belief, whether true or untrue, that there were forces in the Ukraine that were operating against them?

A. [B]ased on this [January 2017] *Politico* article, which, again, surprises me, disappoints me because I think it’s a mistake for any diplomat or any government official in one country to interfere in the political life of another country. That’s disappointing.⁵⁴⁷

Ambassador Taylor testified that he was “surprise[ed] [and] disappoint[ed]” that Avakov, an influential member of the Ukrainian government—who still serves in President Zelensky’s government—had criticized President Trump during the 2016 campaign.⁵⁴⁸ He testified:

Q. What do you know about Avakov?

A. So he is the Minister of Internal Affairs and was the Minister of Internal Affairs under President Poroshenko as one of only two carryovers from the Poroshenko Cabinet to the Zelensky Cabinet. He, as I think I mentioned earlier when we were talking about Lutsenko, the Minister of Interior, which Avakov is now, controls the police, which gives him significant influence in the government.

Q. Avakov, he’s a relatively influential Minister. Is that right?

A. That is correct.

⁵⁴³ *Id.*; Olearchyk, *supra* note 123.

⁵⁴⁴ Transcribed Interview of Nellie Ohr, in Wash., D.C., at 113-15 (Oct. 19, 2018).

⁵⁴⁵ *Id.*

⁵⁴⁶ *See, e.g.*, Volker transcribed interview, *supra* note 60, at 146.

⁵⁴⁷ Taylor deposition, *supra* note 47, at 101.

⁵⁴⁸ *Id.* at 98-99.

Q. Does it concern you that at one time he was being highly critical of candidate Trump?

A. It does.

Q. And did you ever have any awareness of that before I called your attention to this?

A. I haven't. This is surprising. Disappointing, but—⁵⁴⁹

Despite this testimony, Chairman Schiff has prevented Republican Members from fully assessing the nature and extent of Ukraine's influence in the 2016 election. Chairman Schiff refused to invite Alexandra Chalupa or Fusion GPS contractor Nellie Ohr to testify during public hearings.⁵⁵⁰ Chairman Schiff declined to concur with a Republican subpoena for documents relating to the DNC's communications with the Ukrainian government.⁵⁵¹ Chairman Schiff declined to concur with a Republican subpoena for documents relating to the DNC's work with Alexandra Chalupa.⁵⁵²

* * *

There are legitimate concerns about Burisma's corruption and Hunter Biden's role on the company's board, and Ukrainian government officials' actions to support Secretary Clinton over President Trump in the 2016 election. Democrats reflexively dismiss these concerns because acknowledging them would require an admission that past U.S. assistance to Ukraine may have been misspent. As Ambassador Yovanovitch testified:

I think most Americans believe that there shouldn't be meddling in our elections. And if Ukraine is the one that had been meddling in our elections, I think the support that all of you [in Congress] have provided to Ukraine over the last almost 30 years, I don't know that – I think people would ask themselves questions about that.⁵⁵³

Similarly, other career foreign service employees spoke about their emotional investment in U.S. foreign assistance to Ukraine. Speaking about his reaction to the recent events in Ukraine, Ambassador Taylor testified that he feels a strong “emotional attachment, bond, connection to this country and these people.”⁵⁵⁴ Deputy Assistant Secretary Kent, according to current State Department employee and former NSC staffer Catherine Croft, likewise “has a lot of emotion tied into” U.S. policy toward Ukraine, saying he “feels very strongly in all aspects of our policy

⁵⁴⁹ *Id.*

⁵⁵⁰ See, e.g., Riley Beggin, *House Democrats deny Republicans' request for whistleblower testimony*. Vox, Nov. 10, 2019.

⁵⁵¹ *Impeachment Inquiry: Ms. Laura Cooper and Mr. David Hale*, *supra* note 246.

⁵⁵² *Id.*

⁵⁵³ Yovanovitch deposition, *supra* note 115, at 137.

⁵⁵⁴ Taylor deposition, *supra* note 47, at 273.

with regard to Ukraine.”⁵⁵⁵ President Trump’s world view threatens these personal, subjective interests, which may explain why some are so eager to discount these allegations.

F. The anonymous whistleblower who served as the basis for the impeachment inquiry has no firsthand knowledge of events and a bias against President Trump.

Democrats built their impeachment inquiry on the foundation of the anonymous whistleblower complaint submitted to the Inspector General of the Intelligence Community on August 12. This foundation is fundamentally flawed.

The anonymous whistleblower acknowledged having no firsthand knowledge about the events he or she described. As a result, his or her complaint mischaracterized important facts and portrayed events in an inaccurate light. The anonymous whistleblower reportedly had a professional relationship with Vice President Joe Biden, which, if true, biases the whistleblower’s impressions of the events as they relate to Vice President Biden. The anonymous whistleblower also reportedly communicated initially with House Intelligence Committee Chairman Adam Schiff, who has been an ardent and outspoken critic of President Trump, or his staff. Chairman Schiff’s early secret awareness of the issue tainted the objectivity of the Democrats’ impeachment inquiry.

To this day, only one Member of Congress—Chairman Schiff—knows the identity of the individual whose words sparked the impeachment of the President. Chairman Schiff has prevented any objective assessment of the whistleblower’s credibility or knowledge. Chairman Schiff declined to invite the whistleblower to testify as part of the Democrats’ impeachment inquiry, but only after Chairman Schiff’s or his staff’s communications with the whistleblower came to light.⁵⁵⁶ Chairman Schiff rejected a Republican subpoena for documents relating to the drafting of the whistleblower complaint and the whistleblower’s personal memorandum written shortly after the July 25 telephone conversation.⁵⁵⁷

The public reporting about the existence of a whistleblower and his or her sensational allegations about President Trump generated tremendous public interest. But Americans cannot assess the credibility, motivations, or biases of the whistleblower. This analysis is necessary because the whistleblower’s inaccurate assertions, coupled with Chairman Schiff’s selective leaks of cherry-picked information, have prejudiced the public narrative surrounding President Trump’s telephone call with President Zelensky.

1. The anonymous whistleblower acknowledged having no firsthand knowledge of the events in question.

The anonymous whistleblower has no direct, firsthand knowledge of the events described in his or her complaint. In the complaint, the whistleblower acknowledged, “I was not a direct

⁵⁵⁵ Croft deposition, *supra* note 60, at 105-06.

⁵⁵⁶ See, e.g., Beggin, *supra* note 550.

⁵⁵⁷ *Impeachment Inquiry: Ms. Laura Cooper and Mr. David Hale*, *supra* note 246.

witness to most of the events described,” and admitted that he or she was not on the July 25 call between President Trump and President Zelensky.⁵⁵⁸ Instead, the anonymous whistleblower relied upon indirect, secondhand information provided by others—individuals who are also still unidentified. The whistleblower’s lack of firsthand knowledge undermines the credibility of his or her accusations.

Testimony provided by officials with firsthand knowledge of the events rebuts the whistleblower’s allegations. Ambassador Sondland testified that some of the concerns in the August 12 whistleblower complaint may be inaccurate or hyperbole.⁵⁵⁹ For example, both Ambassador Volker and Ambassador Sondland testified that the whistleblower incorrectly alleged “that State Department officials, including Ambassadors Volker and Sondland, had spoken with Mr. Giuliani to ‘contain the damage’ to U.S. national security.”⁵⁶⁰ The ambassadors also disagreed with the whistleblower’s statement that they helped Ukrainian leadership “‘navigate’ the demands” from President Trump.⁵⁶¹

In addition, Ambassador Sondland took issue with the whistleblower’s characterization of efforts to arrange a meeting between President Trump and President Zelensky. The whistleblower complaint stated:

During this same timeframe, multiple U.S. officials told me [the anonymous whistleblower] that the Ukrainian leadership was led to believe that a meeting or phone call between the President and President Zelensky would depend on whether Zelensky showed willingness to “play ball” on the issues that had been publicly aired by Mr. Lutsenko and Mr. Giuliani.⁵⁶²

Ambassador Sondland testified that he never heard U.S. officials use the expression “play ball” in this context.⁵⁶³

2. Press reports suggest that the anonymous whistleblower acknowledged having a professional relationship with former Vice President Biden.

The anonymous whistleblower reportedly acknowledged having a professional relationship with Vice President Biden. This admission is important because Vice President Biden was referenced in passing on the July 25 call and is a potential opponent of President Trump in the 2020 presidential election. It stands to reason that a mention of Vice President Biden—no matter how brief or innocuous—could stir the passion of someone who had a professional relationship with him.

⁵⁵⁸ Whistleblower letter, *supra* note 85, at 1; *see also* Letter from Hon. Michael Atkinson, Inspector Gen. of the Intelligence Cmty., to Hon. Joseph Maguire, Acting Dir. Of Nat’l Intelligence (Aug. 26, 2019).

⁵⁵⁹ Sondland deposition, *supra* note 51, at 259-64, 311-14.

⁵⁶⁰ Volker transcribed interview, *supra* note 60, at 100-01; Sondland deposition, *supra* note 51, at 261-62, 313.

⁵⁶¹ Volker transcribed interview, *supra* note 60, at 101; Sondland deposition, *supra* note 51, at 259-61, 311-12.

⁵⁶² Whistleblower letter, *supra* note 85, at 7.

⁵⁶³ Sondland deposition, *supra* note 51, at 264.

On August 26, 2019, Inspector General Atkinson wrote to Acting Director of National Intelligence (DNI) Joseph Maguire stating that he found “some indicia of an arguable political bias on the part of the [anonymous whistleblower] in favor of a rival political candidate”⁵⁶⁴ News reports later reported that the “rival political candidate” referenced in Atkinson’s letter was a 2020 Democrat presidential candidate with whom that the whistleblower acknowledged having a “professional relationship.”⁵⁶⁵

Subsequent news reports explained that the whistleblower is a CIA analyst who had been detailed to the NSC and would have worked closely with Vice President Biden’s office.⁵⁶⁶ This relationship is significant because President Obama relied upon Vice President Biden to be the Obama Administration’s point person for Ukrainian policy.⁵⁶⁷ This relationship suggests that aside from any partisan bias in support of Vice President Biden’s 2020 presidential campaign, the whistleblower may also have had a bias in favor of Vice President Biden’s Ukrainian policies instead of those of President Trump.

3. The anonymous whistleblower secretly communicated with Chairman Schiff or his staff.

According to an admission from Chairman Schiff, the anonymous whistleblower communicated with Chairman Schiff’s staff prior to submitting his or her complaint. This early, secret involvement of Chairman Schiff severely prejudices the objectivity of the whistleblower’s allegations, given Chairman Schiff’s obsession with attacking President Trump for partisan gain.

Since 2016, Chairman Schiff has been a chief ringleader in Congress for asserting that President Trump colluded with Russia, going so far as to allege that he had secret evidence of collusion.⁵⁶⁸ Now Chairman Schiff is the investigator-in-chief of President Trump’s July 25 phone call with Ukrainian President Zelensky. Chairman Schiff led the investigation’s first phase from behind the closed doors of his Capitol basement bunker, even though the depositions were all unclassified. Chairman Schiff did so purely for information control—allowing him to leak selected pieces of information to paint a misleading public narrative.

Chairman Schiff has publicly fabricated evidence about President Trump’s July 25 phone call and misled the American public about his awareness of the whistleblower allegations. On September 26, at a public hearing of the House Intelligence Committee, Chairman Schiff opened the proceedings by fabricating the contents of President Trump’s call with President Zelensky to

⁵⁶⁴ Letter from Hon. Michael Atkinson, Inspector General of the Intelligence Community, to Hon. Joseph Maguire, Dir. Of Nat’l Intelligence, Office of the Dir. of Nat’l Intelligence (Aug. 26, 2019).

⁵⁶⁵ Byron York, *Whistleblower Had ‘Professional’ Tie to 2020 Democratic Candidate*, Wash. Exam., Oct. 8, 2019.

⁵⁶⁶ See generally Rob Crally, Steven Nelson, & David Drucker, *Joe Biden Worked with Whistleblower When he was Vice President, Officials Reveal*, Wash. Exam., Oct. 10, 2019; Ben Feuerherd, *Whistleblower May Have Worked with Joe Biden in White House: Report*, N.Y. Post, Oct. 10, 2019; Julian Barnes, Michael Schmidt, Adam Goldman, & Katie Benner, *White House Knew of Whistleblower’s Allegations Soon After Trump’s Call with Ukraine Leader*, N.Y. Times, Sept. 26, 2019.

⁵⁶⁷ Greg Myre, *What Were the Bidens Doing in Ukraine? 5 Questions Answered*, Nat’l Pub. Radio, Sept. 24, 2019.

⁵⁶⁸ See, e.g., Kelsey Tamborrino, Warner: ‘Enormous amounts of evidence’ of possible Russia collusion, Politico, Mar. 3, 2019.

make the conversation seem sinister.⁵⁶⁹ Pretending to be President Trump, Chairman Schiff said in part:

I hear what you want. I have a favor I want from you though. And I'm going to say this only seven times so you better listen good. I want you to make up dirt on my political opponent, understand. Lots of it.⁵⁷⁰

These words were never uttered by President Trump. When Chairman Schiff rightly faced criticism for his actions, he blamed others for not understanding that he was joking.⁵⁷¹ Republicans sought to hold Chairman Schiff accountable for his fabrication of evidence; however, Democrats prevented the House from voting on a censure resolution.⁵⁷²

In October 2019, the *New York Times* reported that the whistleblower contacted a staff member on the House Intelligence Committee—chaired by Chairman Schiff—after asking a colleague to convey his or her concerns about the July 25 call to the CIA's top lawyer.⁵⁷³ Chairman Schiff, however, had denied ever communicating directly with the whistleblower,⁵⁷⁴ and the whistleblower failed to disclose that he or she had contacted Chairman Schiff's staff when asked by the Intelligence Community Inspector General.⁵⁷⁵ Chairman Schiff acknowledged his early awareness of the whistleblower's allegations only after he was caught.⁵⁷⁶ The *Washington Post* gave Chairman Schiff "Four Pinocchios"—its worst rating—for "clearly ma[king] a statement that was false."⁵⁷⁷

Chairman Schiff's early awareness of the whistleblower complaint explains why he publicly posited a connection between paused U.S. security assistance and Ukrainian investigations well before the whistleblower complaint became public. On August 28, 2019, before the public became aware of the whistleblower complaint or any allegations that U.S. security assistance to Ukraine was linked to Ukraine investigating President Trump's political rival, Chairman Schiff made such a connection in a tweet.⁵⁷⁸ According to the *New York Times*, Chairman Schiff knew "the outlines" of the anonymous whistleblower complaint at the time that he issued this tweet.⁵⁷⁹

⁵⁶⁹ Whistleblower disclosure, *supra* note 1.

⁵⁷⁰ *Id.*

⁵⁷¹ *Id.*

⁵⁷² Katherine Tully-McManus, *Republican effort to censure Adam Schiff halted*, Roll Call, Oct. 21, 2019.

⁵⁷³ Julian Barnes, Michael Schmidt, & Matthew Rosenberg, *Schiff Got Early Account of Accusations as Whistleblower's Concerns Grew*, N.Y. Times, Oct. 2, 2019.

⁵⁷⁴ See, e.g., Glenn Kessler, *Schiff's false claim his committee had not spoken to the whistleblower*, Wash. Post, Oct. 4, 2019.

⁵⁷⁵ Andrew O'Reilly, *Schiff Admits He Should Have Been 'Much More Clear' About Contact with Whistleblower*, Fox News, Oct. 13, 2019.

⁵⁷⁶ *Schiff Got Early Account of Accusations as Whistleblower's Concerns Grew*, *supra* note 573.

⁵⁷⁷ *Schiff's false claim his committee had not spoken to the whistleblower*, *supra* note 574.

⁵⁷⁸ Adam Schiff (@RepAdamSchiff), Twitter, (Aug. 28, 2019, 8:17 PM), <https://twitter.com/RepAdamSchiff/status/1166867471862829056>.

⁵⁷⁹ Barnes, Schmidt, & Rosenberg, *supra* note 573.

Figure 3: Chairman Schiff's August 28 tweet linking aid to investigations



Chairman Schiff's early awareness also explains why he pressured Inspector General Atkinson to produce the whistleblower's complaint to Congress, despite Acting DNI Maguire's determination that transmittal was not required because the complaint did not meet the legal definition of "urgent concern."⁵⁸⁰

* * *

The allegations of the anonymous whistleblower—the foundation for the Democrats' impeachment inquiry—are fundamentally flawed. The whistleblower acknowledged having no direct, firsthand knowledge of the events he or she described. The whistleblower reportedly acknowledged a professional relationship with Vice President Joe Biden, which, if true, suggests a bias toward Vice President Biden and against President Trump. Finally, the whistleblower secretly communicated with staff of Chairman Schiff, who subsequently misled the public about this communication.

If Democrats are serious about impeaching the President—about undoing the will of the American people—they cannot limit the evidence and information available to the House of Representatives. The motivations, biases, and credibility of the anonymous whistleblower are necessary aspects of any serious examination of the facts in question.

⁵⁸⁰ U.S. Dep't of Justice, Office of Legal Counsel, "Urgent Concern" Determination by the Inspector General of the Intelligence Community 2 (2019).

II. The evidence does not establish that President Trump engaged in a cover-up of his interactions with Ukrainian President Zelensky.

Democrats also argue that President Trump is engaged in a cover-up of his July 25 telephone conversation by hiding evidence of his alleged wrongdoing.⁵⁸¹ There is no basis for this allegation. The President has been transparent about the issues surrounding the anonymous whistleblower complaint and the telephone call with President Zelensky.

On September 24, Speaker Pelosi launched the impeachment inquiry based solely on reports of the telephone call between President Trump and President Zelensky. She had not listened to the conversation; she had not read the call summary or the whistleblower complaint. The following day, to offer unprecedented transparency and prove there was no *quid pro quo*, President Trump declassified the July 25 call summary for the American people to read for themselves. President Trump also released a redacted version of the anonymous whistleblower complaint and he released the summary of his April 21 telephone conversation with President Zelensky. Even the Democrats' best evidence of a "cover-up"—the restricted access to the call summary—is unpersuasive. Evidence suggests that the call summary was restricted not for a malicious intention but as a result of the proliferation of leaks by unelected bureaucrats, including leaks of President Trump's conversations with foreign leaders.

A. President Trump declassified and released publicly the summary of his July 25 phone call with President Zelensky.

On July 25, President Trump and President Zelensky spoke by telephone.⁵⁸² Normally, presidential conversations with foreign leaders are presumptively classified because "[t]he unauthorized disclosure of foreign government information is presumed to cause damage to the national security."⁵⁸³ In fact, the call summary of President Trump's call with President Zelensky was initially marked as classified.⁵⁸⁴

On September 25, after questions arose about the contents of the phone call, President Trump chose to declassify and release the transcript in the interest of full transparency. He wrote on Twitter: "I am currently at the United Nations representing our Country, but have authorized the release tomorrow of the complete, fully declassified and unredacted transcript of my phone conversation with President Zelensky of Ukraine."⁵⁸⁵ The President stressed his goal that Americans could read for themselves the contents of the call: "You will see it was a very friendly and totally appropriate call. No pressure unlike Joe Biden and his son, NO quid pro quo! This is

⁵⁸¹ See, e.g., Speaker Nancy Pelosi, Transcript of Pelosi Weekly Press Conference (Sept. 26, 2019) ("The [whistleblower] complaint reports 'repeated abuse of an electronics record system designed to store classified, sensitive national security information, which the White House used to hide information of a political nature.' This is a cover-up. This is a cover-up.")

⁵⁸² Memorandum of Telephone Conversation, *supra* note 15.

⁵⁸³ Exec. Order 13,526 (2009).

⁵⁸⁴ See Memorandum of Telephone Conversation, *supra* note 15.

⁵⁸⁵ Donald J. Trump (@realDonaldTrump), Twitter (Sept. 24, 2019, 11:12 a.m.), <https://twitter.com/realdonaldtrump/status/1176559966024556544>.

nothing more than a continuation of the Greatest and most Destructive Witch Hunt of all time.”⁵⁸⁶

B. President Trump released a redacted version of the classified anonymous whistleblower complaint.

Like the call summary, the anonymous whistleblower complaint was initially classified. The complaint was reportedly “hand delivered . . . to Capitol Hill” hours after President Trump released the call summary.⁵⁸⁷ Although a limited number of Members of Congress—like Chairman Schiff—could access the classified complaint, the American public could not. The President released a redacted version of the anonymous whistleblower complaint so that every American could read it for themselves.⁵⁸⁸

C. President Trump released publicly the summary of his April 21 phone call with President Zelensky.

President Trump first spoke by telephone with President Zelensky on April 21, 2019, the date on which President Zelensky won the Ukrainian presidential election.⁵⁸⁹ On November 15, the President publicly released the summary of this April conversation.⁵⁹⁰ President Trump explained that he chose to release the summary of this call to “continue being the most transparent President in history.”⁵⁹¹

D. The Trump Administration has experienced a surge in sensitive leaks, including details of the President’s communications with foreign leaders.

The Trump Administration has experienced an unprecedented number of potentially damaging leaks from the U.S. national security apparatus.⁵⁹² According to a report from the Senate Homeland Security and Governmental Affairs Committee in May 2017, these leaks have flowed seven times faster under President Trump than during former Presidents Obama and Bush’s administrations—averaging almost one per day.⁵⁹³ The report explained:

⁵⁸⁶ Donald J. Trump (@realDonaldTrump), Twitter (Sept. 24, 2019, 11:12 a.m.), <https://twitter.com/realdonaldtrump/status/1176559970390806530>.

⁵⁸⁷ Dana Bash, et al, *Whistleblower complaint about Trump declassified and may be released Thursday*, CNN, Sept. 26, 2019.

⁵⁸⁸ *Whistleblower complaint says White House tried to “lock down” Ukraine call records*, CBS News, Sept. 26, 2019.

⁵⁸⁹ *Memorandum of Telephone Conversation*, *supra* note 10.

⁵⁹⁰ Mark Mazzetti & Eileen Sullivan, *Rough transcript of Trump’s first phone call with Ukrainian leader released*, N.Y. Times, Nov. 15, 2019.

⁵⁹¹ Donald J. Trump (@realDonaldTrump), Twitter (Nov. 11, 2019, 3:35 p.m.), <https://twitter.com/realdonaldtrump/status/1194035922066714625>.

⁵⁹² HSGAC report, *supra* note 409.

⁵⁹³ *Id.*

From the morning of President Trump’s inauguration, when major newspapers published information about highly sensitive intelligence intercepts, news organizations have reported on an avalanche of leaks from officials across the U.S. government. Many disclosures have concerned the investigations of alleged Russian interference in the 2016 election, with the world learning details of whose communications U.S. intelligence agencies are monitoring, what channels are being monitored, and the results of those intercepts. All such revelations are potential violations of federal law, punishable by jail time.

But the leak frenzy has gone far beyond the Kremlin and has extended to other sensitive information that could harm national security. President Trump’s private conversations with other foreign leaders have shown up in the press, while secret operations targeting America’s most deadly adversaries were exposed in detail.

As *The New York Times* wrote in a candid self-assessment: “Journalism in the Trump era has featured a staggering number of leaks from sources across the federal government.” No less an authority than President Obama’s CIA director called the deluge of state secrets “appalling.” These leaks do not occur in a vacuum. They can, and do, have real world consequences for national security.⁵⁹⁴

As the *Washington Post* explained, “Every presidential administration leaks. So far, the Trump White House has gushed.”⁵⁹⁵ Sensitive national security information—for which public disclosure could harm U.S. interests—found its way into mainstream news outlets such as the *New York Times*, the *Washington Post*, NBC, and *Associated Press*.⁵⁹⁶ This unfortunate reality helps to explain the circumstances by which the NSC handled the summary of President Trump’s July 25 telephone conversation with President Zelensky.

E. The evidence does not establish that access to the July 25 call summary was restricted for inappropriate reasons.

The anonymous whistleblower complaint alleged that NSC staffers deliberately placed the call summary of the July 25 call on a highly secure server to hide its contents.⁵⁹⁷ This allegation has not been proven. In fact, the Democrats’ witnesses testified that it was mistakenly placed on a highly classified server. Evidence suggests that call summaries of the President’s conversations with other foreign leaders have been subject to restricted access due to a pattern of leaks.

⁵⁹⁴ *Id.*

⁵⁹⁵ Paul Farhi, *The Trump administration has sprung a leak. Many of them, in fact*, Wash. Post, Feb. 5, 2017.

⁵⁹⁶ HSGAC report, *supra* note 409.

⁵⁹⁷ Whistleblower letter, *supra* note 85.

As the Trump Administration dealt with an unprecedented number of national security leaks, it sought to take appropriate precautions. Public reporting indicates that the NSC began restricting access to summaries of the President's communications with foreign leaders following the leak of President Trump's conversation in May 2017 with senior Russian officials.⁵⁹⁸ Dr. Fiona Hill, the former NSC Senior Director for Europe, testified that a summary of this meeting was not initially restricted and that details of the conversation "seemed to immediately end up in the press."⁵⁹⁹ Following this leak, the White House began a practice of restricting access to summaries of calls and meetings with foreign leaders.⁶⁰⁰ Current and former White House officials said that it made sense to restrict access to calls given the number of leaks.⁶⁰¹

With respect to the summary of President Trump's conversation with President Zelensky on July 25, NSC Senior Director Tim Morrison testified in his closed-door deposition that although he "was not concerned that anything illegal was discussed," he was concerned about a leak of the summary of President Trump's call with President Zelensky.⁶⁰² He explained that he was "concerned about how the contents [of the call summary] would be used in Washington's political process."⁶⁰³ In his public testimony, Morrison elaborated:

Q. And you were concerned about it leaking because you were worried about how it would play out in Washington's polarized political environment, correct?

A. Yes.

Q. And you were also worried how that would lead to the bipartisan support here in Congress towards Ukraine, right?

A. Yes.

Q. And you were also concerned that it might affect the Ukrainians' perception negatively.

A. Yes.

Q. And, in fact, all three of those things have played out, haven't they?

A. Yes.⁶⁰⁴

⁵⁹⁸ See, e.g., Julian E. Barnes et al., *White House Classified Computer System is Used to Hold Transcripts of Sensitive Calls*, N.Y. Times, Sept. 29, 2019.

⁵⁹⁹ Hill deposition, *supra* note 12, at 294.

⁶⁰⁰ Barnes, et al., *supra* note 598.

⁶⁰¹ *Id.*

⁶⁰² Morrison deposition, *supra* note 12, at 16.

⁶⁰³ *Id.* at 44.

⁶⁰⁴ *Impeachment Inquiry: Ambassador Kurt Volker and Timothy Morrison*, *supra* note 8.

LTC Vindman—the NSC staffer who raised concerns about the contents of call—testified there was no “malicious intent” in restricting access to the summary.⁶⁰⁵ Morrison also testified that call summary was mistakenly placed on a secure server with restricted access.⁶⁰⁶ He explained:

Q. And were you ever provided with an explanation for why [the call summary] was placed in the highly classified system?

A. Yes.

Q. What was the explanation you were given?

A. It was a mistake.

Q. It was a mistake?

A. Yes.⁶⁰⁷

In his public testimony, Morrison reiterated that the placement of the call summary on a secure server was an administrative error.⁶⁰⁸ He explained that NSC Legal Advisor John Eisenberg sought to restrict access to the summary, but that his direction was mistakenly interpreted to mean placing the summary on a secure server.⁶⁰⁹ He testified:

I spoke with the NSC Executive Secretariat staff, asked them why [the summary had been removed from the normal server]. And they did their research, and they informed me it had been moved to the higher classification system at the direction of John Eisenberg, whom I then asked why. I mean, that’s – if that was the judgment he made, that’s not necessarily mine to question, but I didn’t understand it. And he essentially told me, “I gave no such direction.” He did his own inquiry, and he represented back to me that it was – his understanding was that it was a kind of administrative error, that when he also gave direction to restrict access, the Executive Secretariat staff understood that as an apprehension that there was something in the content of the [call summary] that could not exist on the lower classification system.⁶¹⁰

Morrison also explained that there was no malicious intent in moving the transcript to the secure server.⁶¹¹

⁶⁰⁵ Vindman deposition, *supra* note 12, at 124.

⁶⁰⁶ Morrison deposition, *supra* note 12, at 54-57.

⁶⁰⁷ *Id.* at 54.

⁶⁰⁸ *Impeachment Inquiry: Ambassador Kurt Volker and Timothy Morrison*, *supra* note 8.

⁶⁰⁹ *Id.*

⁶¹⁰ *Id.*

⁶¹¹ *Id.*

To the extent Democrats allege that President Trump sought to cover up his July 25 telephone conversation with President Zelensky, the facts do not support such a charge. Indeed, President Trump has declassified and publicly released the July 25 call summary. He has also released a redacted version of the classified anonymous whistleblower complaint and released the call summary of his first phone call with President Zelensky, on April 21. Although the July 25 call summary was located on a secure White House server prior to its public release, testimony shows that its placement on the server was an “administrative error.” In light of substantial leaks of sensitive national security information—including the President’s conversations with foreign leaders—testimony shows that the NSC Legal Advisor sought to restrict access to the summary. In attempting to carry out this direction, the NSC executive secretariat staff incorrectly placed the summary on a secure server. Taken, together, these facts do not establish that President Trump sought to cover up his interactions with President Zelensky.

III. The evidence does not establish that President Trump obstructed Congress in the Democrats' impeachment inquiry.

Democrats allege that President Trump has obstructed Congress by declining to participate in Speaker Pelosi's impeachment inquiry.⁶¹² Under any fair assessment of the facts, however, President Trump has not obstructed Congress. In fact, the President personally urged at least one witness to cooperate with the Democrats' impeachment inquiry and to testify truthfully.⁶¹³ But Democrats cannot and should not impeach President Trump for declining to submit himself to an abusive and unfair process.

In the Democrats' impeachment inquiry, fairness is not an asset guaranteed or even recognized. Democrats have told witnesses in the inquiry that a failure to adhere strictly to their demands "shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against the President."⁶¹⁴ Democrats have threatened to withhold the salaries for agency employees as punishment for not meeting Democrat demands.⁶¹⁵ As Chairman Schiff explained the Democrat logic, any disagreement with Democrats amounts to obstruction: "The failure to produce this witness, the failure to produce these documents, we consider yet additionally strong evidence of obstruction of the constitutional functions of Congress, a coequal branch of government."⁶¹⁶

The Democrats' actions are fundamentally abusive. In any just proceeding, the President ought to be afforded an opportunity to raise defenses without Democrats considering it to be *de facto* evidence of obstruction. In any just proceeding, investigators would not impute the conduct of a witness to the President or use a witness's refusal to cooperate with an unfair process as an "adverse inference" against the President.

The Democrats' obstruction arguments are also divorced from historical precedent for House impeachment proceedings and basic legal concepts of due process and the presumption of innocence. Past bipartisan precedent for presidential impeachment inquiries guaranteed fundamental fairness by authorizing bipartisan subpoena authority; providing the President unrestricted access to information presented; and allowing the President's counsel to identify relevant witnesses and evidence, cross examine witnesses, and respond to evidence collected. These guarantees of due process and fundamental fairness are not present in the Democrats' impeachment resolution against President Trump.

Congressional oversight of the Executive Branch is an important and serious undertaking designed to improve the efficiency and accountability of the federal government. The White House has said that it is willing to work with Democrats on legitimate congressional oversight

⁶¹² See, e.g., Amber Phillips, *How the House Could Impeach Trump for Obstructing its Probe*, Wash. Post, Oct. 8, 2019.

⁶¹³ Sondland deposition, *supra* note 51, at 38.

⁶¹⁴ See, e.g., letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al. to John Eisenberg, Nat'l Sec. Council (Oct. 30, 2019).

⁶¹⁵ See letter from Eliot L. Engel, Chairman, H. Comm. on Foreign Affairs, et al. to John J. Sullivan, Dep. Sec'y, Dep't of State (Oct. 1, 2019).

⁶¹⁶ Phillips, *supra* note 612.

requests.⁶¹⁷ However, public statements from prominent Democrats suggest they are pursuing impeachment purely for partisan reasons—that they seeking to prevent President Trump’s reelection in 2020.⁶¹⁸ The Democrats’ unfair and abusive impeachment process confirms that they are not interested in pursuing a full understanding of the facts.

Even despite the Democrats’ partisan rhetoric and unfair process, President Trump has been transparent about his interactions with Ukrainian President Zelensky. President Trump has released to the public documents directly relevant the subject matter and he has spoken publicly about the issues. Democrats cannot justly condemn President Trump for declining to submit to their abusive and fundamentally unfair process.

A. Democrats have abandoned long-standing precedent by failing to guarantee due process and fundamental fairness in their impeachment inquiry.

The two recent impeachment investigations into presidents by the House of Representatives were largely identical to each other despite the passage of two decades. In 1974, the House authorized an impeachment inquiry into President Nixon by debating and passing House Resolution 803.⁶¹⁹ This resolution authorized the Committee on the Judiciary to issue subpoenas, including those offered by the minority; to sit and act without regard to whether the House stood in recess; and to expend funds in the pursuit of the investigation.⁶²⁰ In 1998, the House passed House Resolution 581, a nearly identical resolution authorizing an impeachment inquiry into President Clinton.⁶²¹

In 1974, the House undertook this action because “the rule of the House defining the jurisdiction of committees does not place jurisdiction over impeachment matters in the Judiciary Committee. In fact, it does not place such jurisdiction anywhere.”⁶²² Passing a resolution authorizing the inquiry was “a necessary step if we are to meet our obligations [under the Constitution].”⁶²³ By passing the resolution, the House sought to make “[t]he committee’s investigative authority . . . fully coextensive with the power of the House in an impeachment investigation”⁶²⁴

Notably, in empowering the Judiciary Committee to conduct the Nixon impeachment inquiry, the House granted subpoena power to the minority, an action that was “against all precedents” at the time.⁶²⁵ During debate, Members made it “crystal clear that the authority given to the minority [ranking] member and to the chairman, the right to exercise authority [to issue a

⁶¹⁷ See letter from Pat A. Cipollone, Counsel to the President to Speaker Nancy Pelosi et al. 8 (Oct. 8, 2019).

⁶¹⁸ See, e.g., *Weekends with Alex Witt* (MSNBC television broadcast May 5 2019) (interview with Rep. Al Green).

⁶¹⁹ H. Res. 803, 93rd Cong. (1974).

⁶²⁰ See *Id.*

⁶²¹ H. Res. 581, 105th Cong. (1998).

⁶²² 130 Cong. Rec. 2351 (Feb. 6, 1974) (statement of Rep. Hutchinson).

⁶²³ *Id.* at 2350 (statement of Rep. Rodino).

⁶²⁴ H.R. Rep. No. 93-774, at 3 (1974).

⁶²⁵ 130 Cong. Rec. at 2352 (statement of Rep. Brooks).

subpoena], is essentially the same. It is the same. Both are subject to a veto by a majority of the membership of that committee.”⁶²⁶

In 1998, the House similarly passed a resolution authorizing an impeachment inquiry because the “[Judiciary] Committee decided that it must receive authorization from the full House before proceeding”⁶²⁷ The Judiciary Committee reached this conclusion “[b]ecause impeachment is delegated solely to the House of Representatives by the Constitution, [and therefore] the full House of Representatives should be involved in critical decision making regarding various stages of impeachment.”⁶²⁸

In putting forth this resolution for consideration by the House, the Judiciary Committee made several commitments with respect to ensuring “procedural fairness” of the impeachment inquiry. For instance, the Judiciary Committee voted to allow the President or his counsel to be present at all executive sessions and open hearings and to allow the President’s counsel to cross examine witnesses, make objections regarding relevancy, suggest additional evidence or witnesses that the committee should receive, and to respond to the evidence collected.⁶²⁹

The fundamental fairness and due process protections guaranteed in the Nixon and Clinton impeachment proceedings are missing from Speaker Pelosi’s impeachment inquiry. The Democrats’ impeachment inquiry offers a veneer of legitimacy that hides a deeply partisan and one-sided process. The impeachment resolution passed by Democrats in the House—against bipartisan opposition—allows Democrats to maintain complete control of the proceedings.⁶³⁰ The resolution denies Republicans co-equal subpoena authority and requires the Democrat chairmen to concur with Republican subpoenas—unlike Democrat subpoenas, which the chairmen may issue with no Republican input.⁶³¹ The Democrat impeachment resolution requires Republicans to specifically identify and explain the need for witnesses 72 hours before the first impeachment hearing—without a similar requirement for Democrats.⁶³² Most importantly, the Democrats’ resolution excludes the President’s counsel from House Intelligence Committee Chairman Adam Schiff’s proceedings and provides House Judiciary Committee Chairman Jerry Nadler with discretion to do the same.⁶³³ In short, these partisan procedures dramatically contradict the bipartisan Nixon and Clinton precedents.

B. Democrats have engaged in an abusive process toward a pre-determined outcome.

Since the beginning of the 116 Congress, Democrats have sought to impeach President Trump. Just hours after her swearing in, Rep. Rashida Tlaib told a crowd at a public event that

⁶²⁶ *Id.*

⁶²⁷ H.R. Rep. No. 105-795, at 24 (1998).

⁶²⁸ *Id.*

⁶²⁹ *Id.* at 25-26.

⁶³⁰ H. Res. 660, 116th Cong. (2019).

⁶³¹ *Id.*

⁶³² *Id.*

⁶³³ *Id.*

“[Democrats are] going to go in there, and we’re going to impeach the [expletive deleted].”⁶³⁴ Rep. Brad Sherman introduced articles of impeachment against President Trump on the very first day of the Democrat majority.⁶³⁵ Rep. Al Green separately introduced articles of impeachment in July 2019, and even forced the House to consider the measure.⁶³⁶ The House tabled Rep. Green’s impeachment resolution by an overwhelming bipartisan majority—332 ayes to 95 nays.⁶³⁷

Such a fervor to impeach a political opponent for purely partisan reasons was what Alexander Hamilton warned of as the “greatest danger” in Federalist No. 65: that “the decision [to impeach] will be regulated more by the comparative strength of parties, than by the real demonstrations of innocence or guilt.”⁶³⁸ Indicative of this partisan fervor, Democrats have already forced the House to consider three resolutions of impeachment—offered by Democrats after no investigation, report, or process of any kind—since President Trump took office.⁶³⁹

During the consideration of articles of impeachment against President Clinton, Democrats argued that “[i]f we are to impeach the President, it should be at the end of a fair process. . . . [and not through decisions] made on a strictly partisan basis.”⁶⁴⁰ Rep. Zoe Lofgren, now a senior member of the Judiciary Committee, testified then before the Rules Committee on the resolution authorizing the Clinton impeachment inquiry. She said:

Under our Constitution, the House of Representatives has the sole power of impeachment. This is perhaps our single most serious responsibility short of a declaration of war. Given the gravity and magnitude of this undertaking, only a fair and bipartisan approach to this question will ensure that truth is discovered, honest judgments rendered, and the constitutional requirement observed. Our best yardstick is our historical experience. We must compare the procedures used today with what Congress did a generation ago when a Republican President was investigated by a Democratic House.⁶⁴¹

However, Speaker Pelosi’s impeachment inquiry has been divorced from historical experience and has borne no markings of a fair process. During the first several weeks, the Speaker asserted that a vote authorizing the inquiry was unnecessary.⁶⁴² This process allowed Chairman Schiff to conduct his partisan inquiry behind closed doors with only a limited group of Members present. It also allowed Chairman Schiff to selectively leak cherry-picked information

⁶³⁴ Nicholas Fandos, *Rashida Tlaib’s Expletive-Laden Cry to Impeach Trump Upends Democrats’ Talking Points*, N.Y. Times, Jan. 4, 2019.

⁶³⁵ H. Res. 13, 116th Cong. (2019).

⁶³⁶ H. Res. 498, 116th Cong. (2019).

⁶³⁷ *Id.* (Roll call vote 483).

⁶³⁸ Federalist No. 65 (Alexander Hamilton).

⁶³⁹ See H. Res. 646, 115th Cong. (2018); H. Res. 705, 115th Cong. (2018); H. Res. 498, 116th Cong. (2019).

⁶⁴⁰ Impeachment Inquiry: William Jefferson Clinton, President of the United States, 105th Cong., Consideration of Articles of Impeachment 82 (Comm. Print 1998) (statement of Rep. Bobby Scott).

⁶⁴¹ *Hearing before the Committee on Rules on H. Res. 525*, 105th Cong., 2d Sess. 108 (1998).

⁶⁴² See, e.g., Haley Byrd, *Kevin McCarthy Calls on Nancy Pelosi to Suspend Impeachment Inquiry*, CNN, Oct. 3, 2019.

to paint a misleading public narrative. Chairman Schiff failed to respond to Republican requests for witnesses,⁶⁴³ and directed witnesses not to answer questions from Republicans.⁶⁴⁴ Chairman Schiff even declined to share closed-door deposition transcripts with Republican Members.⁶⁴⁵

During the public hearings, despite the modicum of minority rights outlined in the Democrats' impeachment resolution, Chairman Schiff has continued to trample long-held minority rights. Chairman Schiff interrupted Republican Members during questioning and directed witnesses not to answer Republican questions.⁶⁴⁶ Chairman Schiff declined to invite all the witnesses identified by Republicans as relevant to the inquiry.⁶⁴⁷ Chairman Schiff declined to honor Republican subpoenas for documents and witnesses, and then violated House rules and the Democrats' impeachment resolution to vote down the subpoenas without sufficient notice or even any debate.⁶⁴⁸

This is the very sort of process that Democrats had previously decried as “what happens when a legislative chamber is obsessively preoccupied with investigating the opposition rather than legislating for the people who elected them to office.”⁶⁴⁹ Rep. Jerrold Nadler, now chairman of the Judiciary Committee, once argued that:

The effect of impeachment is to overturn the popular will of voters as expressed in a national election. . . . ***There must never be a narrowly voted impeachment or an impeachment substantially supported by one of our major political parties and largely opposed by the other.*** Such an impeachment would lack legitimacy and produce the divisiveness and bitterness in our politics for years to come and will call into question the very legitimacy of our political institutions.⁶⁵⁰

During the impeachment proceedings for President Clinton, Democrats warned against “dump[ing] mountains of salacious, uncross-examined and otherwise untested materials onto the Internet, and then . . . sorting through boxes of documents to selectively find support for a foregone conclusion.”⁶⁵¹ But now, in Speaker Pelosi's impeachment inquiry, as conducted by Chairman Schiff, the Democrats' old warnings have become the very process by which their current impeachment inquiry has proceeded.

⁶⁴³ Letter from Jim Jordan, Ranking Member, H. Comm. on Oversight & Reform, et al., to Adam Schiff, Chairman, H. Perm. Sel. Comm. on Intelligence (Oct. 23, 2019).

⁶⁴⁴ See, e.g., Vindman deposition, *supra* note 12, at 78-80, 103-05.

⁶⁴⁵ See, e.g., Deirdre Shesgreen & Bart Jansen, *House Republicans complain about limited access to closed-door House impeachment investigation sessions*, USA Today, Oct. 16, 2019.

⁶⁴⁶ See, e.g., *Impeachment Inquiry: Ambassador William B. Taylor and Mr. George Kent*, *supra* note 2; *Impeachment Inquiry: Ambassador Marie Yovanovitch*, *supra* note 4.

⁶⁴⁷ See, e.g., Beggin, *supra* note 550.

⁶⁴⁸ *Impeachment Inquiry: Ms. Laura Cooper and Mr. David Hale*, *supra* note 246.

⁶⁴⁹ *Impeachment Inquiry: William Jefferson Clinton, President of the United States*, *supra* note 640, at 94 (statement of Rep. Zoe Lofgren).

⁶⁵⁰ *Id.* at 77 (statement of Rep. Jerrold Nadler) (emphasis added).

⁶⁵¹ *Id.* at 82 (statement of Rep. Bobby Scott).

C. President Trump may raise privileges and defenses in response to unfair, abusive proceedings.

Speaker Pelosi's impeachment inquiry, as conducted by Chairman Schiff, has abandoned due process and the presumption of innocence that lies at the heart of western legal systems.⁶⁵² Due to this abusive conduct and the Democrats' relentless attacks on the Trump Administration, President Trump may be rightly concerned about receiving fair treatment from House Democrats during this impeachment inquiry.

During the Clinton impeachment proceedings, Rep. Bobby Scott, now a senior member of the Democrat caucus, argued that the impeachment process should "determine[], with a presumption of innocence, whether those allegations [against President Clinton] were true by using cross-examination of witnesses and other traditionally reliable evidentiary procedures."⁶⁵³ Similarly, Rep. Jerrold Nadler argued then that "[w]e have been entrusted with the grave and awesome duty by the American people, by the Constitution and by history. We must exercise that duty responsibly. At a bare minimum, that means *the President's accusers must go beyond hearsay and innuendo and beyond demands that the President prove his innocence of vague and changing charges.*"⁶⁵⁴

Furthermore, Democrats had previously argued that the assertion of privileges by a president does not constitute an impeachable offense. During the Clinton impeachment proceedings, Rep. Scott stated:

At the hearing when I posed the question of whether any of the witnesses on the hearing's second panel believed that the count involving invoking executive privilege should be considered an impeachable offense, the clear consensus on the panel was that the charge was not an impeachable offense. In fact, one Republican witness said, I do not think invoking executive privilege even if frivolously, and I believe it was frivolous in these circumstances, that that does not constitute an impeachable offense.⁶⁵⁵

Despite this prior commitment to due process and a presumption of innocence, the Democrats now favor a presumption of guilt. Chairman Schiff has said publicly that the Trump Administration and witnesses asserting their constitutional rights and seeking to test the soundness of subpoenas have formed "a very powerful case against the president for obstruction, an article of impeachment based on obstruction."⁶⁵⁶ Similarly, Chairman Schiff has made clear

⁶⁵² See, e.g., *Id.* at 102 (statement of Rep. Maxine Waters) ("As Members of Congress have sworn to uphold the Constitution, we must always insist on equal and just treatment under the law. The presumption of innocence until proven guilty is central and basic to our system of justice.").

⁶⁵³ *Id.* at 82 (statement of Rep. Bobby Scott).

⁶⁵⁴ *Id.* at 78 (statement of Rep. Jerrold Nadler) (emphasis added).

⁶⁵⁵ *Id.* at 83 (statement of Rep. Bobby Scott).

⁶⁵⁶ Kyle Cheney, *Trump Makes 'Very Powerful Case' for Impeachment Based on Obstruction, Schiff Warns*, Politico, Oct. 28, 2019.

that he will simply assume that a witness's testimony is adverse to the President when that witness or the President asserts a right or privilege.⁶⁵⁷ These are not the hallmarks of a fair and transparent process; these are the tell-tale signs of a star chamber.

D. Although declining to submit to the Democrats' abusive and unfair process, President Trump has released information to help the American public understand the issues.

Just twenty-seven minutes after President Trump's inauguration on January 20, 2017, the *Washington Post* reported that the "campaign to impeach President Trump has begun."⁶⁵⁸ As the *Post* reported:

The effort to impeach President Donald John Trump is already underway. At the moment the new commander in chief was sworn in, a campaign to build public support for his impeachment went live at ImpeachDonaldTrumpNow.org, spearheaded by two liberal advocacy groups aiming to lay the groundwork for his eventual ejection from the White House. . . . The impeachment drive comes as Democrats and liberal activists are mounting broad opposition to stymie Trump's agenda.⁶⁵⁹

In 2017 and 2018, Democrats introduced four separation resolution in the House with the goal of impeaching President Trump.⁶⁶⁰ On January 3, 2019, on the Democrats' first day in power, Rep. Al Green again introduced articles of impeachment.⁶⁶¹ That same day, Rep. Rashida Tlaib promised, "we're going to go in there and we're going to impeach the [expletive deleted]."⁶⁶²

In this context, it is difficult to see the Democrats' impeachment inquiry as anything other than a partisan effort to undo the results of the 2016 election. Rep. Green said on MSNBC in May 2019, "If we don't impeach this President, he will get re-elected."⁶⁶³ Even as Democrats have conducted their impeachment inquiry, Speaker Pelosi has called President Trump "an impostor" and said it is "dangerous" to allow American voters to evaluate his performance in

⁶⁵⁷ *See Id.* ("Schiff also argued that the president is seeking to block Kupperman because he is concerned about a high-level source corroborating damning testimony that Trump pressured Ukraine to open investigations of his political rivals—and condition military aid and a White House visit on bending the European ally to his will.")

⁶⁵⁸ Matea Gold, *The campaign to impeach President Trump has begun*, *Wash. Post*, Jan. 20, 2017.

⁶⁵⁹ *Id.*

⁶⁶⁰ H. Res. 705, 115th Cong. (2018); H. Res. 646, 115th Cong. (2017); H. Res. 621, 115th Cong. (2017); H. Res. 438, 115th Cong. (2017).

⁶⁶¹ H. Res. 13, 116th Cong. (2019).

⁶⁶² Amy B. Wong, *Rep. Rashida Tlaib profanely promised to impeach Trump. She's not sorry.*, *Wash. Post*, Jan. 4, 2019.

⁶⁶³ *Weekends with Alex Witt*, *supra* note 618.

2020.⁶⁶⁴ The Democrats' impeachment process has mirrored this rhetoric, stacking the deck against the President.⁶⁶⁵

Even so, the President is not entirely unwilling to cooperate with the Democrats' demands. In October 2019, Pat A. Cipollone, the Counsel to the President, wrote to Speaker Pelosi and the chairmen of the three "impeachment" committees:

If the Committees wish to return to the regular order of oversight requests, we stand ready to engage in that process as we have in the past, in a manner consistent with well-established bipartisan constitutional protections and a respect for the separation of powers enshrined in our Constitution.⁶⁶⁶

Speaker Pelosi did not respond to Mr. Cipollone's letter. President Trump explained that he would "like people to testify" but he is resisting the Democrats' unfair and abusive process "for future Presidents and the Office of the President."⁶⁶⁷

Although the Democrats' abusive and unfair process has prevented his cooperation with the Democrats' impeachment inquiry, President Trump has nonetheless been transparent about his conduct. On September 25, President Trump declassified and released to the public the summary of his July 25 phone conversation with President Zelensky, stressing his goal that Americans could read for themselves the contents of the call: "You will see it was a very friendly and totally appropriate call."⁶⁶⁸ On November 15, President Trump released to the public the summary of this April 21 phone conversation with President Zelensky in the interest of transparency.⁶⁶⁹ In addition, President Trump has spoken publicly about his actions, as has Acting Chief of Staff Mick Mulvaney.⁶⁷⁰

Congress has a serious and important role to play in overseeing the Executive Branch. When the House of Representatives considers impeachment of a president, bipartisan precedent dictates fundamental fairness and due process. In pursuing impeachment of President Trump, however, Democrats have abandoned those principles, choosing instead to use impeachment as a tool to pursue their partisan objectives. While the President has declined to submit himself to the Democrats' unfair and abusive process, he has still made an effort to be transparent with the Americans to whom he is accountable. Under these abusive and unfair circumstances, the Democrats cannot establish a charge of obstruction.

⁶⁶⁴ Emily Tillett, *Nancy Pelosi says Trump's attacks on witnesses "very significant" to impeachment probe*, CBS News, Nov. 15, 2019; Dear Colleague Letter from Speaker Nancy Pelosi (Nov. 18, 2019).

⁶⁶⁵ See H. Res. 660, 116th Cong. (2019).

⁶⁶⁶ Letter from Pat A. Cipollone, *supra* note 617.

⁶⁶⁷ Donald J. Trump (@realDonaldTrump), Twitter (Nov. 26, 2019, 7:43 a.m.), <https://twitter.com/realDonaldTrump/status/1199352946187800578>.

⁶⁶⁸ Donald J. Trump (@realDonaldTrump), Twitter (Sept. 24, 2019, 11:12 a.m.), <https://twitter.com/realdonaldtrump/status/1176559970390806530>.

⁶⁶⁹ Donald J. Trump (@realDonaldTrump), Twitter (Nov. 11, 2019, 3:35 p.m.), <https://twitter.com/realdonaldtrump/status/1194035922066714625>.

⁶⁷⁰ See, e.g., The White House, Remarks by President Trump before Marine One Departure (Nov. 20, 2019); Press Briefing by Acting Chief of Staff Mick Mulvaney, *supra* note 302.

IV. Conclusion

The impeachment of a president is one of the gravest and most solemn duties of the House of Representatives. For Democrats, impeachment is a tool for settling political scores and re-litigating election results with which they disagreed. This impeachment inquiry and the manner in which the Democrats are pursuing it sets a dangerous precedent.

The Democrats have not established an impeachable offense. The evidence presented in this report does not support a finding that President Trump pressured President Zelensky to investigate his political rival for the President's benefit in the 2020 election. The evidence does not establish that President Trump withheld a White House meeting to pressure President Zelensky to investigate his political rival to benefit him in the 2020 election. The evidence does not support that President Trump withheld U.S. security assistance to pressure President Zelensky to investigate his political rival for the President's benefit in the 2020 election. The evidence does not establish that President Trump orchestrated a shadow foreign policy apparatus to pressure President Zelensky to investigate his political rival to benefit him in the 2020 election.

The best evidence of President Trump's interaction with President Zelensky is the "complete and accurate" call summary prepared by the White House Situation Room staff. The summary shows no indication of conditionality, pressure, or coercion. Both President Trump and President Zelensky have denied the existence of any pressure. President Zelensky and his senior advisers in Kyiv did not even know that U.S. security assistance to Ukraine was paused until it was publicly reported in U.S. media. Ultimately, Ukraine received the security assistance and President Zelensky met with President Trump, all without Ukraine ever investigating President Trump's political rival. These facts alone severely undercut the Democrat allegations.

The evidence in the Democrats' impeachment inquiry shows that President Trump is skeptical about U.S. taxpayer-funded foreign assistance and strongly believes that European allies should shoulder more of the financial burden for regional defense. The President also has deeply-rooted, reasonable, and genuine concerns about corruption in Ukraine, including the placement of Vice President Biden's son on the board of a Ukrainian energy company notorious for corruption at a time when Vice President Biden was the Obama Administration's point person for Ukraine policy. There is also compelling and indisputable evidence that Ukrainian government officials—some working with a Democrat operative—sought to influence the U.S. presidential election in 2016 in favor of Secretary Clinton and in opposition to President Trump.

The Democrats' impeachment narrative ignores the President's state of mind and it ignores the specific and concrete actions that the new Zelensky government took to address pervasive Ukrainian corruption. The Democrats' case rests almost entirely on hearsay, presumption, and emotion. Where there are ambiguous facts, the Democrats interpret them in a light most unfavorable to the President. The Democrats also flatly disregard any perception of potential wrongdoing with respect to Hunter Biden's presence on the board of Burisma Holdings or Ukrainian influence in the 2016 election.

The evidence presented also does not support allegations that President Trump covered-up his conversation with President Zelensky by restricting access to it. In light of leaks of other presidential conversations with world leaders, the White House took reasonable steps to restrict access to the July 25 call summary. The summary was mistakenly placed on a secure server; however, the Democrats' witnesses explained that there was no nefarious conduct or malicious intent associated with this action.

Likewise, the evidence presented does not support allegations that President Trump obstructed the Democrats' impeachment inquiry by raising concerns about an unfair and abusive process. The Democrats deviated from prior bipartisan precedent for presidential impeachment and denied Republican attempts to inject basic fairness and objectivity into their partisan and one-sided inquiry. The White House has signaled that it is willing to work with Democrats but President Trump cannot be faulted for declining to submit himself to the Democrats' star chamber. Even so, President Trump has been transparent with the American people about his actions, releasing documents and speaking publicly about the subject matter.

The Democrats' impeachment inquiry paints a picture of unelected bureaucrats within the foreign policy and national security apparatus who fundamentally disagreed with President Trump's style, world view, and decisions. Their disagreements with President Trump's policies and their discomfort with President Trump's actions set in motion the anonymous, secondhand whistleblower complaint. Democrats seized on the whistleblower complaint to fulfill their years-old obsession with removing President Trump from office.

The unfortunate collateral damage of the Democrats' impeachment inquiry is the harm done to bilateral U.S.-Ukraine relations, the fulfillment of Russian President Vladimir Putin's desire to sow discord within the United States, and the opportunity costs to the American people. In the time that Democrats spent investigating the President, Democrats could have passed legislation to implement the U.S.-Mexico-Canada Agreement, lower the costs of prescription drugs, or secure our southern border. Instead, the Democrats' obsession with impeaching President Trump has paralyzed their already-thin legislative agenda. Less than a year before the 2020 election and Democrats in the House still cannot move on from the results of the last election.

Congress of the United States
Washington, DC 20515

October 3, 2019

Members of the Intelligence, Oversight and Reform, and Foreign Affairs Committees
Washington, D.C. 20515

Dear Colleagues:

We are writing to convey our grave concerns with the unprecedented actions of President Donald Trump and his Administration with respect to the House of Representatives' impeachment inquiry.

The President and his aides are engaging in a campaign of misinformation and misdirection in an attempt to normalize the act of soliciting foreign powers to interfere in our elections.

We have all now seen the summary of the call in which President Trump repeatedly urged the Ukrainian President to launch an investigation into former Vice President Joe Biden—immediately after the Ukrainian President mentioned critical U.S. military assistance to counter Russian aggression.

The President claims he did nothing wrong. Even more astonishing, he is now openly and publicly asking another foreign power—China—to launch its own sham investigation against the Bidens to further his own political aims.

This is not normal or acceptable. It is unethical, unpatriotic, and wrong. American Presidents should never press foreign powers to target their domestic political rivals. Engaging in these stunning abuses in broad daylight does not absolve President Trump of his wrongdoings—or his grave offenses against the Constitution.

Over the past week, new reports have revealed that other Trump Administration officials also may have been involved in the illicit effort to get Ukrainian help for the President's campaign.

For example, Secretary of State Mike Pompeo has now admitted that he was on the call when President Trump explicitly pressed the Ukrainian President to investigate the Bidens—but failed to report this to the FBI or other law enforcement authorities. You will recall, FBI Director Christopher Wray urged individuals to report efforts to seek or receive help from a foreign power that may intervene in a U.S. presidential election.

This obligation is not diminished when the instigator of that foreign intervention is the President of the United States; it is all the more crucial to the security of our elections. Instead, when asked by the media about his own knowledge or participation in the call, Secretary Pompeo dissembled.

Likewise, we are investigating reports that Vice President Mike Pence may have been made aware of the contents of the call, and his absence from the Ukrainian President's inauguration may have been related to efforts to put additional pressure on Ukraine to deliver on the President's demands.

This week, current and former State Department officials have begun cooperating with the impeachment inquiry by producing documents and scheduling interviews and depositions. Based on the first production of materials, it has become immediately apparent why Secretary Pompeo tried to block these officials from providing information.

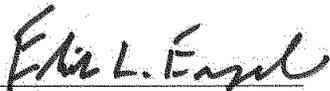
The Committees have now obtained text messages from Ambassador Kurt Volker, the former Special Representative for Ukraine Negotiations, communicating with other officials, including William B. "Bill" Taylor, the Charge d'Affaires at the U.S. Embassy in Ukraine, Gordon Sondland, the U.S. Ambassador to the European Union, Andrey Yermak, Aide to Ukrainian President Zelensky, the President's agent Rudy Giuliani, and others.

These text messages reflect serious concerns raised by a State Department official about the detrimental effects of withholding critical military assistance from Ukraine, and the importance of setting up a meeting between President Trump and the Ukrainian President without further delay. He also directly expressed concerns that this critical military assistance and the meeting between the two presidents were being withheld in order to place additional pressure on Ukraine to deliver on the President's demand for Ukraine to launch politically motivated investigations.

Earlier today, selected portions of these texts were leaked to the press out of context. In order to help correct the public record, we are now providing an attachment with more complete excerpts from the exchanges. The additional excerpts we are providing are still only a subset of the full body of the materials, which we hope to make public after a review for personally identifiable information.

Our investigation will continue in the coming days. But we hope every Member of the House will join us in condemning in the strongest terms the President's now open defiance of our core values as American citizens to guard against foreign interference in our democratic process.

Sincerely,



Eliot L. Engel
Chairman
House Committee on Foreign Affairs



Adam B. Schiff
Chairman
House Permanent Select Committee
on Intelligence

Elijah E. Cummings

Elijah E. Cummings

Chairman

House Committee on Oversight and Reform

ATTACHMENT

- **Connecting Rudy Giuliani with Ukraine President Zelensky's Advisor:** On July 19, Ambassador Volker texted President Trump's agent, Rudy Giuliani, to thank him for breakfast and to introduce him to Andrey Yermak, a top advisor to President Zelensky:

[7/19/19, 4:48 PM] Kurt Volker: Mr Mayor – really enjoyed breakfast this morning. As discussed, connecting you here with Andrey Yermak, who is very close to President Zelensky. I suggest we schedule a call together on Monday – maybe 10am or 11am Washington time? Kurt

- **Sondland Briefs Zelensky Ahead of Call with President Trump:** On July 19, 2019, Ambassador Volker, Ambassador Sondland, and Mr. Taylor had the following exchange about the specific goal for the upcoming telephone call between President Trump and the Ukrainian President:

[7/19/19, 4:49:42 PM] Kurt Volker: Can we three do a call tomorrow—say noon WASHINGTON?

[7/19/19, 6:50:29 PM] Gordon Sondland: Looks like Potus call tomorrow. I spike [sic] directly to Zelensky and gave him a full briefing. He's got it.

[7/19/19, 6:52:57 PM] Gordon Sondland: Sure!

[7/19/19, 7:01:22 PM] Kurt Volker: Good. Had breakfast with Rudy this morning—teeing up call w Yermak Monday. Must have helped. Most imp't is for Zelensky to say that he will help investigation—and address any specific personnel issues—if there are any

- **Concerns about Ukraine Becoming an "Instrument" in U.S. Politics:** On July 21, 2019, Ambassador Taylor flagged President Zelensky's desire for Ukraine not to be used by the Trump Administration for its own domestic political purposes:

[7/21/19, 1:45:54 AM] Bill Taylor: Gordon, one thing Kurt and I talked about yesterday was Sasha Danyliuk's point that President Zelenskyy is sensitive about Ukraine being taken seriously, not merely as an instrument in Washington domestic, reelection politics.

[7/21/19, 4:45:44 AM] Gordon Sondland: Absolutely, but we need to get the conversation started and the relationship built, irrespective of the pretext. I am worried about the alternative.

- **Giuliani Advocates for Trump-Zelensky Call:** Mr. Yermak and Mr. Giuliani agreed to speak on the morning of July 22. Later that evening, Ambassador Volker informed Ambassadors Sondland and Taylor that Giuliani was now "advocating" for a phone call between President Trump and President Zelensky:

[7/22/19 4:27:55 PM] Kurt Volker: Orchestrated a great phone call w Rudy and Yermak. They are going to get together when Rudy goes to Madrid in a couple of weeks.

[7/22/19 4:28:08 PM] Kurt Volker: In the meantime Rudy is now advocating for phone call.

[7/22/19 4:28:26 PM] Kurt Volker: I have call into Fiona's replacement and will call Bolton if needed.

[7/22/19 4:28:48 PM] Kurt Volker: But I can tell Bolton and you can tell Mick that Rudy agrees on a call if that helps.

[7/22/19 4:30:10 PM] Gordon Sondland: I talked to Tim Morrison Fiona's replacement. He is pushing but feel free as well.

- **Volker Advises Yermak Ahead of Trump-Zelensky Call:** On the morning of July 25, 2019—*ahead* of the planned call between President Trump and President Zelensky—Ambassador Volker advised Andrey Yermak:

[7/25/19, 8:36:45 AM] Kurt Volker: Good lunch - thanks. Heard from White House—assuming President Z convinces trump he will investigate / “get to the bottom of what happened” in 2016, we will nail down date for visit to Washington. Good luck! See you tomorrow- kurt

- **Yermak's Informal Readout of the Trump-Zelensky Call:** Following President Trump's July 25 call, Ambassador Volker received the following readout from Ukrainian Presidential Advisor Yermak and confirmed his intent to meet Giuliani in Madrid:

[7/25/19, 10:15:06 AM] Andrey Yermak: Phone call went well. President Trump proposed to choose any convenient dates. President Zelenskiy chose 20,21,22 September for the White House Visit. Thank you again for your help! Please remind Mr. Mayor to share the Madrid's dates

[7/25/19, 10:16:42 AM] Kurt Volker: Great —thanks and will do!

- **State Department Officials Discuss a White House Visit and Ukraine Statement:** On August 9, 2019, Ambassador Volker had the following exchange with Ambassador Sondland about arranging a White House meeting after the Ukrainian President makes a public statement:

[8/9/19, 5: 35:53 PM] Gordon Sondland: Morrison ready to get dates as soon as Yermak confirms.

[8/9/19, 5: 46:21 PM] Kurt Volker: Excellent!! How did you sway him? :)

[8/9/19, 5: 47:34 PM] Gordon Sondland: Not sure i did. I think potus really wants the deliverable

[8/9/19, 5: 48:00 PM] Kurt Volker: But does he know that?

[8/9/19, 5: 48:09 PM] Gordon Sondland: Yep

[8/9/19, 5: 48:37 PM] Gordon Sondland: Clearly lots of convos going on

[8/9/19, 5:48:38 PM] Kurt Volker: Ok—then that’s good it’s coming from two separate sources

[8/9/19, 5: 51:18 PM] Gordon Sondland: To avoid misunderstandings, might be helpful to ask Andrey for a draft statement (embargoed) so that we can see exactly what they propose to cover. Even though Ze does a live presser they can still summarize in a brief statement. Thoughts?

[8/9/19, 5: 51:42 PM] Kurt Volker: Agree!

- **State Department Officials Seek Giuliani’s Guidance on Ukraine Statement:** On August 9, 2019, after Mr. Giuliani met with President Zelensky’s aide Andrey Yermak, Ambassador Volker asked to speak with Mr. Giuliani about the Ukrainian statement:

[8/9/19, 11:27 AM] Kurt Volker: Hi Mr Mayor! Had a good chat with Yermak last night. He was pleased with your phone call. Mentioned Z making a statement. Can we all get on the phone to make sure I advise Z correctly as to what he should be saying? Want to make sure we get this done right. Thanks!

Gordon Sondland: Good idea Kurt. I am on Pacific time.

Rudy Giuliani: Yes can you call now going to Fundraiser at 12:30

- **Ukrainian Aide Seeks White House Date First:** On August 10, 2019, President Zelensky’s aide, Andrey Yermak, pressed Ambassador Volker for a date for the White House visit before committing to a statement announcing an investigation explicitly referencing the 2016 election and Burisma:

[8/10/19, 4:56:15 PM] Andrey Yermak: Hi Kurt. Please let me know when you can talk. I think it’s possible to make this declaration and mention all these things. Which we discussed yesterday. But it will be logic to do after we receive a confirmation of date. We inform about date of visit and about our expectations and our guarantees for future visit. Let discuss it

[8/10/19, 5:01:32 PM] Kurt Volker: Ok! It’s late for you—why don’t we talk in my morning, your afternoon tomorrow? Say 10am/5pm?

[8/10/19, 5:02:18 PM] Kurt Volker: I agree with your approach. Let's iron out statement and use that to get date and then PreZ can go forward with it?

[8/10/19, 5:26:17 PM] Andrey Yermak: Ok

[8/10/19, 5:38:43 PM] Kurt Volker: Great. Gordon is available to join as well

[8/10/19, 5:41:45 PM] Andrey Yermak: Excellent

[8/10/19, 5:42:10 PM] Andrey Yermak: Once we have a date, will call for a press briefing, announcing upcoming visit and outlining vision for the reboot of US-UKRAINE relationship, including among other things Burisma and election meddling in investigations

[8/10/19, 5:42:30 PM] Kurt Volker: Sounds great!

- **Discussion of Ukrainian Statement to Include References to 2016 Election and Burisma:** Following the August 9, 2019, outreach to Rudy Giuliani, Ambassador Volker and Ambassador Sondland on August 13, 2019, had following exchange regarding the proposed Ukrainian statement:

[8/13/19, 10:26:44 AM] Kurt Volker: Special attention should be paid to the problem of interference in the political processes of the United States especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, including those involving Burisma and the 2016 U.S. elections, which in turn will prevent the recurrence of this problem in the future.

[8/13/19, 10:27:20 AM] Gordon Sondland: Perfect. Lets send to Andrey after our call

- **Confirming Desire to Reference 2016 Election and Burisma:** On August 17, 2019, Ambassadors Volker and Sondland had the following exchange in which they discussed their message to Ukraine:

[8/17/19, 3:06:19 PM] Gordon Sondland: Do we still want Ze to give us an unequivocal draft with 2016 and Boresma?

[8/17/19, 4:34:21 PM] Kurt Volker: That's the clear message so far ...

[8/17/19, 4:34:39 PM] Kurt Volker: I'm hoping we can put something out there that causes him to respond with that

[8/17/19, 4:41:09 PM] Gordon Sondland: Unless you think otherwise I will return Andrey's call tomorrow and suggest they send us a clean draft.

- **Ukrainian Official Shares Press Report of U.S. Withholding Military Assistance:** On August 28, President Zelensky's aide, Andrey Yermak, texted Ambassador Volker a news story entitled, "Trump Holds Up Ukraine Military Aid Meant to Confront Russia":

[8/29/19, 2:28:19 AM] Andrey Yermak: Need to talk with you

[8/29/19, 3:06:14 AM] Andrey Yermak:

<https://www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-1689531>

[8/29/19, 6:55:04 AM] Kurt Volker: Hi Andrey – absolutely. When is good for you?

- **President Trump Cancels Trip to Meet President Zelensky:** On August 30, Ambassador Taylor informed Ambassador Volker that President Trump had canceled his planned visit to Warsaw, Poland, where he was to meet with President Zelensky. Ambassadors Volker and Sondland discussed an alternative plan for Vice President Pence to meet with President Zelensky on September 1:

[8/30/19, 12:14:57 AM] Bill Taylor: Trip canceled

[8/30/19, 12:16:02 AM] Kurt Volker: Hope VPOTUS keeps the bilat – and tees up WH visit...

[8/30/19, 12:16:18 AM] Kurt Volker: And hope Gordon and Perry still going...

[8/30/19, 5:31:14 AM] Gordon Sondland: I am going. Pompeo is speaking to Potus today to see if he can go.

On September 1, Ambassador Taylor sought clarification of the requirements for a White House visit:

[9/1/19, 12:08:57 PM] Bill Taylor: Are we now saying that security assistance and WH meeting are conditioned on investigations?

[9/1/19, 12:42:29 PM] Gordon Sondland: Call me

- **State Department Officials on Security Assistance and the Ukraine "Interview":** On September 8, Ambassador Taylor, Ambassador Sondland, and Ambassador Volker had the following exchange:

[9/8/19, 11:20:32 AM] Gordon Sondland: Guys multiple convos with Ze, Potus. Lets talk

[9/8/19, 11:21:41 AM] Bill Taylor: Now is fine with me

[9/8/19, 11:26:13 AM] Kurt Volker: Try again—could not hear

[9/8/19, 11:40:11 AM] Bill Taylor: Gordon and I just spoke. I can brief you if you and Gordon don't connect

[9/8/19, 12:37:28 PM] Bill Taylor: The nightmare is they give the interview and don't get the security assistance. The Russians love it. (And I quit.)

- **State Department Officials on Withholding Security Assistance:** On September 9, 2019, Ambassador Taylor and Ambassador Sondland had the following exchange regarding the withholding of military assistance to Ukraine:

[9/9/19, 12:31:06 AM] Bill Taylor: The message to the Ukrainians (and Russians) we send with the decision on security assistance is key. With the hold, we have already shaken their faith in us. Thus my nightmare scenario.

[9/9/19, 12:34:44 AM] Bill Taylor: Counting on you to be right about this interview, Gordon.

[9/9/19, 12:37:16 AM] Gordon Sondland: Bill, I never said I was "right". I said we are where we are and believe we have identified the best pathway forward. Lets hope it works.

[9/9/19, 12:47:11 AM] Bill Taylor: As I said on the phone, I think it's crazy to withhold security assistance for help with a political campaign.

[9/9/19, 5:19:35 AM] Gordon Sondland: Bill, I believe you are incorrect about President Trump's intentions. The President has been crystal clear no quid pro quo's of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign I suggest we stop the back and forth by text If you still have concerns I recommend you give Lisa Kenna or S a call to discuss them directly. Thanks.

iMessage

7/19/19, 4:48 PM

Mr Mayor — really enjoyed breakfast this morning. As discussed, connecting you here with Andrey Yermak, who is very close to President Zelensky. I suggest we schedule a call together on Monday — maybe 10am or 11am Washington time? Kurt

[7/7/19, 4:49:42 PM] Kurt Volker: Can we hire do a call tomorrow -- say noon WASHINGTON?
 [7/7/19, 6:50:29 PM] Gordon Sondland: Looks like FOCUS call tomorrow. I spoke directly to Zelensky and gave him a full briefing. He's got it.
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 [7/7/19, 7:07:22 PM] Kurt Volker: Good. Had breakfast with Rudy this morning -- teasing up call w/ Yermak Monday. Most imp't is for Zelensky to say that he will help investigation -- and address any specific personnel issues -- if there are any

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[7/21/19, 4:45:44 AM] Gordon Sondland: Absolutely, but we need to get the conversation started and the relationship built, irrespective of the pretext. I am worried about the alternative.

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[Redacted]



Good idea Kurt. I am on Pacific time.

[Redacted]



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[8/29/19, 2:28:13 AM] Andrey Yermak: Need to talk with you

[8/29/19, 3:06:14 AM] Andrey Yermak: <https://www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-1689531>

[8/29/19, 6:55:04 AM] Kurt Volker: Hi Andrey - Absolutely. When is good for you?

[8/30/19, 12:14:57 AM] Bill Taylor: Trip canceled

[8/30/19, 12:16:02 AM] Kurt Volker: Hope VPOTUS keeps the bilat -- and tees up WH visit...

[8/30/19, 12:16:18 AM] Kurt Volker: And hope Gordon and Perry still going...

[8/30/19, 5:31:14 AM] Gordon Sondland: I am going. Pompeo is speaking to Potus today to see if he can go.

[9/1/19, 12:08:57 PM] Bill Taylor: Are we now saying that security assistance and WH meeting are conditioned on investigations?
[9/1/19, 12:42:28 PM] Gordon Sandland: Call me.

[9/8/19, 11:20:32 AM] Gordon Sondland: Guys, multiple convos with Ze, Potus. Lets talk

[9/8/19, 11:21:41 AM] Bill Taylor: Now is fine with me

[9/8/19, 11:26:13 AM] Kurt Volker: Try again -- could not hear

[9/8/19, 11:40:11 AM] Bill Taylor: Gordon and I just spoke. I can brief you if you and Gordon don't connect

[9/8/19, 12:37:28 PM] Bill Taylor: The nightmare is they give the interview and don't get the security assistance. The Russians love it. (And I quit.)

[9/9/19, 12:59:05 AM] Bill Taylor: The message to the Ukrainians (and Russians) we sent with the decision on security assistance is key. With the aid, we have already shaken their faith in us. Thus my nightmare scenario.

[9/9/19, 12:34:44 AM] Bill Taylor: Counting on you to be right about this interview, Gordon.

[9/9/19, 12:37:16 AM] Gordon Sondland: Bill, I never said it was "right". I said we are where we are and believe we have identified the best pathway forward. Lets hope it works.

[9/9/19, 12:47:11 AM] Bill Taylor: As I said on the phone, I think it's crazy to withhold security assistance for help with a political campaign.

[9/9/19, 5:16:35 AM] Gordon Sondland: Bill, Believe you are incorrect about President Trump's intentions. The President has been crystal clear, no quid pro quo's of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign. I suggest we stop the back and forth by text. If you still have concerns, I recommend you give Lisa Kama or I a call to discuss them directly. Thanks.

ATTACHMENT

Additional Text Messages Produced by Kurt Volker

In late April 2019, after Marie Yovanovitch was abruptly recalled from her post as the Ambassador to Ukraine, Ambassador Taylor relayed his conversation with Deputy Assistant Secretary of State George Kent about becoming Chargé d’Affaires:

- [4/29/19, 5:14:18 PM] Bill Taylor: George has asked me to go to Kyiv for a while.
 [4/29/19, 5:16:52 PM] Kurt Volker: Ah... good!!!
 [4/29/19, 5:16:56 PM] Kurt Volker: You should!
 [4/29/19, 5:17:39 PM] Bill Taylor: George described two snake pits, one in Kyiv and one in Washington.
 [4/29/19, 5:19:15 PM] Kurt Volker: :) so what’s new?
 [4/29/19, 5:23:05 PM] Bill Taylor: Yes, but he described much more than I knew. Very ugly

Nearly one month later, Ambassador Taylor continued to struggle with the decision to go to Ukraine and voiced concern about the “Guliani-Biden issue”:

- [5/26/19, 2:14:39 PM] Bill Taylor: I am still struggling with the decision whether to go. Can anyone hope to succeed with the Giuliani-Biden issue swirling for the next 18 months? Can S offer any reassurance on this issue?
 [5/26/19, 6:25:42 PM] Bill Taylor: You mentioned that several people have asked you to go out as CDA. I think that is the answer. It wouldn’t be that long. No one knows the issues better. People will ask why isn’t Kurt going out—we already have a special envoy.
 [5/26/19, 11:23:10 PM] Kurt Volker: Let’s see how it looks on Tuesday ... I don’t know if there is much to do about the Giuliani thing, but I do think the key thing is to do what we can right now since the future of the country is in play right now

On May 28, 2019, Ambassador Taylor expressed concern about a “non-normal world” in which White House Chief of Staff Mick Mulvaney is involved with an invitation to the Ukrainian President for a White House visit, but not the National Security Council:

- [5/28/19, 5:49:28 PM] Bill Taylor: Do we know for sure that there is a letter inviting Ze to visit? Fiona doesn’t think so
 [5/28/19, 5:59:25 PM] Kurt Volker: I heard it from Mulvaney—so I think so
 [5/28/19, 6:00:39 PM] Bill Taylor: Wouldn’t it have to go through Fiona?
 [5/28/19, 6:01:04 PM] Kurt Volker: I don’t know how things work over there. In a normal world, of course. But ...
 [5/28/19, 6:03:31 PM] Bill Taylor: Do I want to enter this non-normal world?
 [5/28/19, 6:09:01 PM] Kurt Volker: Despite everything, I feel like we have moved the ball substantially forward over the last 2 years. I think it is worth it to continue to keep pushing...

On July 7, 2019, three days before a meeting at the White House between a Ukrainian delegation and National Security Advisor John Bolton, Ambassadors Kurt Volker and Gordon Sondland discussed calling White House Chief of Staff Mick Mulvaney:

[7/7/19, 2:34:01 PM] Kurt Volker: Gordon—maybe we can talk e Mulvaney on Monday by phone? Kurt

[7/7/19, 5:08:56 PM] Gordon Sondland: Yes, lets do that

On the morning of July 10, 2019, Ambassador Volker met with President Zelensky’s top advisor, Andrey Yermak, at the Trump Hotel before the White House meeting:

[7/8/19, 10:03:42 AM] Andrey Yermak: I will stay in Trump International Hotel

[7/8/19, 1:05:49 PM] Kurt Volker: Are you coming straight from Kyiv? That will be 10pm before you are downtown. I could do coffee Wednesday morning around 9:00am / 9:15am at trump hotel..

[7/8/19, 2:05:11 PM] Andrey Yermak: Yes. Perfect, Wednesday, 9.15 am at Trump hotel

[7/8/19, 5:14:05 PM] Kurt Volker: Great—see you there

[7/10/19, 9:08:20 AM] Kurt Volker: Hi Andrey—got here early and ordered a coffee. No rush—see you in a bit. Kurt

[7/10/19, 9:10:19 AM] Andrey Yermak: Hi Kurt. I’m 5 min

Just before he met Mr. Yermak for breakfast on July 10, 2019, Ambassador Volker highlighted an “opportunity” for Mr. Giuliani “to get you what you need,” and Mr. Giuliani responded that he had “some suggestions”:

[7/10/19, 8:01 AM]

Kurt Volker: Mr Mayor—could we meet for coffee or lunch in the next week or so? I’d like to update you on my conversations about Ukraine. I think we have an opportunity to get you what you need. Best—Kurt V

Rudy Giuliani: Yes I am so n way to Albania. I’ll text some suggestions a little later

Kurt Volker: Great—thank you!

On the same afternoon as the meeting between John Bolton and the Ukrainian delegation, on July 10, 2019, Mr. Yermak sent a text message to Ambassador Volker noting that Mr. Giuliani was “the key for many things”:

[7/10/19, 4:06:30 PM] Andrey Yermak: Thank you for meeting and your clear and very logical position. Will be great meet with you before my departure and discuss. I feel that the key for many things is Rudi and I ready to talk with him at any time. Please, let me know when you can meet. Andrey

On the evening of July 10, 2019, Ambassador Volker provided an update on meetings at the White House with the Ukrainian delegation, saying it was “not good”:

[7/10/19, 2:26:06 PM] Bill Taylor: Eager to hear if your meeting with Danyliuk and Bolton resulted in a decision on a call.

[7/10/19, 10:26:13 PM] Bill Taylor: How did the meeting go?

[7/10/19, 10:29:44 PM] Kurt Volker: Not good—lets talk—kv

On July 22, 2019, Ambassador Volker and Mr. Yermak discussed a potential call between President Trump and President Zelensky and the importance of speaking with Mr. Giuliani first:

[7/22/19, 8:35:35 AM] Andrey Yermak: One question. I have information about phone call from President Trump to President Zelenskiy at 6 pm Kyiv time today. Can you confirm it?

[7/22/19, 8:36:07 AM] Kurt Volker: I will check—maybe yes

[7/22/19, 8:38:07 AM] Andrey Yermak: Its very good that our conversation with Mr. Mayor will be before it

[7/22/19, 8:47:51 AM] Kurt Volker: Yes—and I checked—call will not be today but White House will call Danylyuk to re-schedule it

[7/22/19, 10:44:16 AM] Kurt Volker: I think that was very useful—hope it all keeps moving. Suggest you send a text to follow up and get Madrid dates—best - Kurt

[7/22/19 11:24:54 AM] Andrey Yermak: Missed voice call

[7/22/19 11:25:25 AM] Andrey Yermak: When you will be in Kiev?

[7/22/19 11:26:23 AM] Andrey Yermak: And thank you for conversation and your help!

On August 7, 2019, Ambassador Volker exchanged the following text with Mr. Giuliani after he met with Mr. Yermak in Spain on August 2, 2019:

[8/7/19, 12:52 PM] Kurt Volker: Hi Rudy—hope you made it back safely. Let’s meet if you are coming to DC. And would be good if you convey results of your meeting in Madrid to the boss so we can get a firm date for a visit. Best—Kurt

On August 11, 2019, Ambassador Volker contacted Mr. Giuliani about a “statement” from President Zelensky:

[8/11/19, 10:28 AM] Kurt Volker: Hi Rudy—we have heard bCk from Andrey again—they are writing the statement now and will send to us. Can you talk for 5 min before noon today?

Rudy Giuliani: Yes just call

On August 12, 2019, Mr. Yermak sent a draft statement to Ambassador Volker announcing an “investigation,” without mentioning Burisma or the 2016 elections:

[8/12/19 8:31:25 PM] Andrey Yermak: Отдельного внимания заслуживает проблема вмешательства в политические процессы Соединенных Штатов, в том числе при возможном участии некоторых украинских политиков. Хочу заявить о недопустимости подобной практики/ Мы намерены обеспечить и довести до конца прозрачное и непредвзятое расследование всех имеющихся фактов и эпизодов, что в свою очередь предотвратит повторение данной проблемы в будущем.

Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, which in turn will prevent the recurrence of this problem in the future.

On August 13, 2019, Ambassadors Volker and Sondland proposed to Mr. Yermak that the statement also include “2 key items”—“Burisma and the 2016 U.S. elections”:

[8/13/19, 10:19:20 AM] Andrey Yermak: Hi Kurt
 [8/13/19, 10:19:50 AM] Gordon Sondland: I can talk now
 [8/13/19, 10:20:54 AM] Andrey Yermak: I'm in Israel
 [8/13/19, 10:21:20 AM] Gordon Sondland: Important. Do you have 5 mins
 [8/13/19, 10:21:21 AM] Andrey Yermak: I can speak in 10-15 min
 [8/13/19, 10:22:55 AM] Gordon Sondland: Ok I will have our operator dial us in at 4:35 Brussels time
 [8/13/19, 10:23:14 AM] Kurt Volker: Can we do this one on what's App?
 [8/13/19, 10:23:31 AM] Gordon Sondland: Ok, fine. Can you initiate?
 [8/13/19, 10:23:41 AM] Kurt Volker: Yes—will do
 [8/13/19, 10:24:17 AM] Andrey Yermak: Ok
 [8/13/19, 12:11:15 PM] Kurt Volker: Hi Andrey—good talking—following is text with insert at the end for the 2 key items. We will work on official request
 [8/13/19, 12:11:19 PM] Kurt Volker: Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, including those involving Burisma and the 2016 U.S. elections, which in turn will prevent the recurrence of this problem in the future.

[9/29/18, 1:43:45 PM] You created group "Rudy Kurt Gordon"
[9/29/18, 8:58:52 PM] Rudy Kurt Gordon: Messages to this group are now secured with end-to-end encryption.
[9/29/18, 1:44:31 PM] You left

iMessage
7/19/19, 4:48 PM

Mr Mayor — really enjoyed breakfast this morning. As discussed, connecting you here with Andrey Yermak, who is very close to President Zelensky. I suggest we schedule a call together on Monday — maybe 10am or 11am Washington time? Kurt

[Redacted]
Monday 10 to 11
[Redacted]
OK, thank you

I will set up call — 10am — thanks - Kurt

[Redacted]
👍

7/22/19, 8:28 AM

[Redacted]
Hello

Good morning — and congratulations! Looking forward to talking — in 90 min

[Redacted]
Thank you very much! And I'm waiting

[Redacted]
Call at 10 correct?

Yes

[Redacted]
Yes

7/22/19, 10:50 AM

[Redacted]
Thank you, Mr. Mayor for honest and productive conversation. I'm sure things will move quickly from today onwards and we will be able to take this relationship to a new level. If I may have your

 schedule, I will plan a trip to meet in person ASAP.

9/26/19, 10:34 AM

 
4:48pm

 I will leave today 3 pm

7567

iMessage

8/1/19, 9:55 AM

Hi Mr Mayor — hope all is well, and that things are on track to see Yermak in Madrid.

Am copying Gordon Sondland, a friend of POTUS who is our Ambassador to the EU. He is also helping on Ukraine and would love to catch up with you at some point.

As always, let me know if I can be helpful on anything - Kurt

██████████
Thanks Kurt. Hi Mayor. Working on a number of time sensitive EU issues. Would welcome your take? I'm in Brussels but in DC and NY regularly. Gordon

8/1/19, 11:03 AM

██████████
Seeing Yermak in Madrid tomorrow. Would like to meet with Gordon also.

I will be near Madrid over weekend

██████████
Rudy, great. We met a while back in NY at one of Doug Ducey's events. Had a good talk. Roy Bailey was on the menu ☺. I will be in DC on the 12. Will you be there or in NY? Have a number of things for you to think about. Gordon

██████████
I will probably be in NYC

██████████
Bkfst @ Peninsula first thing on 8/12? Have to be in DC mid day.

██████████
If I'm here will let you know as soon as I can

8/9/19, 11:27 AM

Hi Mr Mayor! Had a good chat with Yermak last night. He was pleased with your phone call. Mentioned Z making a statement. Can we all get on the phone to make sure I advise Z correctly as to what he should be saying? Want to make sure we

get this done right. Thanks!

 [Redacted] Good idea Kurt. I am on Pacific time.

 [Redacted] Yes can you call now going to Fundraiser at 12:30

 [Redacted] I will have state ops build a call.

 State is calling now

8/11/19, 10:28 AM

Hi Rudy — we have heard bCk from Andrey again — they are writing the statement now and will send to us. Can you talk for 5 min before noon today?

 [Redacted] Yes just call

7569

Message with [REDACTED]
6/11/19, 10:04 AM

Hi Mr Mayor - Kurt Volker here. Good speaking w you yesterday. Call anytime up to about 4pm today if you want to follow up. Would like to brief you more about Zelensky discussion and also Russia-Ukraine dynamic.

This number is good for text and cell phone

7/10/19, 8:01 AM

Mr Mayor -- could we meet for coffee or lunch in the next week or so? I'd like to update you on my conversations about Ukraine. I think we have an opportunity to get you what you need. Best - Kurt V

Yes I am so n way to Albania. I'll text some suggestions a little later

Great - thank you!

7/16/19, 2:53 PM

Dear Mr. Mayor -- are you back stateside? Let's talk or get together... Best - Kurt Volker

7/17/19, 12:00 PM

Checking in -- are you stateside? Kurt V

7/17/19, 1:05 PM

Will be in DC this Friday

Great -- let's meet for breakfast or coffee?

Ok will let you know ASAP

7/18/19, 5:11 PM

Hi Mr Mayor -- can I buy you breakfast tomorrow?

Suggest trump hotel - 7:30am or 8:00am?

8:00am is fine

Great -- see you there -- thanks - Kurt

7/19/19, 8:08 AM

Good morning! Am in the restaurant on the mezzanine. Kurt

7/28/19, 5:55 AM

Hi Mr Mayor — you may have heard— the President has a great phone call with the Ukrainian President yesterday. Exactly the right messages as we discussed.

Please send dates when you will be in Madrid. I am seeing Yermak tomorrow morning. He will come to you in Madrid.

Thanks for your help! Kurt

I will arrive on Aug 1 and until 5

Thank you

Great —I will tell Yermak and he'll visit with you there. Thanks!

8/4/19, 12:55 PM

Mr Mayor — how was your meeting with Andrey — do you have time for a call? Best - Kurt

It was excellent I can call a little later.

Great to hear. Maybe 3pm DC time?

8/4/19, 4:10 PM

Is now a good time to call?

8/7/19, 12:52 PM

Hi Rudy —hope you made it back safely. Let's meet if you are coming to DC. And would be good if you could convey results of your meeting in Madrid to the boss so we get a firm date for a visit. Best - Kurt

8/13/19, 9:57 AM

Mr mayor — trying to set up call in 5 min via state Dept. If now is not convenient, is there a time later today?

9/22/19, 8:35 AM

Kurt,
Thanks for the support. All I need is for you to tell the truth. You called me about Yermak and I reported back to you and Sondland, eg., a

conference call on Aug. 11. Three others before.
Really this is not hard just fair to affirm truth.
Rudy

Also Secretary seems not to know you put us
together. Straighten him out.

I certainly will let him know

Please send dates when you will be in Madrid. I am
seeing Yermak tomorrow morning. He will come to
you in Madrid.

Thanks for your help! Kurt

Kurt will you please get out a statement that State
connected me to Yermak and I reported back to
State on my conversations. Yermak has talked about
this to Press so it's now public information. All I'm
asking is to tell the truth. I can send you text chain if
you need to check your recollection.

Also have Sondland inform Pompeo he can say State
connected me with Ukraine official and was aware of
it.

8/22/19, 6:40 PM

Hi Rudy — sorry for delay — just spoke w Secretary
Pompeo — wanted to be sure we are coordinated.
We have a statement from Aug 22 that makes clear
it was coordinated — indeed, that I made the
connection between you and Yermak.

Was tweeted by NYTimes Ken Vogel at the time

STATE DEPARTMENT SPOKESPERSON STATEMENT
AUGUST 22, 2019

- The United States strongly supports Ukraine as it deepens its democracy, fights corruption, pursues economic reform, and improves its ability to defend itself against Russia's ongoing aggression.
- President Trump has invited President Zelenskyy to visit him at the White House, and both sides are working on the scheduling of such a meeting.
- We understand that the Ukrainian government (taking shape under President Zelenskyy) is committed to fighting corruption and other illegal activities and that investigations into such matters would be consistent within that overall approach.
- Ambassador Volodymyr has confirmed that, at Presidential Advisor Anshiy Yermak's request, Volodymyr met Yermak in direct contact with Mr. Giuliani.
- Mr. Giuliani is a private citizen and acts in a personal capacity as a lawyer for President

Trump. He does not speak on behalf of the U.S. Government. We would refer you to Mr. Giuliani for information about the content of Mr. Giuliani's conversations with Ukrainian officials.

@StenyHoyer JUST IN: The @StateDept, which facilitated @RudyGiuliani's communications with the Ukrainian gov't (during which he urged an investigation of @JoeBiden), says Giuliani "acts in a personal capacity as a lawyer for President TRUMP. He does not speak on behalf of the US Government."



Kenneth P. Vogel
twitter.com

Read 9/22/19



[5/20/19, 3:03:51 PM] Alex Danylyuk: Messages to this chat and calls are now secured with end-to-end encryption.

[5/20/19, 3:03:51 PM] Alex Danylyuk: Hi Kurt, this is Alex Danylyuk. Meeting today?

[5/20/19, 3:41:43 PM] Kurt Volker: Hi Alex -- sorry for delay -- we are just leaving for hotel now. We can meet around 11:35. Or we can miss tonight and stay in touch by text / call phone and email

[5/20/19, 3:42:01 PM] Kurt Volker: Dinner ran late -- very sorry about that

[5/21/19, 9:48:27 AM] Kurt Volker: Hi Alex -- per our conversations, here is a very first draft of a concept note concerning anti-trafficking legislation and breaking up the oligarchic system. Please send me any reactions and I'll update. Very happy to work this with US, EU, and IMF. Thanks and good to see you -- Kurt

[5/21/19, 9:49:42 AM] Kurt Volker: Anti-Trust Reform.docx <attached: 00000008-Anti-Trust Reform.docx>

[5/22/19, 1:45:09 PM] Kurt Volker: Hi Alex -- any thoughts today? Thanks - Kurt

[5/22/19, 2:28:58 PM] Alex Danylyuk: Missed voice call

[5/22/19, 2:28:58 PM] Alex Danylyuk: Hi Kurt, can we briefly talk?

[5/25/19, 10:17:20 AM] Kurt Volker: Hi Alex -- let's talk today when you can

[5/28/19, 12:22:57 PM] Kurt Volker: Hi Alex -- congratulations on the appointment! Very good news

[5/28/19, 12:23:09 PM] Kurt Volker: How is it going? Talk tomorrow? Kurt

[5/30/19, 12:52:44 PM] Kurt Volker: <attached: 00000016-FR010-2019-05-30-12-52-44.jpg>

[5/30/19, 12:55:00 PM] Alex Danylyuk: Excellent! Thank!

[5/30/19, 12:55:28 PM] Kurt Volker: We are thinking of pompeu visit to ukraine before election and White House visit by Ze after

[6/4/19, 7:41:20 AM] Kurt Volker: Hi Alex -- hope the Brussels visit goes well!

[6/4/19, 7:41:58 AM] Kurt Volker: I will write to our Russian friend tomorrow -- nothing new -- just checking in and restating what needs to happen.

[6/4/19, 7:42:07 AM] Kurt Volker: Sent just now to Prystaiko. Copying you below

[6/4/19, 7:42:27 AM] Kurt Volker: 2019 0531 KV Draft letter to Surkov - w edits <1 page attached: 00000019-2019 0531 KV Draft letter to Surkov - w edits.docx>

[6/4/19, 8:20:38 PM] Alex Danylyuk: Missed voice call

[6/4/19, 8:24:04 PM] Alex Danylyuk: Hi Kurt, i hope you are well I would like to update you on a recent developments. Can we fix time for tomorrow?

[6/14/19, 4:46:42 PM] Kurt Volker: Yes! Call anytime after my Sam?

[6/28/19, 5:43:44 PM] Alex Danylyuk: Hi Kurt, can you talk?

[6/28/19, 5:45:09 PM] Kurt Volker: Hi Alex - yes - now is good!

[6/30/19, 5:27:24 PM] Alex Danylyuk: Hi Kurt! Let's talk tmrw Before you go to toronto. There is one thing i would like to tell you Before your meeting with Zelensky

[6/30/19, 5:55:17 PM] Kurt Volker: Great -- thanks -- I am free before Sam and between 9:30am and 10:30am. Best - Kurt

[7/1/19, 9:42:25 AM] Alex Danylyuk: Missed voice call

[7/1/19, 9:42:34 AM] Alex Danylyuk: Missed voice call

[7/1/19, 9:42:48 AM] Alex Danylyuk: Can you talk now?

[7/1/19, 9:42:59 AM] Kurt Volker: Hi Alex. 5 min?

[7/1/19, 9:43:07 AM] Alex Danylyuk: Sure!

[7/2/19, 8:01:27 PM] Alex Danylyuk: Hi! How was the meeting?

[7/2/19, 10:21:35 PM] Alex Danylyuk: Missed voice call

[7/4/19, 1:18:24 PM] Alex Danylyuk: Missed voice call

[7/4/19, 1:19:03 PM] Alex Danylyuk: Dear Kurt!! Happy independence Day!!

[7/4/19, 1:55:12 PM] Kurt Volker: Thank you!! Great day!!

[7/8/19, 5:30:16 PM] Kurt Volker: Hi Alex -- are we meeting today or tomorrow at 5:30?

[7/8/19, 5:30:16 PM] Alex Danylyuk: Tomorrow, unless you are in QWQDN now

[7/8/19, 5:30:58 PM] Kurt Volker: :) good!! In DC and looking forward to tomorrow!

[7/8/19, 5:35:59 PM] Alex Danylyuk: See you!!

[7/9/19, 5:25:53 PM] Kurt Volker: I'm in the lobby -- 1700 H st -- take your time. Tex - kv

[7/11/19, 8:18:16 AM] Alex Danylyuk: Good morning! Is R convenient to talk?

[7/22/19, 8:24:35 AM] Kurt Volker: Congratulations!! And see you this week

[7/22/19, 8:24:31 AM] Alex Danylyuk: Thanks! See you!

[7/22/19, 8:46:59 AM] Kurt Volker: I think White House will be rescheduling phone call between our presidents. Not today, but soon. You should hear from WH directly

[7/22/19, 8:49:10 AM] Alex Danylyuk: Thank! Understand

[11/28/19, 7:45:34 AM] Alex Danylyuk: Missed voice call

[8/28/19, 9:16:55 AM] Alex Danylyuk: Missed voice call

[8/28/19, 2:03:43 PM] Alex Danylyuk: Kurt, just want to say "thank you". You sincerely cared about Ukraine. I hope to keep in touch. As you might know I have stepped down from the White House. Best regards Alex

[9/28/19, 2:57:54 PM] Kurt Volker: Thanks Alex! And yes - I saw that. Let's do stay in touch -- we can speaking series as a team some day!!



THE WHITE HOUSE
WASHINGTON
May 29, 2019

His Excellency
Volodymyr Zelenskyy
President of Ukraine
Kyiv

Dear Mr. President,

On the occasion of your inauguration, I wish to offer my congratulations on your historic election victory.

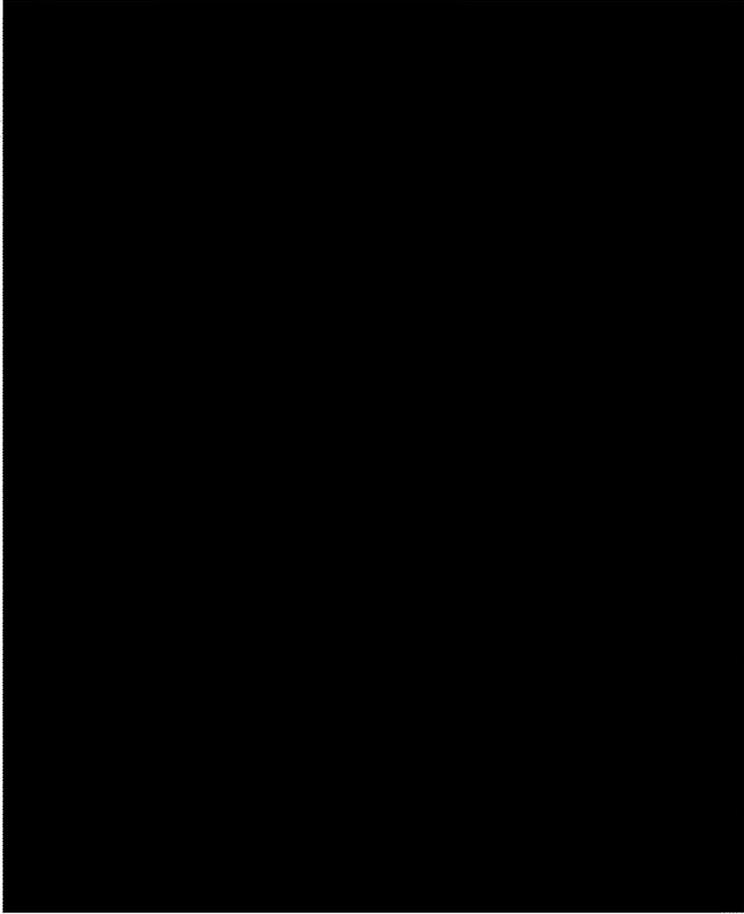
The United States and Ukraine are steadfast partners, working together to realize the shared vision of a stable, prosperous, and democratic Ukraine that is integrated into the Euro-Atlantic community. Our partnership is rooted in the idea that free citizens should be able to exercise their democratic rights, choose their own destiny, and live in peace. As you said in your victory speech, your election demonstrates that democracy is possible anywhere in the former Soviet region. Ukraine's success exemplifies the triumph of democracy over resurgent despotism. United States support for Ukraine's sovereignty and territorial integrity is unwavering.

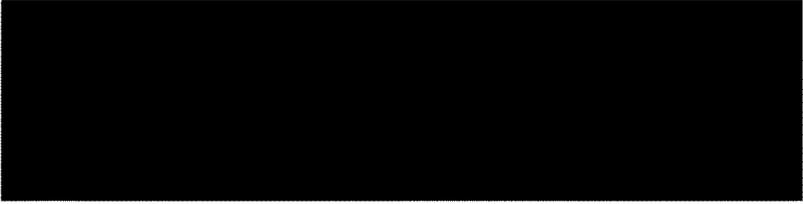
As you prepare to address the many challenges facing Ukraine, please know that the American people are with you and are committed to helping Ukraine realize its vast potential. To help show that commitment, I would like to invite you to meet with me at the White House in Washington, D.C., as soon as we can find a mutually convenient time.

I wish you every success as you assume office, and I look forward to meeting with you.

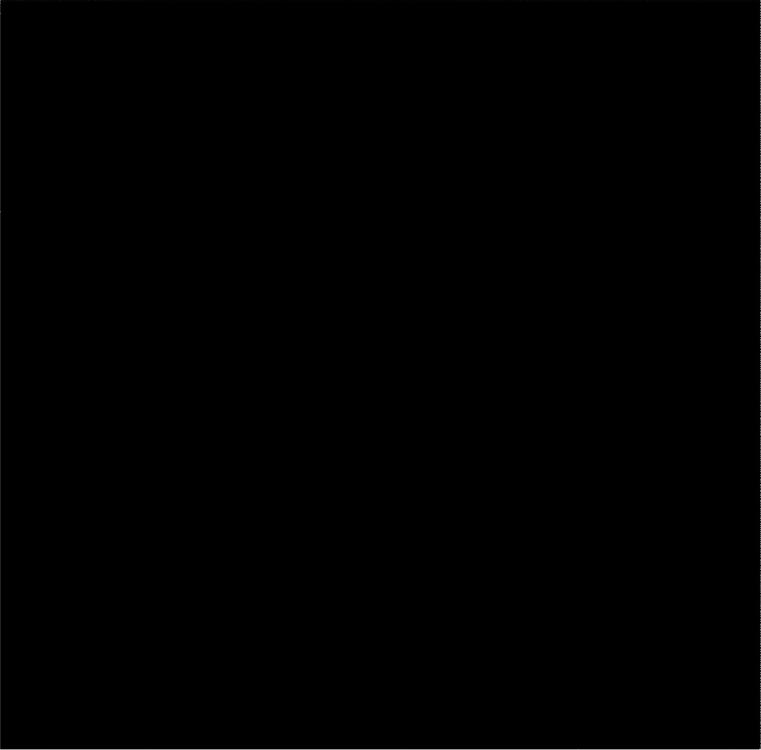
Sincerely,

CONFIDENTIAL - SECURITY INFORMATION





CONFIDENTIAL



[9/2/19, 3:19:06 PM] Andrei Zagorodnyuk: Messages to this chat and calls are now secured with end-to-end encryption.
[9/2/19, 3:19:06 PM] Kurt Volker: Hi Andrei - Kurt Volker here. Are you free for a phone call?
[9/2/19, 3:19:24 PM] Andrei Zagorodnyuk: Hey
[9/2/19, 3:19:34 PM] Andrei Zagorodnyuk: Can we talk in 30 min?
[9/2/19, 3:19:42 PM] Kurt Volker: Yes - perfect
[9/2/19, 3:19:49 PM] Andrei Zagorodnyuk: Great
[9/2/19, 3:19:57 PM] Andrei Zagorodnyuk: Will call this number
[9/2/19, 3:19:11 PM] Kurt Volker: Good— looking forward to your call
[9/3/19, 11:28:23 AM] Kurt Volker: Ukraine Security Letter • 2 pages <attached. 00000008-Ukraine Security Letter.pdf>
[9/3/19, 11:40:28 AM] Andrei Zagorodnyuk: Fantastic
[9/3/19, 11:40:37 AM] Andrei Zagorodnyuk: Thank you so much
[9/4/19, 3:57:26 AM] Kurt Volker: Thanks — it is a good letter — and senate will keep pressure on this.
[9/4/19, 3:56:45 PM] Andrei Zagorodnyuk: Hello, just to update, I have a call with Def Sec at 15:00 DA time on Friday
[9/4/19, 7:45:33 PM] Kurt Volker: Outstanding!!
[9/4/19, 7:47:25 PM] Kurt Volker: My suggestion - emphasis on your commitment to reform and professionalization — and really want US support
[9/4/19, 7:48:41 PM] Kurt Volker: Understand US assistance is an internal US decision, but if US goes forward, committed to making sure it is effective, transparent and makes a real difference for reform
[9/4/19, 11:55:37 PM] Andrei Zagorodnyuk: Yes, thank you. Appreciate your advice
[9/4/19, 11:56:08 PM] Andrei Zagorodnyuk: Will get back to you right after the call



[7/2/19, 6:50:21 PM] Andrey Yermak: Messages to this chat and calls are now secured with end-to-end encryption.

[7/2/19, 8:50:21 PM] Andrey Yermak: Hello again, Yermak Andrey.

[7/2/19, 10:56:09 PM] Kurt Volker: Hi Andrey - thanks and see you soon. Best - Kurt

[7/2/19, 11:24:22 PM] Andrey Yermak: Thank you

[7/4/19, 8:22:55 AM] Kurt Volker: Hi Andrey - are you back in Kyiv or still in Canada or US? When should we meet next week? Best - Kurt

[7/5/19, 8:29:18 PM] Andrey Yermak: Hi, Kurt! Already back to Kiev. I will come on Tuesday 9 and till 12. I know that we will have meeting together with Mr. Daniluk on Wednesday 2 pm. But it will be great to meet with you personally for lunch or dinner during these days. Please let me know when it works for you. Best Andrey

[7/7/19, 7:10:37 PM] Kurt Volker: Hi Andrey - sorry for delay. Can we meet for dinner on Tuesday? 7pm? I am meeting danylyuk for drinks at 5:30pm. I don't know if you are meeting together or separately, but maybe a separate dinner with the two of us would still be good

[7/8/19, 10:02:42 AM] Andrey Yermak: Hi, Kurt. My plane will land at 8 pm. We can have late dinner or breakfast on Wednesday morning. It will be great to meet with you before our big meeting. Up to you, I'm at your disposal at any time

[7/8/19, 10:03:42 AM] Andrey Yermak: I will stay in Trump International Hotel!

[7/8/19, 1:05:49 PM] Kurt Volker: Are you coming straight from Kyiv? That will be 10pm before you are downtown. I could do coffee Wednesday morning around 9:00am / 9:15am at trump hotel.

[7/8/19, 2:05:11 PM] Andrey Yermak: Yes. Perfect. Wednesday, 9:15 am at Trump hotel!

[7/8/19, 5:14:05 PM] Kurt Volker: Great - see you there

[7/10/19, 9:10:20 AM] Kurt Volker: Hi Andrey - got here early and ordered a coffee. No rush - see you in a bit. Kurt

[7/10/19, 9:10:35 AM] Andrey Yermak: Hi Kurt. I'm 5 min

[7/10/19, 4:08:30 PM] Andrey Yermak: Thank you for meeting and your clear and very logical position. Will be great meet with you before my departure and discuss. I feel that the key for many things is Putin and I ready to talk with him at any time. Please, let me know when you can meet. Andrey

[7/10/19, 9:56:28 PM] Kurt Volker: Hi Andrey - sorry for delay - full evening. Can we talk by phone tomorrow between 11am and 12pm? I am flying to Denver at 12:45 but can talk before. Best - Kurt

[7/10/19, 9:58:20 PM] Andrey Yermak: Ok, thank you

[7/11/19, 12:28:03 PM] Kurt Volker: Hi Andrey - sorry for delay - are you available to talk? Kurt

[7/11/19, 12:35:14 PM] Kurt Volker: Let's talk Saturday after the Paris meeting.

[7/11/19, 12:38:10 PM] Kurt Volker: One more feedback from yesterday - I think Alex could have been more direct and political in his message. But still, the message got through and we will keep working.

[7/11/19, 8:34:49 PM] Andrey Yermak: Ok and thank you very much! Will inform you about meeting in Paris

[7/13/19, 9:32:48 AM] Kurt Volker: Hi Andrey - how was Paris? Can you talk today or tomorrow? Kurt

[7/13/19, 9:35:45 AM] Andrey Yermak: Hi Kurt. You know much better. I think phone conversation between Presidents works. I back tonight and can call you. What time?

[7/13/19, 8:37:26 AM] Kurt Volker: I will be 10 hours behind Kyiv. Noon here is 10pm Kyiv. Is that too late? Otherwise we could do tomorrow around 8am here / 6pm Kyiv

[7/13/19, 8:40:35 AM] Andrey Yermak: It's ok for you 11:30 pm Kyiv and 1:30 pm you?

[7/13/19, 8:42:16 AM] Kurt Volker: Yes - perfect

[7/13/19, 8:38:20 PM] Kurt Volker: Hi Andrey - still ok?

[7/13/19, 8:44:23 PM] Kurt Volker: I think it is late for you - let's try tomorrow!

[7/13/19, 4:20:35 PM] Andrey Yermak: Now ok for you?

[7/13/19, 4:33:38 PM] Kurt Volker: In about 20 minutes? Just wrapping up a meeting

[7/13/19, 4:38:26 PM] Andrey Yermak: Ok

[7/13/19, 5:03:47 AM] Andrey Yermak: **Котівня**, <https://an.interfax.com.ua/news/interview/60440.html>

◆

[7/19/19, 6:56:27 AM] Kurt Volker: Thanks Andrey - good interview. Having our long anticipated breakfast today - will let you know and try to connect you directly. Good luck this weekend and see you next week. Kurt

[7/19/19, 11:15 PM] Andrey Yermak: Thank you Kurt

[7/19/19, 2:02:43 PM] Kurt Volker: Can I call you in about an hour?

[7/19/19, 3:22:42 PM] Andrey Yermak: Yes, of course

[7/22/19, 8:32:30 AM] Kurt Volker: Also - please convey my best wishes and congratulations to the President! Great result!

[7/22/19, 8:32:50 AM] Andrey Yermak: Of course!

[7/22/19, 8:35:35 AM] Andrey Yermak: One question. I have information about phone call from President Trump to President Zelenskyy at 6pm Kyiv time today. Can you confirm it?

[7/22/19, 8:36:07 AM] Kurt Volker: I will check - maybe yes

[7/22/19, 8:38:07 AM] Andrey Yermak: It's very good that our conversation with Mr. Mayor will be before it

[7/22/19, 8:47:51 AM] Kurt Volker: Yes - and I checked - call will not be today but White House will call Danylyuk to re-schedule it

[7/22/19, 10:44:16 AM] Kurt Volker: I think that was very useful - hope it all keeps moving. Suggest you send a text to follow up and get Madrid dates - best - Kurt

[7/22/19, 11:24:54 AM] Andrey Yermak: Missed voice call

[7/22/19, 11:25:25 AM] Andrey Yermak: When you will be in Kiev?

[7/22/19, 11:28:23 AM] Andrey Yermak: And thank you for conversation and your help!

[7/22/19, 12:08:42 PM] Kurt Volker: Hi - sorry I missed your call. I land in Kyiv late Wednesday and then early Thursday go to the East. Will be in Kyiv all day Friday

[7/22/19, 12:08:54 PM] Kurt Volker: Hope to meet with the President - also see you and others

[7/22/19, 12:09:40 PM] Andrey Yermak: ◆

[7/22/19, 12:10:38 PM] Andrey Yermak: What about late dinner Wednesday or breakfast Thursday?

[7/22/19, 12:18:01 PM] Andrey Yermak: Sorry about Thursday I understand, you will go to the East

[7/22/19, 12:18:42 PM] Andrey Yermak: Breakfast possible only Friday

[7/22/19, 12:19:43 PM] Andrey Yermak: Please let me know about Wednesday and we will decide about Friday

[7/22/19, 12:40:05 PM] Kurt Volker: Hi - looks like midnight arrival on Wednesday, so let's try Friday breakfast.

[7/22/19, 1:43:15 PM] Andrey Yermak: Ok, great. ◆

7/23/19, 1:16:55 PM] Andrey Yermak: We have breakfast and lunch with Gordon Friday?
 7/23/19, 1:16:54 PM] Andrey Yermak: And phone call between Presidents Thursday?
 7/23/19, 1:18:52 PM] Kurt Volker: I am pretty sure the phone call is going forward for Thursday — will keep monitoring.
 7/23/19, 1:19:38 PM] Kurt Volker: For Friday — I could do 7:30am at the Hyatt. Alternatively, are you free Saturday morning?
 7/23/19, 1:20:01 PM] Kurt Volker: I think yes on Friday lunch — will check schedule on that.
 7/23/19, 2:27:33 PM] Andrey Yermak: Up to you. I'm with pleasure on Friday and Saturday. Phone call still not confirm
 7/23/19, 2:31:49 PM] Andrey Yermak: When you can, let me know, I need 2 min by phone
 7/23/19, 2:33:05 PM] Kurt Volker: Ok — is about an hour?
 7/23/19, 2:33:14 PM] Kurt Volker: And call now being set for Friday I think
 7/23/19, 2:33:22 PM] Andrey Yermak: Super
 7/23/19, 2:33:53 PM] Kurt Volker: And I'm told president Z now available Thursday to meet w me, so I will rearrange schedule
 7/23/19, 2:33:54 PM] Andrey Yermak: Yes
 7/23/19, 2:34:51 PM] Andrey Yermak: Let's discuss in hour
 7/23/19, 2:35:10 PM] Kurt Volker: Ok
 7/25/19, 8:36:45 AM] Kurt Volker: Good lunch - thanks. Heard from White House — assuming President Z convinces trump he will investigate / "get to the bottom of what happened" in ZGB.
 we will nail down date for visit to Washington. Good luck! See you tomorrow - kurt
 7/25/19, 10:15:06 AM] Andrey Yermak: Phone call went well. President Trump proposed to choose any convenient dates. President Zelenskyy chose 20.21.22 September for the White House
 visit. Thank you again for your help! Please remind Mr. Mayor to share the Madrid's dates
 7/25/19, 10:16:42 AM] Kurt Volker: Great — thanks and will do!
 7/25/19, 8:22:26 AM] Kurt Volker: 180730 Deployment Timeline = 2 pages (attached: 00000075-180730 Deployment Timeline.pdf)
 7/25/19, 8:25:23 AM] Kurt Volker: Hi Andrey — good meeting! Here is the paper we did last year — intended to be an annex to a UN Security Council Resolution about a peacekeeping force.
 7/25/19, 8:25:00 AM] Kurt Volker: Also — Rudy Giuliani says he arrives in Madrid on August 1 and departs August 5.
 7/27/19, 8:01:19 AM] Andrey Yermak: Good morning
 7/27/19, 8:01:42 AM] Andrey Yermak: I will be in Hyatt in 7 min
 7/27/19, 2:23:52 PM] Kurt Volker: Hi Andrey— just checking in — how is everything? On track for Madrid? Visit to DC? Kurt
 8/1/19, 3:38:03 PM] Andrey Yermak: Hi Kurt, Now in plane from Zurich to Madrid. Will call you after landing
 8/2/19, 1:27:31 PM] Andrey Yermak: Missed voice call
 8/2/19, 1:27:42 PM] Andrey Yermak: Hi Kurt
 8/2/19, 1:28:19 PM] Andrey Yermak: My meeting with Mr Mayor was very good
 8/2/19, 1:30:35 PM] Andrey Yermak: We asked for White House meeting during week start 16 Sept. Waiting for confirmation. May be you know the date?
 8/2/19, 1:31:48 PM] Andrey Yermak: When we can talk?
 8/2/19, 1:31:54 PM] Andrey Yermak: Will be 1.5 hours in plane
 8/2/19, 1:38:44 PM] Kurt Volker: Hi Andrey — sorry I missed you. Will be free when you land
 8/4/19, 12:35:54 PM] Andrey Yermak: Hi Kurt, how are you? Do you have any news?
 8/4/19, 1:16:37 PM] Kurt Volker: Hi Andrey — speaking w Rudy in about 2 hours — call you after?
 8/4/19, 1:17:17 PM] Andrey Yermak: Yes, of course
 8/4/19, 4:20:55 PM] Kurt Volker: Have still not heard back — other than a text saying "great meeting"
 8/4/19, 4:21:11 PM] Kurt Volker: I think it is late in Spain now so will try again first thing in the morning
 8/5/19, 1:19:18 PM] Kurt Volker: Hi Andrey — had a good long talk w Rudy — call anytime - Kurt
 8/7/19, 1:32:18 PM] Andrey Yermak: Hi Kurt, How are you? Do you have some news about White House meeting date?
 8/7/19, 1:34:35 PM] Kurt Volker: Hi Andrey! Not yet — I texted Rudy earlier to make sure he weights in following your meeting. Gordon should be speaking with the president on Friday. We are
 pressing this.
 8/7/19, 1:35:09 PM] Andrey Yermak: Thank you!
 8/7/19, 1:35:07 PM] Kurt Volker: Also — I expect to see pompeo next week as well, but not yet confirmed. Will ask him to help also.
 8/8/19, 3:46:10 PM] Andrey Yermak: Hi Kurt, Can you talk? I have some news
 8/8/19, 3:45:59 PM] Kurt Volker: Hi Andrey — yes — Now is good — or tomorrow if too late for you now
 8/10/19, 4:46:29 PM] Andrey Yermak: Missed voice call
 8/10/19, 4:53:15 PM] Andrey Yermak: This message was deleted.
 8/10/19, 4:56:15 PM] Andrey Yermak: Hi Kurt, Please let me know when you can talk. I think it's possible to make this declaration and mention all these things. Which we discussed yesterday.
 But it will be logistic to do after we receive a confirmation of date. We inform about date of visit and about our expectations and our guarantees for future visit. Let discuss it
 8/10/19, 5:05:32 PM] Kurt Volker: BW: It's late for you — why don't we talk in my morning, you+afternoon tomorrow? Say 10am/5pm?
 8/10/19, 5:07:19 PM] Kurt Volker: I agree with your approach. Let's iron out statement and use that to get date and then Prez. can go forward with it?
 8/10/19, 5:28:17 PM] Andrey Yermak: Ok
 8/10/19, 5:33:43 PM] Kurt Volker: Great. Gordon is available to join as well
 8/10/19, 5:41:45 PM] Andrey Yermak: Excellent
 8/10/19, 5:42:10 PM] Andrey Yermak: Once we have a date, will call for a press briefing, announcing upcoming visit and outlining vision for the reboot of US-Ukraine relationship, including
 among other things Burisma and election meddling in investigations
 8/10/19, 5:42:30 PM] Kurt Volker: Sounds great!
 8/11/19, 9:48:09 AM] Kurt Volker: Hi Andrey - ready in 10 minutes?
 8/11/19, 9:50:31 AM] Andrey Yermak: Hi Kurt, In 25 min ok?
 8/11/19, 9:51:31 AM] Kurt Volker: Yes — no problem
 8/11/19, 10:19:31 AM] Andrey Yermak: Missed voice call
 8/11/19, 10:27:25 AM] Andrey Yermak: Missed voice call
 8/11/19, 10:27:53 AM] Andrey Yermak: Missed voice call
 8/11/19, 10:27:59 AM] Andrey Yermak: Missed voice call
 8/11/19, 10:27:44 AM] Andrey Yermak: Missed voice call
 8/11/19, 10:27:51 AM] Andrey Yermak: Missed voice call

[8/12/19, 7:30:52 PM] Andrey Yermak: Hi Kurt. Can you talk?
 [8/12/19, 7:48:34 PM] Kurt Walker: Hi Andrey - yes - and if it is too late for you, can also do first thing my morning. Us to you
 [8/12/19, 8:24:20 PM] Andrey Yermak: Missed voice call
 [8/12/19, 8:31:25 PM] Andrey Yermak: Отдельного внимания заслуживает проблема вмешательства в политические процессы Соединенных Штатов, в том числе при возможном участии некоторых украинских политиков. Хочу заявить о недопустимости подобной практики. Мы намерены обеспечить и довести до конца прозрачное и непредвзятое расследование всех имеющихся фактов и эпизодов, что в свою очередь предотвратит повторение данной проблемы в будущем.

Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, which in turn will prevent the recurrence of this problem in the future.

[8/17/19, 2:09:09 PM] Andrey Yermak: Hi Kurt! Can you talk?
 [8/17/19, 3:03:45 PM] Kurt Walker: Hi Andrey - am driving for the next hour. Would it work to call you then?
 [8/17/19, 3:05:31 PM] Andrey Yermak: Yes, please
 [8/17/19, 4:34:05 PM] Kurt Walker: Hi Andrey - sorry for delay - is now good? Kurt
 [8/17/19, 4:27:21 PM] Andrey Yermak: Hi Kurt. I. Finishing meeting with President and will go. Sorry, delay, hope not more than 20-30 min
 [8/17/19, 12:20:16 PM] Kurt Walker: No worries - just get in. We are in no hurry
 [8/24/19, 3:05:13 PM] Andrey Yermak: Good evening
 [8/24/19, 3:21:41 PM] Andrey Yermak: It's very important for all our team that you was with us today. Great day for Ukraine! I'd like to check with you some info. Thank you!
 [8/24/19, 3:31:45 PM] Kurt Walker: Hi Andrey - sorry - was on another call. Was great to be here - thank you! Very inspiring day!
 [8/24/19, 3:32:37 PM] Kurt Walker: Can talk now or tomorrow morning - flight is at 2pm to Frankfurt
 [8/26/19, 4:18:07 PM] Kurt Walker: Hi Andrey - let me know when you can talk - have more on RFE following up on discussion with the President. - Kurt
 [8/27/19, 2:08:34 PM] Kurt Walker: Hi Andrey - did you get to see Bolton?
 [8/27/19, 2:08:35 PM] Andrey Yermak: Hi Kurt
 [8/27/19, 2:08:32 PM] Andrey Yermak: No
 [8/27/19, 2:08:43 PM] Andrey Yermak: Nobody call me
 [8/27/19, 2:08:44 PM] Kurt Walker: :(
 [8/27/19, 2:08:12 PM] Kurt Walker: That's disappointing - what time is the meeting with the president tomorrow?
 [8/27/19, 2:08:14 PM] Andrey Yermak: Tomorrow, in official meeting with President
 [8/27/19, 2:08:52 PM] Andrey Yermak: 10:30 big group, 12:30 with President
 [8/27/19, 2:10:31 PM] Kurt Walker: Ok - I imagine his breakfast is already baked, but I'll ask.
 [8/27/19, 2:10:44 PM] Andrey Yermak: No problem, maybe better after
 [8/27/19, 2:11:55 PM] Kurt Walker: Ok
 [8/27/19, 2:12:32 PM] Andrey Yermak: As I understand he don't know about dates
 [8/27/19, 2:13:16 PM] Kurt Walker: Correct - but he is working hard for the meeting in Warsaw, and that will hopefully break things free
 [8/27/19, 2:14:22 PM] Andrey Yermak: Ok, I'm ready meet with him after official meeting
 [8/28/19, 8:11:57 AM] Andrey Yermak: Turns out that Bolton can't make it. We'll talk
 [8/28/19, 8:12:13 AM] Andrey Yermak: Hi Kurt
 [8/28/19, 8:12:20 AM] Andrey Yermak: It's from Taylor
 [8/28/19, 8:14:08 AM] Kurt Walker: That's too bad - but bill is on the ground with him so he knows the schedule. How was the meeting w/ the president?
 [8/28/19, 8:15:29 AM] Andrey Yermak: I think very good
 [8/28/19, 8:17:47 AM] Andrey Yermak: And involved in this case with Mator Sich
 [8/28/19, 8:19:05 AM] Andrey Yermak: Me
 [8/28/19, 8:19:32 AM] Andrey Yermak: Ok, for me no problem
 [8/28/19, 8:20:12 AM] Andrey Yermak: This message was deleted.
 [8/28/19, 8:20:54 AM] Kurt Walker: Ok - let's talk later today
 [8/28/19, 4:02:34 PM] Andrey Yermak: Missed voice call
 [8/28/19, 2:27:35 AM] Andrey Yermak: Hi Kurt
 [8/28/19, 2:28:13 AM] Andrey Yermak: Need to talk with you
 [8/28/19, 3:00:14 AM] Andrey Yermak: <https://www.politico.com/story/2019/08/28/trump-ukraine-military-aid-russia-689551>
 [8/28/19, 3:00:34 AM] Kurt Walker: Hi Andrey - Absolutely. When is good for you?
 [8/28/19, 3:01:35 PM] Kurt Walker: Hi Andrey - am told 2:40pm meeting on Sunday in Warsaw. 1 hour billat
 [8/28/19, 3:03:38 PM] Kurt Walker: Just saw trump cancelling going to Poland - sending Pence instead. Hope we keep the billat - and push for date for WH visit.
 [8/1/19, 1:33:02 AM] Kurt Walker: Hi Andrey - how was Pence meeting?
 [8/3/19, 8:58:30 AM] Kurt Walker: Hi Andrey - how was N4 meeting. Can call in an hour or so...
 [8/3/19, 9:08:33 AM] Andrey Yermak: Hi Kurt
 [8/3/19, 9:08:51 AM] Andrey Yermak: Will be in plane
 [8/3/19, 9:09:05 AM] Andrey Yermak: In general, ok
 [8/3/19, 9:09:24 AM] Andrey Yermak: Details tonight
 [8/3/19, 9:09:44 AM] Andrey Yermak: What about Pence meeting?
 [8/3/19, 9:10:00 AM] Andrey Yermak: Any news about dates?
 [8/3/19, 11:28:23 AM] Kurt Walker: Ukraine Security Letter - 2 pages (attached: 0000074-Ukraine Security Letter.pdf)
 [8/4/19, 8:56:30 AM] Kurt Walker: Hi Andrey. Reports are that Pence liked meeting and will press trump on scheduling Ze visit. Gordon will follow up with Pence and, if nothing moving, will have a chance to talk with President on Saturday.
 [8/4/19, 8:56:49 AM] Kurt Walker: Sorry - on Friday
 [8/4/19, 8:57:25 AM] Andrey Yermak: Hi Kurt

[9/4/19, 9:57:41 AM] Andrey Yermak: Thank you!
 [9/4/19, 9:58:09 AM] Andrey Yermak: Call you in 30 min?
 [9/4/19, 9:58:14 AM] Kurt Volker: My pleasure. Did you have a chance to put a word into Kazak about me visiting?
 [9/4/19, 9:58:29 AM] Kurt Volker: In an hour would be better -- going in to a meeting now.
 [9/4/19, 1:53:37 PM] Andrey Yermak: Missed voice call
 [9/4/19, 2:37:50 PM] Andrey Yermak: Missed voice call
 [9/4/19, 2:59:25 PM] Andrey Yermak: Can you talk?
 [9/5/19, 8:17:50 PM] Kurt Volker: Hi Andrey -- flying to Georgia -- can talk Friday or Saturday. Nothing new on RFE? I will see RFE. Presid. Jamie fly on Monday. Best - Kurt
 [9/7/19, 8:17:52 AM] Kurt Volker: Great news on the prisoner exchange! Hope it leads to progress in Donbas.
 [9/9/19, 8:01:28 AM] Kurt Volker: Hi Andrey -- let me know if there is a good time to call. Can we meet for breakfast or coffee on Saturday? Best - Kurt
 [9/11/19, 2:23:51 PM] Kurt Volker: Hi Andrey - hope all is well -- looking forward to seeing you Saturday. Will be interested to get your read on call this eve. Just spoke w Gordon after your call and we are pushing again for a date. Best - Kurt
 [9/11/19, 4:52:34 PM] Andrey Yermak: Hi Kurt
 [9/11/19, 4:52:52 PM] Andrey Yermak: Can call you in 40 min?
 [9/11/19, 5:36:41 PM] Andrey Yermak: Missed voice call
 [9/12/19, 12:58:01 AM] Kurt Volker: Hi Andrey -- sorry to miss you last night. Let's try later today -- 9am?
 [9/12/19, 1:44:10 PM] Andrey Yermak: Missed voice call
 [9/12/19, 2:59:54 PM] Andrey Yermak: Missed voice call
 [9/12/19, 3:26:07 PM] Kurt Volker: Hi Andrey -- sorry to miss your call. Just getting back from a dinner and will call
 [9/12/19, 3:40:42 PM] Kurt Volker: Call in 20 min - no problem
 [9/14/19, 2:59:42 AM] Kurt Volker: Hi Andrey -- planning on 20:30 dinner at Hyatt. Let me know once you are back from Uniqira if you need to adjust timing. I am flexible. Kurt
 [9/14/19, 2:40:34 AM] Andrey Yermak: Hi Kurt
 [9/14/19, 2:40:35 AM] Andrey Yermak: Ok
 [9/14/19, 2:40:55 AM] Kurt Volker: Ok - thanks
 [9/14/19, 2:40:34 AM] Andrey Yermak: Thank you
 [9/14/19, 12:13:54 PM] Kurt Volker: Hi Andrey -- checking schedule -- ok for 8:30pm?
 [9/14/19, 12:05:51 PM] Andrey Yermak: If possible 9 pm
 [9/14/19, 12:05:55 PM] Andrey Yermak: ?
 [9/14/19, 12:05:40 PM] Kurt Volker: Yes -- 9am is fine. Also -- Pinchuk is urging that you come to YES and join dinner- he is hosting here. As long as we have a chance to speak privately, that's fine with me. But also happy to leave here and meet you privately at Hyatt.
 [9/14/19, 12:17:59 PM] Andrey Yermak: I was in YES dinner yesterday, it's problematic to speak there. See you at Hyatt
 [9/14/19, 12:18:15 PM] Kurt Volker: Ok -- see you there at 9am
 [9/14/19, 12:18:49 PM] Andrey Yermak: Tomorrow?
 [9/14/19, 12:19:15 PM] Andrey Yermak: 9 am?
 [9/14/19, 12:32:42 PM] Kurt Volker: Sorry -- I meant 9pm!!
 [9/14/19, 12:32:52 PM] Kurt Volker: I have a flight at 9am tomorrow
 [9/14/19, 12:34:38 PM] Andrey Yermak: Ok
 [9/14/19, 12:34:41 PM] Andrey Yermak: Excellent
 [9/14/19, 12:34:57 PM] Kurt Volker: Ok - thank you!!

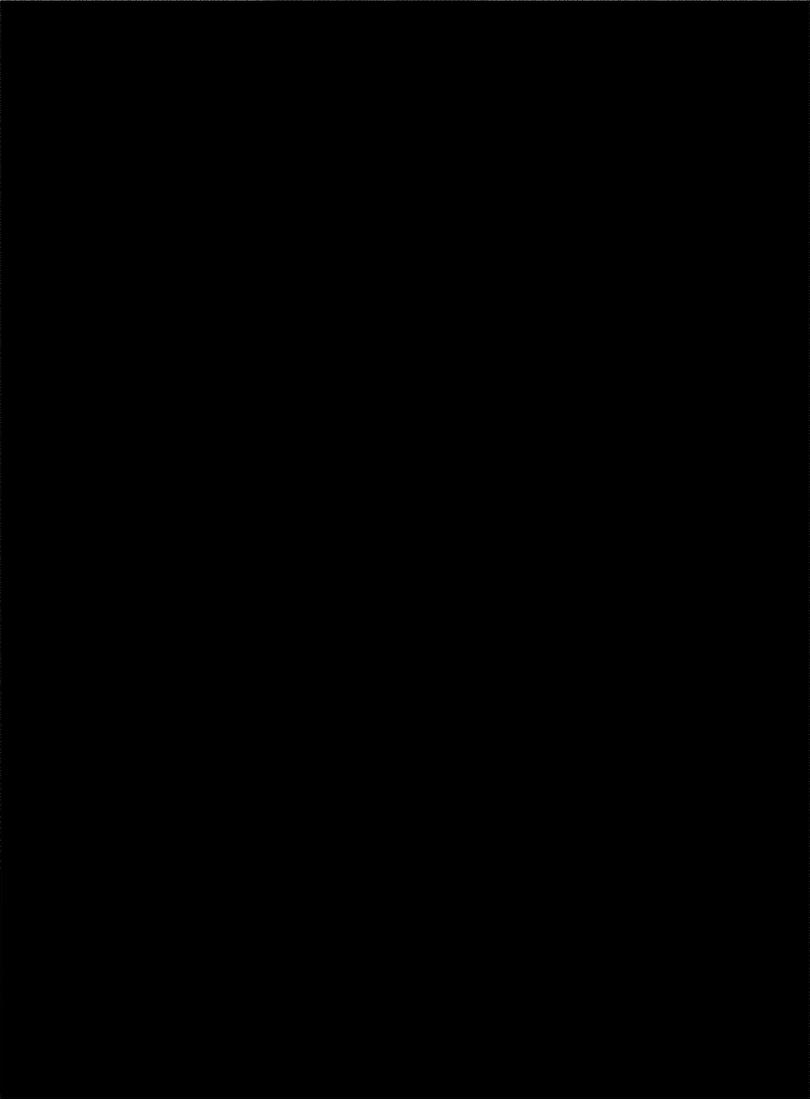
[9/20/19, 9:02:05 AM] Kurt Volker: Hi Andrey -- let me know when is good to call. Going to see Russian Amb on Monday and looking at next weekend (27th-30th or so) to visit Moscow.
 [9/20/19, 1:27:36 PM] Andrey Yermak: Hi
 [9/20/19, 1:27:51 PM] Andrey Yermak: Will call you
 [9/20/19, 1:51:37 PM] Kurt Volker: Ok - thanks
 [9/20/19, 2:20:52 PM] Andrey Yermak: Missed voice call
 [9/20/19, 12:25:47 AM] Andrey Yermak: <https://thehill.com/opinion/white-house/462422-missing-piece-to-the-ukraine-puzzle-state-departments-overture-to-rudy>
 [9/23/19, 5:29:23 PM] Kurt Volker: Hi Andrey -- welcome to New York! Would you be free between 4pm and 6pm tomorrow? Either the two of us, or also with Vadym? Best - Kurt
 [9/24/19, 10:09:26 AM] Andrey Yermak: Hi Kurt
 [9/24/19, 10:09:48 AM] Andrey Yermak: And what about evening?
 [9/24/19, 10:09:04 AM] Andrey Yermak: Gordon already here?
 [9/24/19, 10:09:15 AM] Kurt Volker: Yes -- I have a dinner at 8:30pm -- but can rearrange to make time for you.
 [9/24/19, 10:09:22 AM] Kurt Volker: Yes - he is there
 [9/24/19, 10:09:28 AM] Kurt Volker: I arrive around 9:30pm
 [9/24/19, 10:09:58 AM] Andrey Yermak: It will be excellent
 [9/24/19, 10:10:05 AM] Kurt Volker: What time are you free
 [9/24/19, 10:10:07 AM] Kurt Volker: ?
 [9/24/19, 10:10:28 AM] Andrey Yermak: 8:30 pm?
 [9/24/19, 10:10:19 AM] Kurt Volker: Ok -- I'll skip my dinner -- let's get a dinner reservation for 8:30
 [9/24/19, 10:10:42 AM] Andrey Yermak: Ok
 [9/24/19, 10:12:07 AM] Kurt Volker: Is 9pm too late? 9-10:30pm?
 [9/24/19, 10:12:47 AM] Andrey Yermak: May be Gordon will join us?
 [9/24/19, 10:15:02 AM] Kurt Volker: I'll ask him
 [9/24/19, 10:15:12 AM] Kurt Volker: Do you want to invite Vadym?

(9/24/19, 10:15:47 AM) Andrey Yermak: Yes
 (9/24/19, 10:17:13 AM) Andrey Yermak: You will make a reservation or no?
 (9/24/19, 10:43:04 AM) Kurt Volker: I'll get a reservation -- what hotel are you be staying at? will look for a steak place.
 (9/24/19, 10:43:29 AM) Andrey Yermak: ♦
 (9/24/19, 10:43:47 AM) Andrey Yermak: Park Hyatt
 (9/24/19, 10:50:58 AM) Kurt Volker: Reservation for 4 people at The Strip House -- 5pm. 15 West 44th Street
 (9/24/19, 10:51:23 AM) Kurt Volker: Gordon has another dinner at 7pm and will join as soon as he can after
 (9/24/19, 10:51:32 AM) Kurt Volker: Will you tell Vadym?
 (9/24/19, 10:54:18 AM) Andrey Yermak: Ok
 (9/24/19, 10:54:23 AM) Andrey Yermak: Yes
 (9/24/19, 10:54:35 AM) Andrey Yermak: Yes
 (9/24/19, 10:54:37 AM) Andrey Yermak: ♦
 (9/24/19, 10:54:42 AM) Kurt Volker: Great!
 (9/24/19, 7:16:54 PM) Andrey Yermak: See you very soon
 (9/24/19, 7:16:55 PM) Andrey Yermak: I have one question
 (9/24/19, 7:16:56 PM) Andrey Yermak: May be you know
 (9/24/19, 7:17:07 PM) Kurt Volker: Yes -- I think so
 (9/24/19, 7:17:19 PM) Kurt Volker: Don't have an answer yet and trying to get one
 (9/25/19, 8:21:20 AM) Andrey Yermak: Good morning
 (9/25/19, 8:21:28 AM) Andrey Yermak: Any news?
 (9/25/19, 8:22:46 AM) Kurt Volker: Spoke w Gordon - he was feeling sick last night
 (9/25/19, 8:23:28 AM) Kurt Volker: We are both weighing in on the issue... nothing more yet
 (9/25/19, 8:31:27 AM) Andrey Yermak: Will publish full or part?
 (9/25/19, 8:52:05 AM) Kurt Volker: I pushed for sharing w you first, then meeting, then release. But no word back
 (9/25/19, 8:18:16 PM) Andrey Yermak: What you think? Great that you was
 (9/25/19, 8:20:43 PM) Kurt Volker: Thanks - very good meeting. Exactly what I expected. Once they can talk to each other -- all good
 (9/25/19, 8:38:27 PM) Kurt Volker: Did you want to meet and follow up also with Gordon? Can try, though schedules are tight for all of us
 (9/25/19, 8:54:07 PM) Andrey Yermak: Yes
 (9/25/19, 8:54:16 PM) Andrey Yermak: With pleasure
 (9/25/19, 8:54:47 PM) Andrey Yermak: I will call you about 8 pm?
 (9/25/19, 8:00:15 PM) Kurt Volker: Ok -- can talk briefly then
 (9/25/19, 7:24:30 PM) Andrey Yermak: Missed voice call
 (9/25/19, 7:24:51 PM) Andrey Yermak: Can you talk now?
 (9/25/19, 7:27:25 PM) Kurt Volker: Yes -- but maybe better in 15-20 min?
 (9/25/19, 11:35:11 PM) Andrey Yermak: What about tomorrow?
 (9/25/19, 11:36:41 PM) Kurt Volker: Yes -- Sam your Hotel -- Park Hyatt
 (9/25/19, 11:36:58 PM) Andrey Yermak: ♦
 (9/26/19, 7:48:07 AM) Andrey Yermak: Missed voice call
 (9/26/19, 7:50:20 AM) Andrey Yermak: Missed voice call
 (9/26/19, 7:55:49 AM) Andrey Yermak: Missed voice call
 (9/26/19, 7:57:58 AM) Andrey Yermak: Good morning
 (9/26/19, 7:58:39 AM) Andrey Yermak: Waiting for you in lobby, place for breakfast

(9/27/19, 7:44:20 PM) Andrey Yermak: Hi
 (9/28/19, 8:11:38 AM) Andrey Yermak: Hello again. I+ channel want to talk with you?
 (9/28/19, 8:23:16 AM) Kurt Volker: Thanks -- not yet -- have to do the Congress first
 (9/28/19, 8:23:31 AM) Andrey Yermak: Ok

[8/13/19, 2:24:21 PM] You created group "Andrey/Gordon/Kurt"
 [8/13/19, 2:24:21 PM] Andrey/Gordon/Kurt: Messages to this group are now secured with end-to-end encryption.
 [8/13/19, 2:25:57 PM] Kurt Volker: Hi Andrey -- we have all consulted here, including with Rudy. Can you do a call later today or tomorrow your afternoon time? Kurt
 [8/13/19, 2:25:40 PM] Gordon Sondland: I have a call sched at 3pm Eastern for the three of us. (Ips will call)
 [8/13/19, 10:11:50 AM] Kurt Volker: Hi Andrey -- we spoke with Rudy. When is good to call you?
 [8/13/19, 10:19:20 AM] Andrey Yermak: Hi Kurt
 [8/13/19, 10:19:50 AM] Gordon Sondland: I can talk now
 [8/13/19, 10:20:54 AM] Andrey Yermak: I'm in Israel
 [8/13/19, 10:21:20 AM] Gordon Sondland: Important. Do you have 5 mins.
 [8/13/19, 10:21:21 AM] Andrey Yermak: I can speak in 10-15 min
 [8/13/19, 10:22:55 AM] Gordon Sondland: Ok I will have our operator dial us in at 4:35 Brussels time
 [8/13/19, 10:23:14 AM] Kurt Volker: Can we do this one on what's App?
 [8/13/19, 10:23:31 AM] Gordon Sondland: Ok, fine. Can you initiate?
 [8/13/19, 10:23:44 AM] Kurt Volker: Yes - will do
 [8/13/19, 10:24:07 AM] Andrey Yermak: Ok
 [8/13/19, 12:43:15 PM] Kurt Volker: Hi Andrey -- good talking -- following is text with insight at the end for the 2 key items. We will work on official request
 [8/13/19, 12:43:19 PM] Kurt Volker: Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians. I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, including those involving Burisma and the 2019 U.S. elections, which in turn will prevent the recurrence of this problem in the future.





[4/28/19, 5:01:59 PM] Bill Taylor: What did you volunteer me for?

[4/28/19, 5:02:31 PM] Kurt Volker: I can't remember-- context?

[4/28/19, 5:14:18 PM] Bill Taylor: George has asked me to go to Kyiv for a while.

[4/28/19, 5:16:52 PM] Kurt Volker: Ah... good!!!

[4/28/19, 5:16:55 PM] Kurt Volker: You should!

[4/28/19, 5:17:33 PM] Bill Taylor: George described two snake pits, one in Kyiv and one in Washington.

[4/28/19, 5:18:15 PM] Kurt Volker: ? so what's new?

[4/28/19, 5:23:05 PM] Bill Taylor: Yes, but he described much more than I know. Vary uply

[5/25/19, 10:07:55 AM] Kurt Volker: Anti-Trust Reform * 2 pages -attached: 00000072-Anti-Trust Reform.docx*

[5/25/19, 10:21:45 AM] Bill Taylor: I like this a lot.

[5/25/19, 10:22:50 AM] Kurt Volker: Thank! Will need more expert advice, but wanted to kick this off

[5/25/19, 10:23:22 AM] Bill Taylor: I look forward to pushing it in Kyiv.

[5/28/19, 2:14:39 PM] Bill Taylor: I am still struggling with the decision whether to go. Can anyone hope to succeed with the Gulliani-Biden issue swirling for the next 18 months? Can S offer any reassurance on this issue?

[5/28/19, 6:25:42 PM] Bill Taylor: You mentioned that several people have asked you to go out as CDA. I think that is the answer. It wouldn't be that long. No one knows the issues better. People will ask why isn't Kurt going out -- we already have a special envoy.

[5/28/19, 11:23:10 PM] Kurt Volker: Let's see how it looks on Tuesday... I don't know if there is much to do about the Gulliani thing, but I do think the key thing is to do what we can right now since the future of the country is in play right now

[5/27/19, 6:47:44 AM] Bill Taylor: It is, and that's why it's encouraging that you would consider being charged during this critical time. I, for one, fully support you -- as would Steve in any way we can.

[5/27/19, 2:33:31 PM] Kurt Volker: But as we discussed -- I can't do it for a variety of reasons, and I am more useful being here anyway. We need someone on the ground there.

[5/27/19, 3:20:12 PM] Bill Taylor: How about for a short period of time?

[5/27/19, 4:22:45 PM] Kurt Volker: I can visit for a day or two, but not longer. Still have all the other commitments here

[5/28/19, 5:48:28 PM] Bill Taylor: Do we know for sure that there is a letter inviting Ze to visit? Fiona doesn't think so

[5/28/19, 5:58:25 PM] Kurt Volker: I heard it from Mulvaney -- so I think so

[5/28/19, 6:00:39 PM] Bill Taylor: Wouldn't it have to go through Fiona?

[5/28/19, 6:01:04 PM] Kurt Volker: I don't know how things work over there. In a normal world, of course. But ...

[5/28/19, 6:03:31 PM] Bill Taylor: Do I want to enter this non-normal world?

[5/28/19, 6:08:01 PM] Kurt Volker: Despite everything, I feel like we have moved the ball substantially forward over the last 2 years. I think it is worth it to continue to keep pushing...

[5/28/19, 6:15:16 PM] Kurt Volker: And just checked w Sandland, who said Mulvaney told him today it is with POTUS... etc.

[5/19/19, 4:05:35 PM] Kurt Volker: Hi Bill -- Perry, Sandland and I had a good call w Bolton yesterday. He is going to get a date for Z visit -- maybe late July- and also ask about VPOTUS visit to Kyiv. All good. Best - Kurt

[5/19/19, 4:20:41 PM] Bill Taylor: Excellent -- thanks, Kurt. I am hoping to meet AMG Sandland, maybe in Brussels on my way to Kyiv.

[5/19/19, 4:55:53 PM] Kurt Volker: Good idea!

[5/19/19, 7:58:49 AM] Bill Taylor: Can you introduce me to AMG Sandland? I looked to see if I could see him in Brussels on the way to Kyiv, but it looks like that won't work. I will try to get there sometime soon or see him in Kyiv.

[5/14/19, 4:43:35 PM] Kurt Volker: Hi Bill -- are you in DC now? We should take a picture together!

[5/14/19, 4:46:42 PM] Kurt Volker: Then can tweet when you are in Kyiv

[5/14/19, 4:46:24 PM] Bill Taylor: Excellent idea! I am here until Sunday night. Where are you?

[5/14/19, 4:58:29 PM] Bill Taylor: I am en route to the Ukrainian embassy now.

[5/19/19, 2:28:42 AM] Bill Taylor: Kurt, what's the view of Kobolyev among the three of you?

[5/19/19, 6:07:25 AM] Kurt Volker: Hi bill! I think Perry is the most negative -- sees him as obstructing both the upstream and downstream opening up of the market. Perry also wants Z senior US energy industry people on an expanded board.

[5/19/19, 6:07:58 AM] Kurt Volker: Gordon shares this view -- but maybe a little less negative.

[5/19/19, 6:08:13 AM] Kurt Volker: I remember Natfagaz before the reform, so I know K did a lot of good. But now he needs to get behind even more ambitious reform. He is capable of doing it, but he needs to be committed to it.

[5/19/19, 6:10:02 AM] Kurt Volker: Btw -- hope the testimony went over well -- kx

[5/19/19, 11:04:25 AM] Bill Taylor: Kurt, I am getting the same thing out here -- stilling private investment. Will look for your testimony

[5/19/19, 11:16:05 AM] Kurt Volker: Yes -- exactly -- stilling private investment

[5/19/19, 11:17:28 AM] Kurt Volker: Here's the testimony - best - Kurt

<https://www.c-span.org/video/?4618181/us-policy-russia-ukraine>

[5/25/19, 11:31:15 AM] Bill Taylor: Do you think Gordon saw my note asking him for help with the meeting date and the delegation to Independence Day?

[5/25/19, 2:38:53 PM] Bill Taylor: At a dinner this evening, Klimkin advised you to engage Ze in Toronto "on an emotional level." He was at pains to emphasize how important is the US role right here, right now. You have to play it right, he said. The Russians are clever.

[5/25/19, 2:47:13 PM] Kurt Volker: Hi -- he is religious about checking messages so am sure he did. Got the point on Ze -- will do my best -- any thoughts about "emotions"?

[5/25/19, 2:48:21 PM] Bill Taylor: I am checking that suggestion with Prystaiko.

[5/28/19, 11:38:58 AM] Bill Taylor: Are you telling Chris about the call?

[5/28/19, 11:40:55 AM] Bill Taylor: Prystaiko?

[5/28/19, 11:41:18 AM] Bill Taylor: He will be in Toronto with Ze.

[6/28/19, 8:58:24 AM] Kurt Volker: Yes -- in person though
 [6/28/19, 12:00:53 PM] Bill Taylor: Chris in person, right? Should I give Vadym a heads up since he will be in Toronto with Ze?
 [6/28/19, 12:25:39 PM] Kurt Volker: Yes -- that's a good idea
 [7/3/19, 2:09:39 PM] Bill Taylor: Are you OK with me briefing Ulrich on these conversations? Maybe you have already?
 [7/3/19, 5:53:40 PM] Kurt Volker: I have not -- please feel free
 [7/3/19, 5:54:08 PM] Kurt Volker: The key thing is to tee up a phone call w potus and then get visit nailed down
 [7/3/19, 11:09:58 PM] Bill Taylor: I agree. Is Ze on board with a phone call?
 [7/4/19, 1:30:29 AM] Kurt Volker: Yes -- bogdan was a little skeptical, but Zelensky was ok with it. Now we need to get it on potus schedule.
 [7/4/19, 1:40:35 AM] Bill Taylor: The three amigos are on a roll. Let me know when I can help.
 [7/7/19, 2:46:13 PM] Bill Taylor: Do you have a minute to talk?
 [7/7/19, 3:08:45 PM] Bill Taylor: My question is about Danylyuk-Prystaiko -- have you been working with both on the phone call? Did Prystaiko and Ze get it when you laid out what needs to happen on the call? Should I follow up with Prystaiko?
 [7/7/19, 3:09:39 PM] Bill Taylor: Or with Bohdan?
 [7/7/19, 4:30:24 PM] Kurt Volker: Hi Bill -- sorry -- just saw this -- I can talk now or first thing tomorrow if you can - best Kurt
 [7/7/19, 4:32:31 PM] Kurt Volker: Spoke w Zelensky, bogdan and Prystaiko in Toronto. Have spoke w Danylyuk by phone and will see him in DC Tuesday. There does seem to be some disconnect on their side -- in addition to our side! Best - Kurt
 [7/7/19, 11:21:12 PM] Bill Taylor: You. Can I tell the three of them -- Prystaiko, Danylyuk and Bohdan -- that we can schedule the phone call if Ze is ready to say that he is not interfering, one way or another in any investigations? I would like to talk about it -- what's a good time for you today?
 [7/8/19, 9:12:25 AM] Bill Taylor: Let's talk today. I will be asking to see Bohdan (probably with Vadym) to try to nail down this end of the phone call. They didn't say that they were on board for the call when you talked to them in Toronto?
 [7/8/19, 9:32:30 AM] Kurt Volker: Hi Bill - I can call around 9:30/9:40 dc time of ok?
 [7/8/19, 9:44:05 AM] Kurt Volker: Zelensky was on board - bogdan was skeptical. Worried that a call substitutes for a visit. I pulled the two of them aside at the end and explained the Giuliani factor.
 [7/8/19, 9:46:50 AM] Bill Taylor: Live interview here 4:30 here, 9:30 there. How about 5 here, 11 there? Or pick a later time there,
 [7/8/19, 9:51:07 AM] Kurt Volker: Great -- I can do 1:30pm here / 8:30 for you -- does that work?
 [7/8/19, 10:01:37 AM] Bill Taylor: Perfectly
 [7/8/19, 1:29:42 PM] Bill Taylor: Calling shortly
 [7/8/19, 3:22:20 AM] Bill Taylor: Are you OK on MNA for Ukraine? They are raising it a lot. Would be a win for Ze?
 [7/8/19, 6:28:34 AM] Kurt Volker: Personally I think it is fine. Not sure what it gets them, but is a nice symbolic gesture. Would be imp to message that this does not change our commitment to Ukraine's eventual NATO membership.
 [7/10/19, 6:24:38 AM] Bill Taylor: Absolutely
 [7/10/19, 7:28:54 PM] Bill Taylor: Ulrich is still looking for ideas for candidates to be ambassador hire. I have already put you on the list. Other candidates?
 [7/10/19, 10:30:22 PM] Bill Taylor: Missed voice call
 [7/10/19, 10:35:22 PM] Bill Taylor: Missed voice call
 [7/10/19, 10:45:02 PM] Bill Taylor: Can you talk now?
 [7/10/19, 10:48:07 PM] Bill Taylor: Missed voice call
 [7/11/19, 9:24:23 AM] Bill Taylor: When can we talk?
 [7/11/19, 9:26:39 AM] Kurt Volker: Hi Bill! Can we try around 11am my time?
 [7/11/19, 9:46:51 AM] Bill Taylor: Yes, I will call you then. Thanks
 [7/11/19, 10:29:23 AM] Kurt Volker: I have another call at 11:5 so let's talk at 11 but then follow up again later as needed.
 [7/11/19, 10:53:42 AM] Bill Taylor: I can call now if that works
 [7/11/19, 10:54:41 AM] Bill Taylor: Missed voice call
 [7/11/19, 10:58:15 AM] Bill Taylor: Missed voice call
 [7/11/19, 10:59:45 AM] Bill Taylor: Calling shortly
 [7/11/19, 11:01:35 AM] Bill Taylor: Missed voice call
 [7/11/19, 11:01:57 AM] Bill Taylor: Missed voice call
 [7/11/19, 11:02:19 AM] Bill Taylor: Call when you can
 [7/11/19, 9:48:08 AM] Bill Taylor: Should I suggest that you join your N4 counterparts starting soon?
 [7/11/19, 9:49:43 AM] Bill Taylor: And do you have dates for your (and Gordon's) visit?
 [7/11/19, 9:59:10 AM] Kurt Volker: Hi Bill -- looking at leaving here 23rd -- arriving aet on 24th. Meetings there on 25th, Kyiv on 26th return on 27th. Catherine Croft should be working w your staff.
 [7/11/19, 10:00:30 AM] Kurt Volker: On N4 -- what specifically? I saw Jan Hecker in DC last week -- I know they are planning another meeting in August. But taking stock after seeing how TDC goes tomorrow in Minsk.
 [7/11/19, 11:30:45 AM] Bill Taylor: On your trip, Vadym asks what you want to see in the east -- the bridge? the Mariopol district? The latter is of course easier to get to. He also wondered about the president's participation.
 [7/11/19, 12:22:47 PM] Kurt Volker: Hi -- I want to be supportive of the president's efforts, so whatever helps them them most. I would be interested in visiting somewhere together with the president if that works, but would do on my own if not. I am fine with either S-L or Mariupol -- both have reasons to be visited, so whichever they prefer
 [7/11/19, 12:40:55 PM] Bill Taylor: Got it
 [7/11/19, 1:45:10 PM] Kurt Volker: Prystaiko confirmed the dates work for my visit -- Ze will not go east with me but will meet in Kyiv on Friday. He is looking to nail down logistics. -kv
 [7/11/19, 1:59:01 PM] Bill Taylor: Excellent. I will plan to join you. Gordon coming?
 [7/11/19, 2:00:42 PM] Kurt Volker: Yes - he wants to. And Prystaiko will also come
 [7/11/19, 2:04:16 PM] Bill Taylor: Excellent. My folks will work with Catherine.
 [7/11/19, 11:55:14 PM] Bill Taylor: Preparations for the trip are well underway. You had breakfast with RB?
 [7/22/19, 10:43:00 AM] Kurt Volker: Should I plan on being in Kyiv on National day? Will get my own ticket this time... come down from Vilnius -- arrive late 23rd or early 24th, depart 25th
 [7/22/19, 11:59:50 AM] Bill Taylor: Excellent idea! Stay at the residence.
 [7/22/19, 12:06:49 PM] Kurt Volker: Ok -- will do!
 [7/24/19, 3:39:05 AM] Bill Taylor: I will call you back

(7/24/19, 6:23:55 AM) Kurt Volker: Hi Bill -- can you talk now?
 (8/3/19, 14:55 PM) Bill Taylor: Did Tim say how he was doing on the call?
 (8/11/19, 12:55:01 PM) Bill Taylor: Is your Moscow trip on track?
 (8/11/19, 2:18:05 PM) Kurt Volker: Not yet. We heard from surkov but nothing from ushakov or Kozak.
 (8/11/19, 2:18:35 PM) Kurt Volker: Meantime Yermak is in touch with Kozak and will be in dc next week and wants to coordinate before a Moscow trip
 (8/11/19, 2:19:16 PM) Kurt Volker: Spoke w Dienes on Friday and have joint 19/20 BTC Monday, Paris hoping for NA summit (at UKR request) in mid September
 (8/11/19, 2:20:08 PM) Bill Taylor: I like the bilateral Ukraine-Russia process with the Ukrainians coordinating with us. Not clear to me what the Germans and French bring.
 (8/11/19, 2:23:00 PM) Bill Taylor: You are still planning to be here for August 24?
 (8/11/19, 2:23:43 PM) Kurt Volker: Yes -- assuming there are things to do -- arrive on 23rd early evening and depart 25th early morning. Any sense on what they are planning?
 (8/11/19, 2:25:08 PM) Bill Taylor: I asked Prystaiko again Friday. He smiled and said something about a parade with no tanks. Sounds pretty vague
 (8/11/19, 2:26:21 PM) Kurt Volker: Some kind of Ukrainian pride March I think ... but if it would be awkward for me to go, we should rethink... let's clarify their plans for DV's this week if we can
 ...
 (8/11/19, 2:27:40 PM) Bill Taylor: Will do. I am sure they would love to have you here in any case.
 (8/11/19, 2:37:10 PM) Kurt Volker: And the timing is easy so I'm happy to do it
 (8/11/19, 2:44:15 PM) Bill Taylor: Standing invitation to stay here.
 (8/11/19, 2:52:08 PM) Kurt Volker: Thank you! You don't happen to have a gym, do you?
 (8/11/19, 2:52:22 PM) Kurt Volker: That's the single best thing about the Hyatt...
 (8/11/19, 2:55:21 PM) Kurt Volker: I am supposed to arrive on 23rd at 6:05pm from Vilnius on Ukrainian Air-178. Maybe we can plan on casual dinner if you do not have National day duties -- maybe together w Vadym and Andrey Y
 (8/11/19, 2:56:48 PM) Bill Taylor: Sounds good. Sadly, no gym.
 (8/13/19, 10:05:58 AM) Bill Taylor: Kurt, we are meeting with Honcharuk and Ryabshapka on Thursday to get their thoughts on de-oligarchization. We may want to enlist the reform-minded G-7 to this effort. Clearly this has to be Ukrainian-owned for it to have a chance. You are OK on all this?
 (8/13/19, 10:11:18 AM) Kurt Volker: Yes -- all good. Would it be possible to arrange a follow up with G7 (with or sequentially with or Ryabshapka) on 24th?
 (8/15/19, 10:38:45 AM) Kurt Volker: Hi Bill -- can you take a call?
 (8/15/19, 10:39:50 AM) Bill Taylor: In a sec in Kyiv. Can call now.
 (8/15/19, 10:39:02 AM) Bill Taylor: Missed voice call
 (8/15/19, 10:39:06 AM) Kurt Volker: 2 min
 (8/15/19, 10:39:22 AM) Bill Taylor: Sounds good
 (8/16/19, 10:54:11 AM) Bill Taylor: The person who asked for an official request was Yermak?
 (8/16/19, 7:01:40 AM) Kurt Volker: Yes -- but don't cite him.
 (8/16/19, 7:04:33 AM) Bill Taylor: I won't. You are right -- this is not good. We need to stay clear.
 (8/16/19, 7:06:33 AM) Kurt Volker: Were you able to discover if we have ever asked for an investigation, or what it would take to do so?
 (8/16/19, 7:07:40 AM) Bill Taylor: Just landed back in Kyiv. En route back to the embassy.
 (8/16/19, 8:52:44 AM) Bill Taylor: Turns out that our legatt just left on leave. You should ask Bruce Schwartz at Justice.
 (8/16/19, 8:53:14 AM) Kurt Volker: Ok -- will do
 (8/20/19, 8:40:38 AM) Bill Taylor: We have dinner Friday, the ceremony Saturday morning, a Zelensky reception Saturday afternoon. Other requests? What time do you leave on Sunday?
 (8/20/19, 10:43:27 AM) Kurt Volker: Yes -- can we do a G7 Amb coffee? And a separate meeting w Yermak? Anyone else we should see on anti-trust legislation?
 (8/20/19, 12:33:37 PM) Bill Taylor: Let's ask Yermak to stay after the dinner. Most G-7 ambassadors are not in town, both turnover and leave. I can see if Honcharuk is available.
 (8/20/19, 1:14:36 PM) Bill Taylor: Honcharuk can meet us after the president's reception. What about a dinner with the embassy team working on de-oligarching?
 (8/20/19, 1:03:53 AM) Kurt Volker: Yes - casual embassy dinner would be great. And Yermak after dinner or lunch Saturday -- whatever is best for him
 (8/20/19, 8:10:53 AM) Bill Taylor: Got it
 (8/20/19, 8:21:03 AM) Bill Taylor: Turns out it works for Honcharuk for lunch on Saturday, Yermak after dinner on Friday. Informal dinner Saturday.
 (8/21/19, 6:31:05 AM) Kurt Volker: Great!
 (8/22/19, 9:45:58 AM) Bill Taylor: Honcharuk moved to 10:30 Saturday at the residence.
 PMS is suggesting skipping the Sunday press engagements because of the G-7/R comments and the NYT article. Thoughts?
 (8/22/19, 4:39:46 AM) Kurt Volker: I think I can handle those topics... might even be useful. But let's decide tomorrow or Saturday. Things always seem to change...
 (8/22/19, 5:38:09 AM) Bill Taylor: Sounds good
 (8/23/19, 4:58:09 AM) Kurt Volker: Hi Bill -- is it casual or suits for dinner? Thanks! Kurt
 (8/23/19, 5:00:41 AM) Bill Taylor: No ties
 (8/23/19, 5:00:33 AM) Kurt Volker: But no jeans then either -- no prob!
 (8/23/19, 5:25:45 AM) Bill Taylor: We are working today!
 (8/23/19, 5:44:20 AM) Kurt Volker: :) great - see you later
 (8/23/19, 4:46:31 PM) Kurt Volker: Hi Bill -- thanks for a great visit!
 (8/23/19, 4:47:43 PM) Kurt Volker: Briefed Bolton, spoke w Huntsman and with Jamie Fy. Jamie will visit in mid-late September.
 (8/26/19, 4:48:44 PM) Kurt Volker: Since Bolton has extra time, strongly recommend you set up a meeting with Yermak for him tomorrow, before he sees Ze on Wednesday. I will also recommend thru WHSR. -- kv
 (8/26/19, 4:46:58 PM) Kurt Volker: Talk tomorrow if it is too late today. Best - Kurt
 (8/26/19, 11:35:35 PM) Bill Taylor: When you briefed Bolton, did you recommend he see Yermak?
 (8/27/19, 5:53:19 AM) Kurt Volker: Yes, but I did not stress the point. On reflection, think he really should.
 (8/27/19, 7:34:55 AM) Bill Taylor: Bolton said he talked to you and Gordon briefly, nothing specific. What should they talk about? Tim says Bolton wants to stay out of politics.
 (8/27/19, 7:44:57 AM) Kurt Volker: How to make the PIIVUS encounter a success, and what deliverables we achieve for a WH meeting.
 (8/27/19, 8:03:03 AM) Bill Taylor: Bolton is pretty sure the meeting in Warsaw will happen. Wants to judge the dynamics of that meeting first. That one will be short.
 (8/27/19, 2:09:55 PM) Kurt Volker: Good. Any luck on sitting him down with Yermak?
 (8/27/19, 2:10:58 PM) Kurt Volker: He would like to meet with Bolton after the meeting with Zelensky if possible (to help coach for Warsaw)
 (8/27/19, 2:42:03 PM) Bill Taylor: Have questions in with Bolton team, Prystaiko and Yermak. Nothing back yet.
 (8/27/19, 11:28:26 AM) Bill Taylor: <attached. 00000230-Andrej Zagorodnyak.vcf>
 (8/27/19, 11:28:40 AM) Bill Taylor: Kurt, can you WhatsApp Defense Minister Zagorodnyak? We just met to discuss the pause in security assistance. He would like your advice and assistance.

[8/2/19, 11:28:59 AM] Kurt Volker: Sure -- need a few min but will do!

[8/2/19, 11:29:39 AM] Bill Taylor: Many thanks. I think he is very good.

[8/2/19, 12:32:19 PM] Bill Taylor: You two connected?

[8/2/19, 3:25:47 PM] Kurt Volker: Hi bill -- we are taking in half an hour. Have you got a minute to talk?

[8/2/19, 10:08:28 PM] Bill Taylor: Sorry to miss you last night. Glad you connected. Glad to talk -- when works for you?

[8/2/19, 11:27:50 AM] Kurt Volker: Ukraine Security Letter * 2 pages <attached: 00000237-Ukraine Security Letter.pdf>

[8/8/19, 10:44:57 AM] Kurt Volker: Hi Bill greetings from Munich -- en route to Tbilisi...

[8/8/19, 10:45:10 AM] Kurt Volker: I'll let Chris answer on who the advisor is...

[8/8/19, 10:45:42 AM] Bill Taylor: Looking forward to seeing you next week

[8/8/19, 10:45:59 AM] Kurt Volker: However -- what I did not want to say in that wider group is that Z team does not plan on a Minsk-related constitutional amendment. They want to do decentralization through legislation

[8/8/19, 10:46:05 AM] Kurt Volker: Yes -- me too!

[8/8/19, 10:47:27 AM] Bill Taylor: And I agree with him on no constitutional amendment on special status. Decentralization!

[8/8/19, 8:01:57 AM] Kurt Volker: Hi bill -- is there a good time to call this afternoon / eve? Best - Kurt

[8/8/19, 8:10:10 AM] Bill Taylor: Maybe around 9?

[8/8/19, 8:30:59 AM] Kurt Volker: Ok -- in 30 min?

[8/8/19, 8:33:41 AM] Bill Taylor: Ho, sorry -- 9 PM my time.

[8/8/19, 8:34:03 AM] Kurt Volker: Ok - 10pm here - can do

[8/13/19, 7:55:14 AM] Bill Taylor: We just had a good meeting with Zelenskyy, Bohdan and Zhovka (now in Yeliseiev position) and discussed Donbas and Steinmyer formula at some length. If Yermak is not available for breakfast, how about Bohdan and Zhovka for breakfast?

[8/13/19, 7:55:38 AM] Kurt Volker: Sure -- that would be great

[8/13/19, 8:05:14 AM] Kurt Volker: Did you ask about Privatbank?

[8/13/19, 8:08:34 AM] Bill Taylor: Yes, and Kolomoisky, NBU, Rontereva.

[8/13/19, 8:11:13 AM] Kurt Volker: Great -- interested to hear...

CONCEPT NOTE

Breaking the Oligarchic System through Anti-Trust Reform

Objectives:

- Fundamentally break the grip of the oligarchic system on Ukrainian society.
- Reverse the incentives that now prevent rule of law, instead creating a demand for rule of law by the most powerful elements in society.
- Create the conditions for substantial foreign investment, boosting GDP growth, new job creation, and higher wages.
- Overcome divisions in Ukrainian society that have deepened over perceived injustice and corruption in the judicial and economic system.

Why Go Big?

- Corruption is often treated as a problem in Ukraine, but in reality, it is just a symptom of a bigger problem.
- The larger problem is a political and economic system distorted by oligarchs with disproportionate power in the country.
 - They seek control of institutions to private benefit, rather than maintenance of institutions that protect successful competition.
 - They seek monopolistic returns rather than additional, diverse investment in the Ukrainian economy as a whole.
 - This corrupts the judicial system, the Rada, and repels foreign investment.
- In this circumstance, incrementalism does not work.
- Only a major reform attacking the core problem itself gives Ukraine the opportunity for fundamental change.

Key Components

- Identify, draft, and gain Parliamentary approval of highly restrictive anti-trust legislation modeled on European Union best practices.
 - Prohibit excessive control by any single actor, or small number of actors, in any sector the economy.
 - Prevent excessive vertical or horizontal integration.
 - Require any person or company in excess of these limits to sell off assets in order to come into compliance.
 - Fixed time period for compliance – e.g., 3 years.
- Those coming into compliance retain proceeds of selling assets, minus 10 percent one-time tax.

- After compliance, amnesty from prosecution for crimes related to the acquisition of these assets, or past bribery or corruption charges.
- For those failing to come into compliance, state forcibly sells assets on behalf of those targeted and retains 30 percent one-time tax
 - No amnesty from prosecution for past crimes.
 - Failure to accept sale is prosecutable offense in itself
- Agree on implementation of such legislation with U.S., EU, IMF as major reform
- Establish special, international Court of Appeals in London or The Hague to oversee implementation of legislation and adjudicate contested cases

Political Benefits

- Provides ambitious, major reform that truly tackles entire system in Ukraine, commensurate with President Zelensky's campaign promises.
- Use as litmus test for those seeking election to Rada – President's candidates will adopt pledge to support such legislation, and challenge others to do the same. Creates identity and method for advancing President's agenda through Rada election.
- Use as a compact with U.S., EU, and IMF as basis for securing further tranches of budgetary support, technical assistance, and support for private sector business investment.
- Establishes President and his political party as fundamentally aligning with EU and U.S. standards.
- Implementation will open door to substantial foreign investment that will raise GDP growth, job creation, and wages.
- Creates "pole of attraction" for occupied territories in Donbas and Crimea.

United States Senate
WASHINGTON, DC 20510

September 3, 2019

Mick Mulvaney
Director
Office of Management and Budget
725 17th Street N.W.
Washington, D.C. 20007

Dear Director Mulvaney:

As members of the bi-partisan Ukraine Caucus we write to express our deep concerns of reports that the Administration is considering not obligating the Ukraine Security Initiative funds for 2019.

This body has long advocated for increasing the military capacity and capabilities of Ukraine—a fledgling democracy that is pro-West and pro-United States, and since 2014 has been under increased military, political and economic pressure from Russia.

The funds designated for the Ukraine Security Assistance Initiative are vital to the long term viability of the Ukrainian military. It has helped Ukraine develop the independent military capabilities and skills necessary to fend off the Kremlin's continued onslaughts within its territory. In fact, Ukraine continues to fight daily on its eastern border against Russia-backed separatists in the provinces of Donetsk and Luhansk, and over 10,000 Ukrainian soldiers and civilians have lost their lives in this war. U.S.-funded security assistance has already helped turn the tide in this conflict, and it is necessary to ensure the protection of the sovereign territory of this young country, going forward. This is not only critical from a security perspective, but it is the only way for Ukrainians to continue their progress toward reforming and defending their country's democratic institutions. In this way, we are helping Ukraine to one day become a net assistance provider, and not just a recipient.

We have worked hard in a bi-partisan manner in the Senate to provide funding for a security assistance program for Ukraine that is effective, transparent and fiscally responsible. This funding is crucial to the long term stability of Ukraine and has the continued backing and approval of the U.S. Congress which appropriated these funds. We strongly urge you to direct the Department of Defense to obligate these funds immediately.

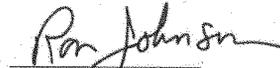
Thank you for your prompt attention to this matter.

Sincerely,


Jeanne Shaheen
United States Senator


Rob Portman
United States Senator

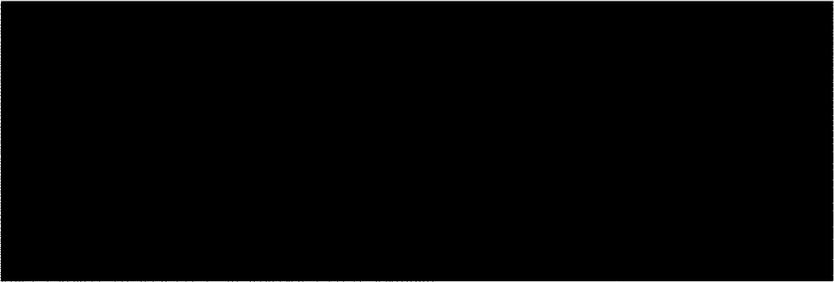

Richard J. Durbin
United States Senator


Ron Johnson
United States Senator


Richard Blumenthal
United States Senator

CC: Secretary of State Michael R. Pompeo
Secretary of Defense Mark T. Esper

[8/9/19, 12:29:28 PM] Call with Sondland/Vulker: Messages to this group are now secured with end-to-end encryption.
[8/9/19, 12:29:28 PM] Gordon Sondland created group "Call with Sondland/Vulker"
[8/9/19, 12:29:28 PM] Gordon Sondland added you
[8/9/19, 12:30:03 PM] Gordon Sondland: Andrey, can you, Kurt and I have a call today after 3pm Eastern time?
[8/9/19, 12:31:38 PM] Andrey Yermak: Yes, ok
[8/9/19, 12:32:50 PM] Gordon Sondland: I will have our State Dept ops center place the call to you at this number at 3pm Washington time.



[Faint, illegible text, likely redacted or very low quality scan]

[6/12/19, 9:33:22 AM] You created group "Gordon and Bill"
 [6/12/19, 9:33:22 AM] Gordon and Bill: Messages to this group are now secured with end-to-end encryption
 [6/12/19, 9:40:35 AM] Kurt Volker: Hi Gordon - introducing you here to Bill Taylor, who is going out to Kyiv as Chargé. You guys should meet / talk when you can. Bill was Amb in Kyiv at end of Bush Admin and more recently has been VP at USIP. Best - Kurt
 [6/12/19, 9:56:09 AM] Bill Taylor: Thanks, Kurt
 Ambassador, good to meet you. I look forward to working with you.
 Bill
 [6/19/19, 5:12:14 AM] Gordon Sandland: This message was deleted.
 [6/19/19, 5:13:31 AM] Gordon Sandland: Bill, thanks for joining us on the call yesterday. This is a great team working together in support of the Ukrainian people. I look forward to meeting you in person soon. All the best, Gordon
 [6/19/19, 8:33:02 AM] Bill Taylor: Thanks, Gordon -- a very productive call. We are working on several of the actions and will keep you posted on progress. Bill
 [6/24/19, 3:01:31 PM] Bill Taylor: Gordon,
 Can I ask you to see if you can break through on two key issues: a date from the White House for the Ze visit and a senior lead for a delegation to Kyiv for their Independence Day parade and celebration on August 24. The date for the visit is urgent. The NSC has not been able get a date (many are traveling, of course). Two years ago Secretary Mattis camp for Independence Day; last year Ambassador Bolton. Secretary Pompeo can't make it. The Vice President? Many thanks
 [6/26/19, 3:48:43 PM] Bill Taylor: Gordon,
 You might not have seen the message from George Kent on the high side that tells us that senior level at the WH said that the visit is not happening any time soon. Very discouraging. Any chance you can turn this around? If not, I don't think a senior call with the Ukrainians on Friday as your staff is suggesting makes sense. (Plus it's a Ukrainian holiday -- Constitution Day.) Your thoughts?
 [6/26/19, 3:49:39 PM] Kurt Volker: Let's have an internal call Friday -- three of us plus Secretary Perry. - Kurt
 [6/26/19, 3:51:13 PM] Gordon Sandland: This is Windman and is being fixed. Agree Kurt, lets talk fr
 [6/26/19, 3:51:04 PM] Bill Taylor: Good idea
 [6/27/19, 7:13:33 AM] Bill Taylor: Gordon: is this fixed? If we have a date for the meeting, I am glad to ask Ukrainians to talk to us tomorrow on their Constitution Day holiday. If we don't yet have a date, I am reluctant and agree with Kurt that the call tomorrow should be just Americans. Thoughts?
 [6/27/19, 7:53:52 AM] Gordon Sandland: Just Americans tomorrow. Give me a call when u can on this line
 [6/27/19, 8:45:02 AM] Bill Taylor: Calling now
 [6/27/19, 10:23:19 AM] Bill Taylor: Calling again shortly
 [6/27/19, 10:28:11 AM] Bill Taylor: Call when it's convenient. I will be on this number for the next 30 minutes. After that, I will be in my office and will need an email alert to come get this phone. taylorw@state.gov
 [6/28/19, 9:47:19 AM] Bill Taylor: Call this afternoon still on?
 [6/28/19, 9:52:06 AM] Gordon Sandland: Yes, they will be calling you. Just got moved by Ukraine to 10:05-10:30 Eastern.
 [6/28/19, 9:52:52 AM] Bill Taylor: Got it -- thanks
 [6/28/19, 11:03:23 AM] Bill Taylor: Good call.
 Thanks for including me and for the Secretary's kind endorsement. Good luck in Toronto, Kurt
 [6/28/19, 11:08:30 AM] Gordon Sandland: Whew, glad you stayed on!
 [6/28/19, 11:13:33 AM] Bill Taylor: Me, too. I might see him Sunday with Congressman Hoyer's congressional delegation.
 [6/28/19, 11:54:54 AM] Bill Taylor: How do you plan to handle informing anyone else about the call? I will completely follow your lead.
 [6/28/19, 11:55:52 AM] Kurt Volker: I think we just keep it among ourselves to try to build working relationship and just get the "****" date for the meeting!
 [6/28/19, 11:53:37 AM] Kurt Volker:)
 [6/28/19, 11:54:30 AM] Gordon Sandland: Agree with KV. Very close hold
 [6/28/19, 11:57:32 AM] Bill Taylor: Got it
 [7/3/19, 1:20:45 PM] Bill Taylor: Kurt had a good meeting with Ze. I hear. I just sent Danyliuk's strategic partnership plan in preparation for next Wednesday's meeting. OK to talk with Ulrich about these conversations, or have you already briefed him?
 [7/3/19, 1:22:28 PM] Gordon Sandland: Did Danyliuk get confirmed with Bolton for next week?
 [7/3/19, 1:26:20 PM] Bill Taylor: Yes - 2 PM Wednesday
 [7/3/19, 1:50:06 PM] Gordon Sandland: I have not briefed Ulrich yet. Waiting for the Bolton meeting and then a comprehensive briefing. If you want to chat with him sooner, no worries on my end. Have a great 4th!
 [7/3/19, 1:54:03 PM] Bill Taylor: Thanks -- to you as well.
 [7/7/19, 10:04:04 AM] Bill Taylor: Prystaiko is with the president at the line of contact. They asked if we have anything more on the phone call. I am with Danyliuk in his helicopter on the way back from the Crimean border. Can pass on any new information.
 [7/7/19, 10:07:30 AM] Gordon Sandland: We are seeing Danyliuk in a couple of days. Better face to face with Bolton
 [7/7/19, 10:10:19 PM] Bill Taylor: As Kurt knows, the NSDC office is a ways from the president's. For now, Prystaiko is physically closer, traveling with Ze to Toronto and the line of contact. Let me know if I can get answers.
 [7/7/19, 2:15:32 PM] Gordon Sandland: Call me.
 [7/7/19, 2:23:01 PM] Bill Taylor: Just called. Let me know what's a convenient time.
 [7/7/19, 2:34:01 PM] Kurt Volker: Gordon - maybe we can talk e Mukhasey on Monday by phone? Kurt
 [7/7/19, 5:08:56 PM] Gordon Sandland: Yes, lets do that
 [7/7/19, 11:24:39 PM] Bill Taylor: Great. If you get me a time for the call, I will get them ready and the call on their schedule.
 [7/10/19, 7:56:03 AM] Bill Taylor: Just had a meeting with Andriy and Vadym. Very concerned about what Lutsenko told them -- that, according to RG, the ZE-PUTUS meeting will not happen. Advice?
 [7/10/19, 7:57:58 AM] Kurt Volker: David grief. Please tell Vadym to let the official USG representatives speak for the U.S. Lutsenko has his own self-interest here...
 [7/10/19, 7:58:37 AM] Bill Taylor: Exactly what I told them.
 [7/10/19, 7:59:41 AM] Bill Taylor: And I said that RG is a private citizen.
 [7/10/19, 11:43:41 AM] Bill Taylor: I briefed Ulrich this afternoon on this.
 [7/10/19, 2:26:05 PM] Bill Taylor: Eager to hear if your meeting with Danyliuk and Bolton resulted in a decision on a call.
 [7/10/19, 10:26:13 PM] Bill Taylor: How did the meeting go?
 [7/10/19, 10:29:44 PM] Kurt Volker: Not good -- let's talk -- kv

[7/10/19, 10:31:20 PM] Bill Taylor: Just called. You are on the phone.
 [7/14/19, 10:07:27 AM] Gordon Sondland: Everyone is now focused on making the Potus ZC call happen prior to 7/21
 [7/14/19, 10:09:33 AM] Kurt Volker: Anything new you have heard?
 [7/14/19, 10:12:57 AM] Gordon Sondland: Tim Morrison is also tracking now. Good sign
 [7/14/19, 10:16:46 AM] Bill Taylor: They will make it happen whenever, but they want him in an office, ideally his, so the connection and interpretation are clear: Any indication of timing most welcome
 [7/15/19, 10:10:22 AM] Bill Taylor: We keep getting readouts of the Danyliuk-Bolton meeting that predict no phone call or meeting any time soon. This can't be my message to Ze. How to proceed?
 [7/15/19, 10:31:05 AM] Gordon Sondland: Talking to NSC tomorrow at 8:30 eastern
 [7/16/19, 12:47:13 PM] Bill Taylor: Make any progress?
 [7/17/19, 10:46:23 AM] Bill Taylor: Danyliuk just asked if there was any news from the WH. Any update?
 [7/17/19, 10:47:03 AM] Gordon Sondland: I put in a call to Potus and am waiting for a return
 [7/17/19, 10:47:44 AM] Bill Taylor: Excellent -- thanks, Gordon
 [7/18/19, 10:19:54 AM] Bill Taylor: DWS on a SVTS just now said that all security assistance to Ukraine is frozen, per a conversation with Mulvaney and POTUS. Over to you.
 [7/18/19, 11:07:09 AM] Gordon Sondland: All over it
 [7/19/19, 10:16:10 AM] Bill Taylor: Can we marshal our forces to get a congratulatory phone call from POTUS to Ze mid to late next week, assuming the election goes well and Servant of the People does well?
 [7/19/19, 11:31:03 AM] Gordon Sondland: Talked to WH -- This is moving but post election
 [7/19/19, 11:49:51 AM] Bill Taylor: If we can get a congratulatory call post election, that could begin to establish the relationship?
 [7/19/19, 11:49:42 PM] Kurt Volker: Can we three do a call tomorrow -- say noon WASHINGTON?
 [7/19/19, 8:50:29 PM] Gordon Sondland: Looks like Potus call tomorrow. I spoke directly to Zelensky and gave him a full briefing. He's got it.
 [7/19/19, 8:52:57 PM] Gordon Sondland: Sure!
 [7/19/19, 7:01:22 PM] Kurt Volker: Good. Had breakfast with Rudy this morning -- teasing up call w/Yermak Monday. Must have helped. Most imp't is for Zelensky to say that he will help investigation -- and address any specific personnel issues -- if there are any
 [7/19/19, 11:53:55 PM] Bill Taylor: Good idea for us to check in at noon Washington time. I just heard that the POTUS call that had been scheduled for 1500 Kyiv time today has been put on hold pending the outcome of the election tomorrow. Is that what you hear?
 [7/20/19, 4:52:58 AM] Bill Taylor: If possible, I'd like to at least know when these are scheduled. I can at least reinforce what you are doing.
 [7/20/19, 4:53:15 AM] Gordon Sondland: Call me Bill thx
 [7/20/19, 10:41:01 AM] Bill Taylor: Do we need to talk at noon Washington time?
 [7/20/19, 10:45:30 AM] Kurt Volker: Yes - I'm available. Not sure if Gordon can or not but let's plan on it, and we'll loop Gordon in if we can
 [7/20/19, 11:33:03 AM] Bill Taylor: Kupperman (sp?) wants to talk to Danyliuk secure so I am meeting taking him to my office. Can we reschedule?
 [7/20/19, 11:37:19 AM] Kurt Volker: Absolutely
 [7/20/19, 11:37:19 AM] Kurt Volker: Anytime today will work for me
 [7/20/19, 11:48:20 AM] Bill Taylor: Maybe after the Kupperman-Danyliuk call? Around 3 my time tonight?
 [7/20/19, 12:29:14 PM] Kurt Volker: Oh
 [7/20/19, 1:48:41 PM] Bill Taylor: Just finished with Danyliuk. Will be in the car in 10 minutes. Call then?
 [7/20/19, 1:49:03 PM] Kurt Volker: Yes - good
 [7/20/19, 2:27:04 PM] Bill Taylor: Call now?
 [7/20/19, 1:45:54 AM] Bill Taylor: Gordon, one thing Kurt and I talked about yesterday was Sasha Danyliuk's point that President Zelensky is sensitive about Ukraine being taken seriously, not merely as an instrument in Washington domestic, reelection politics.
 [7/20/19, 4:45:44 AM] Gordon Sondland: Absolutely, but we need to get the conversation started and the relationship built, irrespective of the pretext. I am worried about the alternative.
 [7/20/19, 5:21:47 AM] Bill Taylor: So, the call tomorrow can be a positive step.
 [7/22/19, 12:15:55 AM] Bill Taylor: Good, pretty long meeting -- both one-on-one and with Bohdan, Sasha, Yermak, Razumkov -- with the president at his campaign headquarters last night. Interested in both the call and meeting. I couldn't be specific.
 [7/22/19, 12:17:16 AM] Bill Taylor: Sounds like Washington is thinking about a congratulatory call in the next couple of days -- Kupperman wrote asking when the results will be known.
 [7/22/19, 12:20:58 AM] Bill Taylor: Very good election result for Zelensky and us. Likely a young, Western-oriented prime minister. Ze likely in coalition with Yekerkuch (with whom I have a met one-on-one twice in the last three days).
 [7/22/19, 12:21:01 AM] Gordon Sondland: So Monday call was just rumor?
 [7/22/19, 12:38:22 AM] Bill Taylor: Doesn't sound like from either side that it was actually scheduled.
 [7/22/19, 8:39:05 AM] Kurt Volker: Yermak thinks call is at 6pm Kyiv today. Bill -- any idea? Should I call sitroom?
 [7/22/19, 8:40:38 AM] Gordon Sondland: Good idea
 [7/22/19, 8:42:39 AM] Bill Taylor: Tim Morrison just told me it's not on today and I should tell Danyliuk that they will schedule through him shortly.
 [7/22/19, 8:43:12 AM] Bill Taylor: I have told Sasha (and Vadym).
 [7/22/19, 8:44:12 AM] Bill Taylor: Don't you think we should work through Sasha?
 [7/22/19, 8:46:03 AM] Kurt Volker: Yes -- you've got the latest. That's good. Work thru Sasha. And great they will schedule thru danyliuk. Keep us posted what you hear.
 [7/22/19, 8:46:10 AM] Kurt Volker: I'll tell Yermak same thing
 [7/22/19, 8:46:52 AM] Bill Taylor: Excellent. Will do
 [7/23/19, 4:16:41 AM] Bill Taylor: NSC is trying to schedule the call for Thursday. I am checking with Sasha to see if that works for them.
 [7/23/19, 4:28:55 AM] Gordon Sondland: Great. I will be in Kyiv Thu night
 [7/23/19, 4:57:47 AM] Bill Taylor: Looking forward to seeing you here!
 [7/23/19, 11:33:08 PM] Bill Taylor: NSC now looking at Friday for the call. Ukrainians are checking to see if that works
 [7/24/19, 1:39:10 AM] Kurt Volker: Great! Sounds like this is now on track?
 [7/24/19, 1:43:57 AM] Gordon Sondland: Oh
 [7/24/19, 1:41:05 AM] Gordon Sondland: Yay
 [7/24/19, 2:58:33 AM] Bill Taylor: Is right. Also, some question about which day to go east, which to stay here for meetings. On the call, it sounds like the NSC is on board with the call and are just trying to get it scheduled. Not final but shaling for Friday. I am waiting to hear if Friday works for the Ukrainians
 [7/24/19, 2:57:25 AM] Kurt Volker: Great. I'll go east on whichever day in order to accommodate zelensky -- fine either way
 [7/24/19, 2:57:41 AM] Gordon Sondland: Call me just spoke to Danyliuk. I have clarity

[7/24/19, 2:58:21 AM] Bill Taylor: Calling now
 [7/24/19, 3:30:15 AM] Bill Taylor: Prystaiko and Danyuk are now coordinating the call. President Zelenskyy is traveling on Friday.
 [7/24/19, 3:35:03 AM] Kurt Volker: Ok -- so we are meeting Ze on Thursday and going east Friday?
 [7/24/19, 3:35:03 AM] Kurt Volker: Great the call is on
 [7/24/19, 3:38:25 AM] Kurt Volker: Have just banded in Zurich en route to Vienna
 [7/24/19, 3:50:52 AM] Bill Taylor: The call is not yet scheduled -- NCS trying for Friday, Zelenskyy traveling on Friday, they prefer Thursday, Prystaiko wants our meeting and the POTUS call on Thursday, trip to the East on Friday. That doesn't work for you, Gordon.
 [7/24/19, 4:03:15 AM] Kurt Volker: We should do what works for Ze on Kyiv/S-L schedule. Most imp'ting is that outsc call happens no matter what day.
 [7/24/19, 3:18:00 AM] Bill Taylor: Still waiting on word from NSC on the phone call tomorrow. President Zelenskyy will be here on Friday morning if you two wanted to schedule a meeting with him then. That would, however, make the trip to the East with Prystaiko difficult.
 [7/24/19, 3:23:08 AM] Gordon Sondland: My primary objective is Zelenskyy. Friday morning is great
 [7/24/19, 3:24:15 AM] Bill Taylor: Got it, Kurt?
 [7/24/19, 10:33:55 AM] Kurt Volker: Gordon -- can you get there in time for a Thursday meeting? I think it is important to see the conflict area and the people affected by it -- and in doing, reinforce zelenskyy's substantive efforts.
 [7/24/19, 10:38:20 AM] Bill Taylor: There is a report -- from Vadym via an irritated Sasha -- that the phone call could happen at 7 tomorrow evening our time. Tim Morrison is trying to confirm.
 [7/24/19, 10:41:07 AM] Kurt Volker: That's great! Why are they irritated? They are getting the date they asked for.
 [7/24/19, 10:41:47 AM] Kurt Volker: Alex -- Gordon just called and Danyuk said meeting w/ president is confirmed for 11am Friday -- so we should keep the trip east on Thursday
 [7/24/19, 2:08:46 PM] Bill Taylor: The phone call is now confirmed for tomorrow at 10:00 Kyiv time. We are planning the trip to the East after the Zelenskyy meeting on Friday morning.
 [7/24/19, 2:54:33 PM] Gordon Sondland: Thanks Bill
 [7/24/19, 2:55:48 PM] Bill Taylor: Looking forward to seeing you both tomorrow.
 [7/24/19, 3:25:23 PM] Kurt Volker: Outstanding -- thanks! Kurt
 [7/25/19, 12:03:35 PM] Bill Taylor: Gordon, Kurt and I will be at the restaurant in 10 minutes. Sounds like the call went well. Sasha will give us a readout.
 [7/25/19, 3:36:53 AM] Kurt Volker: <attached: D000027- PHOTO-2019-07-26-06-36-33.jpg>
 [7/25/19, 3:37:38 AM] Kurt Volker: Great photo! Gordon- can you get this to POTUS without intermediaries? - kv
 [7/27/19, 4:28:26 AM] Gordon Sondland: <attached: D000028- PHOTO-2019-07-27-04-26-25.jpg>
 [7/27/19, 4:40:43 AM] Gordon Sondland: <https://youtu.be/AW6pad8R0CU>
 [7/27/19, 7:21:45 AM] Gordon Sondland: Ric and I are talking later today
 [7/27/19, 7:22:16 AM] Kurt Volker: Great -- give him my best. I'm arriving to Kyiv on aug 23 and departing aug 25.
 [7/27/19, 7:22:31 AM] Kurt Volker: Would be happy if he joined
 [7/27/19, 7:23:56 AM] Bill Taylor: Thanks for getting him on message. Gordon. This is why you are the US ambassador to Europe.
 [8/1/19, 9:54:15 AM] Kurt Volker: Hi bill -- what's the status on dates? Thanks
 [8/1/19, 10:04:23 AM] Gordon Sondland: Kurt, it's far flapping. Bill's office getting conflicting info. Did the WH formally offer dates for Ze's consideration.
 [8/1/19, 10:42:45 AM] Bill Taylor: WH offered three windows: the weeks of September 9, 16 and 30. The Ukrainians want to make one trip, so either the week before UNGA or the week after. Bill is back in Tim's court.
 [8/1/19, 11:03:57 AM] Kurt Volker: Thanks! I'm seeing Tim tomorrow and will ask. I guess the week of 10th in this case makes most sense. A shame not to do it 3 weeks earlier...
 [8/1/19, 11:05:47 AM] Bill Taylor: Yes, but let Tim handle it!
 [8/1/19, 11:07:21 AM] Kurt Volker: Of course!
 [8/1/19, 11:07:45 AM] Gordon Sondland: This team works like a Swiss Watch 
 [8/1/19, 11:08:28 AM] Kurt Volker: Or a Times... takes a licking and keeps on ticking...)
 [8/1/19, 11:56:28 AM] Bill Taylor: I know about the licking part
 [8/2/19, 9:27:38 AM] Bill Taylor: Standing by to hear from Tim who had heard to have a date by yesterday.
 [8/2/19, 9:34:01 AM] Bill Taylor: On another topic, we just met a staffer from the Senate Armed Services Committee. Very supportive. But also very concerned that the message on Ukraine in Washington is neutral at best and negative in many others: -- the Russian message, Ukraine is lost, totally corrupt, beyond saving not worth investing in. Makes these staffers' jobs harder -- increase military support to Ukraine. (They had heard about the proposed pause in security assistance to Ukraine.) Kurt, we may need Steve H. Healy to reengage.
 [8/3/19, 11:19:50 AM] Gordon Sondland: I have a sec call w/ Tim Mon. Sounds like bad news. Kurt, call if u have a sec. thx
 [8/3/19, 11:33:17 PM] Kurt Volker: Hi all -- Gordon -- will call in a bit -- had a long talk w/ Tim on Friday. Seeing Steve H on Thursday. We just keep working...
 [8/4/19, 8:52:00 AM] Bill Taylor: I just talked to Tim secure. He's looking forward to talking with you, Gordon, tomorrow. Kurt is right -- work to do.
 [8/5/19, 8:16:18 AM] Bill Taylor: Now that we have all three talked with Tim, what's our strategy?
 [8/5/19, 7:00:55 AM] Kurt Volker: Keep going...
 [8/5/19, 7:01:55 AM] Kurt Volker: Formally, WH asked for a preference on week from ukraine, and ukraine responded?
 [8/5/19, 7:02:05 AM] Kurt Volker: There should be a paper going up that seeks a decision based on that, no?
 [8/5/19, 7:57:32 AM] Bill Taylor: Ukraine responded saying that they want to plan one trip, so the week before UNGA or the week after works. The week of September 9 doesn't. But my conversation with Tim on Sunday did not fill me with hope that they will agree on a date any time soon unless Tim said, "Gordon turns it around."
 [8/6/19, 7:55:21 AM] Bill Taylor: Gordon, you talked to Tim yesterday, right? Is that your sense? (Tim actually said, "Unless Gordon turns it around like he did with the phone call."
 [8/6/19, 8:27:12 AM] Bill Taylor: So, Kurt, I don't think a paper is going up -- at least as of Sunday.
 [8/6/19, 10:11:17 AM] Kurt Volker: That does sound right...
 [8/5/19, 10:27:04 AM] Gordon Sondland: Tim and I had to bump secure till Thurs morning. I am working the problem however
 [8/28/19, 3:00:42 PM] Bill Taylor: Meeting on for 2:40 Sunday afternoon
 [8/28/19, 3:01:41 PM] Kurt Volker: Full bilat?
 [8/28/19, 3:01:48 PM] Bill Taylor: Yup, an hour.
 [8/28/19, 3:01:48 PM] Kurt Volker: Outstanding!!
 [8/28/19, 3:02:08 PM] Gordon Sondland: Fantastic News Bill
 [8/28/19, 3:02:55 PM] Gordon Sondland: Vlad must have made quite the impression on John B
 [8/28/19, 3:03:01 PM] Bill Taylor: You are listed as a participant, Gordon.
 [8/28/19, 3:04:00 PM] Bill Taylor: He did have a good, long meeting.
 [8/28/19, 3:04:43 PM] Bill Taylor: Does this mean no Washington meeting?

[8/29/19, 8:05:02 PM] Kurt Volker-Just the opposite -- should open the door
 [8/29/19, 8:05:33 PM] Bill Taylor: Hope you are right
 [8/30/19, 12:14:57 AM] Bill Taylor: Trip canceled
 [8/30/19, 12:16:02 AM] Kurt Volker: Hope VPOTUS keeps the bilat -- and tee up WH visit...
 [8/30/19, 5:31:14 AM] Gordon Sondland: I am going. Pompeo is speaking to Potus today to see if he can go.
 [9/1/19, 12:08:57 PM] Bill Taylor: Are we now saying that security assistance and WH meeting are conditioned on investigations?
 [9/1/19, 12:42:28 PM] Gordon Sondland: Call me
 [9/2/19, 11:49:40 AM] Bill Taylor: Defense Minister Zagorodnyuk is calling you both about security assistance. I think Kurt talked with him last night.
 [9/4/19, 9:55:18 AM] Kurt Volker: Yes -- we had a good talk -- Bill -- I'll call you later today
 [9/4/19, 11:08:05 AM] Bill Taylor: Sounds good. Am heading to the airport to pick up Senators Johnson and Murphy. Messages for them?
 [9/4/19, 12:42:20 PM] Kurt Volker: Thank you for the letter!! And push for WH visit...
 [9/4/19, 12:42:44 PM] Kurt Volker: Being denied visas for Russia is a badge of honor
 [9/4/19, 12:44:03 PM] Kurt Volker: Even more convinced of our assessment after inauguration-- zelenskyy is the real deal and he needs our support
 [9/4/19, 3:22:02 PM] Bill Taylor: Made those points. They are in exactly the right place.
 [9/12/19, 12:09:40 AM] Kurt Volker: Hi -- got an email overnight from SACG -- says hold is lifted. Let's verify...
 [9/12/19, 12:10:18 AM] Bill Taylor: Bot the same message. Checking with NSC.
 [9/12/19, 12:10:48 AM] Kurt Volker: Great - thank! Let me know what you hear!
 [9/12/19, 3:56:27 AM] Kurt Volker: <https://www.rferl.org/a/ukraine-s-zelenskyy-talks-business-with-oligarch-kolomoysky/30157530.html>
 [9/12/19, 3:58:31 AM] Bill Taylor: Yup
 [9/12/19, 3:58:31 AM] Kurt Volker: Will be interesting to talk w Horozhuk on Saturday
 [9/12/19, 3:58:08 AM] Bill Taylor: Yes



Confidential

KV00000040

10:25

4G



Vladomyr Zelenskyy

last seen today at 10:25 AM



Today

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Hi Vladomyr, thanks for hosting us yesterday. I am super impressed the way you have taken charge of the country in a few short weeks and are in full command. Very hopeful signs. Working hard on the White House visit. We are fully behind you and stand ready to help at a moments notice. All the best and mazel tov! Gordon

9:15 AM

Thank you ! Gordon! I hope , I'll see you in the nearest future in USA. And thank you again for your support . Vlad.

10:11 AM



(6/28/19, 3:12:31 AM) Gordon Sondland: Messages to this chat and calls are now secured with end-to-end encryption.
 (6/28/19, 3:12:31 AM) Gordon Sondland: Plesed voice call
 (7/10/19, 9:53:48 PM) Gordon Sondland: Mised voice call
 (7/10/19, 9:57:14 PM) Kurt Volker: Hi Gordon -- sorry I missed you earlier. Can talk tomorrow early morning? Kurt
 (7/10/19, 10:24:41 PM) Gordon Sondland: Will call
 (7/10/19, 10:30:45 PM) Gordon Sondland: Mised voice call
 (7/22/19, 4:27:55 PM) Kurt Volker: Orchastrated a great phone call w/Rudy and Yermak. They are going to get together when Rudy goes to Madrid in a couple of weeks.
 (7/22/19, 4:28:08 PM) Kurt Volker: In the meantime, Rudy is now advocating for phone call
 (7/22/19, 4:28:26 PM) Kurt Volker: I have call into Fiona's replacement, and will call Bolton if needed.
 (7/22/19, 4:28:48 PM) Kurt Volker: But I can't tell Bolton and you can't tell Mick that Rudy agrees on a call, if that helps
 (7/22/19, 4:30:10 PM) Gordon Sondland: I talked to Tim Morrison, (Fiona's replacement). He is pushing but feel free as well.

We still meeting in Kyiv Fri?

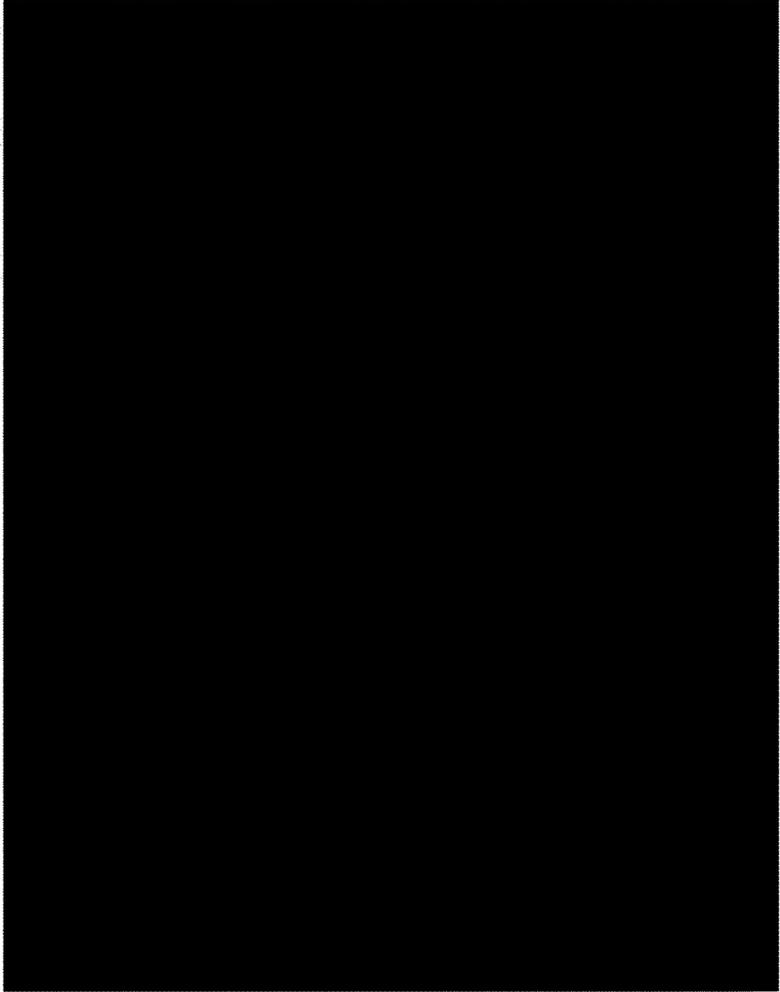
(7/22/19, 4:30:35 PM) Kurt Volker: Yes -- Morrison. We're talking in 5
 (7/22/19, 4:31:35 PM) Kurt Volker: And yes -- do come to kyiv! I'll go east on Thursday (welcome there too) and go to kyiv on Friday.
 (7/22/19, 4:32:00 PM) Gordon Sondland: Tim is a good guy. Tell him we are in touch and synced. I want make East but will be in Kyiv Thu night/all day fri
 (7/22/19, 4:32:52 PM) Kurt Volker: Great!
 (7/25/19, 7:54:09 AM) Gordon Sondland: Mised voice call
 (7/25/19, 7:54:20 AM) Gordon Sondland: Call asap
 (7/25/19, 9:35:22 AM) Kurt Volker: Hi Gordon - got your message. Had a great lunch w/ Yermak and then passed your message to him. He will see you tomorrow. Think everything in place
 (7/25/19, 9:36:51 AM) Kurt Volker: Hi Gordon -- when are you flying, and when can I call you about Sweden? Kurt
 (7/25/19, 9:39:42 AM) Gordon Sondland: Call
 (7/25/19, 9:41:03 AM) Kurt Volker: When we land -- still in helo -- maybe another 45 min?
 (7/25/19, 9:40:12 AM) Gordon Sondland: Sure
 (7/25/19, 4:54:58 PM) Kurt Volker: Hi Gordon - we could not get a chance to call. Free for 2 min or call tomorrow? Kurt
 (7/25/19, 11:23:43 PM) Gordon Sondland: In air. On ground after 10am Brussels time
 (7/27/19, 12:43:35 AM) Kurt Volker: Ok - will call
 (7/27/19, 6:16:18 AM) Kurt Volker: Hi Gordon -- have an hour now -- let's talk when you can

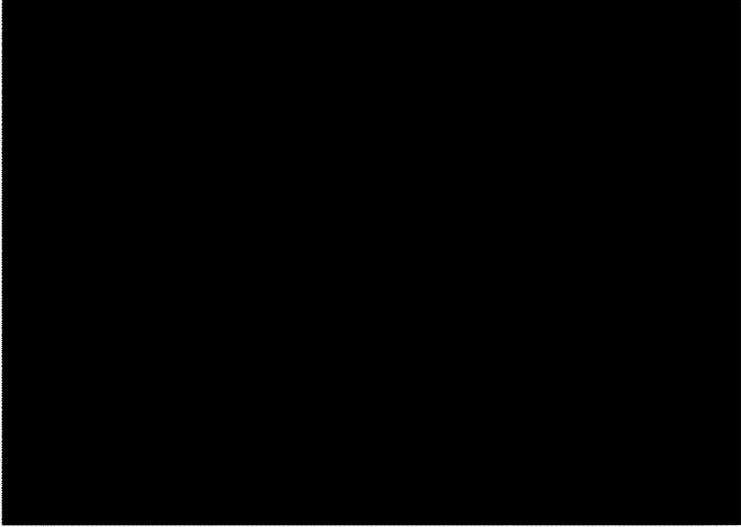
(7/29/19, 12:05:24 PM) Gordon Sondland: Mised voice call
 (7/29/19, 12:05:41 PM) Kurt Volker: Call you back in 15
 (7/29/19, 12:05:52 PM) Gordon Sondland: Sure
 (8/1/19, 7:05:49 AM) Gordon Sondland: I am on Eastern time. Can u talk?
 (8/4/19, 4:21:51 PM) Kurt Volker: Gordon -- on east coast time?
 (8/4/19, 4:22:28 PM) Gordon Sondland: West coast
 (8/4/19, 4:22:46 PM) Kurt Volker: Even better -- call in a few?
 (8/4/19, 4:22:54 PM) Gordon Sondland: ♦
 (8/3/19, 10:36:23 AM) Kurt Volker: Got a minute? Best - Kurt
 (8/3/19, 10:56:3 AM) Gordon Sondland: Mised voice call
 (8/3/19, 5:35:53 PM) Gordon Sondland: Morrison ready to get dates as soon as Yermak confirms.
 (8/3/19, 5:46:21 PM) Kurt Volker: Excellent!! How did you sway him? ;)
 (8/3/19, 5:47:39 PM) Gordon Sondland: Not sure I did. I think potus really wants the deliverable
 (8/3/19, 5:48:09 PM) Kurt Volker: But does he know that?
 (8/3/19, 5:48:09 PM) Gordon Sondland: Yes
 (8/3/19, 5:48:07 PM) Gordon Sondland: Clearly lots of canvas going on
 (8/3/19, 5:48:38 PM) Kurt Volker: Ok -- then that's good it's coming from two separate sources
 (8/3/19, 5:51:18 PM) Gordon Sondland: To avoid misunderstandings, might be helpful to ask Andrey for a draft statement (embargoed) so that we can see exactly what they propose to cover. Even though Le does a live presser they can still summarize in a brief statement. Thoughts?
 (8/3/19, 5:51:42 PM) Kurt Volker: Agree!
 (8/10/19, 11:58:58 AM) Gordon Sondland: Anything from Andrey?
 (8/10/19, 12:21:51 PM) Kurt Volker: Not yet -- will give him some time
 (8/10/19, 12:24:24 PM) Gordon Sondland: I briefed Ulrich. All good
 (8/10/19, 5:12:44 PM) Kurt Volker: This came in from Andrey -- I suggested we talk at my 10am / his 5pm tomorrow...
 (8/10/19, 5:12:43 PM) Kurt Volker: Hi Kurt. Please let me know when you can talk. I think it's possible to make this declaration and mention all these things. Which we discussed yesterday. But it will be topic to do after we receive a confirmation of date. We inform about date of visit and about our expectations and our guarantees for future visit. Let discuss it
 (8/10/19, 5:14:00 PM) Gordon Sondland: If that's 10am Eastern, I can join you if you wish.
 (8/10/19, 5:14:31 PM) Kurt Volker: Yes -- hoping you can!
 (8/10/19, 5:14:51 PM) Gordon Sondland: Great. You want to call State ops or shall I?
 (8/10/19, 5:15:05 PM) Kurt Volker: No -- I'll just do via what's App
 (8/10/19, 5:15:28 PM) Gordon Sondland: Perfect. Talk tomorrow.
 (8/11/19, 9:48:53 AM) Kurt Volker: Hi Gordon -- ready in 10 min?
 (8/11/19, 9:48:08 AM) Gordon Sondland: Yes
 (8/11/19, 9:51:15 AM) Kurt Volker: He needs another 15 min. So 10:35

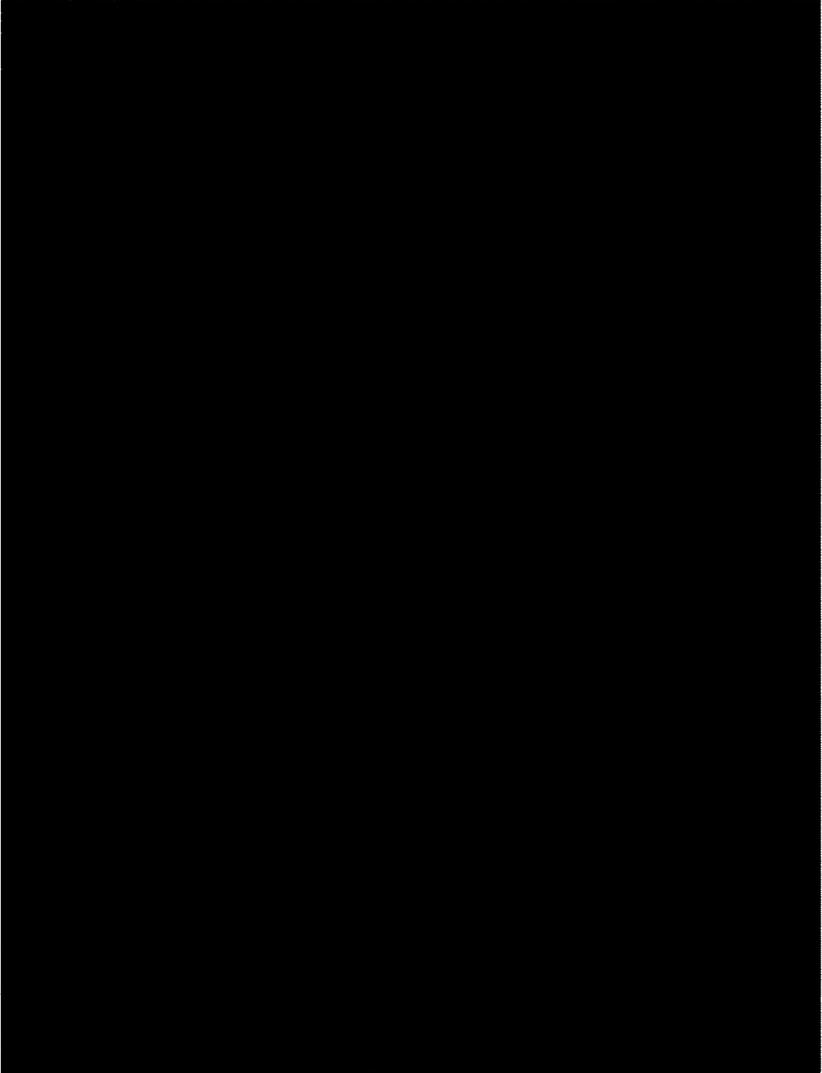
(8/11/19, 9:52:54 AM) Gordon Sondland: Ok
 (8/13/19, 9:20:21 AM) Kurt Volker: You free?
 (8/13/19, 10:26:44 AM) Kurt Volker: Special attention should be paid to the problem of interference in the political processes of the United States, especially with the alleged involvement of some Ukrainian politicians I want to declare that this is unacceptable. We intend to initiate and complete a transparent and unbiased investigation of all available facts and episodes, including those involving Burisma and the 2019 U.S. elections, which in turn will prevent the recurrence of this problem in the future.
 (8/13/19, 10:27:20 AM) Gordon Sondland: Perfect. Lets send to Andrey after our call
 (8/13/19, 10:27:53 AM) Kurt Volker: Yes
 (8/13/19, 10:28:57 AM) Gordon Sondland: Missed voice call
 (8/13/19, 10:39:27 AM) Gordon Sondland: Missed group voice call
 (8/13/19, 10:42:20 AM) Gordon Sondland: Missed voice call
 (8/13/19, 10:48:20 AM) Gordon Sondland: Missed voice call
 (8/13/19, 2:44:53 PM) Gordon Sondland: U going to call Andrey first tomorrow?
 (8/15/19, 7:29:33 AM) Gordon Sondland: Hi. Did you connect with Andrey?
 (8/15/19, 1:34:15 AM) Kurt Volker: Not yet - will talk w/ Bill and then call him later today. Want to know our status on asking them to investigate
 (8/15/19, 1:51:45 AM) Gordon Sondland: Good thought
 (8/17/19, 2:48:40 PM) Gordon Sondland: Yermak just tapped on me about dates. Haven't responded Any updates?
 (8/17/19, 3:02:55 PM) Kurt Volker: Hi - I've got nothing. Bill had no info on requesting an investigation - calling a friend at DOJ (Bruce Schwartz)
 (8/17/19, 3:08:19 PM) Gordon Sondland: Do we still want Ze to give us an unequivocal draft with ZOBG and Borozma?
 (8/17/19, 4:34:21 PM) Kurt Volker: That's the clear message so far ...
 (8/17/19, 4:34:39 PM) Kurt Volker: I'm hoping we can put something out there that causes him to respond with that
 (8/17/19, 4:41:09 PM) Gordon Sondland: Unless you think otherwise I will return Andrey's call tomorrow and suggest they send us a clean draft.
 (8/17/19, 6:57:18 PM) Kurt Volker: Let's talk tomorrow my morning so you have all latest. We spoke for about 30 min today
 (8/17/19, 6:58:05 PM) Gordon Sondland: Deal
 (8/18/19, 7:13:04 AM) Gordon Sondland: Call when up
 (8/18/19, 10:11:00 AM) Kurt Volker: Hi Gordon - am free anytime - Kurt
 (8/19/19, 9:36:25 AM) Gordon Sondland: Drive the "orange issue" home with Yermak. Not about just a meeting but the relationship per se. please convey to John. Also Yermak raised the Bolton visit and said he would appreciate us both joining the meetings. Kindly convey. Thx
 (8/19/19, 7:27:50 PM) Gordon Sondland: Missed voice call
 (8/19/19, 7:27:59 PM) Gordon Sondland: Missed voice call
 (8/23/19, 10:49:20 AM) Gordon Sondland: Missed voice call
 (8/23/19, 10:49:31 AM) Gordon Sondland: New news. Pls call
 (8/23/19, 12:08:40 PM) Kurt Volker: Thanks - a just called - ring back when you can
 (8/28/19, 5:37:17 PM) Gordon Sondland: Missed voice call
 (8/28/19, 5:37:32 PM) Gordon Sondland: Call at your convenience
 (8/28/19, 5:52:21 PM) Kurt Volker: Is it ok to call now?
 (9/1/19, 11:55:02 AM) Kurt Volker: Hi Gordon - how was pence - Ze meeting?
 (9/2/19, 8:31:50 PM) Gordon Sondland: Missed voice call
 (9/2/19, 4:09:31 PM) Gordon Sondland: Missed voice call
 (9/2/19, 4:10:32 PM) Gordon Sondland: Missed voice call
 (9/8/19, 1:16:57 PM) Gordon Sondland: Missed voice call
 (9/9/19, 1:24:44 AM) Gordon Sondland: Yes, please call tomorrow
 (9/9/19, 1:42:48 AM) Gordon Sondland: Missed voice call
 (9/9/19, 1:43:27 AM) Gordon Sondland: Missed voice call
 (9/9/19, 1:43:35 AM) Gordon Sondland: Try me back
 (9/9/19, 1:55:22 AM) Gordon Sondland: Missed voice call
 (9/9/19, 1:56:02 AM) Kurt Volker: Need a few min still - chairing a discussion - but will pass baton when I can and call
 (9/9/19, 1:56:15 AM) Gordon Sondland: ♦
 (9/9/19, 3:25:06 AM) Kurt Volker: I am free for about 30 min if you can call. Thx - kv
 (9/9/19, 4:20:41 AM) Gordon Sondland: Missed voice call
 (9/9/19, 4:20:56 AM) Gordon Sondland: Just called
 (9/11/19, 1:57:29 PM) Gordon Sondland: Pls call

 (9/12/19, 12:15:24 PM) Gordon Sondland: Missed voice call
 (9/12/19, 4:28:41 PM) Kurt Volker: Hi Gordon - Any news from call to Lisa / WR?
 (9/12/19, 4:28:24 PM) Kurt Volker: Great news otherwise on security assistance - and great statements from Inhofe and McConnell to back it up
 (9/12/19, 5:17:01 PM) Gordon Sondland: Call me in am
 (9/13/19, 11:43:04 PM) Kurt Volker: Hi Gordon - hearing sept 25 for bilat at UNGA. Have you heard?
 (9/14/19, 12:06:18 AM) Gordon Sondland: Nope, but we should be there. Perry is going to be in NY as well for nuclear signing I am working on with RS. We need to all be manifested for the Bilat
 (9/14/19, 12:12:29 AM) Kurt Volker: Yes - will push for that
 (9/14/19, 12:29:43 AM) Gordon Sondland: I will send Morrison an email as well and will copy you.
 (9/14/19, 9:29:22 AM) Gordon Sondland: Missed voice call
 (9/20/19, 4:20:39 PM) Kurt Volker: Hi Gordon - are you stateside or in Brussels?
 (9/20/19, 4:20:49 PM) Kurt Volker: I just got to NY for a dinner
 (9/20/19, 11:53:38 PM) Gordon Sondland: Just saw this. Call at convenience. In BRIL. NY on Sun

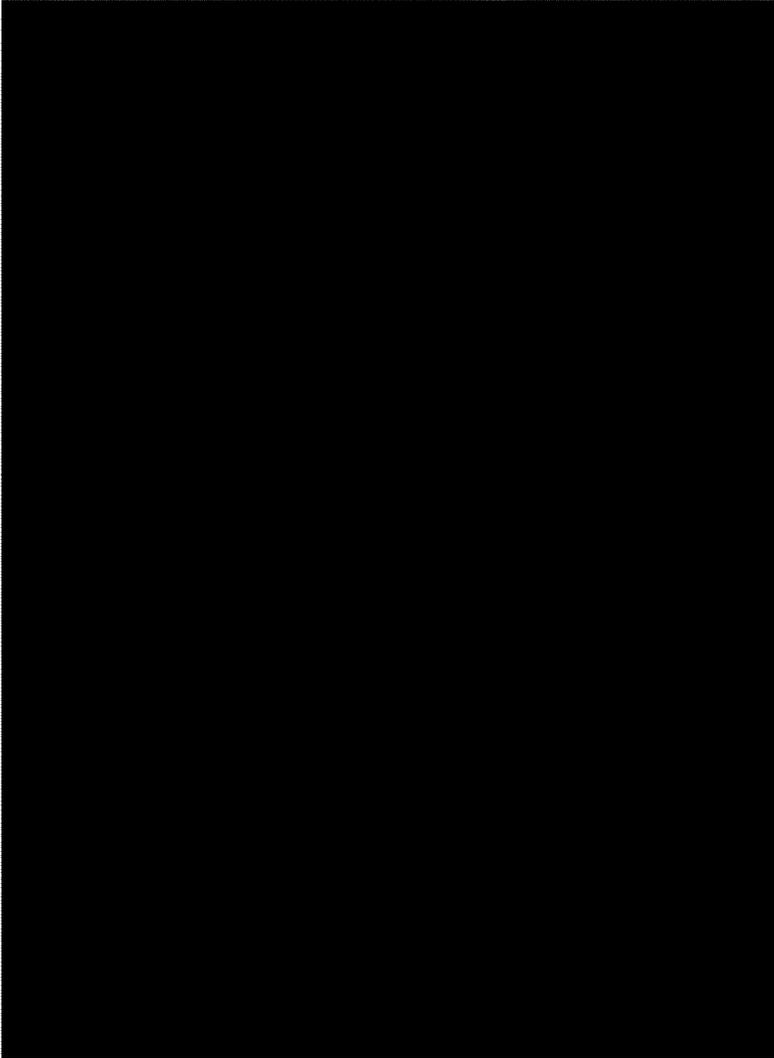
(9/22/19, 12:03:58 PM) Kurt Volker: Landed yet? Will call
(9/22/19, 12:04:38 PM) Gordon Sondland: Yes, can u meet with S this afternoon?
(9/22/19, 12:05:02 PM) Kurt Volker: I'm in DC -- but would be happy to join by phone
(9/22/19, 3:54:32 PM) Gordon Sondland: U dining in?
(9/22/19, 3:54:44 PM) Gordon Sondland: At 5:45
(9/22/19, 3:58:51 PM) Kurt Volker: Yes -- secure from state via ops
(9/22/19, 7:21:03 PM) Kurt Volker: Spoke w Rudy per guidance from S. He said he will use the statement and talk w John Solomon. Urged me to do so as well. Will stick with what we discussed. If you are with S - please pass along. Thanks!
(9/24/19, 10:33:50 AM) Kurt Volker: Hi Gordon - can you make dinner with me and Andrey and Vadym at Sam? Venus TBD
(9/24/19, 10:46:08 AM) Gordon Sondland: I am taking Reaker, Margan and another 7 to dinner at Cipriani at 8. Maybe drop by later? Where will u be.
(9/24/19, 10:46:43 AM) Kurt Volker: Working on that. Can you recommend steakhouse in midtown?
(9/24/19, 10:47:01 AM) Gordon Sondland: The Strip House
(9/24/19, 10:50:14 AM) Kurt Volker: Done -- reservation for 4 at 8pm. Join when you can
(9/24/19, 10:53:31 AM) Gordon Sondland: OK
(9/24/19, 11:14:18 AM) Kurt Volker: IS W 44th St.
(9/24/19, 5:31:24 PM) Kurt Volker: We are here -- hope you can make it
(9/24/19, 10:15:38 PM) Kurt Volker: ??
(9/24/19, 10:45:12 PM) Kurt Volker: Oh -- we are taking off. Let's talk when you can
(9/25/19, 9:53:10 AM) Gordon Sondland: Missed voice call
(9/25/19, 5:54:05 AM) Gordon Sondland: Sorry about last night. Felt like sht and went to bed at 8. Didn't even go to my own dinner. Much better today. Call when able
(9/25/19, 8:00:56 AM) Kurt Volker: Sorry to hear that! Hope you feel better. Need to discuss one urgent topic - best - Kurt
(9/25/19, 7:49:01 PM) Kurt Volker: Breakfast with Andrey at Park Hyatt at Sam??
(9/25/19, 8:03:43 PM) Gordon Sondland: If you guys could come to the Peninsula for bkfst my treat. I have to be on a call just prior.
(9/25/19, 8:41:14 PM) Gordon Sondland: Missed voice call
(9/25/19, 10:08:57 PM) Gordon Sondland: Missed voice call
(9/25/19, 11:03:33 PM) Kurt Volker: Sorry Gordon -- was separated from my phone. He has an appointment immediately after at the Hyatt.... so thought best to meet there... is it ok?
(9/25/19, 11:36:57 PM) Kurt Volker: 57th street
(9/26/19, 4:55:07 AM) Gordon Sondland: Kurt, sorry cant make bkfst. Do you have a moment to chat by phone or in person after your bkfst?
(9/26/19, 5:31:14 AM) Kurt Volker: Could you make it if we went to peninsula at 8? Otherwise - yes - let's find time to talk later in morning
(9/26/19, 5:41:07 AM) Gordon Sondland: Cant make 8 but can we meet around 9:30 or 10?
(9/26/19, 5:43:42 AM) Kurt Volker: No - Andrey has meetings w Ze then. I can call you in that time range - and he can call later I am sure as well
(9/26/19, 5:44:04 AM) Gordon Sondland: Just wanted to meet with you
(9/26/19, 5:47:33 AM) Kurt Volker: Got it -- going to be tough to meet in person -- I've got several meetings and calls kind of stacked up in between. Let's talk today. Y phone and maybe longer call tomorrow if needed

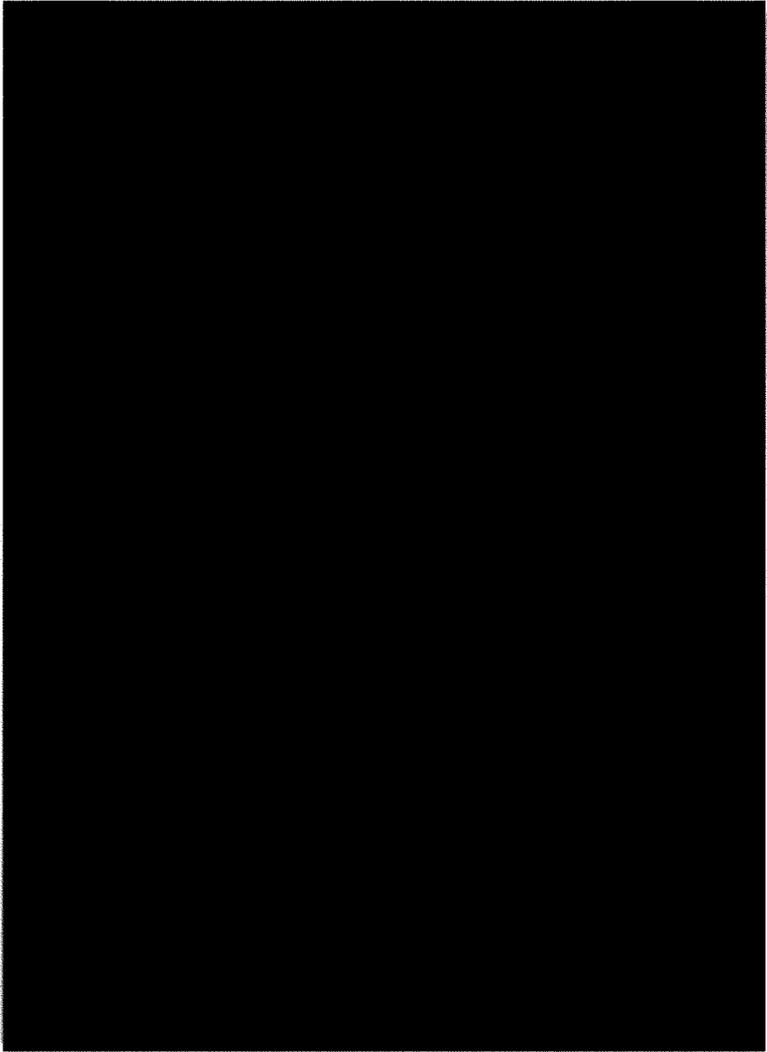


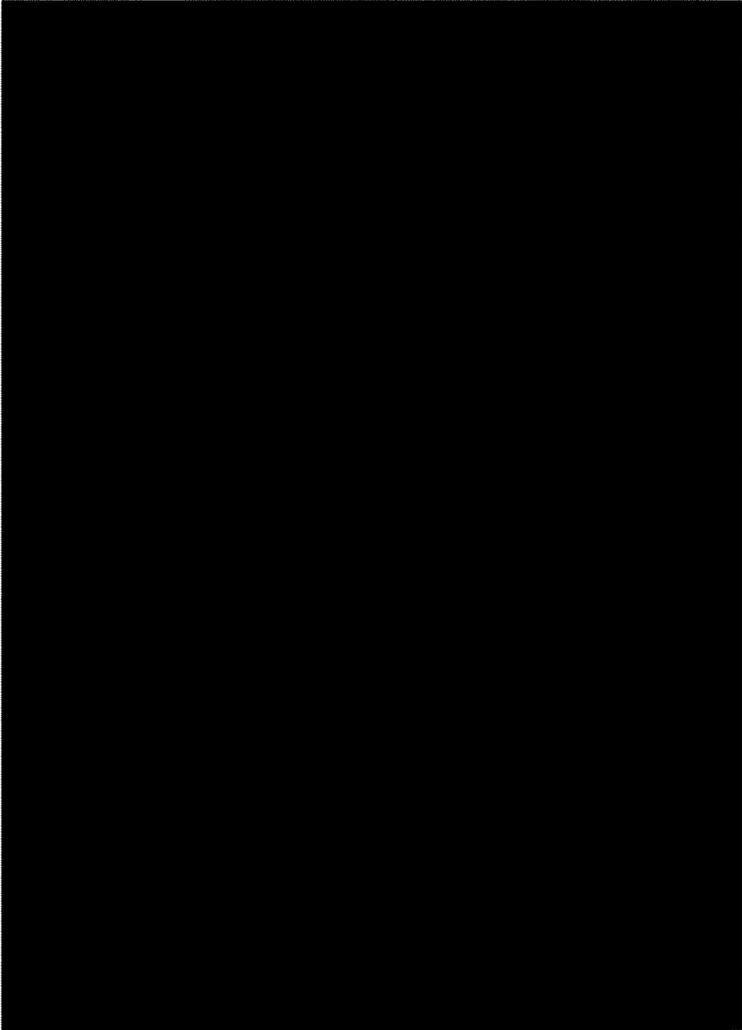


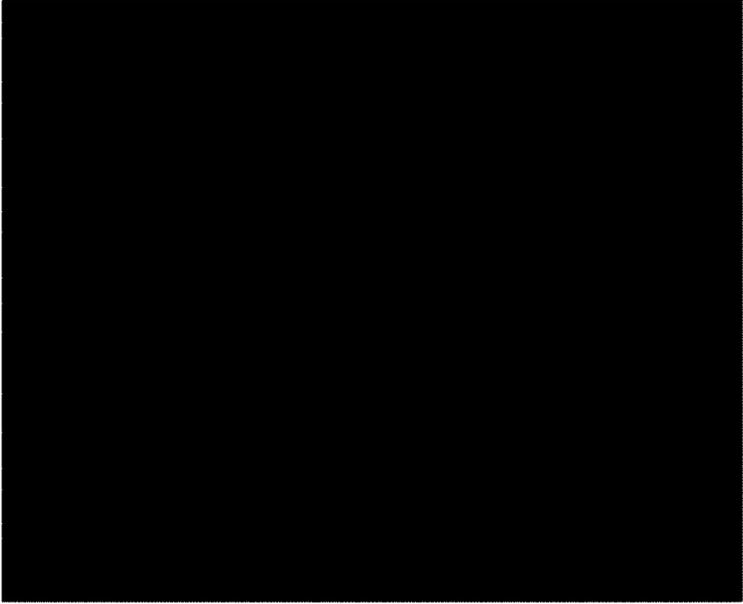


(1/28/19, 12:02:13 PM) Pavlo Klimkin: (Of course)) I have to) ♦
 (1/28/19, 12:21:58 PM) Kurt Volker: Ok – talk me when we should meet up – maybe Saturday late afternoon?
 (1/28/19, 12:22:53 PM) Pavlo Klimkin: Still don't know my schedule - will get back to you asap
 (1/31/19, 10:56:52 PM) Kurt Volker: Hi pavlo – any news on sajdk replacement? Maye-flirting thoughts? Kurt
 (4/15/19, 9:51:54 AM) Pavlo Klimkin: Hi I shared with Masha Yovanovitch some impressions about PZ visit to Berlin and Paris. Pls read her note. I'm worried about Normandy summit perspective early June. Best p
 (4/15/19, 10:02:58 AM) Kurt Volker: Thanks Pavlo – will do! Hope you are well!
 (5/19/19, 5:49:05 AM) Kurt Volker: Hi Pavlo – late arrival – 10:25pm from Munich to Kiev. That messes up dinner, unfortunately. We'll work something else out – looking forward to seeing you. - Kurt
 (5/19/19, 5:17:32 AM) Pavlo Klimkin: Hi, can do breakfast 7:30 or 8am tomorrow
 (5/19/19, 5:56:47 AM) Kurt Volker: Ok – will check w embassy schedule and let you know
 (5/19/19, 11:14:00 AM) Kurt Volker: Hi Pavel – we have a delegation meeting w Secretary Perry at 8am. Could you and I meet at 7:30 or even 7:15 at Hyatt?
 (5/19/19, 11:19:12 AM) Pavlo Klimkin: Can do 7:20am cause have a Skype interview at 7:10 in the MFA
 (5/19/19, 11:19:39 AM) Kurt Volker: Ok – that works for me
 (5/19/19, 11:19:51 AM) Pavlo Klimkin: Great
 (5/19/19, 4:53:12 PM) Kurt Volker: Hi Pavlo – arrived – see you in the morning - Kurt
 (5/19/19, 4:54:17 PM) Pavlo Klimkin: ♦
 (5/20/19, 12:26:42 AM) Pavlo Klimkin: In 2min
 (5/20/19, 12:29:44 AM) Kurt Volker: No worries – I am in restaurant in the back behind the screen









[9/8/19, 4:20:09 AM] Ukraine: Messages to this group are now secured with end-to-end encryption.
 [9/8/19, 4:20:09 AM] Gordon Sandland created group "Ukraine"
 [9/8/19, 4:20:09 AM] Gordon Sandland added you
 [9/8/19, 4:20:32 AM] Gordon Sandland: Guys, multiple convos with Ze, Potus. Lets talk
 [9/8/19, 4:26:43 AM] Bill Taylor: Now is fine with me
 [9/8/19, 4:26:43 AM] Kurt Volker: Try again -- could not hear
 [9/8/19, 4:42:41 AM] Bill Taylor: Gordon and I just spoke. I can brief you if you and Gordon don't connect
 [9/8/19, 12:37:28 PM] Bill Taylor: The nightmare is they give the interview and don't get the security assistance. The Russians love it. (And I quit.)
 [9/8/19, 5:04:16 PM] Kurt Volker: I'm not in the loop. Talk Monday?
 [9/9/19, 12:16:32 AM] Gordon Sandland: Call at your convenience or let me know a good time. I am in Brussels
 [9/9/19, 12:20:32 AM] Kurt Volker: Will do - just getting started here in Georgia - will step out and call in an hour or so a thanks!
 [9/9/19, 12:31:05 AM] Bill Taylor: The message to the Ukrainians (and Russians) we send with the decision on security assistance is key. With the hold, we have already shaken their faith in us.
 Thus my nightmare scenario.
 [9/9/19, 12:34:44 AM] Bill Taylor: Counting on you to be right about this interview. Gordon.
 [9/9/19, 12:37:16 AM] Gordon Sandland: Bill, I never said I was "right". I said we are where we are and believe we have identified the best pathway forward. Lets hope it works.
 [9/9/19, 12:47:41 AM] Bill Taylor: As I said on the phone, I think it's crazy to withhold security assistance for help with a political campaign.
 [9/9/19, 3:15:35 AM] Gordon Sandland: Bill, I believe you are incorrect about President Trump's intentions. The President has been crystal clear, no quid pro quo's of any kind. The President is trying to evaluate whether Ukraine is truly going to adopt the transparency and reforms that President Zelensky promised during his campaign. I suggest we stop the back and forth by text. If you still have concerns, I recommend you give Lisa Kenna or I a call to discuss them directly. Thanks.
 [9/9/19, 5:42:09 AM] Bill Taylor: I agree

(5/25/19, 8:43:45 AM) Vadym Prystaiko: Messages to this chat and calls are now secured with end-to-end encryption.

(5/25/19, 8:43:45 AM) Kurt Volker: Hi Vadym! When is good for you to talk? I am free anytime - Kurt

(5/25/19, 8:44:16 AM) Vadym Prystaiko: can you talk right now?

(5/25/19, 8:44:44 AM) Kurt Volker: Anti-Frust Reform # 2 pages - attached: 00000014-Anti-Frust Reform.docx

(5/25/19, 8:34:22 AM) Vadym Prystaiko: thank you for that And for a good conversation. I will be in touch

(5/25/19, 9:37:41 AM) Kurt Volker: Great!

(5/28/19, 12:24:18 PM) Kurt Volker: Hi Vadym -- how is it going? Talk tomorrow? Kurt

(5/28/19, 12:27:44 PM) Vadym Prystaiko: Ok. Let's talk tmrw. Your lead

(5/28/19, 12:20:34 PM) Kurt Volker: Hi Vadym -- now a good time to call?

(5/28/19, 3:16:38 PM) Vadym Prystaiko: Good night, what about now?

(5/28/19, 3:19:09 PM) Kurt Volker: Greetings -- ok if not too late for you

(5/28/19, 3:22:38 PM) Vadym Prystaiko: 3 min?

(5/28/19, 3:22:52 PM) Kurt Volker: Yes - no problem

(5/28/19, 3:28:31 PM) Vadym Prystaiko: Missed voice call

(5/29/19, 3:28:04 PM) Vadym Prystaiko: Missed voice call

(5/29/19, 3:30:05 PM) Kurt Volker: Try now?

(5/30/19, 12:57:22 PM) Kurt Volker: attached: 00000007-PII070-2019-05-30-12-57-22.jpg

(5/30/19, 12:53:29 PM) Kurt Volker: We are thinking of somepse visit to alpinas before election and White House visit by Ze after

(5/30/19, 12:58:16 PM) Vadym Prystaiko: thank you good news already reported to Pr. we have to work on timing

(5/30/19, 12:58:55 PM) Kurt Volker: Good -- thanks. You should get this "officially" from the embassy, but wanted you to get it right away

(5/30/19, 4:25:28 PM) Vadym Prystaiko:)) they will be soo unhappy

(5/30/19, 4:26:16 PM) Kurt Volker: They'll get over a...

(6/4/19, 7:40:16 AM) Kurt Volker: Hi Vadym -- good luck with visit to Brussels! Can you talk today or tomorrow?

(6/4/19, 7:40:46 AM) Kurt Volker: Will send letter to our Russian friend tomorrow... forwarding you a draft now.

(6/4/19, 7:40:59 AM) Kurt Volker: 2019 0531 KV Draft letter to Surkov - w edits - 1 page - attached: 00000025-2019 0531 KV Draft letter to Surkov - w edits.docx

(6/4/19, 3:07:03 PM) Vadym Prystaiko: thank you, will read now and we might talk tmrw. Visit is not a time for reflections!)

(6/4/19, 3:07:21 PM) Kurt Volker: Understood! Hope it is going well!

(6/5/19, 3:09:36 AM) Kurt Volker: Hi vadym -- a) good? Kurt

(6/5/19, 3:25:33 AM) Vadym Prystaiko: Hi, finishing up last meetings in Bru. Just agreed to have EU summit on July 8. Great message. Unfortunately NATO is trying to reschedule. This will be used to show that we are changing our NATO course. I hate it

(6/5/19, 3:27:14 AM) Kurt Volker: We'll back you up

(6/5/19, 3:27:25 AM) Kurt Volker: And good press already on Z at nato

(6/5/19, 3:27:33 AM) Kurt Volker: (RF)

(6/5/19, 12:01:42 PM) Vadym Prystaiko: thank you, Kurt, for the letter. I believe, I have to report it to Pr Ze. I fully share you believe that there is a chance we should grasp. I am ready to meet with my colleagues - foreign advisors in the nearest future Surkov included. Although, I urged our deputies to meet first to assess the new reality and prepare the talks

(6/5/19, 1:06:29 PM) Kurt Volker: Great -- thanks Vadym! Please do let him know -- and if he has any comment or guidance, please do convey that to me.

(6/5/19, 1:06:33 PM) Kurt Volker: I will let you know what response we get

(6/5/19, 1:07:09 PM) Kurt Volker: I also shared the text with the French and Germans, so feel free in discussing with them too

(6/5/19, 1:07:09 PM) Kurt Volker: Thanks!

(6/12/19, 1:56:53 PM) Vadym Prystaiko: Dear Kurt, I bother you on purpose that you will not forget about your duties in the middle of celebration! But, seriously, please accept my best wishes. Long, prosperous and happy life for you both!

(6/12/19, 2:50:11 PM) Kurt Volker: Thank you Vadym! Very kind of you!! We are very happy!

(6/12/19, 1:04:53 PM) Kurt Volker: Hi Vadym -- hope it is going well. From what I saw, parts was good. Berlin as well?

(6/12/19, 1:07:23 PM) Kurt Volker: We are looking at a visit to east on July 22-23 -- ideally together w president z. But want to be sure this is done in a way that works substantively for the president.

(6/21/19, 1:08:54 PM) Kurt Volker: Maybe Stanisa Lubanaska? Or Zelata? Or Mariupol?

(6/21/19, 1:08:18 PM) Kurt Volker: And we should coordinate message / new "initials"??

(6/21/19, 1:09:35 PM) Kurt Volker: Would then come to Kyiv and have meetings there before departure

(6/21/19, 1:10:33 PM) Kurt Volker: Also -- I will head US del to Toronto. Would like to arrange bilat there to discuss this, plans, WH visit, etc.

(6/22/19, 3:34:44 PM) Vadym Prystaiko: Kurt, thank you. We are looking to your visit. I guess that St. Lul will be good move as we are hoping to withdraw forces from here after the sustainable ceasefire and start contracting the bridge. Hope to see you in Toronto. Will talk in more details

(6/22/19, 4:34:18 PM) Kurt Volker: That sounds good -- see you in Toronto. I got in Monday eve and leave Wednesday morning

(6/23/19, 12:31 PM) Vadym Prystaiko: Same with us. See you there

(6/30/19, 5:58:16 PM) Kurt Volker: Hi Vadym -- looking forward to seeing you in Toronto. Will you join the first panel (I am moderating) with Swedish FM and EU Commissioner? Best - Kurt

(7/1/19, 1:07:48 AM) Vadym Prystaiko: Hi Kurt. Will see you in Toronto. I was planning for the first panel but see now that Pr has his meeting, so I might be with him. Will see how it goes. Best. Vadym

(7/1/19, 7:35:39 AM) Kurt Volker: Got it -- thanks -- see you later today and certainly at breakfast tomorrow. Best - Kurt

(7/1/19, 2:43:27 PM) Kurt Volker: Hi Vadym. At the airport heading up to Toronto. Please tell the president I was unhappy to see the media link my comments about sakharova's claims on sailors with Klimkin's behavior. I was responding directly to Russian MFA claims before Klimkin had said anything, and of course I did not know that Klimkin would do so in a way that undercut Zelensky. If I can help to reframe this in any way to help Zelensky, let me know. See you later -- best -- Kurt

(7/1/19, 11:30:14 PM) Vadym Prystaiko: Hi, Kurt, I know you are a good friend with Pavlo!

(7/2/19, 6:32:48 AM) Kurt Volker: Very funny -- thanks -- see you in a bit

(7/2/19, 6:42:54 AM) Vadym Prystaiko: yis still have you sense of humor with you - good sign, see you in a bit

(7/4/19, 8:22:14 AM) Kurt Volker: Thanks for everything. What is your take on our meeting, and the visit overall?

(7/4/19, 1:33:54 PM) Vadym Prystaiko: thank you, it was important contact. I must admit, I felt that you sugarcoated a message on a visit. Or the message I got earlier was not correct, this visit went well - he is fast learner and adapts constantly. Frankly, this one was expectedly easy and friendly. Will introduce him to a tougher ones gradually. What was your reading?

[7/4/19, 1:52:44 PM] Kurt Volker: I wanted to make sure he knew we are supporting him and his stated commitment to reforms -- and that there are still concerns at the highest level he needs to address proactively -- about Kolo and whether he will really pursue reforms he says. I talked to him privately about Giuliani and impact on president!

[7/4/19, 1:53:51 PM] Kurt Volker: My impression is that he is sincere in wanting to press forward on everything, but doesn't quite know how to do it, and he knows there will be tough opposition

[7/4/19, 1:54:36 PM] Kurt Volker: But he made a good impression in Toronto and am sure he will do the same in Washington

[7/5/19, 10:13:18 AM] Vadym Prystaiko: Got it. Thank you, will you advise us on time for telephone call?

[7/5/19, 10:14:47 AM] Kurt Volker: Yes -- am hoping we can nail that down on Monday or Tuesday

[7/5/19, 1:52:12 PM] Vadym Prystaiko: Thank you

[7/14/19, 7:23:58 AM] Vadym Prystaiko: Morning Kurt. Are you coming to UA?

[7/14/19, 9:26:14 AM] Kurt Volker: Hi Vadym -- yes -- still working out dates -- what works for you and president? And how was Paris?

[7/14/19, 10:40:20 AM] Vadym Prystaiko: Paris was OK. Will forward a final paper to you

[7/14/19, 10:49:52 AM] Vadym Prystaiko: Have to check the dates for the Po but am ready to accommodate your time lines

[7/14/19, 11:35:50 AM] Kurt Volker: Ok -- for dates, am thinking of arriving in the east on the 23rd. Meetings out there (S-L) or 24th and then Kyiv on 26th. Would any of that work?

[7/14/19, 4:43:44 PM] Vadym Prystaiko: will check tmrw. How many of you?

[7/14/19, 4:49:40 PM] Kurt Volker: Sorry -- push that to the right -- arrive 24th, meetings in S-L on 25th, Kyiv 26th. Probably 3 or 4? But we can adjust.

[7/15/19, 4:32:36 AM] Vadym Prystaiko: 1807012 N4 advisors steps FINAL D3CX #1 page <attached: 000000073-1807012 N4 advisors steps FINAL.docx>

[7/17/19, 12:46:38 PM] Vadym Prystaiko: Morning. We are OK with the dates you gave me. Pr will not be able to accompany you to East but I already booked time with him upon your return to Kyiv you Emb here can't update me on logistics yet. Is it done on purpose?

[7/17/19, 1:48:29 PM] Kurt Volker: That sounds great. No idea what problem could be with embassy, I'll push them. Looking forward to it, Kurt

[7/17/19, 1:44:16 PM] Vadym Prystaiko: Ple do not. Don't people. Will check with them myself

[7/17/19, 1:44:46 PM] Kurt Volker: Ok... will you be coming east or we can find time in Kyiv as well?

[7/17/19, 1:45:41 PM] Vadym Prystaiko: Hate it, being there so many times but will go with you if Pr allows

[7/17/19, 1:46:18 PM] Kurt Volker: Ok -- entirely your call. I just want to be as supportive as possible

[7/17/19, 1:47:15 PM] Vadym Prystaiko: You are, sorry just one of those days. Oh course, I will go

[7/17/19, 2:08:18 PM] Kurt Volker: I wish you well!

[7/22/19, 8:33:41 AM] Kurt Volker: Congratulations! Please give my best to the president -- see you this week

[7/22/19, 8:38:54 AM] Vadym Prystaiko: thank you. I will, still counting though. See you later this week

[7/28/19, 8:22:26 AM] Kurt Volker: 180730 Deployment Timeline # 2 pages <attached: 000000284-180730 Deployment Timeline.pdf>

[7/28/19, 8:27:22 AM] Kurt Volker: Hi Vadym -- here is the paper on rollout of a peacekeeping force -- intended to be an annex to a UNSCOP on establishing a un-mandates PKI.

[7/28/19, 8:28:38 AM] Kurt Volker: Suggest we review and change as makes sense to you. And I can seek meetings in Moscow -- maybe use then or maybe meet first and then propose something.

[7/28/19, 3:16:52 PM] Kurt Volker: <attached: 000000287-180728-0728-18-16-52.jpg>

[7/28/19, 3:16:57 PM] Kurt Volker: <attached: 000000288-180728-0728-18-16-52.jpg>

[7/28/19, 3:16:52 PM] Kurt Volker: <attached: 000000289-180728-0728-18-16-52.jpg>

[7/27/19, 3:27:36 AM] Vadym Prystaiko: Thank you Kurt. I appreciate your effort and courage to make it to the Touchline.

[7/27/19, 3:28:11 AM] Kurt Volker: Thank you for making it possible! Was a really good opportunity -- very glad we did it.

[8/1/19, 12:34:15 PM] Kurt Volker: Hi Vadym -- just checking in. Terrible on the attack near Donetsk. How are things otherwise?

[8/1/19, 4:17:31 PM] Vadym Prystaiko: Kurt, I am with Pr at the visit to Turkey. Have seen your statement on last escalation. Thank you. We are making our own steps. Talked to Pu and Mak this morning, reaching out for Merk. Asking them to get together to reflect on updating Mosk or take other steps to achieve tangible progress

[8/1/19, 4:49:40 PM] Kurt Volker: Good. Let us know how we can help. Am looking at dates for a Moscow trip -- want to be sure the right people are there...

[8/8/19, 10:47:29 AM] Kurt Volker: Hi Vadym - Did macron agree to try to schedule N4 meeting?

[8/8/19, 10:52:22 AM] Vadym Prystaiko: Yes, he promised to reach to Merk and he will see Pu soo anyways. I felt that he is planning for UNGA. You think that your leader would like to join?

[8/8/19, 12:16:15 PM] Kurt Volker: Not sure -- but let's try.

[8/8/19, 12:18:16 PM] Vadym Prystaiko: not sure either, but can force a new big deal with possible outcome of eventual resolution. Will be rather be a part of historic moment? A leader and driver of the process?

[8/8/19, 4:52:22 PM] Kurt Volker: If we are there, he will want in

[8/9/19, 1:04:35 AM] Vadym Prystaiko: is that your educated guess or you know something? could be Warsaw, BTW

[8/9/19, 7:05:55 AM] Kurt Volker: Educated guess only

[8/9/19, 7:47:03 AM] Vadym Prystaiko: ok

[8/20/19, 10:44:06 AM] Kurt Volker: Hi Vadym -- hope all is well -- are you free to talk today or tomorrow? Kurt

[8/20/19, 10:54:46 AM] Vadym Prystaiko: Morning Kurt, yes, will be glad to. In a couple of hours

[8/20/19, 10:58:35 AM] Kurt Volker: Great -- my 2:30pm?

[8/20/19, 11:28:33 AM] Vadym Prystaiko: I am in Brussels now!! so, it is...?

[8/20/19, 11:50:05 AM] Kurt Volker: 6 hours difference -- so 8:00pm your time?

[8/20/19, 11:31:25 AM] Vadym Prystaiko: OK. Will dial you

[8/20/19, 3:15:24 PM] Kurt Volker: Hi Vadym -- heading into pentagon for an hour and will be without phone. Let's try later or tomorrow - between noon and 3 your time

[8/20/19, 4:45:15 PM] Vadym Prystaiko: sorry, just back to phone. I am away from UA, we can do it tmrw if it works for you.

[8/20/19, 4:45:52 PM] Kurt Volker: Yes - great - thanks

[8/22/19, 11:55:28 AM] Vadym Prystaiko: Morning. Are you available for a chat?

[8/22/19, 11:58:31 AM] Kurt Volker: Yes -- in a few min -- just arriving at a dinner in Vilnius, UK?

[8/22/19, 12:01:50 PM] Vadym Prystaiko: sorry, please have a dinner first!

[8/22/19, 12:17:52 PM] Kurt Volker: Ok -- are you sure? Can call now, or after 8pm Brussels

[8/22/19, 12:18:29 PM] Vadym Prystaiko: totally up to you. I can do both

[8/22/19, 12:22:23 PM] Kurt Volker: Just tried. Will try again in a minute.

[8/22/19, 12:23:13 PM] Kurt Volker: Meanwhile, I noticed this picture of this young, good-looking guy on your what's App account. Who is that? :)
 [8/22/19, 12:43:41 PM] Kurt Volker: Hi Vadym -- can I congratulate you yet?
 [8/22/19, 10:12:21 PM] Vadym Prystaiko: Should I rather accept condolences?
 [8/22/19, 10:14:47 PM] Kurt Volker: Not at all! Great opportunities ahead...
 [8/22/19, 14:03:34 PM] Vadym Prystaiko: :) BTW, I will go to N4 to Berlin Sept 2
 [8/22/19, 4:12:01 PM] Kurt Volker: Good luck!
 [8/22/19, 4:12:28 PM] Kurt Volker: Can we get you or someone from new team in Tbilisi on Sept 3-10?
 [8/22/19, 4:12:55 PM] Kurt Volker: And what are your current thoughts on OSCE Rep? Amb to US?
 [8/22/19, 4:25:59 PM] Vadym Prystaiko: Not sure I understand what you are talking about
 [8/22/19, 4:37:03 PM] Kurt Volker: On Tbilisi, you and others should have received an invitation to the McCain Institute Tbilisi Int'l Conference. Are you aware of that? I can tell them to re-send
 [8/22/19, 4:37:46 PM] Kurt Volker: On OSCE Rep on Ukraine -- I know you don't like Mayr-Harting, but not sure who is available or would be better that would get consensus
 [8/22/19, 4:38:27 PM] Kurt Volker: And is there news on next Ukraine Amb to US now that you are FM? I heard that Shamshur is not doing it, so...
 [8/22/19, 4:38:51 PM] Vadym Prystaiko: I have no news one. Thank you, will try to send someone
 [8/22/19, 4:39:21 PM] Kurt Volker: That would be great -- need the new team, not old voices
 [8/22/19, 4:39:28 PM] Vadym Prystaiko: we are for Halidi
 [8/22/19, 4:39:47 PM] Kurt Volker: Will she do it?
 [8/22/19, 4:40:07 PM] Vadym Prystaiko: no, unfortunately he is not coming, I am finalizing the list to suggest to FR
 [8/22/19, 4:41:29 PM] Vadym Prystaiko: I did not talk to her personally but asked our rep to do so. She told she would be available since October or so. Until then Sajik can work
 [8/22/19, 4:41:47 PM] Kurt Volker: Ok -- great. We can support her.
 [8/22/19, 4:41:57 PM] Kurt Volker: Good luck on Anet!
 [8/22/19, 4:42:38 PM] Vadym Prystaiko: I will need it. Should we send you??
 [8/22/19, 4:43:05 PM] Kurt Volker: :) I'll do it anyway -- you may as well get 2 for the price of 1
 [8/22/19, 4:43:44 PM] Vadym Prystaiko: :) imagine, how creative it would sound
 [8/22/19, 4:44:03 PM] Kurt Volker: True...
 [8/22/19, 4:55:26 PM] Kurt Volker: You deleted this message.
 [8/22/19, 5:02:57 PM] Kurt Volker: Trump not going to Warsaw now -- pence going... I'm so sorry
 [8/1/19, 10:13:13 AM] Kurt Volker: How was pence meeting?
 [8/1/19, 12:71:31 PM] Vadym Prystaiko: have to recognize it was a good meet. Nobody was rushing, seems the chemistry was there. It could easily be a very successful meeting with POTUS. However, on assistance side it did not become clearer, "regardless of the decision, you have to know that the US is staying strong next to UK in its war against."
 [8/1/19, 8:24:08 PM] Kurt Volker: Good grief. We need to get our side sorted out on the assistance. But glad the meeting was good overall... still working for WH vis...
 [8/3/19, 8:58:01 AM] Kurt Volker: Hi Vadym -- what is your take on N4 meeting?
 [8/3/19, 9:07:31 AM] Vadym Prystaiko: It was usually tough. I will show you docs. US+FR are pushing for a Summit, your friend was fighting against. As always there were sensitivity on their side on outsiders to N4. You are coming to YES?
 [8/2/19, 11:28:23 AM] Kurt Volker: Ukraine Security Letter * 2 pages -retatched 00000149-Ukraine Security Letter.pdf*
 [8/4/19, 9:54:47 AM] Kurt Volker: Thanks. Planning an YES! Maybe visit Moscow first. What do you think?
 [8/4/19, 9:56:57 AM] Kurt Volker: No surprise on dynamics in Berlin.
 [8/4/19, 12:16:48 PM] Vadym Prystaiko: TCG finished for today. Not much. Are not at speed of our leader yet. Will have to give then a boost
 [8/4/19, 12:46:41 PM] Kurt Volker: Honestly, I don't know anything that is at the speed of your leader!
 [8/4/19, 4:20:11 PM] Vadym Prystaiko: we are learning from the best
 [8/4/19, 4:28:03 PM] Vadym Prystaiko: lets talk about your possible visit to RU in a day or two?
 [8/5/19, 8:16:32 PM] Kurt Volker: Sorry -- yes -- talk Friday? That
 [8/23/19, 5:30:43 PM] Kurt Volker: Hi Vadym -- are you free before the Wednesday bilateral at a quiet? I get to NY around 3:30pm tomorrow. Kurt
 [8/24/19, 8:47:21 PM] Vadym Prystaiko: yes, I am, will see you
 [8/24/19, 2:06:16 PM] Kurt Volker: Hi Vadym -- has Andrey reached out? Plan for dinner at 5pm? Did you want to meet separately? Kurt
 [8/24/19, 3:06:30 PM] Vadym Prystaiko: you have a dinner with Yermak?
 [8/24/19, 3:21:04 PM] Kurt Volker: Yes -- he reached out to me -- I asked if he would invite you and he said yes, but I have not heard back. Can you join? And/Or would you prefer to meet separately?
 [8/24/19, 3:48:03 PM] Vadym Prystaiko: I have other meeting at this time unfortunately. Will Gordon be there as well?
 [8/24/19, 3:41:21 PM] Kurt Volker: He is joining late -- probably 5:30
 [8/24/19, 3:43:29 PM] Vadym Prystaiko: I see, will try to get there. Where you meet?
 [8/24/19, 3:48:05 PM] Kurt Volker: Strip House steak -- 15 W 44th
 [8/24/19, 4:15:27 PM] Kurt Volker: Do you have time between 5 and 7:30?
 [8/24/19, 4:17:16 PM] Vadym Prystaiko: finishing up at 19:00 at UN. Have time until next thing
 [8/24/19, 4:18:30 PM] Kurt Volker: Ok -- I need to be somewhere between 7:30 and 8:30 -- so let's stick with dinner
 [8/24/19, 4:43:24 PM] Vadym Prystaiko: will try to join you
 [8/24/19, 4:43:54 PM] Kurt Volker: OK -- would be great if you can -- what time is your next appt after the 7pm break?
 [8/24/19, 5:33:13 PM] Vadym Prystaiko: EU reception at 19:00 but I can skip if we find time to meet. It will be much easier than 21:00 dinner.
 [8/24/19, 6:31:40 PM] Kurt Volker: I'm sorry -- Do the reception, I will have to be upper east side until 8:30pm...
 [8/24/19, 6:37:07 PM] Vadym Prystaiko: OK, too late. Can you speak for a sec now?
 [8/24/19, 6:38:32 PM] Kurt Volker: Yes -- in a car with others, so will watch my words, but yes -- can talk
 [8/24/19, 6:38:45 PM] Vadym Prystaiko: OK, 15 min.
 [8/24/19, 6:38:48 PM] Kurt Volker: Ok
 [8/24/19, 6:55:12 PM] Vadym Prystaiko: now?
 [8/24/19, 7:01:03 PM] Vadym Prystaiko: Missed voice call
 [8/25/19, 12:05:34 PM] Kurt Volker: Vadym -- Can you meet w pompeo and me at bilat venue at 1400? Kurt
 [8/25/19, 12:41:07 PM] Vadym Prystaiko: I can do it.

[9/25/19, 1:28:12 PM] Vadym Prystaiko: Missed voice call

[9/25/19, 1:46:22 PM] Vadym Prystaiko: Missed voice call

[9/26/19, 3:17:54 AM] Vadym Prystaiko: Dean Kurt, do I have to start worrying or they are just rumors?

[9/26/19, 9:25:39 AM] Kurt Volker: You mean you weren't worried when you became foreign minister?!

[9/28/19, 9:27:12 AM] Kurt Volker: Seriously — I had step down to deal with the Congress and I would not be able to do the job effectively in this circus... but still paying attention and will be helpful

[9/28/19, 9:28:50 AM] Vadym Prystaiko: this is a very good observation. I am worrying now too. Your departure made me even more uncertain

[9/28/19, 9:30:21 AM] Kurt Volker: Hang in there ...Ukraine needs good people

[9/28/19, 9:31:12 AM] Vadym Prystaiko: that was my exact message to you. What now?



THE WHITE HOUSE

WASHINGTON

May 29, 2019

His Excellency
Volodymyr Zelenskyy
President of Ukraine
Kyiv

Dear Mr. President,

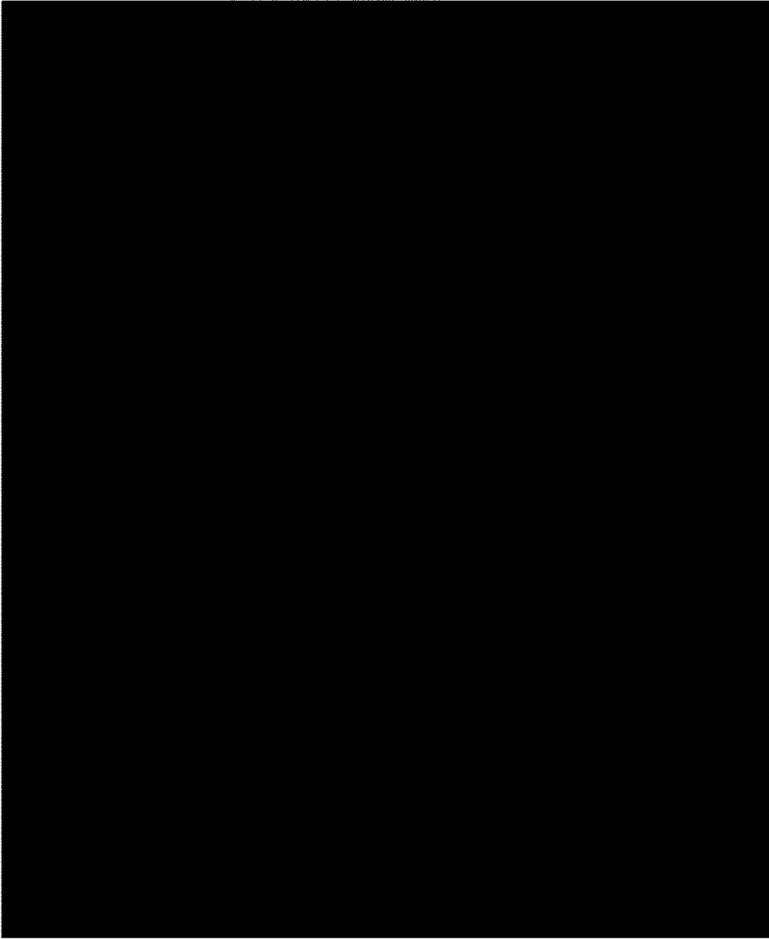
On the occasion of your inauguration, I wish to offer my congratulations on your historic election victory.

The United States and Ukraine are steadfast partners, working together to realize the shared vision of a stable, prosperous, and democratic Ukraine that is integrated into the Euro-Atlantic community. Our partnership is rooted in the idea that free citizens should be able to exercise their democratic rights, choose their own destiny, and live in peace. As you said in your victory speech, your election demonstrates that democracy is possible anywhere in the former Soviet region. Ukraine's success exemplifies the triumph of democracy over resurgent despotism. United States support for Ukraine's sovereignty and territorial integrity is unwavering.

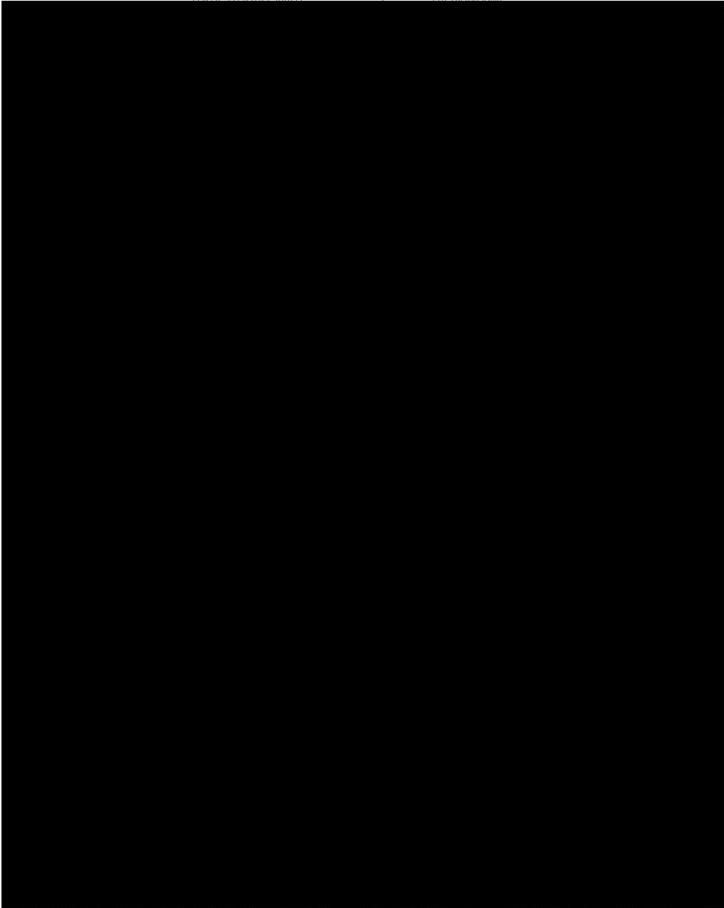
As you prepare to address the many challenges facing Ukraine, please know that the American people are with you and are committed to helping Ukraine realize its vast potential. To help show that commitment, I would like to invite you to meet with me at the White House in Washington, D.C., as soon as we can find a mutually convenient time.

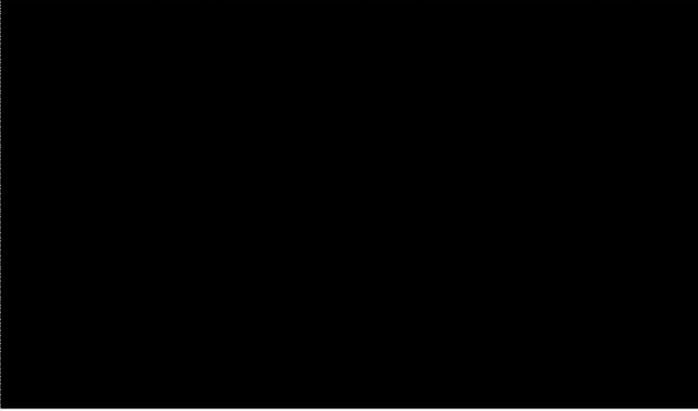
I wish you every success as you assume office, and I look forward to meeting with you.

Sincerely,









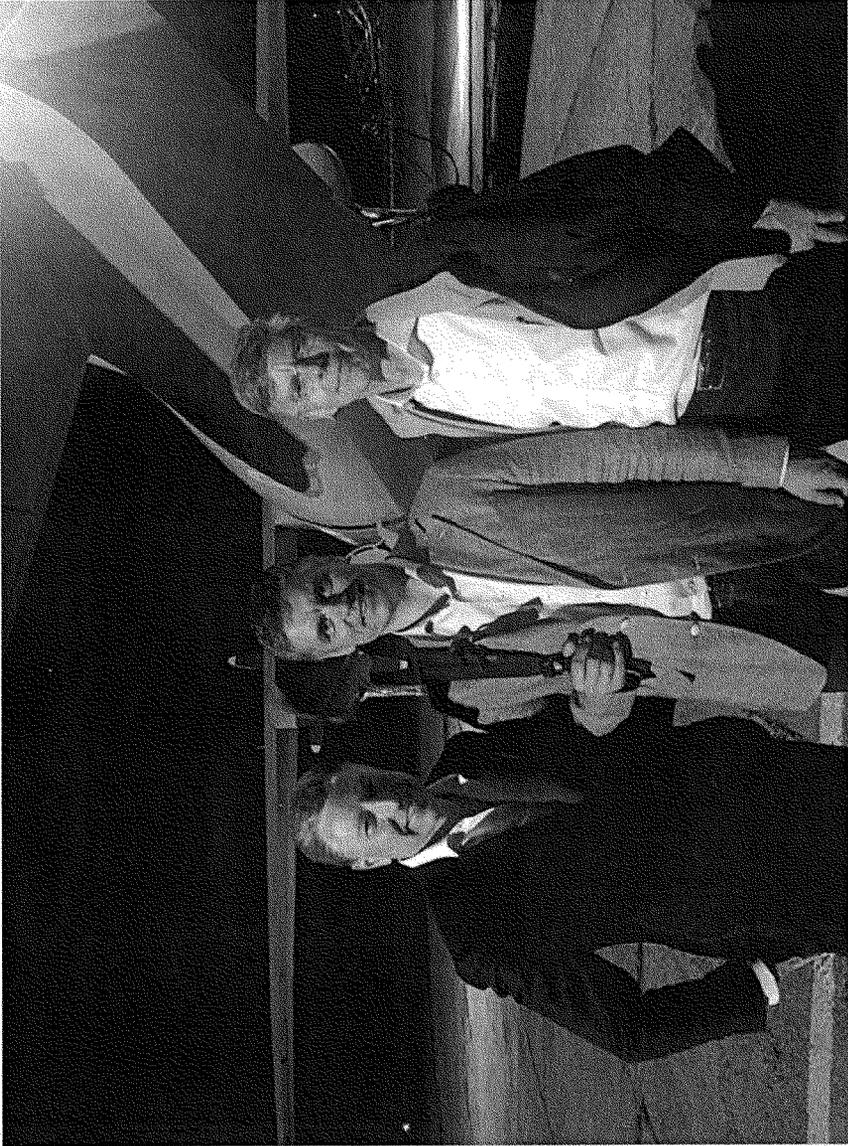


Confidential

KV0000063

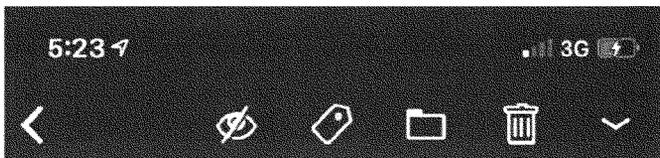
7626





Confidential

KV00000065



John M. Dowd

[REDACTED]
M- 571-435 [REDACTED]
[REDACTED]@johnmdowd.com

From: jay sekulow <[REDACTED]@claglaw.com>
Sent: Wednesday, October 2, 2019 11:14 AM
To: John Dowd <[REDACTED]@johnmdowd.com>
Subject: Re: Lav Parnas and Igor Furman-

John,

I have discussed the issue of representation with the President. The President consents to allowing your representation of Mr. Parnas and Mr. Furman.

Jay Sekulow
Counsel to the President
Sent from my iPhone
PLEASE NOTE: This e-mail and any files transmitted with it are confidential and may be subject to the attorney-client privilege. Use or disclosure of this e-mail or any such files by anyone other than a designated addressee is unauthorized. If you are not an intended recipient, please notify the sender by e-mail and delete this e-mail without making a copy.

On Oct 2, 2019, at 9:04 AM, John Dowd



Reply



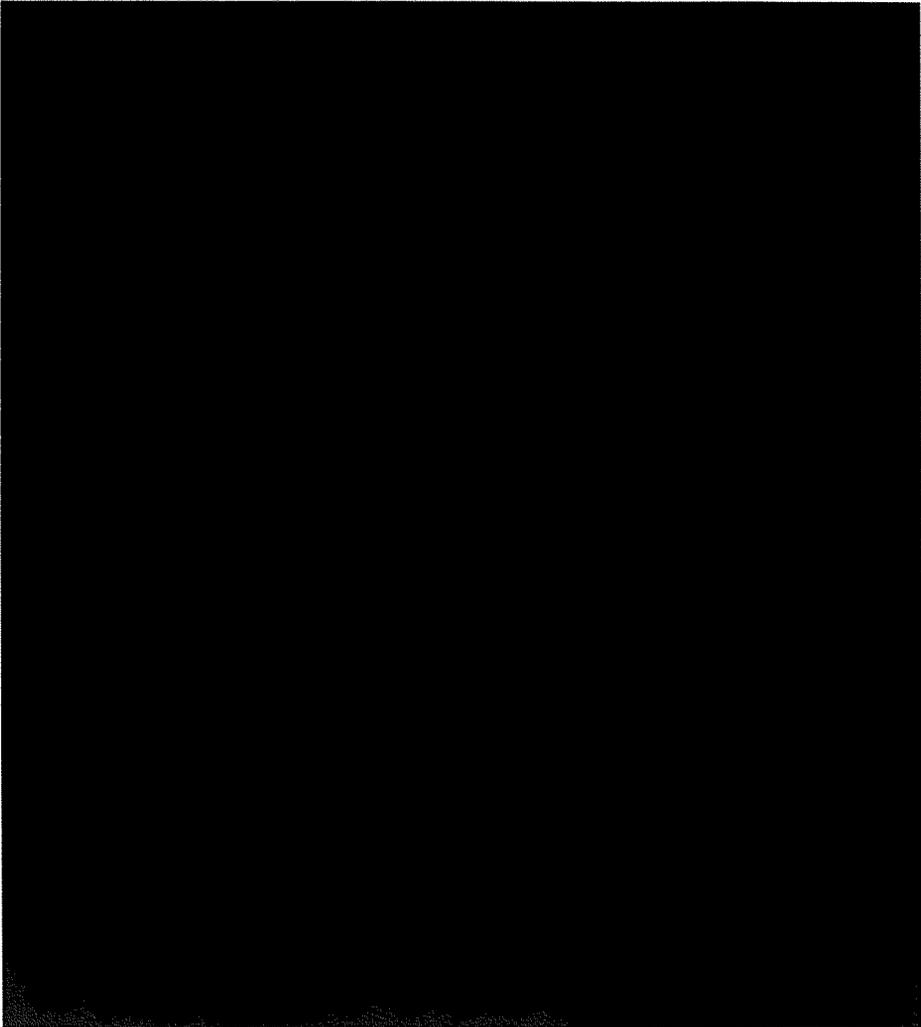
Reply All

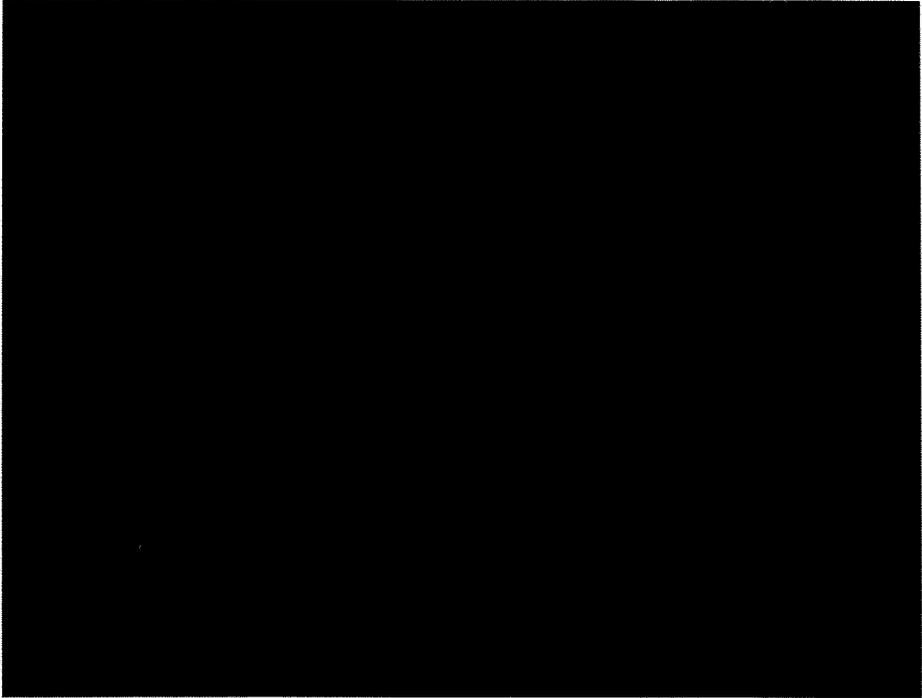


Forward

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██████████@pubcenter-gymadiv.com
Trying to get us mt 2
Status Sent
Delivered: 7/3/2019 3:16:33 PM (UTC-4)
Read: 7/3/2019 3:17:58 PM (UTC-4)
7/3/2019 3:16:33 PM (UTC-4)





+1917951 [redacted] Rudy Giuliani
Where are you guys
Status: Read
Read: 7/3/2019 5:15:20 PM(UTC-4)

7/3/2019 5:15:17 PM(UTC-4)

[redacted] @globalenergyproducers.com
Going to Vienna
Status: Sent
Delivered: 7/3/2019 5:15:59 PM(UTC-4)
Read: 7/3/2019 5:15:43 PM(UTC-4)

7/3/2019 5:15:39 PM(UTC-4)

+1917951 [redacted] Rudy Giuliani
Wow!
Status: Read
Read: 7/3/2019 5:15:55 PM(UTC-4)

7/3/2019 5:15:55 PM(UTC-4)

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+1917951 [redacted] Rudy Giuliani

I am advised that the PRES ELECT is in the hands of people who are avowed enemies of the President. At least one was involved in delivering fraudulent evidence falsely accusing the campaign and made horrible statements about his desire to defeat him. Hopefully Pres elect will realize that the operatives around him don't have his best interests at heart.

Status: Read

Read: 5/11/2019 2:50:46 AM(UTC-4)

5/11/2019 1:42:12 AM(UTC-4)

+1917951 [redacted] Rudy Giuliani

Sorry I had to cancel trip. See if you can come back to NYC so we can talk and regroup.

Status: Read

Read: 5/11/2019 2:55:49 AM(UTC-4)

5/11/2019 1:43:21 AM(UTC-4)

+1917951 [redacted] Rudy Giuliani

I will text Victoria

Status: Read

Read: 5/11/2019 2:50:49 AM(UTC-4)

5/11/2019 1:43:39 AM(UTC-4)

[redacted] @gucabenergy@prod.uconnect.com

Please call me as soon as your up my brother

Status: Sent

Delivered: 5/11/2019 2:16:29 AM(UTC-4)

Read: 5/11/2019 8:00:33 AM(UTC-4)

5/11/2019 2:56:24 AM(UTC-4)

+1917951 [redacted] Rudy Giuliani

I concluded that the President elect is being advised by people who were very vocal opponents of President Trump and peculiarly vocal supporters of Hillary Clinton, in particular Sergii Leschenko. He has already been found to have acted improperly with regard to our 2016 election. Under these circumstances the meeting would have accomplished little and may be in the hands of those who might misrepresent it. My purpose was to share information to assist their on-going investigation of Ukrainian officials being used by Americans to gather information to assist Clinton in last election. It was also to alert them to the very real dangers that there are people involved in the investigation as targets who are attempting to shut it down before it reaches a conclusion. This investigation has the potential to reveal some of the people who originated and/or propagated the false claim of collusion which has been found to be false now by 2, not 1, FBI investigations. This false charge didn't emerge from thin air. If it didn't originate in Ukraine, there is evidence it was pursued there and pursued using illicit means.

Status: Read

Read: 5/11/2019 8:07:36 AM(UTC-4)

5/11/2019 8:07:36 AM(UTC-4)

[redacted] @gucabenergy@prod.uconnect.com

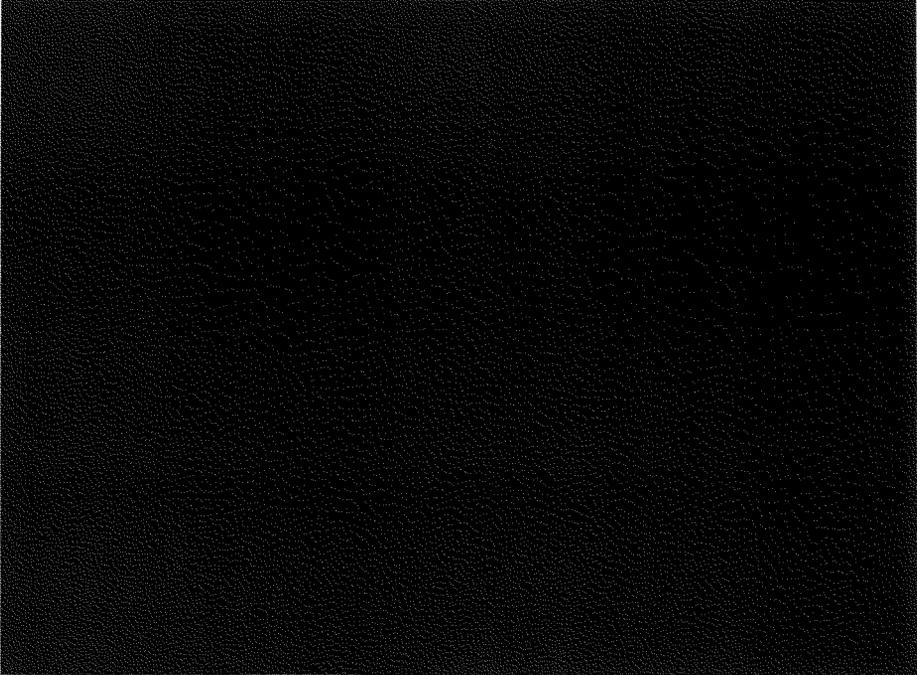
Is this a statement you issued ?

Status: Sent

Delivered: 5/11/2019 8:10:11 AM(UTC-4)

Read: 5/11/2019 9:02:29 AM(UTC-4)

5/11/2019 8:10:17 AM(UTC-4)



+1917951 [Redacted] Rudy Giuliani

This guy is canceling meeting I think?

Status: Read

Read: 5/11/2019 2:50:49 AM(UTC-4)

5/10/2019 7:37:09 PM(UTC-4)

+1917951 [Redacted] Rudy Giuliani

I am going to say I have been informed the people advising the PRES ELECT are no friends of the President. At least one was involved in delivering fraudulent evidence falsely accusing the campaign and made horrible statements about his desire to defeat him. Hopefully Pres elect will realize that tge operatives around him don't have his best interests at heart

Status: Read

Read: 5/11/2019 2:50:49 AM(UTC-4)

5/10/2019 10:47:21 PM(UTC-4)

+1917951 [Redacted] Rudy Giuliani

Liked "I am going to say I have been informed the people advising the PRES ELECT are no friends of the President. At least one was involved in delivering fraudulent evidence falsely accusing the campaign and made horrible statements about his desire to defeat him. Hopefully Pres elect will realize that tge operatives around him don't have his best interests at heart"

Status: Read

Read: 5/11/2019 2:50:49 AM(UTC-4)

5/10/2019 10:57:19 PM(UTC-4)

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Extraction Report

Apple iPhone

Participants



[REDACTED]@s.whatsapp.net
Sergy Shefer (zalintsky)



[REDACTED]@s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (16)

System Message: System Message

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Platform: Mobile

5/11/2019 3:59:02 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Добрый вечер Сергей меня зовут ЛЕв Парнас я друг мэра руды Друзьями пожалуйста перезвоните мне спасибо

Status: Sent

Platform: Mobile

5/11/2019 3:59:02 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Attachments:



Size: 76380
File name: 622a77c9-0542-443e-834d-2d69af206872.jpg
Path: https://img.
fna.whatsapp.net/d/AsyxCOE_oxDWs7uyg6B0536LThkY9R1IGo-
2R-lv2VZl enc.
622a77c9-0542-443e-834d-2d69af206872.jpg

Status: Sent

Platform: Mobile

5/11/2019 4:06:57 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Это копия письма переданная через Авакова по поводу встречи

Status: Sent

Platform: Mobile

5/11/2019 4:08:47 PM(UTC+0)

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RUDOLPH W. GIULIANI

May 10, 2019

President-Elect Volodymyr Oleksandrovych Zelensky
c/o Ministry of Internal Affairs of Ukraine
10 Bogomoiltsa str. 01601
Kyiv, Ukraine

Dear President-Elect Zelensky:

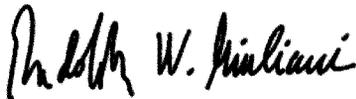
I am private counsel to President Donald J. Trump. Just to be precise, I represent him as a private citizen, not as President of the United States. This is quite common under American law because the duties and privileges of a President and a private citizen are not the same. Separate representation is usual process.

Congratulations on a truly impressive victory in the recent election. I have a great fondness for your country and have visited there often. I have even had the privilege of being there most recently on 2017. Along with many others, I am very hopeful that your election is a real turning point and allows the Ukraine to prosper and overcome some of the long-standing problems of the past. Anything I can do to help you or your country would be a great honor.

However, I have a more specific request. In my capacity as personal counsel to President Trump and with his knowledge and consent, I request a meeting with you on this upcoming Monday, May 13th or Tuesday, May 14th. I will need no more than a half-hour of your time and I will be accompanied by my colleague Victoria Toensing, a distinguished American attorney who is very familiar with this matter.

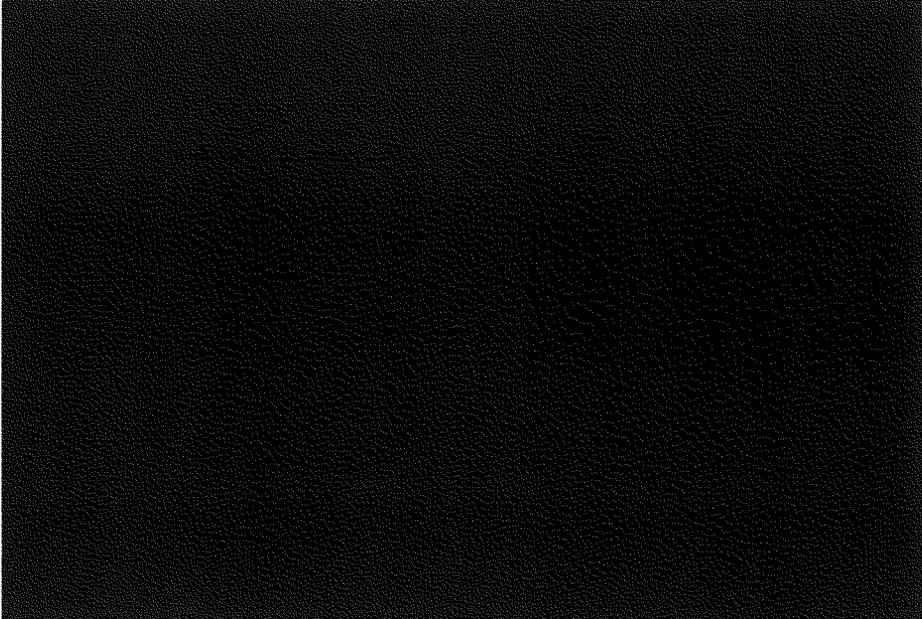
Please have your office let me know what time or times are convenient for you, and Victoria and I will be there.

Sincerely,



Cc: Arsen Avakov
Minister of Internal Affairs

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 @globalenergyproducers.com
Going to sleep my brother please text me or call me if you have any news
Status: Sent
Delivered: 4/23/2019 4:42:36 PM(UTC-4)
Read: 4/23/2019 4:49:33 PM(UTC-4)
4/23/2019 4:42:38 PM(UTC-4)

+1917951  Rudy Galliani
He fired her again.
Status: Read
Read: 4/23/2019 4:52:58 PM(UTC-4)
4/23/2019 4:50:20 PM(UTC-4)

 @globalenergyproducers.com
I pray it happens this time I'll call you tomorrow my brother
Status: Sent
Delivered: 4/23/2019 4:53:36 PM(UTC-4)
Read: 4/23/2019 4:53:53 PM(UTC-4)
4/21/2019 4:53:38 PM(UTC-4)

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[redacted]@s.whatsapp.net Robert F Hyde

Attachments:



Size: 94211
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Status: Read
 Platform: Mobile

3/29/2019 1:02:36 AM(UTC+0)

[redacted]@s.whatsapp.net Lp

<https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>

Attachments:



Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump
 Size: 5140
 File name: a5b10bb8-4ffc-4626-9feb-9eb852061f28.thumb
 a5b10bb8-4ffc-4626-9feb-9eb852061f28.thumb

Status: Sent
 Platform: Mobile

5/10/2019 7:30:00 AM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde

What's up bud? Heard that got cancelled

Status: Read
 Platform: Mobile

6/3/2019 1:46:08 PM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde
It's confirmed we have a person inside
Status: Read
Platform: Mobile
3/27/2019 9:42:57 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
https://www.youtube.com/watch?v=LS8ZA-o9_L4
Attachments:

Title: Trumps takedown of FBI (Winning montage)
Size: 3438
File name: d00d95c7-60a8-4fc3-b723-6ea0a95761cf.thumb
d00d95c7-60a8-4fc3-b723-6ea0a95761cf.thumb
Status: Sent
Platform: Mobile
3/28/2019 12:41:40 AM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde
Nice
Status: Read
Platform: Mobile
3/28/2019 1:44:08 AM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde
Hey brother do we stand down???. Or you still need intel be safe
Status: Read
Platform: Mobile
3/29/2019 1:01:07 AM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde
She had visitors
Status: Read
Platform: Mobile
3/29/2019 1:01:18 AM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde
It's confirmed we have a person inside
Status: Read
Platform: Mobile
3/29/2019 1:01:32 AM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde
Hey broski tell me what we are doing what's the next step
Status: Read
Platform: Mobile
3/29/2019 1:01:46 AM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

From Ukrainians

Status: Read

Platform: Mobile

3/26/2019 10:05:24 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

What's the word bro

Status: Read

Platform: Mobile

3/27/2019 2:15:11 AM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

Any good stuff?

Status: Read

Platform: Mobile

3/27/2019 2:20:54 AM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Call you soon in studio

Status: Sent

Platform: Mobile

3/27/2019 2:22:12 AM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

Let's go Holmes

Status: Read

Platform: Mobile

3/27/2019 3:42:33 AM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

RC was good. But Ingraham had some hard questions

Status: Read

Platform: Mobile

3/27/2019 3:42:54 AM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

Nothing has changed she is still not moving they check today again

Status: Read

Platform: Mobile

3/27/2019 9:42:57 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

Hi buddy

Status: Read

Platform: Mobile

3/27/2019 9:42:57 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F. Hyde

I mean where if they can find out.

Status: Read

Platform: Mobile

3/25/2019 11:46:13 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F. Hyde

That address I sent you checks out

Status: Read

Platform: Mobile

3/25/2019 11:46:22 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F. Hyde

It's next to the embassy

Status: Read

Platform: Mobile

3/25/2019 11:46:30 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F. Hyde

They are willing to help if we/you would like a price

Status: Read

Platform: Mobile

3/25/2019 11:46:53 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F. Hyde

Guess you can do anything in the Ukraine with money... what I was told

Status: Read

Platform: Mobile

3/25/2019 11:47:19 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Lol

Status: Sent

Platform: Mobile

3/25/2019 11:48:47 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F. Hyde

Update she will not be moved special security unit upgraded force on the compound people are already aware of the situation my contacts are asking what is the next step because they cannot keep going to check people will start to ask questions

Status: Read

Platform: Mobile

3/25/2019 10:05:11 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F. Hyde

If you want her out they need to make contact with security forces

Status: Read

Platform: Mobile

3/25/2019 10:05:11 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

She's next to the embassy

Status: Read

Platform: Mobile

3/25/2019 11:39:55 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

Not in the embassy

Status: Read

Platform: Mobile

3/25/2019 11:40:01 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

Private security. Been there since Thursday

Status: Read

Platform: Mobile

3/25/2019 11:40:15 PM(UTC+0)

[REDACTED]@s.whatsapp.net Ip

Interesting

Status: Sent

Platform: Mobile

3/25/2019 11:40:38 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

They know she's a political puppet

Status: Read

Platform: Mobile

3/25/2019 11:41:27 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

They will let me know when she's on the move

Status: Read

Platform: Mobile

3/25/2019 11:45:38 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde

And they'll let me know when she's on the move

Status: Read

Platform: Mobile

3/25/2019 11:45:55 PM(UTC+0)

[REDACTED]@s.whatsapp.net Ip

Perfect

Status: Sent

Platform: Mobile

3/25/2019 11:46:06 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
Interesting
Status: Read
Platform: Mobile
3/25/2019 8:01:39 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
<https://www.washingtonexaminer.com/news/white-house/white-house-personnel-official-described-trump-gop-nomination-as-end-of-the-world>
Attachments:

Title: White House personnel official described Trump GOP nomination as 'end of the world'
Size: 4435
File name: e39e5eb8-447f-4101-bfc9-d6465c6273c_thumb
e39e5eb8-447f-4101-bfc9-d6465c6273c_thumb
Status: Read
Platform: Mobile
3/25/2019 6:29:48 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
What should I do with this?
Status: Read
Platform: Mobile
3/25/2019 8:29:58 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
They are moving her tomorrow
Status: Read
Platform: Mobile
3/25/2019 9:58:41 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
The guys over they asked me what I would like to do and what is in it for them
Status: Read
Platform: Mobile
3/25/2019 9:59:03 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
Wake up Yankees man
Status: Read
Platform: Mobile
3/25/2019 9:59:13 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
She's talked to three people. Her phone is off. Computer is off.
Status: Read
Platform: Mobile
3/25/2019 11:39:42 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
I know crazy shit
Status: Sent
Platform: Mobile
3/23/2019 8:44:57 PM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde
My guy thinks maybe FSB..?
Status: Read
Platform: Mobile
3/23/2019 8:50:23 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
<https://www.dailywire.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-ryan-saavedra>
Attachments:

Title: Calls Grow To Remove Obama's U.S. Ambassador To Ukraine
Size: 4818
File name: 48932451-f8c7-4361-b470-ce562d7a2e9c.thumb
48932451-f8c7-4361-b470-ce562d7a2e9c.thumb
Status: Sent
Platform: Mobile
3/24/2019 4:33:05 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
<https://www.dailywire.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-ryan-saavedra>
Attachments:

Title: Calls Grow To Remove Obama's U.S. Ambassador To Ukraine
Size: 4818
File name: ea96726f-6e3e-4f66-a5ff-359e98276ded.thumb
ea96726f-6e3e-4f66-a5ff-359e98276ded.thumb
Status: Sent
Platform: Mobile
3/24/2019 4:34:34 PM(UTC+0)

[redacted]@s.whatsapp.net Robert F Hyde
Attachments:

Size: 89578
File name: f8ab3621-c487-4ac1-99e2-5e9e89fa0b9f.jpg
Path: https://img-fra.whatsapp.net/d/f/AlIEyIb1m4IZzcaTFVRdUJHNg9aFeeIgsJCrT2bRTedY.enc
f8ab3621-c487-4ac1-99e2-5e9e89fa0b9f.jpg
Status: Read
Platform: Mobile
3/25/2019 5:59:14 PM(UTC+0)

@s.whatsapp.net Lu

Attachments:



Size: 48473451
 File name: 6ea447d3-100c-40c3-998d-25E93d02659.mp4
 Path: https://mmg.fna.whatsapp.net/d/f/AqW56ccEjUmuFZ56p9aAk3dJpedcOzxv9TQ3c0q11.enc
 6ea447d3-100c-40c3-998d-25E93d02659.mp4

Status: Sent
 Platform: Mobile

3/23/2019 3:07:02 AM(UTC+0)

@s.whatsapp.net Robert F Hyde

Wow. Can't believe Trumo hasn't fired this bitch. I'll get right in that

Status: Read
 Platform: Mobile

3/23/2019 5:37:31 AM(UTC+0)

@s.whatsapp.net Robert F Hyde

Attachments:



Size: 5267
 File name: 11c182af-e7f8-40d5-951a-11193499c723.opus
 Path: https://mmg.whatsapp.net/d/f/AvniG1RbqGoCAH2OCAiyav12xyuyvH4_b8eUGqOLHi11c182af-e7f8-40d5-951a-11193499c723.opus

Status: Read
 Platform: Mobile

3/23/2019 8:40:49 PM(UTC+0)

@s.whatsapp.net Robert F Hyde

Attachments:



Size: 65818
 File name: 0ea3e1c1-e0b1-41c6-b1cf-0c0ea0c1b8e8.jpg
 Path: https://mmg.fna.whatsapp.net/d/f/AopdK649JgzbJNCORsu9zR4CizZAIQJ_J6pIDoev78dx10c0ea3e1c1-e0b1-41c6-b1cf-0c0ea0c1b8e8.jpg

Status: Read
 Platform: Mobile

3/23/2019 8:40:58 PM(UTC+0)

@s.whatsapp.net Robert F Hyde

She under heavy protection outside Kiev

Status: Read
 Platform: Mobile

3/23/2019 8:42:45 PM(UTC+0)

██████████ @s whatsapp.net Lp

<https://www.washingtonexaminer.com/news/white-house/white-house-personnel-official-described-trump-gop-nomination-as-end-of-the-world>

Attachments:



Title: White House personnel official descr bed Trump GOP nomination as 'end of the world'
 Size: 4436
 File name: 4968b97-3767-44ed-bb83-4da1af2494e.thumb
 4968b97-3767-44ed-bb83-4da1af2494e.thumb

Status: Sent
 Platform: Mobile

3/22/2019 4:53:04 PM(UTC+0)

██████████ @s whatsapp.net Lp

<https://twitter.com/dbongino/status/1109165948462507393?e=12>

Attachments:



Title: Dan Bongino on Twitter
 Size: 4447
 File name: ab8c7c2-04d8-4b05-95c4-cc09ab211c02.thumb
 ab8c7c2-04d8-4b05-95c4-cc09ab211c02.thumb

Status: Sent
 Platform: Mobile

3/22/2019 6:55:12 PM(UTC+0)

██████████ @s whatsapp.net Lp

Attachments:



Size: 57462
 File name: 5f14d14-3fa1-4a65-830b-d98a133a75e1.jpg
 Path: https://img-fra.whatsapp.net/d/f/Aum-
 7A93T1GxK5A0c028xpr9kq9WcaVCEgr1WzQn0.enc
 5f14d14-3fa1-4a65-830b-d98a133a75e1.jpg

Status: Sent
 Platform: Mobile

3/22/2019 8:58:08 PM(UTC+0)

██████████ @s whatsapp.net Robert F Hyde

Fuck that bitch

Status: Read
 Platform: Mobile

3/22/2019 10:31:01 PM(UTC+0)

 @s.whatsapp.net Lp

<https://twitter.com/seanhannity/status/1108398038719102977?s=12>

Attachments:



Title: Sean Hannity on Twitter
Size: 4953
File name: 837452ba-c5d7-4da3-b962-adfcc15c5d5b.thumb
[837452ba-c5d7-4da3-b962-adfcc15c5d5b.thumb](#)

Status: Sent
Platform: Mobile

3/21/2019 8:13:36 PM(UTC+0)

 @s.whatsapp.net Lp

<https://thehill.com/hiltv/rising/434910-putin-has-blackmailed-ukrainian-people-ahead-of-election-says-top-ukrainian>

Attachments:



Title: Top Ukrainian official accuses Putin of 'blackmail' ahead of
Size: 4245
File name: ae2702ad-30f5-4ef0-9e52-ecfcbf59e639.thumb
[ae2702ad-30f5-4ef0-9e52-ecfcbf59e639.thumb](#)

Status: Sent
Platform: Mobile

3/21/2019 8:13:47 PM(UTC+0)

 @s.whatsapp.net Lp

<https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges>

Attachments:



Title: As Russia collusion fades, Ukrainian plot to help Clinton emerges
Size: 0

Status: Sent
Platform: Mobile

3/21/2019 8:14:02 PM(UTC+0)



Extraction Report

Apple iPhone

Participants



[Redacted] @s.whatsapp.net
Robert F. Hyde



[Redacted] @s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (61)

System Message System Message
Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.
Platform: Mobile
3/21/2019 8:13:06 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://twitter.com/ingrahamangle/status/1108342348256346112?s=12>
Attachments:

Title: Laura Ingraham on Twitter
Size: 4173
File name: 3a70e0fe-08ab-4936-a55b-b8c4f6b6eb4c.thumb
3a70e0fe-08ab-4936-a55b-b8c4f6b6eb4c.thumb
Status: Sent
Platform: Mobile
3/21/2019 8:13:06 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://thehill.com/hilltv/rising/434892-senior-ukrainian-justice-official-says-hes-opened-probe-into-us-election>
Attachments:

Title: Senior Ukrainian official says he's opened probe into US election
Size: 8968
File name: e55ce33b-9d69-4b9f-97f3-9bbc670208ce.thumb
e55ce33b-9d69-4b9f-97f3-9bbc670208ce.thumb
Status: Sent
Platform: Mobile
3/21/2019 8:13:29 PM(UTC+0)

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@globalenergyproducers.com
Status: Sent
Delivered: 1/10/2019 8:30:51 PM(UTC-5)
Read: 1/10/2019 8:33:07 PM(UTC-5)
1/10/2019 8:30:52 PM(UTC-5)

@globalenergyproducers.com
Hit them straight tomorrow and try to relax and enjoy the moment with your son
Status: Sent
Delivered: 1/10/2019 8:31:31 PM(UTC-5)
Read: 1/10/2019 8:31:31 PM(UTC-5)
1/10/2019 8:31:30 PM(UTC-5)

@globalenergyproducers.com
Good morning my brother they called him from embassy and told him to cancel his tickets because he's not getting visa
Status: Sent
Delivered: 1/11/2019 10:01:06 AM(UTC-5)
Read: 1/11/2019 10:01:47 AM(UTC-5)
1/11/2019 10:01:06 AM(UTC-5)

+191792 [redacted] Rudy Giuliani
He will get one
Status: Read
Read: 1/11/2019 10:36:21 AM(UTC-5)
1/11/2019 10:32:57 AM(UTC-5)

@globalenergyproducers.com
I'll call him now
Status: Sent
Delivered: 1/11/2019 10:39:06 AM(UTC-5)
Read: 1/11/2019 10:40:08 AM(UTC-5)
1/11/2019 10:39:06 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani
Gave Jay your number
Status: Read
Read: 1/11/2019 10:47:57 AM(UTC-5)
1/11/2019 10:46:59 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani
Attachments

Size: 285
File name: jay Sokolow red
jay Sokolow vcf
Status: Read
Read: 1/11/2019 10:53:50 AM(UTC-5)
1/11/2019 10:48:25 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Still trying

Status: Read

Read: 1/10/2019 11:45:59 AM(UTC-5)

1/10/2019 11:45:47 AM(UTC-5)

[redacted] @globalenergyproducers.com

Status: Sent

Delivered: 1/10/2019 11:47:17 AM(UTC-5)

Read: 1/10/2019 11:49:25 AM(UTC-5)

1/10/2019 11:47:19 AM(UTC-5)

[redacted] @globalenergyproducers.com

Just landed back in FL

Status: Sent

Delivered: 1/10/2019 2:35:16 PM(UTC-5)

Read: 1/10/2019 2:36:20 PM(UTC-5)

1/10/2019 2:35:16 PM(UTC-5)

[redacted] @globalenergyproducers.com

Attachments:



Size: 352917
File name: Image-1.jpg
Image: 1.jpg

Status: Sent

Delivered: 1/10/2019 7:49:46 PM(UTC-5)

Read: 1/10/2019 7:29:03 PM(UTC-5)

1/10/2019 7:49:46 PM(UTC-5)

[redacted] @globalenergyproducers.com

Hi my brother I hope you got there safe and sound I hate to bother you while your at Augusta. Im going to get a call in the morning he has tickets for Saturday what should I tell him

Status: Sent

Delivered: 1/10/2019 8:29:17 PM(UTC-5)

Read: 1/10/2019 8:29:14 PM(UTC-5)

1/10/2019 8:29:36 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

It's going to work I have no 1 in it

Status: Read

Read: 1/10/2019 8:29:50 PM(UTC-5)

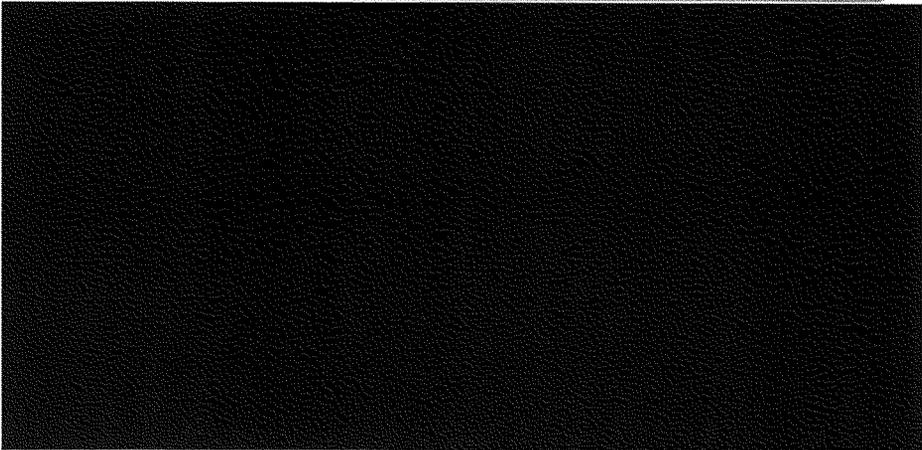
1/10/2019 8:29:42 PM(UTC-5)

@globalenergyproducers.com
K
Status: Sent
Delivered: 1/9/2019 2:30:54 PM(UTC-5)
Read: 1/9/2019 2:40:19 PM(UTC-5)
1/9/2019 2:39:54 PM(UTC-5)

@globalenergyproducers.com
<https://www.cnn.com/2019/01/09/politics/manafort-ukrainian-oligarchs/index.html>
Attachments:

Size: 5372
File name: A73EDDACA-FC47-406D-9C-A9-43CA1B36FD47.pluginPayLoadAttachment
A73EDDACA-FC47-406D-9C-A9-43CA1B36FD47.pluginPayLoadAttachment

Size: 114146
File name: A37A7A9C-B4F4-4E5A-BF85-EE1D276C1417.pluginPayLoadAttachment
A37A7A9C-B4F4-4E5A-BF85-EE1D276C1417.pluginPayLoadAttachment
Status: Sent
Delivered: 1/9/2019 8:59:07 PM(UTC-5)
Read: 1/9/2019 8:11:37 PM(UTC-5)
1/9/2019 8:59:07 PM(UTC-5)



@globalenergyproducers.com
No visa my brother he just called me
Status: Sent
Delivered: 1/10/2019 11:35:17 AM(UTC-5)
Read: 1/10/2019 11:45:40 AM(UTC-5)
1/10/2019 11:35:17 AM(UTC-5)

 @globalenergyproducers.com
Attachments

 Size: 205437
 File name: 4220baac-4ee9-47a5-b6f1-6f64038ca01a.JPG
 4220baac-4ee9-47a5-b6f1-6f64038ca01a.JPG

 Size: 221061
 File name: 5c340a20-526f-42ad-9964-f66c0ae8744c.JPG
 5c340a20-526f-42ad-9964-f66c0ae8744c.JPG
 Status: Sent
 Delivered: 1/9/2019 12:01:46 PM(UTC-5)
 Read: 1/9/2019 12:11:23 PM(UTC-5)
 1/9/2019 12:01:44 PM(UTC-5)

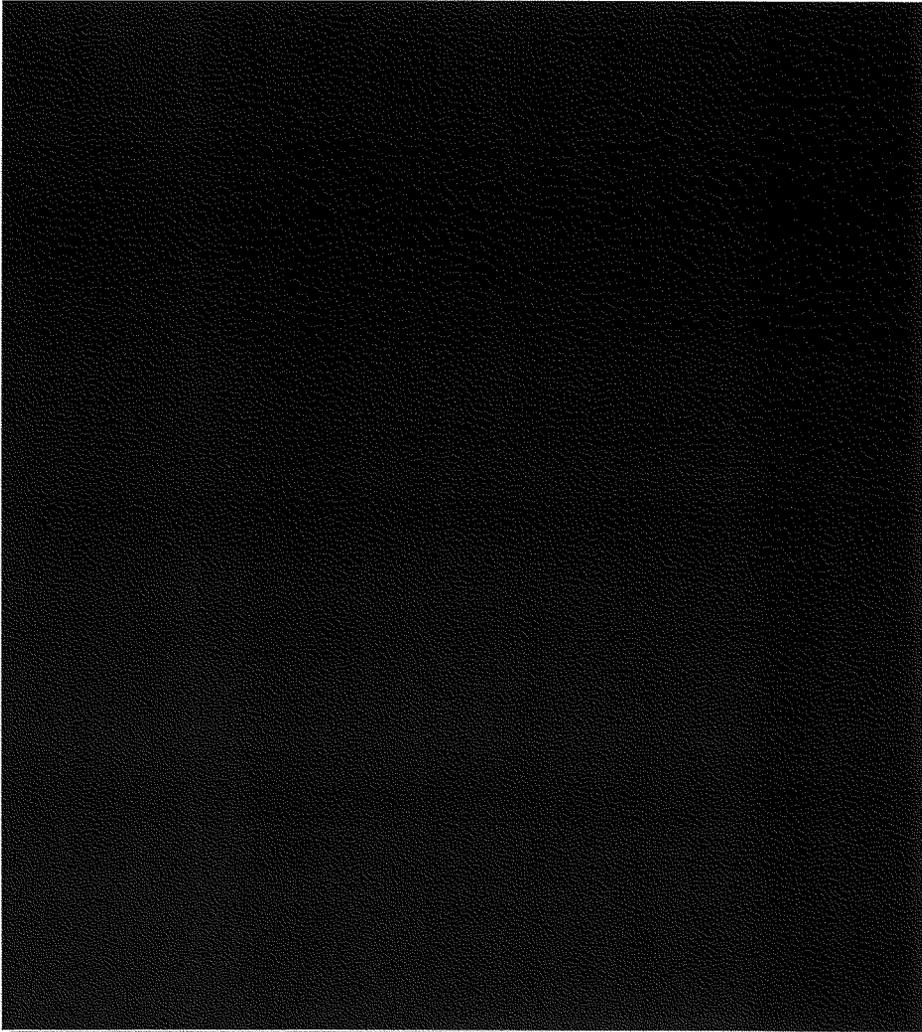
 @globalenergyproducers.com
But they declined his visa today
 Status: Sent
 Delivered: 1/9/2019 12:02:16 PM(UTC-5)
 Read: 1/9/2019 12:11:23 PM(UTC-5)
 1/9/2019 12:02:15 PM(UTC-5)

+1917951  Rudy Guillani
I can revive it
 Status: Read
 Read: 1/9/2019 12:26:58 PM(UTC-5)
 1/9/2019 12:26:58 PM(UTC-5)

 @globalenergyproducers.com
 Status: Sent
 Delivered: 1/9/2019 12:27:02 PM(UTC-5)
 Read: 1/9/2019 12:27:12 PM(UTC-5)
 1/9/2019 12:27:06 PM(UTC-5)

 @globalenergyproducers.com
Landing in laterbord around 4 meet at Grand Havana at 5 ?
 Status: Sent
 Delivered: 1/9/2019 2:35:47 PM(UTC-5)
 Read: 1/9/2019 2:35:53 PM(UTC-5)
 1/9/2019 2:35:50 PM(UTC-5)

+1917951  Rudy Guillani
I have a Meet Ng there from 5:30 to 7 then free. So can meet before and after ok
 Status: Read
 Read: 1/9/2019 2:36:35 PM(UTC-5)
 1/9/2019 2:36:29 PM(UTC-5)



#1917951 [redacted] Rudy Guilani
What is name of person 1
Status: final
Reax: 1/9/2019 11:04:29 AM(UTC-5)

1/9/2019 11:52:27 AM(UTC-5)

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* Congress / Senate *

~~Robert~~

THE RITZ-CARLTON
VIENNA

④ Hire Robert Stryk

Lobbyist
or
Brian Ballard

100 per month

⑤ P.R. group

\$\$\$???

* Rudy *

© PHOTOCOPIED BY THE NATIONAL ARCHIVES

* He'll confirm *
 Alex can call
 THE RITZ-CARLTON
 VIENNA

Joe	Victoria	Lenny Davis
-----	----------	----------------

* Sirichl *
 toxic

* get deal
 done
 1-3 months

* (X) cut
 deal
 (X) get or
 dismissed

* ~~get~~ (for)
 get rid of
 Lenny
 Davis
 (nicely)
 * get all info
 from
 case
 * Ziocheffs
 * Ukrain
 ledges

SCHUBERTING 5-7, 1010 VIENNA, OSTERREICH



THE RITZ-CARLTON

1) Put together Package

2) go to D.C. with Package

3) do my "magic"
and cut deal

4) Victoria/Joe
Retained

100,000 - month / begin
writing Succession & media
campaign



THE RITZ-CARLTON

VIENNA

* get Zelensky
to
Announce that
the Biden case
will be Investigated

* Start commun
with Zelensky
without (Pinchuk
or
Kolomoisky)

SCHUBERTRING 5-7, 1010 WIEN, ÖSTERREICH

Igor Kolomoisky

Parnas also communicated with Igor Kolomoisky, a Ukrainian oligarch, in September and October 2019. Recall that they had a falling out in May 2019, following which Igor Fruman and Parnas filed a lawsuit against him. And Giuliani called him out on Twitter for “threatening” his clients, Parnas and Fruman.

System Message System Message

Missed Voice Call

Platform: Mobile

9/20/2019 8:23:49 AM(UTC+0)

@s whatsapp.net Igor Kolomoisky

А ты в ЮС во время визита Зе будешь?

Status: Read

Platform: Mobile

9/20/2019 8:25:01 AM(UTC+0)

“Will you be in the US during Ze’s visit?”

@s whatsapp.net Igor Kolomoisky

ЕСТЬ НОВОСТИ

Status: Read

Platform: Mobile

10/3/2019 3:51:48 PM(UTC+0)

“There’s news”

“I’m currently flying[:] I’ll call you when I land.”

@s whatsapp.net I.p.

Я Сейчас лечу Я приземлюсь тебе Набэру

Status: Sent

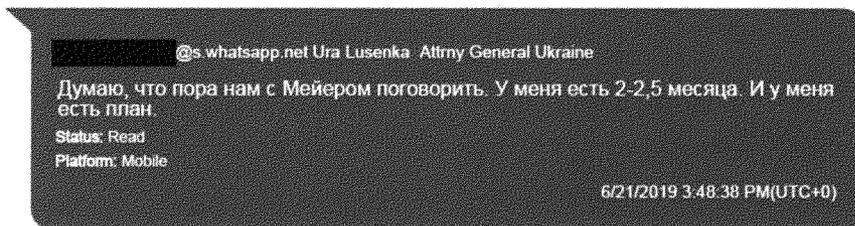
Platform: Mobile

10/3/2019 6:03:16 PM(UTC+0)

Prosecutor General Lutsenko



On June 21, 2019, Parnas sent Lutsenko this tweet from Giuliani. In response, Lutsenko texted the following:



“I think it is time for us to speak to the Mayor. I have about 2-2.5 months [*likely a reference to his remaining tenure as prosecutor general*]. I have a plan.”

Prosecutor General Lutsenko

@s whatsapp.net Ura Lusenka Attny General Ukraine

Когда вы ждете Зе у вас?
Я к этому времени хочу сдвинуться вперед

Status: Read

Platform: Mobile

6/1/2019 8:46:57 PM(UTC+0)

“When do you expect Ze? I want to
move forward by then”

“10 minutes”

@s whatsapp.net Lp

10 min

Status: Sent

Platform: Mobile

6/1/2019 8:49:14 PM(UTC+0)

@s whatsapp.net Ura Lusenka Attny General Ukraine

Кушнер сего встречается с Зе?

Status: Read

Platform: Mobile

6/4/2019 6:11:47 PM(UTC+0)

“Is Kushner meeting with Ze today?”

7670

Prosecutor General Lutsenko

@s whatsapp net Ura Lusenka Attny General Ukraine
Я за 30 км от Киева
Status: Read
Platform: Mobile
5/16/2019 8:56:11 PM(UTC+0)

“I’m 30 km outside Kyiv”

@s whatsapp net Ura Lusenka Attny General Ukraine
По тел нельзя?
Status: Read
Platform: Mobile
5/16/2019 8:56:27 PM(UTC+0)

“Can we speak by phone?”

“I don’t have a choice[,] I need to speak to you urgently because Rudy wants to speak to you very much[,] he said so today[:] this is very important”

@s whatsapp net Lp
Мне выхода нет мне нужно с тобой очень важно поговорить очень важно и Потому что Rudy с тобой очень хочет говорить сегодня у меня сказал это очень важно
Status: Sent
Platform: Mobile
5/16/2019 8:57:55 PM(UTC+0)

7671

Prosecutor General Lutsenko

“Here they are saying that you’ll be sending a high-level delegation to the inaugural”

@s.whatsapp.net Ura Lusenka Altrny General Ukraine

У нас говорят, что от вас будет очень высокий уровень на инаугурацию

Status: Read

Platform: Mobile

5/4/2019 5:49:16 PM(UTC+0)

@s.whatsapp.net Lp

Ты же понимаешь Кто этим занимается

Status: Sent

Platform: Mobile

5/4/2019 5:50:40 PM(UTC+0)

“Well, you understand who’s working on this”

Prosecutor General Lutsenko

[REDACTED] @s whatsapp.net Ura Lusenka Altmy General Ukraine
Советники и публичные спикеры канд в През Зеленского
Лещенко (депутат из списка Маши)
Шабунин (центр противодействия коррупции имени Сороса и Маши)
Данилюк (экс мин финансов)
Status: Read
Platform: Mobile
4/9/2019 3:43:07 PM(UTC+0)

“Advisors and public speakers for Zelensky, presidential candidate:

- Leshchenko (parliamentarian from Masha’s list
- Shabunin (AntAC associated with Soros and Masha)
- Danyliuk (Former Minister of Finance)”

[REDACTED] @s whatsapp.net Ura Lusenka Altmy General Ukraine
Вместе с Богданом (адвокат Коломойского) Лещенко и Шабунин посетили набу и достигли полного соглашения о поддержке в угол делах
Status: Read
Platform: Mobile
4/9/2019 3:44:42 PM(UTC+0)

“Together with Bogdan (Kolomoisky’s attorney)[,] Leshchenko and Shabunin visited NABU and reached a total agreement about support for criminal matters”

[REDACTED] @s whatsapp.net Ura Lusenka Altmy General Ukraine
Привет. Аваков ждет завтра в 12
Status: Read
Platform: Mobile
4/15/2019 3:49:33 PM(UTC+0)

“Hi. Avakov awaits you at 12 tomorrow”

7673

Prosecutor General Lutsenko

“Yura[,] I was asked to personally convey to you that America supports you and will not let you be harmed no matter how things look now[,] soon everything will turn around and we’ll be on the right course. Just so you know[,] here people are talking about you as a true Ukrainian hero”

[REDACTED]@s.whatsapp.net Lp

Юра меня попросили лично тебе передать что Америка тебя поддерживает и в обиду не даст как бы не выглядело сейчас это скоро все обернется и будет правильных руслах. Чтоб ты знала тебе здесь раговаривает как настоящий герой Украины

Status: Sent

Platform: Mobile

3/28/2019 3:03:35 PM(UTC+0)

[REDACTED]@s.whatsapp.net Ura Lusenka - Attny General Ukraine

У меня есть распечатка платежей burisma на seneca

Status: Read

Platform: Mobile

3/28/2019 3:08:40 PM(UTC+0)

“I have copies of payments from Burisma to Seneca”

Prosecutor General Lutsenko

[REDACTED] @s.whatsapp.net Ura Lusenka - Atlny General Ukraine

У меня успешно движется дело по Злочевскому. Есть показания о перечислении Б

Status: Read
Platform: Mobile

3/26/2019 7:54:40 PM(UTC+0)

“My Zlochevsky matter is progressing well. There is testimony about transfers to B”

[REDACTED] @s.whatsapp.net Ura Lusenka - Atlny General Ukraine

И только вы не можете снять одну дуру (

Status: Read
Platform: Mobile

3/26/2019 7:55:03 PM(UTC+0)

“And here you can’t even get rid of one [*female*] fool ☹”

[REDACTED] @s.whatsapp.net Lp

Она непростая дура поверь меня

Status: Sent
Platform: Mobile

3/26/2019 7:55:24 PM(UTC+0)

“She’s not a simple fool[,] trust me”

[REDACTED] @s.whatsapp.net Lp

Ну куда она не денется

Status: Sent
Platform: Mobile

3/26/2019 7:55:42 PM(UTC+0)

“But she’s not getting away”

7675

Prosecutor General Lutsenko

[REDACTED]@s.whatsapp.net Ura Lusenka - Attny General Ukraine

Просто если вы не принимаете решение по мадам - вы ставите под сомнения все мои заявления. В том числе по Б

Status: Read

Platform: Mobile

3/22/2019 2:43:14 PM(UTC+0)

“It’s just that if you don’t make a decision about Madam—you are bringing into question all my allegations. Including about B”

7676

Prosecutor General Lutsenko

“Yuriy please send the names of the people she said”

[Redacted] @s.whatsapp.net Lp

Юрий пришли пожалуйста имена людей которые она сказала

Status: Sent

Platform: Mobile

3/20/2019 3:00:16 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Leshchenko, MP
Nayem, MP
Shaburin, ngo

Status: Read

Platform: Mobile

3/20/2019 3:01:43 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Все - громкие активисты НАБУ

Status: Read

Platform: Mobile

3/20/2019 3:02:13 PM(UTC+0)

“All are vocal NABU activists”

7677

Prosecutor General Lutsenko

Parnas frequently communicated with former Prosecutor General Lutsenko, who fed Parnas information about the Bidens. Lutsenko frequently made references to Ambassador Yovanovitch, whom he wanted removed from her post in Kyiv.

[REDACTED]@s.whatsapp.net Ura Lusenka Atfny General Ukraine

Посол открыто призвала уволить главу САП.

Status: Read

Platform: Mobile

3/5/2019 6:59:03 PM(UTC+0)

“The Ambassador openly calls for the firing of SAP [*Special Anti-Corruption Prosecutor*].”

[REDACTED]@s.whatsapp.net Ura Lusenka Atfny General Ukraine

Теперь посол указала на плохой подбор судей Верховного суда.)

Status: Read

Platform: Mobile

3/6/2019 1:48:11 PM(UTC+0)

“Now the Ambassador points to bad selection of judges for the Superior court ☺”

[REDACTED]@s.whatsapp.net Ura Lusenka Atfny General Ukraine

И Назар ждет. Я все объяснил. Готов рассказать о заангажированности

Status: Read

Platform: Mobile

3/8/2019 6:13:56 PM(UTC+0)

“And Nazar [*likely Kholodnitsky*] is waiting. I explained everything. He’s ready to tell you about the bias.”

Andriy Yermak

Parnas was in touch with Andriy Yermak during the week Zelensky traveled to New York for the UN General Assembly.

“Please let me know when would be convenient to meet so that I can organize one more meeting today”

[REDACTED] @s.whatsapp.net Lp
Дай пожалуйста знать когда будет удобно встретиться чтобы я мог организовать еще одну встречу сегодня
Status: Sent
Platform: Mobile
9/25/2019 9:51:57 PM(UTC+0)

[REDACTED] @s.whatsapp.net Andriy Yermak
OK
Status: Read
Platform: Mobile
9/25/2019 9:54:59 PM(UTC+0)

[REDACTED] @s.whatsapp.net Andriy Yermak
С КЕМ?
Status: Read
Platform: Mobile
9/25/2019 9:55:06 PM(UTC+0)

“With whom?”

[REDACTED] @s.whatsapp.net Andriy Yermak
Нашим другом?
Status: Read
Platform: Mobile
9/25/2019 9:55:18 PM(UTC+0)

“Our friend?”

“Yes”

[REDACTED] @s.whatsapp.net Lp
Да
Status: Sent
Platform: Mobile
9/25/2019 9:55:26 PM(UTC+0)

HPSCI Rough Translation

Arsen Avakov

 @s.whatsapp.net Arsen Avakov
Привет. Все норм. Сидим у Пр. Завтра переговорим
Status: Read
Platform: Mobile
5/28/2019 8:29:29 PM(UTC+0)

“Hello. Everything is ok. We’re sitting at the President’s. Will talk tomorrow.”

“I’m waiting for your call[.] Thanks”

 @s.whatsapp.net Lp
Жду твой звонок спасибо
Status: Sent
Platform: Mobile
5/28/2019 8:30:00 PM(UTC+0)

“Hi!!! Sergey won’t connect!!!! And there’s no message from the relevant person!!!! It is imperative that we talk today!!!

 @s.whatsapp.net Lp
Привет !!! Сергей не выходит на контакт !!!! И нет мессаджа от фигуранта !!!! Очень важно сегодня поговорить !!!
Status: Sent
Platform: Mobile
5/29/2019 7:22:57 PM(UTC+0)

Avakov, like Shefir, did not reply to the last message.

Arsen Avakov

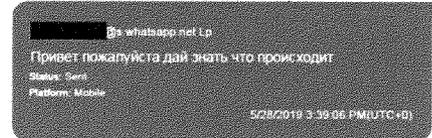
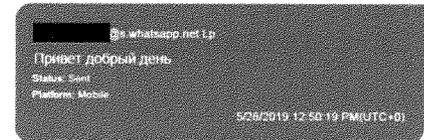
Giuliani cancelled his trip on May 11, but Parnas and Avakov stayed touch, spoke by phone, and likely met in person, based on the WhatsApp communications. Parnas wanted Avakov's help in connecting with Zelensky's team. In a couple of instances Parnas and Avakov referred to connecting with "Sh" or "Sergey," possibly referring to Serhiy Shefir, Zelensky's close aide.



"Hi, good day"

"Hi, please let me know what is happening"

"I'll let you know once I speak with Sh"



7681

Arsen Avakov

In early May 2019, Parnas reached out to Avakov, asking for his help in facilitating Giuliani's trip to Ukraine. They connected several times. Parnas continued to send him various thematic articles including from the *The Hill* and *Fox News*. On May 9, Parnas sent Avakov *The New York Times* article about Giuliani's trip, with Giuliani saying they have a right to "meddle" in investigations ("Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump")

js.whatsapp.net Lp

Добрый вечер мой друг я наберу тебя позже сегодня или завтра дам знать по мы готовим поездку в Украину там будет кое-какие люди из конгресса Джулиани я хотел бы чтоб ты был главный в этой организации ки этой поездке так что я тебе позже позвоню и мы этом месте организуем давай обнимаю

Status: Sent

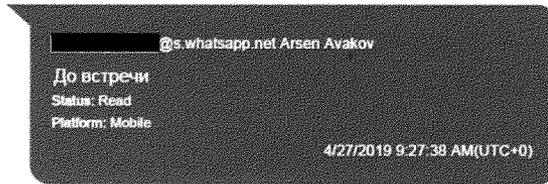
Platform: Mobile

5/2/2019 5:33:51 PM(UTC+0)

"Good evening[,] my friend[,] I will call you later today or tomorrow to let you know about a trip to Ukraine we're planning[,] There will be some people from Congress[,] Giuliani[,] I would love for you to be the main person in helping to organize this trip so I will call you and together we can plan[,] Ok, hugs"

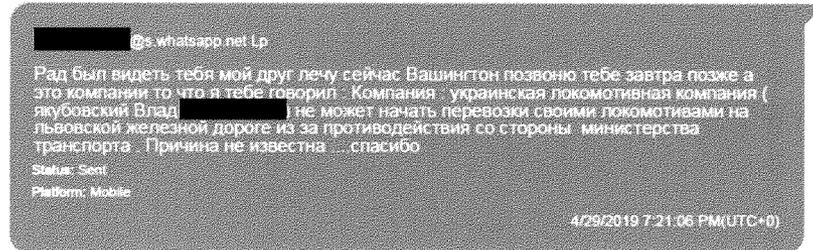
Arsen Avakov

The first WhatsApp message from Parnas to Arsen Avakov, Ukraine's Minister of the Interior, was sent on April 15, 2019. Avakov is a well-connected politician who survived Petro Poroshenko's loss and remained in power under Zelensky, Ukraine's new president. In this message, Parnas wrote that he was in Kyiv and wanted to meet. Avakov proposed a meeting at noon the following day. It is not clear if they met then, but they stayed in touch and met at the end of April.



“Until we meet”

“I was happy to see you[,] my friend[.] I’m flying to Washington now and will call you later tomorrow...”



Parnas continued to send Avakov articles about the Bidens and the Ukrainian collusion allegations.

Serhiy Shefir

@s.whatsapp.net Sergy Sheafa (zalintsky)

Ok

Status: Read

Platform: Mobile

5/12/2019 6:51:59 AM(UTC+0)

“Serhiy[,] good evening[,] is there any news!”

@s.whatsapp.net Lp

Сергей добрый вечер есть какая-то информация!

Status: Sent

Platform: Mobile

5/12/2019 6:41:30 PM(UTC+0)

“Hello Serhiy[,] let me know when it would be convenient to speak”

@s.whatsapp.net Lp

Добрый день Сергей Дай знать когда удобно будет поговорить

Status: Sent

Platform: Mobile

5/28/2019 3:34:58 PM(UTC+0)

This was the last communication in the thread with Shefir.

@s.whatsapp.net Lp

??

Status: Sent

Platform: Mobile

7/24/2019 9:29:00 AM(UTC+0)

Serhiy Shefir

Parnas connected with Serhiy Shefir, a close aide to President Zelensky, in May in preparation for Giuliani's trip. Shefir has known Zelensky for many years and they both worked together in entertainment. When Zelensky became president, he named Shefir his principal advisor. Parnas met with Shefir in Kyiv after Giuliani cancelled his trip.

[REDACTED] @s.whatsapp.net Sergy Sheaffer (zafintsky)

Ресторан прага

Status: Read

Platform: Mobile

5/11/2019 6:48:16 PM(UTC+0)

"Restaurant Prague"

[REDACTED] @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

5/11/2019 6:51:44 PM(UTC+0)

"Good morning Serhiy[,] I'm on my way but am running late about 15 minutes[,] I'll be there at about 10:15 or 10:20[,] thanks"

[REDACTED] @s.whatsapp.net Lp

Доброе утро Сергей я уже по дороге но я задержался на минут 15 так что я буду где-то 10:15-10:20 спасибо

Status: Sent

Platform: Mobile

5/12/2019 6:43:09 AM(UTC+0)

Serhiy Shefir

RUDOLPH W. GIULIANI

May 10, 2019

President-Elect Volodymyr Oleksandrovych Zelensky
c/o Ministry of Internal Affairs of Ukraine
10 Bogomoltsa str. 01601
Kyiv, Ukraine

Dear President-Elect Zelensky:

I am private counsel to President Donald J. Trump. Just to be precise, I represent him as a private citizen, not as President of the United States. This is quite common under American law because the duties and privileges of a President and a private citizen are not the same. Separate representation is usual process.

Congratulations on a truly impressive victory in the recent election. I have a great fondness for your country and have visited there often. I have even had the privilege of being there most recently on 2017. Along with many others, I am very hopeful that your election is a real turning point and allows the Ukraine to prosper and overcome some of the long-standing problems of the past. Anything I can do to help you or your country would be a great honor.

However, I have a more specific request. In my capacity as personal counsel to President Trump and with his knowledge and consent, I request a meeting with you on this upcoming Monday, May 13th or Tuesday, May 14th. I will need no more than a half-hour of your time and I will be accompanied by my colleague Victoria Toensing, a distinguished American attorney who is very familiar with this matter.

Please have your office let me know what time or times are convenient for you, and Victoria and I will be there.

Sincerely,

Cc: Arsen Avakov
Minister of Internal Affairs

[Redacted] @s.whatsapp.net Lp
Добрий вечер Сергей мене зовут Лев Парнас я друг мэра руди Джуліани
пожалуйста перезвоните мне спасибо
Status: Sent
Platform: Mobile
5/11/2019 3:59:02 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Это копия письма переданная через Авакова по поводу встречи
Status: Sent
Platform: Mobile
5/11/2019 4:08:47 PM(UTC+0)

“Good evening Serhiy[,] my name is Lev Parnas and I’m a friend of Mayor Rudy Giuliani[,] Please call me back[,] thank you”

“This is copy of a letter shared via Avakov on the subject of the meeting”

[Redacted] @s.whatsapp.net Serhy Shefir (zalinsky)
Понял спасибо
Status: Read
Platform: Mobile
5/11/2019 4:18:23 PM(UTC+0)
HPSCI Rough Translation

“Understood thanks”

7686

Ivan Bakanov

[REDACTED] @s.whatsapp.net Ivan Bakanov

Добрый вечер! Тут новости нет особой. Все ожидаемо.

Status: Read

Platform: Mobile

5/6/2019 5:43:15 PM(UTC+0)

“Good evening! No news here. Waiting.”

“Good evening Ivan[,] please let me know what’s happening and why we have not been able to do the call yet?”

[REDACTED] @s.whatsapp.net I p

Добрый вечер Иван пожалуйста дайте знать что происходит по какой причине ещё мы не смогли сделать телефонный звонок?

Status: Sent

Platform: Mobile

5/7/2019 7:07:29 PM(UTC+0)

Parnas sent Bakanov *The New York Times* article from May 9, which outlined Giuliani’s agenda in Ukraine, including investigations into the Bidens and Ukraine’s alleged meddling in 2016. Parnas tried connecting with Bakanov again on May 15, but there was no reply.

[REDACTED] @s.whatsapp.net I p

<https://www.nytimes.com/2019/05/09/ua/politics/giuliani-ukraine-trump.html>

Attachments:



Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump

Size: 5140

File name: e5ed319b-3940-4b49-803c-ccb081afae7.thumb

cbcd319b-3940-4b49-803c-ccb081afae7.thumb

Status: Sent

Platform: Mobile

5/10/2019 9:02:23 AM(UTC+0)

7687

Ivan Bakanov

In early May 2019, Parnas reached out to Ivan Bakanov, a close aide to Zelensky, asking for help in connecting with President Volodymyr Zelensky. Bakanov, a childhood friend of Zelensky, ran his campaign in 2019. Once Zelensky became president, he appointed Bakanov to head the SBU, Ukraine's main secret service agency.

“Ivan, hello, we have to do this call[,] if you are currently on vacation please connect someone else who is close to President Volodymyr [and] who can call me back so that I can connect them with Giuliani[.] Thanks, I'm waiting”

[REDACTED] @s.whatsapp.net Lp

Иван добрый день нам нужно Сделать этот звонок если вы сейчас в отпуске пожалуйста соедините кого-то там который рядом президента Владимиром кто может меня перезвонить на мой номер я их соединю Джулиани спасибо жду

Status: Sent

Platform: Mobile

5/2/2019 5:54:51 PM(UTC+0)

@s.whatsapp.net Ivan Bakanov

Лев, добрый вечер! Я передал данную информацию от Вас по установленному каналу г-ну Президенту, но пока не получил подтверждения. Да, я в настоящий момент не в Украине, но как только я получу какую-то обратную информацию я незамедлительно выйду с вами на связь.

Status: Read

Platform: Mobile

5/2/2019 6:01:30 PM(UTC+0)

“Lev, good evening! I shared the information you provided with Mr. President via the established channel, but I have not yet received confirmation. Yes, I'm currently not in Ukraine, but as soon as I hear something back, I will immediately get in touch with you.”

[REDACTED] @s.whatsapp.net Lp

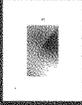
Спасибо я передам

Status: Sent

Platform: Mobile

5/2/2019 6:03:17 PM(UTC+0)

“Thanks, I'll convey this”



Extraction Report

Apple iPhone

Participants

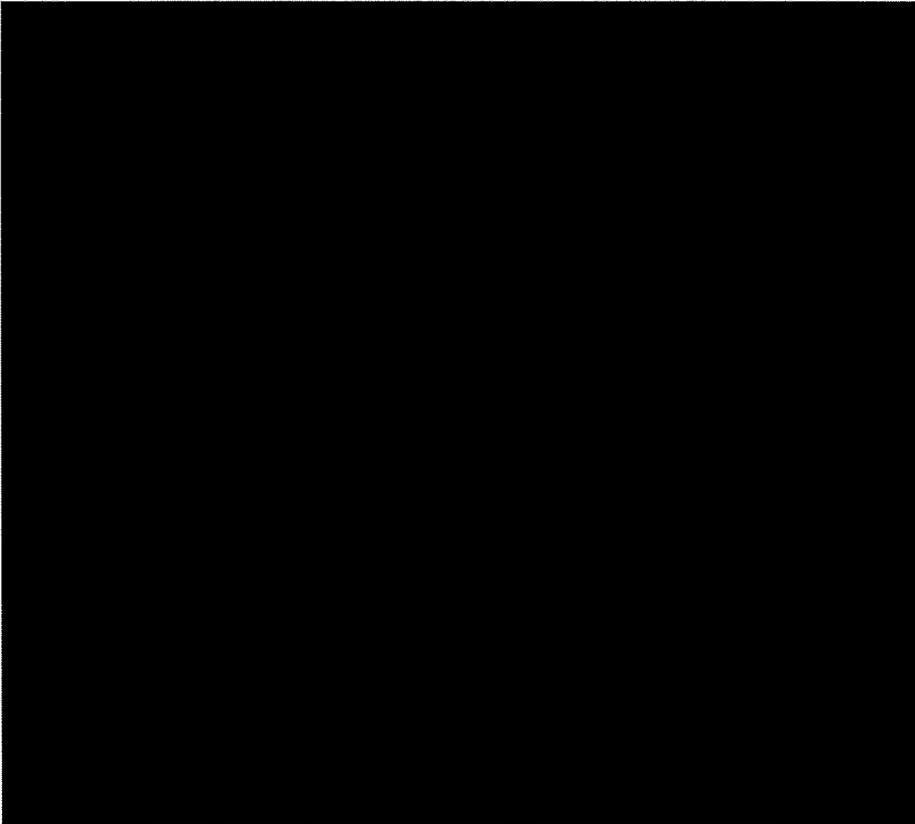


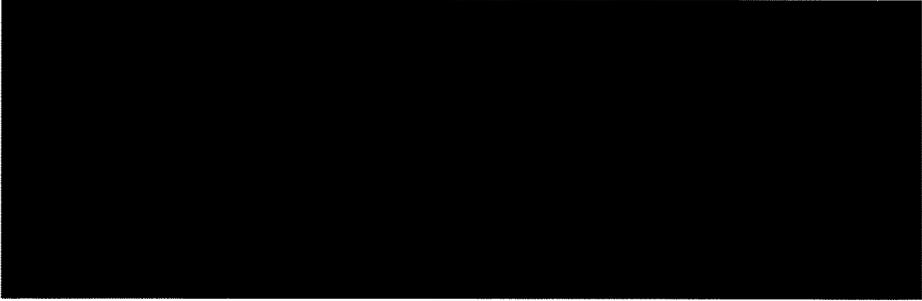
██████████@s.whatsapp.net
Joseph Aheam



Patti's Lp (owner)
██████████@s.whatsapp.net

Conversation - Instant Messages (875)





[Redacted] @s.whatsapp.net Joseph Ahearn
 What should I send don to tweet
 Status: Read
 Platform: Mobile
 3/20/2019 1:35:01 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Wait Tomorrow good stuff
 Status: Sent
 Platform: Mobile
 3/20/2019 1:35:18 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://twitter.com/ingrahamangle/status/1108342348256346112?s=12>
 Attachments:

 Title: Saira Inghram on Twitter
 Size: 4173
 File name: cda9324-5e8f-4957-a93d-1da42692c392.thumb
 zba832d-5e8f-4957-a93d-1da42692c392.thumb
 Status: Sent
 Platform: Mobile
 3/20/2019 12:58:20 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://thehill.com/hillv/rsing/434867-rsing-march-20-2019>
 Attachments:

 Title: Rsing: March 20, 2019
 Size: 0
 2019 (Pac)
 Status: Sent
 Platform: Mobile
 3/20/2019 1:35:26 PM(UTC+0)

@s.whatsapp.net Lp
3 segment
Status: Sent
Platform: Mobile
3/20/2019 1:38:23 PM(UTC+0)

@s.whatsapp.net Lp
<https://thehill.com/hilltv/rising/434892-senior-ukrainian-justice-official-says-hes-opened-probe-into-us-election>
Attachments:

Title: Senior Ukrainian official says he's opened probe into US election
Size: 8598
File name: 26ab8fa8-d524-46e6-9a6f-57c969918776.thumb
26ab8fa8-d524-46e6-9a6f-57c969918776.thumb
Status: Sent
Platform: Mobile
3/20/2019 3:04:26 PM(UTC+0)

@s.whatsapp.net Lp
<https://twitter.com/seanhannity/status/1108398036719102977?s=12>
Attachments:

Title: Sean Hannity on Twitter
Size: 4063
File name: c296256-a10c-4415-8015-a01f749e128e.thumb
c296256-a10c-4415-8015-a01f749e128e.thumb
Status: Sent
Platform: Mobile
3/20/2019 4:38:20 PM(UTC+0)

@s.whatsapp.net Lp
Have jr retweet it
Status: Sent
Platform: Mobile
3/20/2019 4:36:33 PM(UTC+0)

@s.whatsapp.net Joseph Ahearn
Sent
Status: Read
Platform: Mobile
3/20/2019 4:37:11 PM(UTC+0)

@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
3/20/2019 4:37:18 PM(UTC+0)

WhatsApp.net

<https://thehill.com/hilltv/rsing/434910-putin-has-blackmailed-ukrainian-people-ahead-of-election-says-top-ukrainian>

Attachments:



Title: Top Ukrainian official accuses Putin of 'blackmail' ahead of election
Size: 4245
File name: S8158641-42d2-4892-85ac-30f4d1900bf6.thumb
File name: S8158641-42d2-4892-85ac-30f4d1900bf6.thumb

Status: Sent
Platform: Mobile

3/20/2019 5:02:45 PM(UTC+0)



WhatsApp.net

Attachments:



Size: 56777
File name: 41d300f2-54d5-4d9f-8c3e-0ed2fb1d372d.jpg
Path: https://www.
File name: 41d300f2-54d5-4d9f-8c3e-0ed2fb1d372d.jpg
File name: 41d300f2-54d5-4d9f-8c3e-0ed2fb1d372d.jpg

Status: Sent
Platform: Mobile

3/20/2019 6:19:49 PM(UTC+0)

WhatsApp.net

<https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges>

Attachments:



Title: As Russia collusion fades, Ukrainian plot to help Clinton emerges
Size: 0
File name: (empty) file

Status: Sent
Platform: Mobile

3/20/2019 11:43:31 PM(UTC+0)

@s.whatsapp.net Lp
Watch Hannity
Status: Sent
Platform: Mobile
3/21/2019 1:02:34 AM(UTC+0)

@s.whatsapp.net Joseph Ahearn
Attachments:

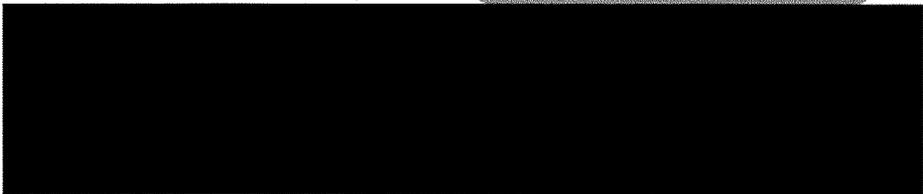
Size: 149022
File name: b724e85e-7d95-4478-832c-ae7e75639bef.jpg
Path: https://mmg-fna.whatsapp.net/d/A-26XmVY_9NspM4mJR-vZSS0qbx_H12f1rUJ5yihUf.enc
b724e85e-7d95-4478-832c-ae7e75639bef.jpg
Status: Read
Platform: Mobile
3/21/2019 1:02:51 AM(UTC+0)

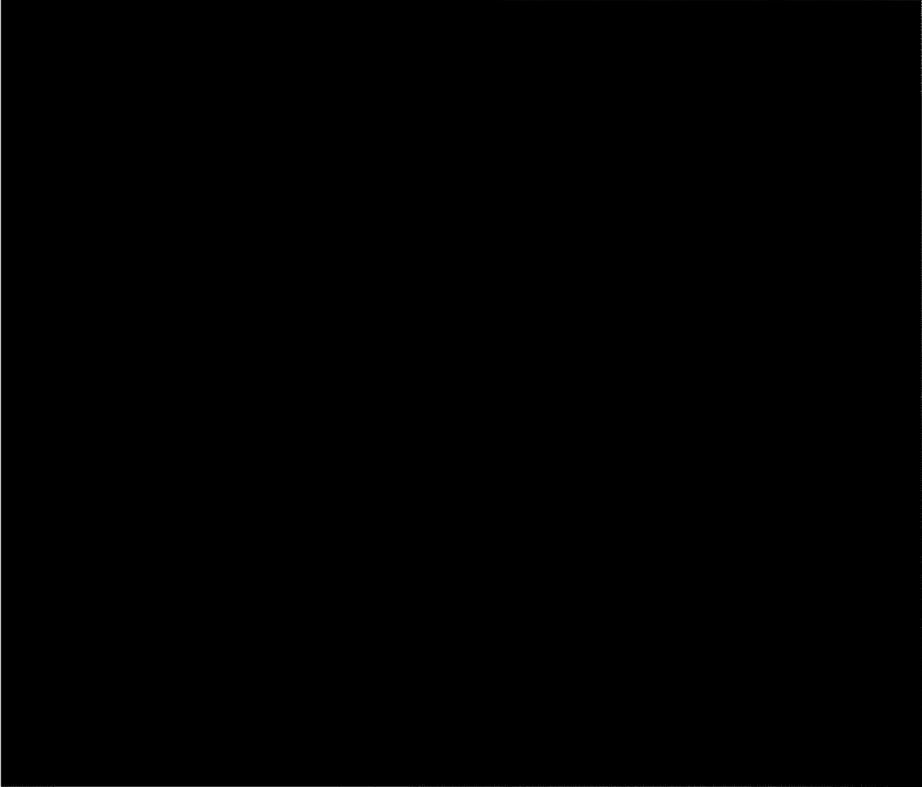
@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
3/21/2019 1:03:01 AM(UTC+0)

@s.whatsapp.net Joseph Ahearn
<https://twitter.com/realkona|drump/status/1108559080204001280?s=21>
Attachments:

Title: Donald J. Trump on Twitter
Size: 4196
File name: e1c4687e-d80a-424f-b6f1-4dcf83c7e01f.thumb
e1c4687e-d80a-424f-b6f1-4dcf83c7e01f.thumb
Status: Read
Platform: Mobile
3/21/2019 2:41:53 AM(UTC+0)

@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
3/21/2019 3:00:10 AM(UTC+0)





[Redacted] @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
3/21/2019 5:22:21 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://twitter.com/duongino/status/1108770629602496514?s=12>
Attachments:

Title: Dan Bongino on Twitter
Size: 4447
File Name: 7d4329656d1-48a-453b-17a8a590341.thumb
7d4329656d1-48a-453b-17a8a590341.thumb
Status: Sent
Platform: Mobile
3/21/2019 5:25:23 PM(UTC+0)

@s.whatsapp.net Joseph Ahearn

Attachments:

Status: Read
Platform: Mobile

3/21/2019 6:22:41 PM(UTC+0)

@s.whatsapp.net Lp

<https://www.washingtonexaminer.com/news/white-house/white-house-personnel-official-described-trump-gop-nomination-as-end-of-the-world>

Attachments:



Title: White House personnel official described Trump GOP nomination as 'end of the world'
Size: 4435
File name: cb50510c-01b1-4c47-9485-31dad1b969cb.thumb
cb50510c-01b1-4c47-9485-31dad1b969cb.thumb

Status: Sent
Platform: Mobile

3/22/2019 4:21:08 PM(UTC+0)

@s.whatsapp.net Lp

<https://twitter.com/dbongino/status/1109162485400516097?s=12>

Attachments:



Title: Dan Bongino on Twitter
Size: 4447
File name: f0cb5d45-af22-4cc0-a8b3-31cdc9b6bd67.thumb
f0cb5d45-af22-4cc0-a8b3-31cdc9b6bd67.thumb

Status: Sent
Platform: Mobile

3/22/2019 6:42:44 PM(UTC+0)

@s.whatsapp.net Lp

<https://twitter.com/dbongino/status/1109164121193369604?s=12>

Attachments:



Title: Dan Bongino on Twitter
Size: 4447
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185d44e9-b511-4659-8423-3582c995cbdc.thumb

Status: Sent
Platform: Mobile

3/22/2019 6:47:14 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
<https://twitter.com/dbongino/status/1109165948462907393?s=12>
 Attachments:



Title: Dan Bongino on Twitter
Size: 4447
File name: 2ac57b91-8443-43b9-9177-57209b2cd175.thumb
 2ac57b91-8443-43b9-9177-57209b2cd175.thumb
Status: Sent
Platform: Mobile

3/22/2019 6:54:42 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Attachments:



Size: 57462
File name: 305a13b9-e178-e42f1-af2a-302e90c47862.jpg
Path: https://mmg-fna.whatsapp.net/d/Auue
 Y4qTIGeXSAcc068xgrak9WcaVcEgrTWzGm0.enc
 305a13b9-e178-e42f1-af2a-302e90c47862.jpg
Status: Sent
Platform: Mobile

3/22/2019 8:55:14 PM(UTC+0)

[REDACTED] @s.whatsapp.net Joseph Ahearn
 This is insane
Status: Read
Platform: Mobile

3/22/2019 9:06:24 PM(UTC+0)

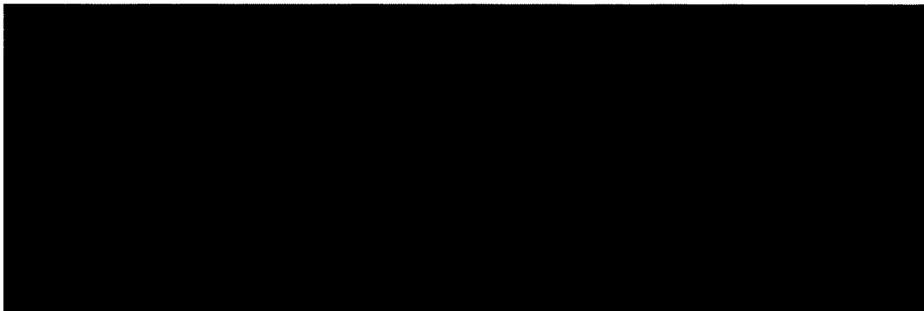
[REDACTED] @s.whatsapp.net Lp
 Attachments:



Size: 48473451
File name: 5ae9d3a-b0c-49db-9d0c-c64c6755b9f.mp4
Path: https://mmg-fna.whatsapp.net/d/AqW96ooEjUmufZ56p9aAk3d@pedcOzxv9T
 O9cQ7.enc
 5ae9d3a-b0c-49db-9d0c-c64c6755b9f.mp4
Status: Sent
Platform: Mobile

3/23/2019 3:07:02 AM(UTC+0)





 @s.whatsapp.net Lp
<https://www.dailywire.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-ryan-caavedra>
 Attachments:

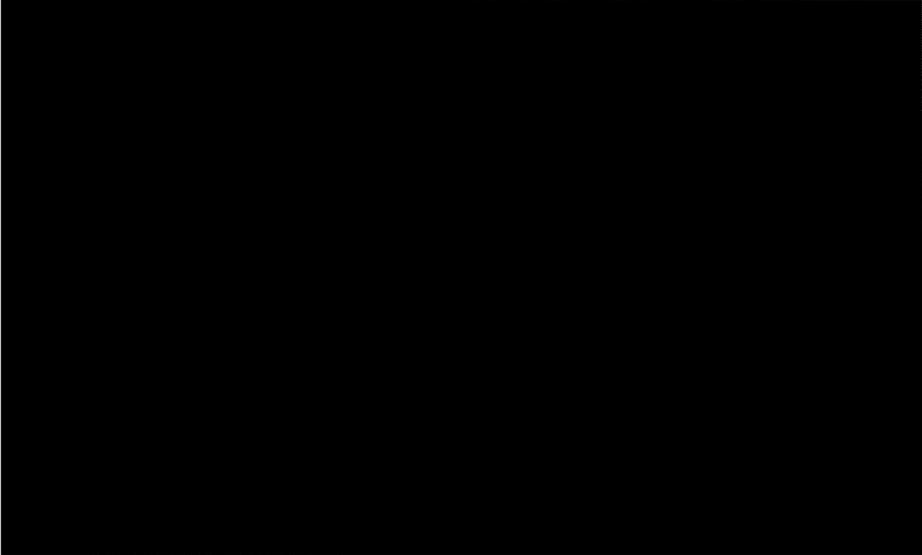
Title: Calls Grow To Remove Obama's U.S. Ambassador To Ukraine
Size: 4816
File name: c735ca84-8e41-4a57-917b-83747c0650fb.thumb
 c735ca84-8e41-4a57-917b-83747c0650fb.thumb
Status: Sent
Platform: Mobile
 3/24/2019 4:00:20 PM(UTC+0)

 @s.whatsapp.net Joseph Ahearn
 Ryan is good
Status: Read
Platform: Mobile
 3/24/2019 4:02:20 PM(UTC+0)

 @s.whatsapp.net Joseph Ahearn
 That's a good article
Status: Read
Platform: Mobile
 3/24/2019 4:02:25 PM(UTC+0)

 @s.whatsapp.net Lp
 Attachments:

Size: 84164
File name: 84c85c03-b1bd-4255-8b25-b6f164e431f7.jpg
Path: https://mmg.fna.whatsapp.net/d/7AhJ7HwONCC1JZHayU1hXPQWg11CvDV_1N2Q3Y4Genc/84c85c03-b1bd-4255-8b25-b6f164e431f7.jpg
Status: Sent
Platform: Mobile
 3/24/2019 4:30:07 PM(UTC+0)



 @s.whatsapp.net Lp
<https://www.cnn.com/2019/05/09/politics/giuliani-goes-on-offense-biden-ukraine/index.html>
Attachments:


Title: Giuliani previews potential 2020 attack dog role with Biden-Ukraine story
Size: 47.74
File name: 7256e013-9aaa-4f9b-2512-7a544c2a040b.thumb
 7256e013-9aaa-4f9b-2512-7a544c2a040b.thumb

Status: Sent
Platform: Mobile

5/9/2019 5:37:20 PM(UTC+5)

 @s.whatsapp.net Lp
<https://www.newsweek.com/rudy-giuliani-trump-ukraine-ambassador-1420074>
Attachments:


Title: How Rudy Giuliani's unburied claims of an anti-Trump conspiracy in Ukraine may have ousted an ambassador
Size: 44.93
File name: 4865ccc9-a277-425f-8c71-9c48b05459a4.thumb
 4865ccc9-a277-425f-8c71-9c48b05459a4.thumb

Status: Sent
Platform: Mobile

5/9/2019 5:34:41 PM(UTC+5)

 @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>
 Attachments:

Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump
Size: 5140
File Name: d3c4b7c2-9f06-4a46-9e87-b339620e1d7e.thumb
 d3c4b7c2-9f06-4a46-9e87-b339620e1d7e.thumb
Status: Sent
Platform: Mobile
 5/10/2019 5:36:16 AM(UTC+0)

 @s.whatsapp.net Joseph Ahearn
 They started naming you here. Are you ok?
Status: Read
Platform: Mobile
 5/10/2019 1:55:39 PM(UTC+0)

 @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
 5/10/2019 2:17:02 PM(UTC+0)

 @s.whatsapp.net Joseph Ahearn
 Per one of our friends, we should use Signal
Status: Read
Platform: Mobile
 5/11/2019 12:09:35 PM(UTC+0)

 @s.whatsapp.net Lp
 ???
Status: Sent
Platform: Mobile
 5/11/2019 12:09:58 PM(UTC+0)

 @s.whatsapp.net Lp
<https://www.breitbart.com/clips/2019/05/12/rand-paul-americans-will-be-shocked-to-know-what-bidens-son-was-up-to/>
 Attachments:

Title: Rand Paul: Americans Will Be 'Shocked' to Know What Biden's Son Was Up To | Breitbart
Size: 0
 (Empty File)
Status: Sent
Platform: Mobile
 5/13/2019 4:17:15 PM(UTC+0)

 @s.whatsapp.net Lp
https://b.ua/society/2019/05/13/426711_advokatu_trampa_prisvoyat_zvanie.html
 +1
Attachments:


Title: Адвокату Трампа присвоит звание почётного члена Академии - главный редактор
Url: https://b.ua/society/2019/05/13/426711_advokatu_trampa_prisvoyat_zvanie.html
File name: d9412340-2bc2-41e6-a1f6-865fa593a003.thumb
Path: https://b.ua/society/2019/05/13/426711_advokatu_trampa_prisvoyat_zvanie.html
File name: d9412340-2bc2-41e6-a1f6-865fa593a003.thumb
Status: Sent
Platform: Mobile
 5/13/2019 8:21:58 PM(UTC+0)

 @s.whatsapp.net Joseph Ahearn
 That's awesome. Tomorrow?
Status: Read
Platform: Mobile
 5/13/2019 8:26:33 PM(UTC+0)

 @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/13/us/politics/russia-investigation-justice-department-review.html>
Attachments:


Title: Barr Assigns U.S. Attorney in Connecticut to Review Origins of Russia Inquiry
Size: 5368
File name: 1900eabe-6c9d-4c11-9239-6e6825714d18.thumb
File name: 1900eabe-6c9d-4c11-9239-6e6825714d18.thumb
Status: Sent
Platform: Mobile
 5/13/2019 8:27:41 AM(UTC+0)

 @s.whatsapp.net Lp
Attachments:


Size: 51928
File name: 6bb2d5e6-2977-4635-b6b2-814239986b77.jpg
Path: https://mmg-fba.whatsapp.net/d/AAxv8OHeED-5almZZ0N-
 kioyGMB97uzVZZEPoHNSUOK.enc
File name: 6bb2d5e6-2977-4635-b6b2-814239986b77.jpg
Status: Sent
Platform: Mobile
 5/14/2019 11:52:45 AM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Title: Going to a meeting ?
 Size: 73091
 File name: a7283b79-95c9-483d-b93e-7dd23f5051e7.jpg
 Path: https://mmg-
 ftsa.whatsapp.net/d/FAgxB6v7GsOwVUJURUK9DmzVLAxU8VbBymM
 OZ0r1ZTTyd.anc
 a7283b79-95c9-483d-b93e-7dd23f5051e7.jpg

Status: Sent
 Platform: Mobile

5/14/2019 11:52:45 AM(UTC+0)

@s.whatsapp.net Joseph Ahearn

Jesus

Status: Read
 Platform: Mobile

5/14/2019 11:58:59 AM(UTC+0)

@s.whatsapp.net Joseph Ahearn

Be safe

Status: Read
 Platform: Mobile

5/14/2019 11:59:01 AM(UTC+0)

@s.whatsapp.net Lp

Trust me trying

Status: Sent
 Platform: Mobile

5/14/2019 11:59:35 AM(UTC+0)

@s.whatsapp.net Lp

It's crazy we have enemies of our president' surrounding the new president of Ukraine

Status: Sent
 Platform: Mobile

5/14/2018 12:00:51 PM(UTC+0)

@s.whatsapp.net Lp

It's more important than ever to get a good ambassador that's loyal to our president in there please make sure you pass on the message every ear more important than ever

Status: Sent
 Platform: Mobile

5/14/2019 12:02:09 PM(UTC+0)

@s.whatsapp.net Joseph Ahearn

Yes

Status: Read
 Platform: Mobile

5/14/2019 12:03:39 PM(UTC+0)

 @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1129756189707984898?s=12>
 Attachments:


Title: Rudy Giuliani on Twitter
Size: 3226
File name: d09e6b7c-3b4d-4eac-bce5-7c1b787b5f5e.thumb
 d09e6b7c-3b4d-4eac-bce5-7c1b787b5f5e.thumb
Status: Sent
Platform: Mobile
5/18/2019 2:35:06 PM(UTC+0)

 @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1129761193753910144?s=12>
 Attachments:


Title: Rudy Giuliani on Twitter
Size: 3226
File name: 3ee21835-3d4e-4c23-944d-7094e632ce3a.thumb
 3ee21835-3d4e-4c23-944d-7094e632ce3a.thumb
Status: Sent
Platform: Mobile
5/18/2019 2:55:31 PM(UTC+0)

 @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1129761369560841984?s=12>
 Attachments:


Title: Rudy Giuliani on Twitter
Size: 3226
File name: f1efcc4-d24e-4cd1-91fafeccf109664d.thumb
 f1efcc4-d24e-4cd1-91fafeccf109664d.thumb
Status: Sent
Platform: Mobile
5/18/2019 2:57:03 PM(UTC+0)

 @s.whatsapp.net Joseph Ahearn
Jesus
Status: Read
Platform: Mobile
5/18/2019 2:57:29 PM(UTC+0)



We need more
@RichardGrenell's and
less of these jokers as
ambassadors.

Calls Grow To Remove
Obama's U.S.
Ambassador To Ukraine
<https://t.co/0jgzp1ZqmU>



Donald Trump Jr.

twitter.com

7704





Tweet



Donald J. Trump @realDonaldTrump



Ukrainian efforts to sabotage Trump campaign - "quietly working to boost Clinton." So where is the investigation A.G. @seanhannity

7/25/17, 6:03 AM

15.7K Retweets 53.4K Likes



That Purim Kid @Jo... · 7/25/17

Replying to @realDonaldTrump and @seanhannity

Hey look! It's state run media time with Donnie T! 🇺🇸

46

90

1,508



That Purim Kid @Jo... · 7/25/17

Tweet your reply



4:50

LTE



Tweet



Jack Posobiec
@JackPosobiec



"U.S. Ambassador to Ukraine, Maria Yovanovitch, an Obama holdover, has told U.S. Embassy employees and Ukrainian officials that they need not pay attention to Trump since he is going to be impeached."

4:48 PM · 3/22/19 · Twitter Web Client

17 Retweets 24 Likes



ScottPSchade @goldendeuce · 4s
Replying to @JackPosobiec

Looks like someone needs to get called home so daddy can have a chat with em.



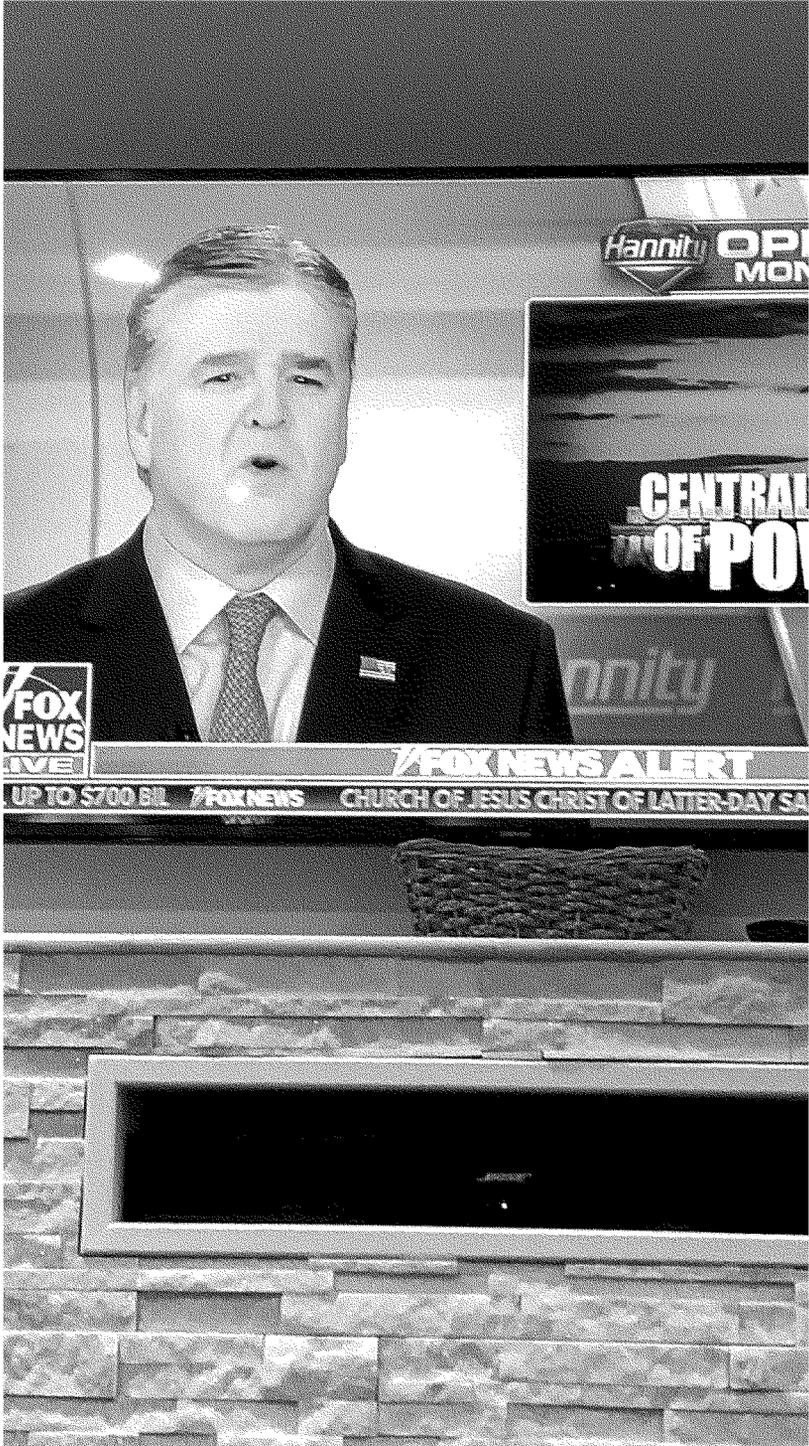
John Koko @johnkokousa · 4s
Replying to @JackPosobiec

Tweet your reply



7707







Extraction Report

Apple iPhone

Participants



██████████@s.whatsapp.net
Sergy Shealer (zahintsky)



██████████@s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (16)

System Message System Message

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Platform: Mobile

5/11/2019 3:59:02 PM(UTC+0)

██████████@s.whatsapp.net Lp

Добрый вечер Сергей меня зовут ЛЕА Парнас я друг мэра руды Джулиани
пожалуйста перезвоните мне спасибо

Status: Sent

Platform: Mobile

5/11/2019 3:59:02 PM(UTC+0)

██████████@s.whatsapp.net Lp

Attachments



Size: 76380

File name: 622a77c9-0542-443e-834d-2a69df209872.jpg

Path: /tmp/7/mimg-

fsa.whatsapp.net/d/f/AsyxCD8_oxDW57uy6B0539LThkY9R1KG-

2RHU2VZ1 enc.

622a77c9-0542-443e-834d-2a69df209872.jpg

Status: Sent

Platform: Mobile

5/11/2019 4:06:57 PM(UTC+0)

██████████@s.whatsapp.net Lp

Это копия письма переданная через Авакова по поводу встречи

Status: Sent

Platform: Mobile

5/11/2019 4:08:47 PM(UTC+0)

██████████ @s.whatsapp.net Sergy Sheafar (zalintsky)
Понял спасибо
Status: Read
Platform: Mobile
5/11/2019 4:18:23 PM(UTC+0)

██████████ @s.whatsapp.net Lp
Сергей давай завтра в 11 утра ?
Status: Sent
Platform: Mobile
5/11/2019 6:06:09 PM(UTC+0)

██████████ @s.whatsapp.net Sergy Sheafar (zalintsky)
Удобней конечно в 10
Status: Read
Platform: Mobile
5/11/2019 6:08:49 PM(UTC+0)

██████████ @s.whatsapp.net Sergy Sheafar (zalintsky)
Но можно и в 11
Status: Read
Platform: Mobile
5/11/2019 6:10:54 PM(UTC+0)

██████████ @s.whatsapp.net Lp
Давай в 10 скажи куда я поеду
Status: Sent
Platform: Mobile
5/11/2019 6:28:31 PM(UTC+0)

██████████ @s.whatsapp.net Sergy Sheafar (zalintsky)
Ресторан прага
Status: Read
Platform: Mobile
5/11/2019 6:48:16 PM(UTC+0)

██████████ @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
5/11/2019 6:51:44 PM(UTC+0)

██████████ @s.whatsapp.net Lp
Доброе утро Сергей, я уже по дороге но я задержался на минут 15 так что я буду где-то 10:15-10:20 спасибо
Status: Sent
Platform: Mobile
5/12/2019 6:43:08 AM(UTC+0)

7711

[REDACTED] @s.whatsapp.net Sergy Shealer (zalintsky)

Ok

Status: Read

Platform: Mobile

5/12/2019 6:51:59 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Сергей добрый вечер есть какая-то информация!

Status: Sent

Platform: Mobile

5/12/2019 6:41:30 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Добрый день Сергей Дай знать когда удобно будет поговорить

Status: Sent

Platform: Mobile

5/26/2019 3:34:58 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

??

Status: Sent

Platform: Mobile

7/24/2019 9:29:00 AM(UTC+0)

RUDOLPH W. GIULIANI

May 10, 2019

President-Elect Volodymyr Oleksandrovych Zelensky
c/o Ministry of Internal Affairs of Ukraine
10 Bogomoiltsa str. 01601
Kyiv, Ukraine

Dear President-Elect Zelensky:

I am private counsel to President Donald J. Trump. Just to be precise, I represent him as a private citizen, not as President of the United States. This is quite common under American law because the duties and privileges of a President and a private citizen are not the same. Separate representation is usual process.

Congratulations on a truly impressive victory in the recent election. I have a great fondness for your country and have visited there often. I have even had the privilege of being there most recently on 2017. Along with many others, I am very hopeful that your election is a real turning point and allows the Ukraine to prosper and overcome some of the long-standing problems of the past. Anything I can do to help you or your country would be a great honor.

However, I have a more specific request. In my capacity as personal counsel to President Trump and with his knowledge and consent, I request a meeting with you on this upcoming Monday, May 13th or Tuesday, May 14th. I will need no more than a half-hour of your time and I will be accompanied by my colleague Victoria Toensing, a distinguished American attorney who is very familiar with this matter.

Please have your office let me know what time or times are convenient for you, and Victoria and I will be there.

Sincerely,



Cc: Arsen Avakov
Minister of Internal Affairs



Extraction Report

Apple iPhone

Participants



[Redacted] @s whatsapp net
Arsen Avakov



[Redacted] @s whatsapp net
Lp (owner)

Conversation - Instant Messages (111)

System Message System Message

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Platform: Mobile

4/15/2019 10:43:56 AM(UTC+0)

[Redacted] @s whatsapp net Lp

Добрый день я нахожусь в Киеве хотелось бы увидеться наберите когда будет возможность
Спасибо Ляв

Status: Sent

Platform: Mobile

4/15/2019 10:43:56 AM(UTC+0)

[Redacted] @s whatsapp net Arsen Avakov

Добрый вечер. Завтра в 12.00?

Status: Read

Platform: Mobile

4/15/2019 3:11:14 PM(UTC+0)

[Redacted] @s whatsapp net Lp

Status: Sent

Platform: Mobile

4/15/2019 3:20:01 PM(UTC+0)

[Redacted] @s whatsapp net Lp

Пришлите пожалуйста адрес

Status: Sent

Platform: Mobile

4/15/2019 3:38:33 PM(UTC+0)

[REDACTED] @s.whatsapp.net Arsen Avakov

Ул Богомольца, 10 . МВД

Status: Read

Platform: Mobile

4/15/2019 3:58:02 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

4/15/2019 4:02:33 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Добрый день мой друг! Рад был сегодня опять встретиться и попить чаек хотел с тобой посоветоваться может лучше было бы если бы ты помог бы мне с моей безопасностью и охраной здесь. Поинтересно чтобы я не на кого не надеялся по многим причинам плюс я доверяю тебе как ты думаешь ?

Status: Sent

Platform: Mobile

4/16/2019 10:36:24 AM(UTC+0)

[REDACTED] @s.whatsapp.net Arsen Avakov

В какой форме? Скрытно, открыто?

Status: Read

Platform: Mobile

4/16/2019 1:36:50 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Как подскажите как лучше я думаю открытую как правильно

Status: Sent

Platform: Mobile

4/16/2019 2:02:01 PM(UTC+0)

[REDACTED] @s.whatsapp.net Arsen Avakov

Ок. Дам знать

Status: Read

Platform: Mobile

4/16/2019 2:38:38 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Спасибо большое

Status: Sent

Platform: Mobile

4/16/2019 2:39:01 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Добрый вечер Спасибо за Охрану все супер как выглядит на завтра чтобы мы увиделись ?

Status: Sent

Platform: Mobile

4/16/2019 5:21:51 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Добрый день мой друг будет возможность набери меня
Status: Sent
Platform: Mobile
4/20/2019 10:25:25 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Добрый день набери меня пожалуйста
Status: Sent
Platform: Mobile
4/22/2019 9:59:36 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Добрый день хотел еще раз поблагодарить вас за ребят я думаю что сегодня завтра я должен буду улетать обратно в штаты хотелось бы с вами увидиться Много есть о чем поговорить будет время наберите меня
Status: Sent
Platform: Mobile
4/26/2019 10:10:50 AM(UTC+0)

[Redacted] @s.whatsapp.net Arsen Avakov
Приветствую вас. Завтра?
Status: Read
Platform: Mobile
4/26/2019 10:12:15 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
4/26/2019 10:12:28 AM(UTC+0)

[Redacted] @s.whatsapp.net Arsen Avakov
Дам знать
Status: Read
Platform: Mobile
4/26/2019 10:14:33 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://thehill.com/opinion/white-house/440730-how-the-obama-white-house-engaged-ukraine-to-give-russia-collusion>
Attachments:

Title: How the Obama White House engaged Ukraine to give Russia collusion
Size: 4324
File name: 46243632-74fc-4775-96a4-14e658260340.thumb
46243632-74fc-4775-96a4-14e658260340.thumb
Status: Sent
Platform: Mobile
4/26/2019 11:18:36 AM(UTC+0)

 @s whatsapp.net Lp
<https://youtu.be/YWGAAZlpTXY>
 Attachments:

 Title: Hannity: Democrats' crazy train has another passenger
 Size: 0
 Status: Sent
 Platform: Mobile
 4/26/2019 11:16:43 AM(UTC+0)

 @s whatsapp.net Lp
 Clinton-Ukraine collusion allegations 'big' and 'incredible,' will be reviewed, Trump says
<https://www.foxnews.com/politics/trump-barr-will-look-at-incredible-possibility-of-ukraine-clinton-collusion>
 Explore the Fox News apps that are right for you at <http://www.foxnews.com/apps-products/index.html>.
 Attachments:

 Title: Clinton-Ukraine collusion allegations 'big' and 'incredible,' will be reviewed, Trump says
 Size: 4463
 File name: 60241184-b653-4309-8704-9408d2c29786.itumb
 Path: https://www.foxnews.com/politics/trump-barr-will-look-at-incred-ble-poss-ibility-of-ukraine-clinton-collusion-60241184-b653-4309-8704-9408d2c29786.itumb
 Status: Sent
 Platform: Mobile
 4/26/2019 11:16:56 AM(UTC+0)

 @s whatsapp.net Lp
 Добрый день что вы просто были в курсе я улетаю сегодня в 06:00
 Status: Sent
 Platform: Mobile
 4/27/2019 9:19:36 AM(UTC+0)

 @s whatsapp.net Arsen Avakov
 15.30 удобно захватить?
 Status: Read
 Platform: Mobile
 4/27/2019 9:20:23 AM(UTC+0)

 @s whatsapp.net Arsen Avakov
 Добрый день)
 Status: Read
 Platform: Mobile
 4/27/2019 9:20:50 AM(UTC+0)

[Redacted] @s whatsapp net Lp
Status: Sent
Platform: Mobile
4/27/2019 9:24:54 AM(UTC+0)

[Redacted] @s whatsapp net Arsen Avakov
До встречи
Status: Read
Platform: Mobile
4/27/2019 9:27:39 AM(UTC+0)

[Redacted] @s whatsapp net Lp
Рад был видеть тебя мой друг лечу сейчас Вашингтон позвоню тебе завтра покаже а это компании то что я тебе говорил. Компания - украинская локомотивная компания (не может начать перевозки своими локомотивами на львовской железной дороге из за противодействия со стороны министерства транспорта. Причина не известна. Спасибо
Status: Sent
Platform: Mobile
4/29/2019 7:21:06 PM(UTC+0)

[Redacted] @s whatsapp net Arsen Avakov
Приветствую. По окончании выходных посмотрю
Status: Read
Platform: Mobile
4/29/2019 7:22:12 PM(UTC+0)

[Redacted] @s whatsapp net Lp
Спасибо
Status: Sent
Platform: Mobile
4/29/2019 7:23:07 PM(UTC+0)

[Redacted] @s whatsapp net Lp
<https://thehill.com/opinion/white-house/441580-nellie-ohrs-hi-honey-emails-to-doj-about-russia-collusion-should-alarm-us>
Attachments:

Title: 'Nellie Ohr's 'Hi Honey' emails to DOJ about Russia collusion should
Size: 4135
File name: 16124972-4f7d-46da-b55c-63e92cd18594.thumb
16124972-4f7d-46da-b55c-63e92cd18594.thumb
Status: Sent
Platform: Mobile
5/1/2019 4:49:46 PM(UTC+0)

[Redacted] @s whatsapp.net Lp
<https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>
 Attachments:

 Title: Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies
 Size: 5631
 File name: b6486ba9-7c31-48fc-902e-9bc70fef434.thumb
 b6486ba9-7c31-48fc-902e-9bc70fef434.thumb
 Status: Sent
 Platform: Mobile
 5/2/2019 1:42:20 AM(UTC+0)

[Redacted] @s whatsapp.net Lp
 Добрый вечер мой друг я наберу тебя позже сегодня или завтра дам знать но мы готовим поездку в Украину там будет кое-какие люди из конгресса Джулиани я хотел бы чтоб ты был главным в этой организов или этой поездке так что я тебе позже позвону и мы этом месте организуем давай обнимаю
 Status: Sent
 Platform: Mobile
 5/2/2019 5:33:51 PM(UTC+0)

[Redacted] @s whatsapp.net Arsen Avakov
 Привет. Я в поездке, завтра после 15 по киеву звоните
 Status: Read
 Platform: Mobile
 5/2/2019 5:35:40 PM(UTC+0)

[Redacted] @s whatsapp.net Lp
 Status: Sent
 Platform: Mobile
 5/2/2019 5:36:48 PM(UTC+0)

[Redacted] @s whatsapp.net Lp
<https://thehill.com/opinion/white-house/441852-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>
 Attachments:

 Title: Ukrainian embassy confirms DNC contractor solicited Trump dirt in 2016
 Size: 4900
 File name: 912f1124-35a5-4113-97a2-9d0a70130e1f.thumb
 912f1124-35a5-4113-97a2-9d0a70130e1f.thumb
 Status: Sent
 Platform: Mobile
 5/2/2019 11:23:39 PM(UTC+0)

@s.whatsapp.net 1p

<https://youtu.be/NnVe8aNanSA>

Attachments:



Title: SEAN HANNITY 5/3/19 (FULL) - FOX NEWS TODAY MAY 2, 2019
Size: 5590
File name: 524dafad-7944-4aa0-9ed9-4616854341.thumb
524dafad-7944-4aa0-9ed9-4616854341.thumb

Status: Sent
Platform: Mobile

5/3/2019 2:26:43 AM(UTC+0)

@s.whatsapp.net 1p

Добрий вечер я освобождаюсь через где-то полчаса вам наберу сразу спасибо

Status: Sent
Platform: Mobile

5/3/2019 6:27:20 PM(UTC+0)

@s.whatsapp.net 1p

Позвони мне

Status: Sent
Platform: Mobile

5/3/2019 8:11:21 PM(UTC+0)

@s.whatsapp.net Arsen Avakov

Не спірте?

Status: Read
Platform: Mobile

5/4/2019 6:39:05 AM(UTC+0)

@s.whatsapp.net 1p

<https://www.ukr.net/news/details/politika/71222832/>

Attachments:



Title: UKR NET: Всі новини України, останні новини дня в Україні та Світі
Size: 4135
File name: c9290936-36b6-4045-a39c-d5662796c45c.thumb
c9290936-36b6-4045-a39c-d5662796c45c.thumb

Status: Sent
Platform: Mobile

5/6/2019 4:21:29 PM(UTC+0)

@s.whatsapp.net Arsen Avakov

Не могу говорить. Позвоните позже?

Status: Read
Platform: Mobile

5/9/2019 5:11:20 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
K
Status: Sent
Platform: Mobile
5/8/2019 5:11:49 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://www.cnn.com/2019/05/09/politics/giuliani-goes-on-offense-biden-ukraine/index.html>
Attachments:

Title: Giuliani previews potential 2020 attack dog role with Biden-Ukraine story
Size: 0
(Empty File)
Status: Sent
Platform: Mobile
5/8/2019 5:36:21 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>
Attachments:

Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump
Size: 2140
File name: a36d71e8-bba3-4810-ac6d-497d85e25258.thumb
a36d71e8-bba3-4810-ac6d-497d85e25258.thumb
Status: Sent
Platform: Mobile
5/10/2019 5:36:16 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Доброе утро нормально будет если я подьеду где-то в час дня?
Status: Sent
Platform: Mobile
5/10/2019 7:49:42 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
?
Status: Sent
Platform: Mobile
5/10/2019 9:00:12 AM(UTC+0)

[Redacted] @s.whatsapp.net Arsen Avakov
Привет. 14.30 будет ок
Status: Read
Platform: Mobile
5/10/2019 9:16:22 AM(UTC+0)

[Redacted] @s whatsapp net Lp
Status: Sent
Platform: Mobile
5/10/2019 9:17:07 AM(UTC+0)

[Redacted] @s whatsapp net Arsen Avakov
<https://www.pravda.com.ua/news/2019/05/11/7214715/>
Attachments:

Title: Директор Трампа скісував візит до України через "ворога президента"
Size: 4031
File name: 14566925_d954-4072_a8c4-7cd590b7d6c7_thumb
14566925_d954-4072_a8c4-7cd590b7d6c7_thumb
Status: Read
Platform: Mobile
5/11/2019 6:57:17 AM(UTC+0)

[Redacted] @s whatsapp net Arsen Avakov
Отменил?
Status: Read
Platform: Mobile
5/11/2019 6:57:24 AM(UTC+0)

[Redacted] @s whatsapp net Lp
Я ще не в курсі через пару часів узнаю наберу сразу
Status: Sent
Platform: Mobile
5/11/2019 7:03:46 AM(UTC+0)

[Redacted] @s whatsapp net Lp
Добрый день много чего происходит обязательно нужно встретиться я все расскажу дай знать как возможность
Status: Sent
Platform: Mobile
5/11/2019 8:17:04 AM(UTC+0)

[Redacted] @s whatsapp net Arsen Avakov
Ок
Status: Read
Platform: Mobile
5/11/2019 9:56:19 AM(UTC+0)

[Redacted] @s whatsapp net Lp
Ты на месте я могу подъехать
Status: Sent
Platform: Mobile
5/11/2019 11:19:36 AM(UTC+0)

[REDACTED]@s.whatsapp.net Arsen Avakov

Привет. У меня заслушвания. Пока нет

Status: Read

Platform: Mobile

5/11/2019 11:20:02 AM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Окей жду дай знать как только

Status: Sent

Platform: Mobile

5/11/2019 11:21:19 AM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

I concluded that the President elect is being advised by people who were very vocal opponents of President Trump and peculiarly vocal supporters of Hillary Clinton in particular Sergii Leschenko. He has already been found to have acted improperly with regard to our 2016 election. Under these circumstances the meeting would have accomplished little and may be in the hands of those who might misrepresent it. My purpose was to share information to assist their on-going investigation of Ukrainian officials being used by Americans to gather information to assist Clinton in last election. It was also to alert them to the very real dangers that they are people involved in the investigation as targets who are attempting to shut it down before it reaches a conclusion. This investigation has the potential to reveal some of the people who originated and/or propagated the false claim of collusion which has been found to be false now by 2, not 1, FBI investigations. This false charge didn't emerge from thin air. If it didn't originate in Ukraine, there is evidence it was pursued there and pursued using illicit means.

Status: Sent

Platform: Mobile

5/11/2019 12:29:02 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Этот пресс-релиз только что выпустил Rudy

Status: Sent

Platform: Mobile

5/11/2019 12:29:37 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

<https://twitter.com/jackposobiec/status/1127665671100350465?s=12>

Attachments:



Title: Jack Posobiec on Twitter

Size: 5371

File name: d95222ea-45e1-4c3f-903e-d3d1178f865.thumb

d95222ea-45e1-4c3f-903e-d3d1178f865.thumb

Status: Sent

Platform: Mobile

5/13/2019 9:34:25 AM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Я задержался на 10 минут сейчас буду

Status: Sent

Platform: Mobile

5/13/2019 12:27:37 PM(UTC+0)

[Redacted] @s.whatsapp.net Arsen Avakov
Ok
Status: Read
Platform: Mobile
5/13/2019 12:33:42 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://www.breitbart.com/clips/2019/05/12/rand-paul-americans-will-be-shocked-to-know-what-bidens-son-was-up-to>
Attachments:

Title: Rand Paul: Americans Will Be 'Shocked' to Know What Biden's Son Was Up To | Breitbart
Size: 0
(Empty File)
Status: Sent
Platform: Mobile
5/13/2019 4:10:47 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/13/us/politics/russia-investigation-justice-department-review.html>
Status: Sent
Platform: Mobile
5/14/2019 8:23:37 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Привет дай знать когда будет хорошо увидаться позже сегодня
Status: Sent
Platform: Mobile
5/14/2019 11:00:36 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1128234175000141824?s=12>
Attachments:

Title: Rudy Giuliani on Twitter
Size: 0
(Empty File)
Status: Sent
Platform: Mobile
5/14/2019 11:15:54 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
У меня есть очень интересная и важная новость я думаю тебе нужно знать когда будешь возможность набери меня
Status: Sent
Platform: Mobile
5/14/2019 3:34:18 PM(UTC+0)

[REDACTED] @s.whatsapp.net Arsen Avakov

15мин наберу

Status: Read

Platform: Mobile

5/14/2019 3:48:11 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

5/14/2019 5:23:35 PM(UTC+0)

[REDACTED] @s.whatsapp.net Arsen Avakov

Status: Read

Platform: Mobile

5/14/2019 5:23:55 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

На телефоне с Вашингтоном перезвоню

Status: Sent

Platform: Mobile

5/14/2019 5:24:41 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Дорогой мой друг . Хочу поблагодарить тебя за помощь и понимание в этой тяжелой ситуации и твою помощь мне лично . Я доложил об этом Уважаемому Руди и он в сегодняшнем эксклюзивном интервью каналу Интер . выразил тебе лично и отдельно огромную благодарность . Жду встречи завтра . Спасибо !!!!!

Status: Sent

Platform: Mobile

5/14/2019 10:42:17 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Attachments



Size: 2308

File name: 720261a3-0ca7-4ea1-9ccd-736501efc896.thumb

Path: https://mmg.

ina.whatsapp.net/d/A1.0zKjEyFvSLSh_EdomeIbHvFK7mMkatzU

Photo: 720261a3-0ca7-4ea1-9ccd-736501efc896.thumb

Status: Sent

Platform: Mobile

5/15/2019 6:11:13 AM(UTC+0)

[REDACTED] @s.whatsapp.net Arsen Avakov

Наберу после Кабмина

Status: Read

Platform: Mobile

5/15/2019 9:41:29 AM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
5/15/2019 8:44:46 AM(UTC+0)

System Message System Message
Missed Voice Call
Platform: Mobile
5/15/2019 9:47:57 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
<https://twitter.com/jsolomonreports/status/1129184208902119424?s=12>
Attachments:

Title: John Solomon on Twitter
Size: 3635
File name: b526b408-0d9d-49eb-ad39-4d2abdca5b3f.thumb
b327b4f08-0994-49e9-ad39-4d2abdca5b3f.thumb
Status: Sent
Platform: Mobile
5/17/2019 1:09:04 AM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
Attachments:

Size: 51725814
File name: 5ef933c-72b7-4f0a-9db2-bfa657ca5692.mp4
Path: https://msg.fra.whatsapp.net/d/FAgTCA1Zc-zY1HdXUWPhyfcCavi10sw7QDuaAbd11hs6S9dIaw5ef933c-72b7-4f0a-9db2-bfa657ca5692.mp4
Status: Sent
Platform: Mobile
5/17/2019 1:42:08 AM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/15/world/europe/ukraine-zelensky-kolomoisky.html>
Attachments:

Title: Oligarch's Return Raises Alarm in Ukraine
Size: 0
Status: Sent
Platform: Mobile
5/17/2019 10:03:31 AM(UTC+0)

██████████ @s whatsapp.net Lp

<https://www.youtube.com/watch?v=6BfmOHmpHVk>

Status: Sent

Platform: Mobile

5/17/2019 8:19:32 PM(UTC+0)

██████████ @s whatsapp.net Lp

очень важно пожалуйста набери меня

Status: Sent

Platform: Mobile

5/17/2019 8:19:19 PM(UTC+0)

██████████ @s whatsapp.net Lp

Добрый день набери когда на месте нам нужно увидеться сегодня
спасибо

Status: Sent

Platform: Mobile

5/18/2019 8:34:50 AM(UTC+0)

██████████ @s whatsapp.net Lp

пожалуйста или набери мне Или дай знать какое время мы с тобой встретимся потому
что очень важно выйти с тобой на контакт Спасибо

Status: Sent

Platform: Mobile

5/18/2019 11:23:42 AM(UTC+0)

██████████ @s whatsapp.net Arsen Avakov

Я в самолете. Лечу в Киев Раньше 21 не смогу

Status: Read

Platform: Mobile

5/18/2019 11:27:02 AM(UTC+0)

██████████ @s whatsapp.net Lp

Понял договорились я жду как прилетишь пожалуйста набери меня
Спасибо

Status: Sent

Platform: Mobile

5/18/2019 11:30:13 AM(UTC+0)

 @s.whatsapp.net Lp
<https://strana.ua/articles/201769-kak-razhorelsja-konflikt-mezhdu-kolomojskim-i-biznesmenami-iz-okruzenija-dzhullani.html>
 Attachments:



Title: "Задания Коломойского - это приказ угрозы" Люди Джулиани подают заявление на олигарха в прокурорские органы Украины и США
 Size: 5528
 File name: 0faac6f0-eafd-4fe4-97c2-fe6a68227e4b.thumb
 0faac6f0-eafd-4fe4-97c2-fe6a68227e4b.thumb

Status: Sent
 Platform: Mobile

5/18/2019 12:42:10 PM(UTC+0)

 @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1129756189707984898?s=12>
 Attachments:



Title: Rudy Giuliani on Twitter
 Size: 3226
 File name: 28fa503b-8587-4136-a9e9-6e2c073294b.thumb
 28fa503b-8587-4136-a9e9-6e2c073294b.thumb

Status: Sent
 Platform: Mobile

5/18/2019 2:34:08 PM(UTC+0)

 @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1129751193755910144?s=12>
 Attachments:



Title: Rudy Giuliani on Twitter
 Size: 3226
 File name: 4059e4a0-fc4b-4585-90cb-971c47c0b363.thumb
 4059e4a0-fc4b-4585-90cb-971c47c0b363.thumb

Status: Sent
 Platform: Mobile

5/19/2019 2:55:54 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

<https://twitter.com/rudygiuliani/status/1129761369660841984?s=12>

Attachments:



Type: Rudy Giuliani on Twitter

Size: 3224

File name: fce030c7-63ab-4c21-931e-50bba1d59430.Bump

fce030c7-63ab-4c21-931e-50bba1d59430.Bump

Status: Sent

Platform: Mobile

5/18/2019 2:56:40 PM(UTC+0)

[REDACTED] @s.whatsapp.net Arsen Avakov

Ок. На связи

Status: Read

Platform: Mobile

5/19/2019 11:41:49 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

5/19/2019 11:42:09 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Добрый день мы с миром ждём чтобы Сергей вошёл в контакт ещё никто не вышел в контакт?

Status: Sent

Platform: Mobile

5/21/2019 1:57:15 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Набери пожалуйста

Status: Sent

Platform: Mobile

5/21/2019 4:01:18 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Планируем завтра вылететь к тебе пришло скоро информация когда освободишься набери мне чтобы могли поговорить План действия

Status: Sent

Platform: Mobile

5/22/2019 6:18:46 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Я на месте можно к тебе подъехать

Status: Sent

Platform: Mobile

5/23/2019 3:28:46 PM(UTC+0)

[Redacted] @s.whatsapp.net Arsen Avakov
10.40 завтра жду
Status: Read
Platform: Mobile
5/23/2019 4:02:41 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Я завтра подъеду с Игорем. Ок?
Status: Sent
Platform: Mobile
5/23/2019 4:03:26 PM(UTC+0)

[Redacted] @s.whatsapp.net Arsen Avakov
Ок
Status: Read
Platform: Mobile
5/23/2019 4:04:09 PM(UTC+0)

System Message System Message
Missed Voice Call
Platform: Mobile
5/24/2019 10:30:32 AM(UTC+0)

[Redacted] @s.whatsapp.net Arsen Avakov
Набери. Встреча в 13 завтра
Status: Read
Platform: Mobile
5/24/2019 10:30:46 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Сейчас на встрече перезвоню как выйду спасибо
Status: Sent
Platform: Mobile
5/24/2019 10:58:32 AM(UTC+0)

[Redacted] @s.whatsapp.net Arsen Avakov
?
Status: Read
Platform: Mobile
5/24/2019 3:48:25 PM(UTC+0)

[Redacted] @s whatsapp net Lp
<https://www.pravda.com.ua/rus/articles/2019/05/27/7216183/>
Attachments:

Title: Коломойский: Ахметов в 2018-ом сказал мне, что Зеленский будет президентом
Size: 0
Status: Sent
Platform: Mobile
5/27/2019 1:35:46 PM(UTC+0)

[Redacted] @s whatsapp net Lp
Привет я захожу на встречу напиши пожалуйста в какое время ты хочешь сделать звонок
Status: Sent
Platform: Mobile
5/27/2019 1:47:34 PM(UTC+0)

[Redacted] @s whatsapp net Arsen Avakov
Дам знать как переговорю с Ш
Status: Read
Platform: Mobile
5/27/2019 1:52:20 PM(UTC+0)

[Redacted] @s whatsapp net Lp
Привет добрый день
Status: Sent
Platform: Mobile
5/28/2019 12:58:19 PM(UTC+0)

[Redacted] @s whatsapp net Lp
Привет пожалуйста дай знать что происходит
Status: Sent
Platform: Mobile
5/28/2019 3:39:05 PM(UTC+0)

[Redacted] @s whatsapp net Lp
??
Status: Sent
Platform: Mobile
5/28/2019 8:18:45 PM(UTC+0)

[Redacted] @s whatsapp net Arsen Avakov
Привет. Все норм. Сидим у Пр. Завтра переговорим
Status: Read
Platform: Mobile
5/28/2019 8:29:29 PM(UTC+0)

7731

[REDACTED]@s.whatsapp.net Lp
Жду твой звонок спасибо
Status: Sent
Platform: Mobile
5/29/2019 8:30:00 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
Привет !!! Сергей не выходит на контакт !!!! И нет мессаджа от фигуранта !!!! Очень
важно сегодня поговорить !!!
Status: Sent
Platform: Mobile
5/29/2019 7:22:57 PM(UTC+0)



Extraction Report

Apple iPhone

Participants



██████████@s.whatsapp.net
Ivan Banakov



██████████@s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (20)

System Message System Message

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Platform: Mobile

4/25/2019 12:54:04 PM(UTC+0)

██████████@s.whatsapp.net Lp

Мы по дороге через минут 15 будем

Status: Sent

Platform: Mobile

4/25/2019 12:54:04 PM(UTC+0)

██████████@s.whatsapp.net Lp

« Добрый день Иван пожалуйста дайте знать какое время будет Хорошо организовать конференц код Чтобы я смог согласовать С mayor Giuliani. Спасибо

Status: Sent

Platform: Mobile

4/25/2019 9:02:01 AM(UTC+0)

██████████@s.whatsapp.net Lp

<https://thehill.com/opinion/white-house/440730-how-the-obama-white-house-engaged-ukraine-to-give-russia-collusion>

Attachments



Title: How the Obama White House engaged Ukrain to give Russia collusion

Size: 4224

File name: 1d8791ab-5073-4086-9728-cb7968565311 thumb

1d8791ab-5073-4086-9728-cb7968565311 thumb

Status: Sent

Platform: Mobile

4/26/2019 11:16:30 AM(UTC+0)

 @s.whatsapp.net Lp

<https://youtu.be/YWGAAZLpTXy>

Attachments:



Title: Hannity: Democrats' crazy train has another passenger
Size: 0

Status: Sent
Platform: Mobile

4/26/2019 11:16:43 AM(UTC+0)

 @s.whatsapp.net Lp

Clinton-Ukraine collusion allegations 'big' and 'incredible,' will be reviewed, Trump says

<https://www.foxnews.com/politics/trump-barr-will-look-at-incredible-possibility-of-ukraine-clinton-collusion>

Explore the Fox News apps that are right for you at <http://www.foxnews.com/apps-products/index.html>.

Attachments:



Title: Clinton-Ukraine collusion allegations 'big' and 'incredible,' will be reviewed, Trump says
Size: 4483
File name: 6463f9ad-9b61-4d44-b914-60fd62631026.thumb
Path: <https://www.foxnews.com/politics/trump-barr-will-look-at-incred-ble-poss-bility-of-uraine-clinton-collusion>
[6463f9ad-9b61-4d44-b914-60fd62631026.thumb](https://www.foxnews.com/politics/trump-barr-will-look-at-incred-ble-poss-bility-of-uraine-clinton-collusion)

Status: Sent
Platform: Mobile

4/26/2019 11:16:56 AM(UTC+0)

 @s.whatsapp.net Lp

Иван добрый вечер Меня попросили позвонить вам уточнить В котором часу завтра будет возможность для телефонного разговора ?

Status: Sent
Platform: Mobile

6/1/2019 6:28:01 PM(UTC+0)

 @s.whatsapp.net Lp

<https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>

Attachments:



Title: Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies
Size: 5931
File name: 52e8bcb5-d4b1-4a99-907c-1cb7640b1c74.thumb
[52e8bcb5-d4b1-4a99-907c-1cb7640b1c74.thumb](https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html)

Status: Sent
Platform: Mobile

5/2/2019 1:42:20 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Иван добрый день нам нужно Сделать этот звонок если вы сейчас в отпуске пожалуйста соедините кого-то там который рядом президента Владимиром кто может меня перезвонить на мой номер я их соединю Джулиан спасибо :зду

Status: Sent

Platform: Mobile

5/2/2019 5:54:51 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ivan Banakov

Лев, добрый вечер! Я передал данную информацию от Вас по установленному каналу г-ну Президенту, но пока не получил подтверждения. Да, я в настоящий момент не в Украине, но как только я получу какую-то обратную информацию я незамедлительно выйду с ВАМИ на связь.

Status: Read

Platform: Mobile

5/2/2019 6:01:30 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Спасибо я передам

Status: Sent

Platform: Mobile

5/2/2019 6:03:17 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

<https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>

Attachments:



Title: Ukrainian embassy confirms DNC contractor solicited Trump dirt in 2016

Size: 4600

File name: 4812f6b-5d52-4f31-8227-8d5cb75bfa1.thumb
4812f6b-5d52-4f31-8227-8d5cb75bfa1.thumb

Status: Sent

Platform: Mobile

5/2/2019 11:23:39 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

<https://youtu.be/NnV68aNanSA>

Attachments:



Title: SEAN HANNITY 5/2/19 [FULL] - FOX NEWS TODAY MAY 2 2019

Size: 5990

File name: ach6401d-1ffc-4c17-9105-79f5b8bca22d.thumb
ach6401d-1ffc-4c17-9105-79f5b8bca22d.thumb

Status: Sent

Platform: Mobile

5/2/2019 2:26:43 AM(UTC+0)

[redacted] @s whatsapp net Lp
<https://www.ukr.net/news/details/politika/71222832/>
Attachments:

Title: UKR.NET: Всі новини України, останні новини дні в Україні та Світі
Size: 4132
File name: ae3917d3-dad4-40ba-ab13-85010bfccb20.thumb
ae3917d3-dad4-40ba-ab13-85010bfccb20.thumb
Status: Sent
Platform: Mobile
5/6/2019 5:29:53 PM(UTC+0)

[redacted] @s whatsapp net Lp
Нужно поговорить
Status: Sent
Platform: Mobile
5/6/2019 5:30:18 PM(UTC+0)

[redacted] @s whatsapp net Ivan Banakov
Добрый вечер! Тут новости нет особой. Все ожидаемо.
Status: Read
Platform: Mobile
5/6/2019 5:43:15 PM(UTC+0)

[redacted] @s whatsapp net Ivan Banakov
Deleted by the sender
Attachments:

Title: 3A376B07F6234D5B8F69
Size: 0
Platform: Mobile
5/6/2019 5:43:53 PM(UTC+0)

[redacted] @s whatsapp net Lp
Добрый вечер Иван пожалуйста дайте знать что происходит по какой причине ещё мы не смогли сделать телефонный звонок?
Status: Sent
Platform: Mobile
5/7/2019 7:07:28 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>
Attachments:



Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump
Size: 5140
File name: e5ed319b-3840-4b48-803c-ccdb81afae7_thumb
e5ed319b-3840-4b48-803c-ccdb81afae7_thumb

Status: Sent
Platform: Mobile

5/10/2019 8:02:23 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Attachments:



Size: 10893408
File name: a59445ca-70e2-426b-b9d6-93422b2d94fd.mp4
Path: https://mmg.
ma.whatsapp.net/d/1A1L0bKjEYf8rSLSh_Edcmeb9-bFK7mMkafzU
74z8E: ewe
a59445ca-70e2-426b-b9d6-93422b2d94fd.mp4

Status: Sent
Platform: Mobile

5/15/2019 8:16:59 AM(UTC+0)



Extraction Report

Apple iPhone

Participants



██████████@s.whatsapp.net
Thomas Hicks Jr.

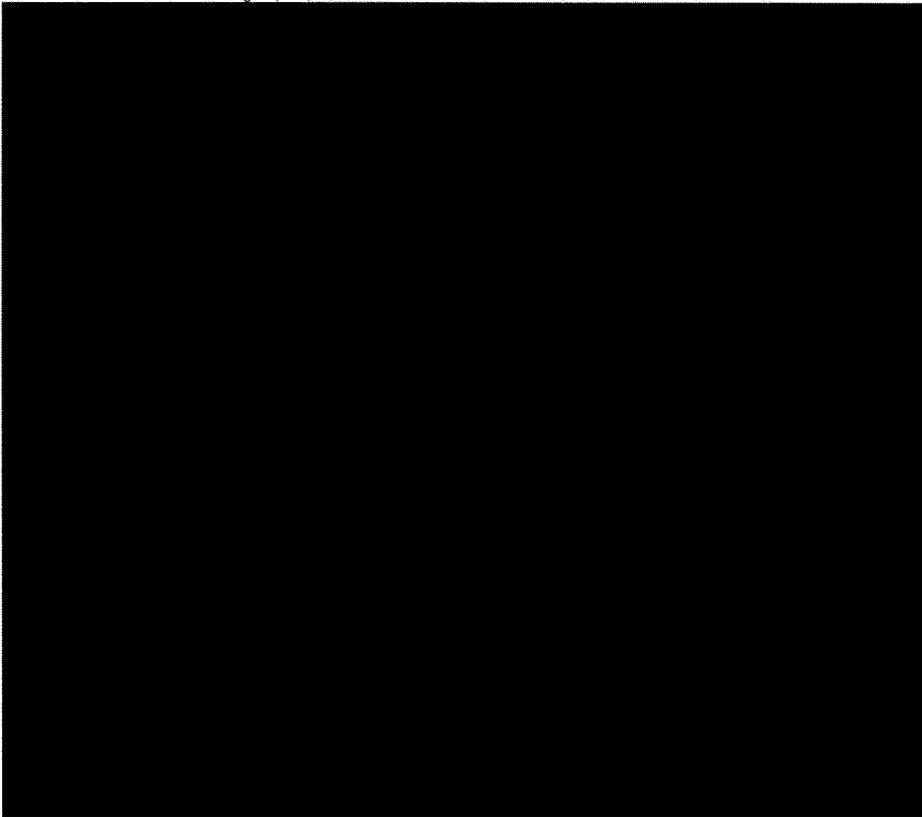


██████████@s.whatsapp.net
LP (owner)



██████████

Conversation - Instant Messages (278)



[Redacted] @s.whatsapp.net Lp
Agreed
Status: Sent
Platform: Mobile
2/6/2019 11:15:26 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Tel him to call me
Status: Sent
Platform: Mobile
2/6/2019 11:15:45 PM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr.
<https://twitter.com/jackposobie/status/1093650488657092614?s=12>
Attachments:

Title: Jack Posobie: on Twitter
Size: 5623
File name: 85b1548-c43d-48c7-9a11-48eff54d767.thumb
69d1548-c43d-48c7-9a11-48eff54d767.thumb
Status: Read
Platform: Mobile
2/9/2019 5:43:24 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
2/9/2019 5:47:15 PM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr.
Did u watch whole thing?
Status: Read
Platform: Mobile
2/9/2019 5:53:17 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Not yet driving to Rudy now
Status: Sent
Platform: Mobile
2/9/2019 5:54:22 PM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr.
Listen while driving
Status: Read
Platform: Mobile
2/9/2019 5:54:52 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Will do now
Status: Sent
Platform: Mobile
2/9/2019 5:55:16 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Wow this is exactly what we've been saying
Status: Sent
Platform: Mobile
2/9/2019 5:59:43 PM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr.
Yep
Status: Read
Platform: Mobile
2/9/2019 5:59:56 PM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr.
Show Rudy
Status: Read
Platform: Mobile
2/9/2019 6:00:04 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
On it now
Status: Sent
Platform: Mobile
2/9/2019 6:00:19 PM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr.
<https://www.google.com/amp/s/amp.dailycaller.com/2019/02/06/nellie-ohr-fusion-gps-leshchenko-ukraine>
Attachments:

Title: Nellie Ohr: Ukrainian Lawmaker Was Fusion GPS Source
Size: 4153
File name: 91c1d95-88ae-4d90-9a38-ad2e83516493.thumb
91c1d95-88ae-4d90-9a38-ad2e83516493.thumb
Status: Read
Platform: Mobile
2/9/2019 7:33:03 PM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr.
Editor and owner of daily caller is a friend. I trust him 100%. We should let him know what we know at the right time
Status: Read
Platform: Mobile
2/9/2019 7:33:48 PM(UTC+0)

[redacted]@s whatsapp net Lp
100% meeting R later for dinner
Status: Sent
Platform: Mobile
2/9/2019 7:34:27 PM(UTC+0)

[redacted]@s whatsapp net Thomas Hicks Jr
Tell r and feel free to call.
Status: Read
Platform: Mobile
2/9/2019 7:36:50 PM(UTC+0)

[redacted]@s whatsapp net Thomas Hicks Jr
I sent video to dh
Status: Read
Platform: Mobile
2/9/2019 7:37:01 PM(UTC+0)

[redacted]@s whatsapp net Lp
Perfect
Status: Sent
Platform: Mobile
2/9/2019 7:37:08 PM(UTC+0)

[redacted]@s whatsapp net Thomas Hicks Jr
<https://www.thedailybeast.com/doj-is-investigating-whether-us-payoffs-to-iraqi-officials-opened-the-door-for-isis>
Attachments:

Title: DOJ Is Investigating Whether U.S. Payoffs to Iraqi Officials Opened the Door for ISIS
Size: 4531
File name: e511e28f-h9b4-4b79-9a19-12c071b21b7e.thumb
e511e28f-h9b4-4b79-9a19-12c071b21b7e.thumb
Status: Read
Platform: Mobile
2/12/2019 7:51:35 PM(UTC+0)

[redacted]@s whatsapp net Lp
Crazy
Status: Sent
Platform: Mobile
2/12/2019 10:57:58 PM(UTC+0)

[redacted]@s whatsapp net Lp
I'm in Poland with R
Status: Sent
Platform: Mobile
2/12/2019 10:58:08 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Going to Ukraine Thursday
Status: Sent
Platform: Mobile
2/12/2019 10:58:19 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
2/12/2019 10:58:26 PM(UTC+0)

[redacted]@s.whatsapp.net Thomas Hicks Jr
Status: Read
Platform: Mobile
2/12/2019 11:09:47 PM(UTC+0)

System Message: System Message
Missed Voice Call
Platform: Mobile
2/12/2019 1:13:16 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Great job on the conference call
Status: Sent
Platform: Mobile
2/19/2019 8:39:10 PM(UTC+0)

[redacted]@s.whatsapp.net Thomas Hicks Jr
Thanks. Short and sweet!
Status: Read
Platform: Mobile
2/20/2019 5:08:35 PM(UTC+0)

[redacted]@s.whatsapp.net Thomas Hicks Jr
<https://thehill.com/homenews/campaign/432131-exclusive-inside-joe-bidens-campaign-in-waiting>
Attachments:

Title: Exclusive: Inside Joe Biden's campaign in waiting
Size: 0
Status: Read
Platform: Mobile
3/1/2019 3:44:47 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
I just got back I'll give you a call tomorrow my brother
Status: Sent
Platform: Mobile
3/1/2019 3:46:08 AM(UTC+0)

[REDACTED] @s.whatsapp.net Thomas Hicks Jr.
<https://www.thegatewaypundit.com/2019/03/media-silent-clinton-foundation-connected-agt-forwarded-top-secret-us-intel-to-russia-fbi-doj-covered-it-up-part-v/>
Attachments:

Title: MEDIA SILENT: Clinton Foundation Connected AGT Forwarded Top Secret US Intel to RUSSIA - FBI/DOJ Covered It Up - PART V
Size: 5413
File name: d613dae5-b996-4921-95d4-e20a24194f12_#thumb
d613dae5-b996-4921-95d4-e20a24194f12_#thumb
Status: Read
Platform: Mobile
3/2/2019 7:38:41 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Spoke with Joel
Status: Sent
Platform: Mobile
3/6/2019 1:14:15 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
I'm coming to dc tomorrow with Harry lots to tell you
Status: Sent
Platform: Mobile
3/6/2019 1:14:57 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Hi you around ?
Status: Sent
Platform: Mobile
3/6/2019 7:22:02 PM(UTC+0)

[REDACTED] @s.whatsapp.net Thomas Hicks Jr.
Yes, U here?
Status: Read
Platform: Mobile
3/9/2019 7:22:59 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
At the hotel
Status: Sent
Platform: Mobile
3/6/2019 7:23:50 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
You want I can come by your office or we can meet at hotel
Status: Sent
Platform: Mobile
3/8/2019 7:24:17 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Let me know what works
Status: Sent
Platform: Mobile
3/8/2019 7:34:44 PM(UTC+0)

[redacted]@s.whatsapp.net Thomas Hicks Jr
Meet there at 4:30? I have a 5
Status: Read
Platform: Mobile
3/8/2019 7:25:33 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
At hotel
Status: Sent
Platform: Mobile
3/8/2019 7:26:01 PM(UTC+0)

[redacted]@s.whatsapp.net Thomas Hicks Jr
<https://twitter.com/charliekirk11/status/1104233546732978176?s=12>
Attachments:

Title: Charlie Kirk on Twitter
Size: 3173
File name: d27287a2-b5b4-47a5-adb4-ac0fb9286dc6.thumb
d27287a2-b5b4-47a5-adb4-ac0fb9286dc6.thumb
Status: Read
Platform: Mobile
3/9/2019 4:27:38 AM(UTC+0)

[redacted]@s.whatsapp.net Lp
Just got FI
Status: Sent
Platform: Mobile
3/9/2019 4:34:34 AM(UTC+0)

[redacted]@s.whatsapp.net Lp
Tomorrow's the big day it's going to break tomorrow
Status: Sent
Platform: Mobile
3/20/2019 12:52:59 AM(UTC+0)

 @s.whatsapp.net Lp
<https://www.foxnews.com/politics/catherine-herridge-someone-in-the-state-dept-likely-involved-in-effort-to-take-down-president-trump>
 Attachments:

 Title: Someone in State Department likely involved in bid to take down Trump: Herridge
 Size: 7145
 File name: 15e79f62-7c22-4c3f-b41b-9c2bd4ad11b6.thumb
 15e79f62-7c22-4c3f-b41b-9c2bd4ad11b6.thumb
 Status: Sent
 Platform: Mobile
 3/20/2019 1:18:40 AM(UTC+0)

 @s.whatsapp.net Lp
 Status: Sent
 Platform: Mobile
 3/20/2019 1:18:57 AM(UTC+0)

 @s.whatsapp.net Lp
<https://twitter.com/ingrahamangle/status/1108342348256346112?s=12>
 Attachments:

 Title: Laura Ingraham on Twitter
 Size: 4173
 File name: f0f9ad53-96d4-414a-9f53-31c62be919b.thumb
 f0f9ad53-96d4-414a-9f53-31c62be919b.thumb
 Status: Sent
 Platform: Mobile
 3/20/2019 2:19:09 PM(UTC+0)

 @s.whatsapp.net Lp
<https://thehill.com/hilltv/rising/434892-senior-ukrainian-justice-official-says-hes-opened-probe-into-us-election>
 Attachments:

 Title: Senior Ukrainian official says he's opened probe into US election
 Size: 9694
 File name: 3f4a3b49-2d2e-485a-bb66-292727c324d2.thumb
 3f4a3b49-2d2e-485a-bb66-292727c324d2.thumb
 Status: Sent
 Platform: Mobile
 3/20/2019 3:04:26 PM(UTC+0)

 @s.whatsapp.net Thomas Hicks Jr
 Status: Read
 Platform: Mobile
 3/20/2019 4:09:37 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://twitter.com/seanhannity/status/1108398038719102977?s=12>
 Attachments:

 Title: Sean Hannity on Twitter
 Size: 4083
 File name: 59f1e094-651a-4a4c-bbf1-e4c04b33c6e2.thumb
 59f1e094-651a-4a4c-bbf1-e4c04b33c6e2.thumb
 Status: Sent
 Platform: Mobile
 3/20/2019 4:15:34 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 You should retweet it
 Status: Sent
 Platform: Mobile
 3/20/2019 4:17:00 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://thehill.com/hilltv/rising/434910-putin-has-blackmailed-ukrainian-people-ahead-of-election-says-top-ukrainian>
 Attachments:

 Title: Top Ukrainian official accuses Putin of 'blackmail' ahead of
 Size: 4245
 File name: 3f78a7e7-c0b5-4d7b-a275-9e7f6f2c3c55.thumb
 3f78a7e7-c0b5-4d7b-a275-9e7f6f2c3c55.thumb
 Status: Sent
 Platform: Mobile
 3/20/2019 5:03:14 PM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr.
 I should probably keep my hands clean on that
 Status: Read
 Platform: Mobile
 3/20/2019 5:05:08 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Status: Sent
 Platform: Mobile
 3/20/2019 5:05:37 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Attachments:

 Size: 54777
 File name: cc1c7be5-4042-4ba6-882f-e93783bfe61e.jpg
 Path: https://mms.
 s.whatsapp.net/s1AuzBmM0uFY7IGKOHgqzH6_sTpv9Wt30U0
 49Zas1R.jpg
 cc1c7be5-4042-4ba6-882f-e93783bfe61e.jpg
 Status: Sent
 Platform: Mobile
 3/20/2019 6:19:49 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges>
 Attachments:

 Title: As Russia collusion fades, Ukrainian plot to help Clinton emerges
 Size: 0
 Status: Sent
 Platform: Mobile
 3/20/2019 11:43:21 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Watch Hannity now
 Status: Sent
 Platform: Mobile
 3/21/2019 1:02:50 AM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr
 I can't. At a dinner.
 Status: Read
 Platform: Mobile
 3/21/2019 1:03:05 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 No worries I'll send you copy
 Status: Sent
 Platform: Mobile
 3/21/2019 1:03:22 AM(UTC+0)

 @s.whatsapp.net Lp

<https://www.washingtonexaminer.com/news/white-house/white-house-personnel-official-described-trump-gop-nomination-as-end-of-the-world>

Attachments:



Title: White House personnel official described Trump GOP nomination as 'end of the world'
 Size: 4435
 File name: 0648a764-4b3c-451e-8211-926931d77a35.thumb
 0648a764-4b3c-451e-8211-926931d77a35.thumb

Status: Sent
 Platform: Mobile

3/22/2019 4:21:08 PM(UTC+0)

 @s.whatsapp.net Lp

<https://twitter.com/dbongino/status/1109164121193369604?s=12>

Attachments:



Title: Dan Bongino on Twitter
 Size: 4447
 File name: 71c1b303-0417-424a-bc29-59f66931ab15.thumb
 71c1b303-0417-424a-bc29-59f66931ab15.thumb

Status: Sent
 Platform: Mobile

3/22/2019 6:47:53 PM(UTC+0)

 @s.whatsapp.net Lp

<https://twitter.com/dbongino/status/1109165948462907393?s=12>

Attachments:



Title: Dan Bongino on Twitter
 Size: 4447
 File name: 35184ad3-23fd-445e-930d-a086fdac3e4.thumb
 35184ad3-23fd-445e-930d-a086fdac3e4.thumb

Status: Sent
 Platform: Mobile

3/22/2019 6:54:55 PM(UTC+0)

 @s.whatsapp.net Lp

Attachments:



Size: 57462
 File name: b64ebc92-df50-4c4f-bc71f5841c3289dc.jpg
 Path: /tmp/immq-fna.whatsapp.net/d7Auna-tAqbT1G4XC46c0268xpraPKg6WcaVcEgr1WzGm0.enc
 b64ebc92-df50-4c4f-bc71f5841c3289dc.jpg

Status: Sent
 Platform: Mobile

3/22/2019 8:58:08 PM(UTC+0)

@s whatsapp net Lp

Attachments:



Size: 464734:1
 File name: 76da228e-b92-490e-b905-4342bc137bd.mp4
 Path: https://mmg.fra.whatsapp.net/d/f/AqW96ccEjUmuFZ56pBaAK3dJpedrDzxu9TQd4d31.enc
 76da228e-b92-490e-b905-4342bc137bd.mp4

Status: Sent
 Platform: Mobile

3/23/2019 3:07:02 AM(UTC+0)

@s whatsapp net Lp

Attachments:



Size: 94164
 File name: 3f5e9d71-b460-4d92-a480-9c9255265cb6.jpg
 Path: https://mmg.fra.whatsapp.net/d/f/AsSxbHpeWDF80YF9wJMcWw_yvGRaGZAIhooSHYMDO.enc
 3f5e9d71-b460-4d92-a480-9c9255265cb6.jpg

Status: Sent
 Platform: Mobile

3/24/2019 4:31:42 PM(UTC+0)

@s whatsapp net Lp

<https://www.dailywire.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-ryan-saavedra>

Attachments:



Title: Calls Grow To Remove Obama's U.S. Ambassador To Ukraine
 Size: 40118
 File name: 8a9d7af9-187-4030-9ac9-6589c601c020.thumb
 8a9d7af9-187-4030-9ac9-6589c601c020.thumb

Status: Sent
 Platform: Mobile

3/24/2019 4:34:34 PM(UTC+0)

@s whatsapp net Thomas Hicks Jr

somebody ought to take a hard look at rice and brennan efforts to undermine the trump campaign

Status: Read
 Platform: Mobile

3/25/2019 12:11:10 AM(UTC+0)

@s whatsapp net Thomas Hicks Jr

Status: Read
 Platform: Mobile

3/25/2019 12:11:20 AM(UTC+0)

[redacted] @s whatsapp net Lp
Status: Sent
Platform: Mobile
3/26/2019 12:20:53 AM(UTC+0)

[redacted] @s whatsapp net Thomas Hicks Jr.
Going to have Ed call u
Status: Read
Platform: Mobile
3/26/2019 12:54:23 AM(UTC+0)

[redacted] @s whatsapp net Thomas Hicks Jr.
Signal?
Status: Read
Platform: Mobile
3/26/2019 12:54:29 AM(UTC+0)

[redacted] @s whatsapp net Lp
What's up or FaceTime
Status: Sent
Platform: Mobile
3/26/2019 12:54:42 AM(UTC+0)

[redacted] @s whatsapp net Lp
<https://twitter.com/israelusaforevr/status/1110348237318303744?s=12>
Attachments:

Title: Israel & USA forever on Twitter
Size: 5499
File name: 23d1beca-1a30-4785-b8ea-8c50ca0388da.thumb
23d1beca-1a30-4785-b8ea-8c50ca0388da.thumb
Status: Sent
Platform: Mobile
3/26/2019 12:37:20 PM(UTC+0)

[redacted] @s whatsapp net Lp
<https://thehill.com/opinion/campaign/435906-us-embassy-pressed-ukraine-to-drop-probe-of-george-soros-group-during-2016>
Attachments:

Title: US embassy pressed Ukraine to drop probe of George Soros group during
Size: 3750
File name: 3b24e5cb-ef1c-4949-8901-3977994526fa.thumb
3b24e5cb-ef1c-4949-8901-3977994526fa.thumb
Status: Sent
Platform: Mobile
3/26/2019 10:25:11 PM(UTC+0)

[Redacted]@s.whatsapp.net Lp
https://www.youtube.com/watch?v=LS8ZA-o9_L4
 Attachments:

 Title: Trumps takedown of FBI (Winning montage)
 Size: 5439
 File name: 5b46285-08a6-4efc-96e8-7c26a04c31e.thumb
 5b46285-08a6-4efc-96e8-7c26a04c31e.thumb
 Status: Sent
 Platform: Mobile
 3/28/2019 12:39:56 AM(UTC+0)

[Redacted]@s.whatsapp.net Thomas Hicks Jr.
 So funny
 Status: Read
 Platform: Mobile
 3/28/2019 12:40:10 AM(UTC+0)

[Redacted]@s.whatsapp.net Thomas Hicks Jr.
<https://dailycaller.com/2019/04/03/fbi-fisa-motion-trump-russia/>
 Attachments:

 Title: FISA Motion Allowed FBI To Share US Citizens' Info With Foreign Agencies. Here's How That May Have Played Into The Russia Probe
 Size: 6511
 File name: 93442984-6390-448a-8c88-d6363f3d45c.thumb
 93442984-6390-448a-8c88-d6363f3d45c.thumb
 Status: Read
 Platform: Mobile
 4/4/2019 2:00:08 PM(UTC+0)

[Redacted]@s.whatsapp.net Lp
<https://www.breitbart.com/politics/2019/04/03/exclusive-peter-schweizer-joe-biden-steered-1-5-billion-to-ukraine-while-his-son-bagged-a-heartfelt-deal-from-their-government/>
 Attachments:

 Title: Schweizer: Joe Biden 'Steered \$1.5 Billion' to Ukraine, Son Got a Deal
 Size: 6233
 File name: e1eed0df-0d19-464a-aa76-48c566f8a21.thumb
 e1eed0df-0d19-464a-aa76-48c566f8a21.thumb
 Status: Sent
 Platform: Mobile
 4/4/2019 4:58:32 PM(UTC+0)

[Redacted]@s.whatsapp.net Thomas Hicks Jr.
 Saw that. Very crooked
 Status: Read
 Platform: Mobile
 4/4/2019 5:02:01 PM(UTC+0)

[REDACTED] @s whatsapp.net Thomas Hicks Jr

What's eta on call?

Status: Read
Platform: Mobile

4/25/2019 12:44:08 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

4/25/2019 12:46:00 PM(UTC+0)

[REDACTED] @s whatsapp.net Thomas Hicks Jr

This is total fucking bullshit. Can I call RG?

Status: Read
Platform: Mobile

4/25/2019 1:03:55 PM(UTC+0)

[REDACTED] @s whatsapp.net Lp

Yes please

Status: Sent
Platform: Mobile

4/25/2019 1:04:13 PM(UTC+0)

[REDACTED] @s whatsapp.net Thomas Hicks Jr

I have 2 numbers- which is best?

Status: Read
Platform: Mobile

4/25/2019 1:06:10 PM(UTC+0)

[REDACTED] @s whatsapp.net Lp

917

Status: Sent
Platform: Mobile

4/25/2019 1:08:36 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

4/25/2019 2:36:07 AM(UTC+0)

[Redacted]@s whatsapp net Lp

<https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>

Attachments:



Title: Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Aides
 Size: 5831
 File name: ebber5e4-af52-4ec0-0264-3e891d287b9.thumb
 ebbedc4-af72-4ec0-0204-2e861d286b9.thumb

Status: Sent
 Platform: Mobile

5/2/2019 1:57:07 AM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

5/2/2019 3:11:45 PM(UTC+0)

[Redacted]@s whatsapp net Lp

<https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>

Attachments:



Title: Ukrainian embassy confirms DNC contractor solicited Trump dirt in 2016
 Size: 4600
 File name: bd72afb2-8d11-4083-8b89-5de59c40832b.thumb
 bf72afb2-8d11-4083-8b89-5de59c40832b.thumb

Status: Sent
 Platform: Mobile

5/2/2019 11:25:39 PM(UTC+0)

[Redacted]@s whatsapp net Thomas Hicks Jr

Amazing

Status: Read

Platform: Mobile

5/3/2019 1:06:16 AM(UTC+0)

 @s.whatsapp.net Lp
https://translate.googleusercontent.com/translate_c?depth=1&hl=pl&nv=1&rurl=translate.google.com&sl=ru&sp=nmt4&tl=en&u=https://theworldnews.net/ua-news/posol-ssha-iovanych-zavershaet-rabotu-v-ukraine-smi&wid=17259:15700221:15700186:15700191:15700253:15700256:15700259&usg=ALkJrhfaVO_KiCSXZP2LjMHQZInVWKLkw
 Attachments:



Title: Посол США Іованович завершає роботу в Україні – CNN
 Size: 4286
 File name: 2b2da1d-0231-44a2-868a-3711356542bf.thumb
 zh2dea1d-0231-44a2-868a-3711350642bf.thumb

Status: Sent
 Platform: Mobile

5/6/2019 4:59:46 PM(UTC+0)

 @s.whatsapp.net Lp
 She just got recalled
 Status: Sent
 Platform: Mobile

5/6/2019 5:03:05 PM(UTC+0)

 @s.whatsapp.net Thomas Hicks Jr
 Status: Read
 Platform: Mobile

5/6/2019 5:00:19 PM(UTC+0)

 @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>
 Attachments:



Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump
 Size: 5140
 File name: 114fa938-e29f-46ff-b750-4092ecde09cd.thumb
 114fa938-e29f-46ff-b750-4092ecde09cd.thumb

Status: Sent
 Platform: Mobile

5/10/2019 5:46:07 AM(UTC+0)

@s.whatsapp.net Lp
<https://www.breitbart.com/clips/2019/05/12/rand-paul-americans-will-be-shocked-to-know-what-bidens-son-was-up-to/>
 Attachments:

 Title: Rand Paul: Americans Will Be 'Shocked' to Know What Biden's Son Was Up To | Breitbart
 Size: 4134
 File name: 95d964c-95cc-4b35-a651-bf0b0212ec15.thumb
 95d964c-95cc-4b35-a651-bf0b0212ec15.thumb
 Status: Sent
 Platform: Mobile
 5/13/2019 4:11:59 PM(UTC+0)

@s.whatsapp.net Lp
 It's more important than ever to get a good ambassador that's loyal to our president in there please make sure you pass on the message every ear more important than ever
 Status: Sent
 Platform: Mobile
 5/14/2019 12:03:47 PM(UTC+0)

@s.whatsapp.net Lp
 It's crazy we have enemies of our president surrounding the new president of Ukraine
 Status: Sent
 Platform: Mobile
 5/14/2019 12:03:47 PM(UTC+0)

@s.whatsapp.net Lp
 Call me when you can I'll update you on the craziness my brother
 Status: Sent
 Platform: Mobile
 5/14/2019 12:04:21 PM(UTC+0)

@s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1129756189707984898?s=12>
 Attachments:

 Title: Rudy Giuliani on Twitter
 Size: 0
 Status: Sent
 Platform: Mobile
 5/22/2019 1:05:37 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1129761193766910144?s=12>
Attachments:

Title: Rudy Giuliani on Twitter
Size: 3228
File name: 4466cbed-2e2c-4aaf-8a95-52e1338797fa.thumb
4466cbed-2e2c-4aaf-8a95-52e1338797fa.thumb
Status: Sent
Platform: Mobile
5/22/2019 1:05:43 AM(UTC+0)

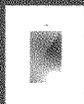
[Redacted] @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1129761369660841984?s=12>
Attachments:

Title: Rudy Giuliani on Twitter
Size: 0
Status: Sent
Platform: Mobile
5/22/2019 1:06:08 AM(UTC+0)

[Redacted] @s.whatsapp.net Thomas Hicks Jr
<https://twitter.com/rudygiuliani/status/1136431119077978114?s=12>
Attachments:

Title: Rudy Giuliani on Twitter
Size: 3228
File name: 4eedca83-1248-4ccd-9e75-625b42a14704.thumb
Path: <https://twitter.com/rudygiuliani/status/1136431119077978114?s=12>
4eedca83-1248-4ccd-9e75-625b42a14704.thumb
Status: Read
Platform: Mobile
5/6/2019 10:23:03 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
How are you my brother are you in DC tomorrow ? Dinner ?
Status: Sent
Platform: Mobile
5/10/2019 8:52:50 PM(UTC+0)



Extraction Report

Apple iPhone

Participants



██████████@s.whatsapp.net
Robert F. Hyde



██████████@s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (61)

System Message System Message

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Platform: Mobile

3/21/2019 8:13:06 PM(UTC+0)

██████████@s.whatsapp.net Lp

<https://twitter.com/ingrahamangle/status/1108342348256346112?e=12>

Attachments:



Title: Laura Ingraham on Twitter

Size: 4173

File name: 3a70e619e-08ab-4836-a55b-68c4f6b6eb4c.thumb
3a70e619e-08ab-4836-a55b-68c4f6b6eb4c.thumb

Status: Sent

Platform: Mobile

3/21/2019 8:13:06 PM(UTC+0)

██████████@s.whatsapp.net Lp

<https://thehill.com/hilltv/rising/434892-senior-ukrainian-justice-official-says-hes-opened-probe-into-us-election>

Attachments:



Title: Senior Ukrainian official says he's opened probe into US election

Size: 8981

File name: e55ce33b-6488-4b85-9773-9b6c670208ce.thumb
e55ce33b-6488-4b85-9773-9b6c670208ce.thumb

Status: Sent

Platform: Mobile

3/21/2019 8:13:29 PM(UTC+0)

 @s.whatsapp.net Lp

<https://twitter.com/seanhannity/status/1108398038719102977?s=12>

Attachments:



Title: Sean Hannity on Twitter
Size: 40x31
File name: 837452ba-c5d7-4da3-b902-adfcc18c5d5b.thumb
[837452ba-c5d7-4da3-b902-adfcc18c5d5b.thumb](#)

Status: Sent
Platform: Mobile

3/21/2019 8:13:39 PM(UTC+0)

 @s.whatsapp.net Lp

<https://thehill.com/hilltv/rising/434910-putin-has-blackmailed-ukrainian-people-ahead-of-election-says-top-ukrainian>

Attachments:



Title: Top Ukrainian official accuses Putin of 'blackmail' ahead of
Size: 42x45
File name: ae2702ad-30f5-4e10-9e52-ee5cbf59e639.thumb
[ae2702ad-30f5-4e10-9e52-ee5cbf59e639.thumb](#)

Status: Sent
Platform: Mobile

3/21/2019 8:13:47 PM(UTC+0)

 @s.whatsapp.net Lp

<https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges>

Attachments:



Title: As Russia collusion fades, Ukrainian plot to help Clinton emerges
Size: 0

Status: Sent
Platform: Mobile

3/21/2019 8:14:02 PM(UTC+0)

 @s.whatsapp.net
<https://www.washingtonsexaminer.com/news/white-house/white-house-personnel-official-described-trump-gop-nomination-as-end-of-the-world>
 Attachments:



Title: White House personnel official described Trump GOP nomination as 'end of the world'
 Size: 4435
 File name: 496b1e97-3767-4a25-bb83-4da1af2484e.thumb
 496b1e97-3767-4a25-bb83-4da1af2484e.thumb

Status: Sent
 Platform: Mobile

3/22/2019 4:50:04 PM(UTC+0)

 @s.whatsapp.net
<https://twitter.com/dbongino/status/1109165948462807393?s=12>
 Attachments:



Title: Dan Bongino on Twitter
 Size: 4447
 File name: a88c7c2-04d8-4b05-95c4-cdd5ab211c02.thumb
 a88c7c2-04d8-4b05-95c4-cdd5ab211c02.thumb

Status: Sent
 Platform: Mobile

3/22/2019 6:55:12 PM(UTC+0)

 @s.whatsapp.net
 Attachments:



Size: 57402
 File name: 5814d14-3fa1-4a68-830b-d58a133a74e1.jpg
 Path: https://mms.fba.whatsapp.net/d/Aunu-
 (App:11C6AKSAIfC5288aprad98WcaVCEgTWzOmU).enc
 5814d14-3fa1-4a68-830b-d58a133a74e1.jpg

Status: Sent
 Platform: Mobile

3/22/2019 8:58:08 PM(UTC+0)

 @s.whatsapp.net Robert F Hyde
 Fuck that bitch
 Status: Read
 Platform: Mobile

3/22/2019 10:31:01 PM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Size: 46413451
 File name: f5a417d3-1f0c-49c3-888d-25f83d026f9.mp4
 Path: https://mmg.fra.whatsapp.net/d/f/AqWf6coEjUmwFZ55pSaAK3dlpedcOzxvm81D9d0a7.enc?6e5447d3c1d0c40c5398d25f83d026f9.mp4

Status: Sent
 Platform: Mobile

3/23/2019 3:07:02 AM(UTC+0)

@s.whatsapp.net Robert F Hyde

Wow. Can't believe Trumo hasn't fired this bitch. I'll get right in that

Status: Read
 Platform: Mobile

3/23/2019 5:37:31 AM(UTC+0)

@s.whatsapp.net Robert F Hyde

Attachments:



Size: 5287
 File name: 11c182af-ef78-40d5-951a-11193499c723.opus
 Path: https://mmg.whatsapp.net/d/f/AvriG1R6qGoCAH2OCCAjavT2jvuyvH4_b8eU6qOLHt.enc?11c182af-ef78-40d5-951a-11193499c723.opus

Status: Read
 Platform: Mobile

3/23/2019 8:40:49 PM(UTC+0)

@s.whatsapp.net Robert F Hyde

Attachments:



Size: 85816
 File name: dea3e1c1-e0b1-41c6-b1cf-0c0ea0c1b8e8.jpg
 Path: https://mmg.fra.whatsapp.net/d/f/Aopdk849JgzbJNCQRsnJ9zR4CuZaIDJ_j6pIDneV7sDx.enc?dea3e1c1-e0b1-41c6-b1cf-0c0ea0c1b8e8.jpg

Status: Read
 Platform: Mobile

3/23/2019 8:40:58 PM(UTC+0)

@s.whatsapp.net Robert F Hyde

She under heavy protection outside Kiev

Status: Read
 Platform: Mobile

3/23/2019 8:42:45 PM(UTC+0)

[Redacted]@s.whatsapp.net Lp
I know crazy shit
Status: Sent
Platform: Mobile
3/23/2019 8:44:57 PM(UTC+0)

[Redacted]@s.whatsapp.net Robert F Hyde
My guy thinks maybe FSB..?
Status: Read
Platform: Mobile
3/23/2019 8:50:23 PM(UTC+0)

[Redacted]@s.whatsapp.net Lp
<https://www.dailywire.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-ryan-saavedra>
Attachments:

Title: Calls Grow To Remove Obama's U.S. Ambassador To Ukraine
Size: 4819
File name: 4693245f18c7-4361-b470-ce562d7a2e6c.thumb
4693245f18c7-4361-b470-ce562d7a2e6c.thumb
Status: Sent
Platform: Mobile
3/24/2019 4:33:05 PM(UTC+0)

[Redacted]@s.whatsapp.net Lp
<https://www.dailywire.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-ryan-saavedra>
Attachments:

Title: Calls Grow To Remove Obama's U.S. Ambassador To Ukraine
Size: 4819
File name: ea96726f-6e3e-4f66-a5ff-359e982260cd.thumb
ea96726f-6e3e-4f66-a5ff-359e982260cd.thumb
Status: Sent
Platform: Mobile
3/24/2019 4:34:34 PM(UTC+0)

[Redacted]@s.whatsapp.net Robert F Hyde
Attachments:

Size: 89578
File name: f8ab3621-c487-4ac1-99e2-5e9e89fa0b0f.jpg
Path: https://mmg-
fna.whatsapp.net/d/f/AlIEyIb1m4IZzca1TVRdUJHNq8aFeelgsJCrT2b
RTeBY.enc
f8ab3621-c487-4ac1-99e2-5e9e89fa0b0f.jpg
Status: Read
Platform: Mobile
3/25/2019 5:59:14 PM(UTC+0)

@s.whatsapp.net [redacted]
Interesting
Status: Read
Platform: Mobile
3/25/2019 8:01:09 PM(UTC+8)

@s.whatsapp.net Robert F Hyde
<https://www.washingtonexaminer.com/news/white-house/white-house-personnel-official-described-trump-gop-nomination-as-end-of-the-world>
Attachments:

Title: White House personnel official described Trump GOP nomination as 'end of the world'
Size: 4435
File name: e39e5eb9-d47f-4101-bfc9-d6465c65f73c.thumb
e39e5eb9-d47f-4101-bfc9-d6465c65f73c.thumb
Status: Read
Platform: Mobile
3/25/2019 6:29:49 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
What should I do with this?
Status: Read
Platform: Mobile
3/25/2019 6:29:58 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
They are moving her tomorrow
Status: Read
Platform: Mobile
3/25/2019 9:59:41 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
The guys over they asked me what I would like to do and what is in it for them
Status: Read
Platform: Mobile
3/25/2019 9:59:03 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
Wake up Yankees man
Status: Read
Platform: Mobile
3/25/2019 9:59:13 PM(UTC+0)

@s.whatsapp.net Robert F Hyde
She's talked to three people Her phone is off. Computer is off.
Status: Read
Platform: Mobile
3/25/2019 11:39:42 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde
She's next to the embassy
Status: Read
Platform: Mobile
3/25/2019 11:39:55 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde
Not in the embassy
Status: Read
Platform: Mobile
3/25/2019 11:40:01 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde
Private security. Been there since Thursday
Status: Read
Platform: Mobile
3/25/2019 11:40:15 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
Interesting
Status: Sent
Platform: Mobile
3/25/2019 11:40:38 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde
They know she's a political puppet
Status: Read
Platform: Mobile
3/25/2019 11:41:27 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde
They will let me know when she's on the move
Status: Read
Platform: Mobile
3/25/2019 11:45:38 PM(UTC+0)

[REDACTED]@s.whatsapp.net Robert F Hyde
And they'll let me know when she's on the move
Status: Read
Platform: Mobile
3/25/2019 11:45:55 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp
Perfect
Status: Sent
Platform: Mobile
3/25/2019 11:48:06 PM(UTC+0)

[REDACTED] @s whatsapp net Robert F Hyde

I mean where if they can find out.

Status: Read
Platform: Mobile

3/25/2019 11:46:13 PM(UTC+0)

[REDACTED] @s whatsapp net Robert F Hyde

That address I sent you checks out

Status: Read
Platform: Mobile

3/25/2019 11:46:22 PM(UTC+0)

[REDACTED] @s whatsapp net Robert F Hyde

It's next to the embassy

Status: Read
Platform: Mobile

3/25/2019 11:46:30 PM(UTC+0)

[REDACTED] @s whatsapp net Robert F Hyde

They are willing to help if we you would like a price

Status: Read
Platform: Mobile

3/25/2019 11:46:53 PM(UTC+0)

[REDACTED] @s whatsapp net Robert F Hyde

Guess you can do anything in the Ukraine with money... what I was told

Status: Read
Platform: Mobile

3/25/2019 11:47:19 PM(UTC+0)

[REDACTED] @s whatsapp net Lp

Lol

Status: Sent
Platform: Mobile

3/25/2019 11:48:47 PM(UTC+0)

[REDACTED] @s whatsapp net Robert F Hyde

Update she will not be moved special security unit upgraded force on the compound people are already aware of the situation my contacts are asking what is the next step because they cannot keep going to check people will start to ask questions

Status: Read
Platform: Mobile

3/26/2019 10:05:11 PM(UTC+0)

[REDACTED] @s whatsapp net Robert F Hyde

If you want her out they need to make contact with security forces

Status: Read
Platform: Mobile

3/26/2019 10:05:11 PM(UTC+0)

[REDACTED]@s whatsapp net Robert F Hyde

From Ukrainians

Status: Read

Platform: Mobile

3/26/2019 10:05:24 PM(UTC+0)

[REDACTED]@s whatsapp net Robert F Hyde

What's the word bro

Status: Read

Platform: Mobile

3/27/2019 2:19:11 AM(UTC+0)

[REDACTED]@s whatsapp net Robert F Hyde

Any good stuff?

Status: Read

Platform: Mobile

3/27/2019 2:20:54 AM(UTC+0)

[REDACTED]@s whatsapp net Lp

Call you soon in studio

Status: Sent

Platform: Mobile

3/27/2019 2:22:12 AM(UTC+0)

[REDACTED]@s whatsapp net Robert F Hyde

Let's go Holmes

Status: Read

Platform: Mobile

3/27/2019 3:42:33 AM(UTC+0)

[REDACTED]@s whatsapp net Robert F Hyde

RG was good. But Ingraham had some hard questions

Status: Read

Platform: Mobile

3/27/2019 3:42:54 AM(UTC+0)

[REDACTED]@s whatsapp net Robert F Hyde

Nothing has changed she is still not moving they check today again

Status: Read

Platform: Mobile

3/27/2019 9:42:57 PM(UTC+0)

[REDACTED]@s whatsapp net Robert F Hyde

Hj buddy

Status: Read

Platform: Mobile

3/27/2019 9:42:57 PM(UTC+0)

[redacted]@s whatsapp.net Robert F Hyde

It's confirmed we have a person inside

Status: Read

Platform: Mobile

3/27/2019 9:42:57 PM(UTC+0)

[redacted]@s whatsapp.net Lp

https://www.youtube.com/watch?v=LS8ZA-o9_L4

Attachments:



Title: Trumps takedown of FBI (Winning montage!)

Size: 3438

File name: d00d85c7-80a8-4fc3-b723-6ea0a96761cf.thumb

d00d85c7-80a8-4fc3-b723-6ea0a96761cf.thumb

Status: Sent

Platform: Mobile

3/28/2019 12:41:46 AM(UTC+0)

[redacted]@s whatsapp.net Robert F Hyde

Nice

Status: Read

Platform: Mobile

3/28/2019 1:44:08 AM(UTC+0)

[redacted]@s whatsapp.net Robert F Hyde

Hey brother do we stand down??? Or you still need intel be safe

Status: Read

Platform: Mobile

3/29/2019 1:01:07 AM(UTC+0)

[redacted]@s whatsapp.net Robert F Hyde

She had visitors

Status: Read

Platform: Mobile

3/29/2019 1:01:16 AM(UTC+0)

[redacted]@s whatsapp.net Robert F Hyde

It's confirmed we have a person inside

Status: Read

Platform: Mobile

3/29/2019 1:01:32 AM(UTC+0)

[redacted]@s whatsapp.net Robert F Hyde

Hey brosk! tell me what we are doing what's the next step

Status: Read

Platform: Mobile

3/29/2019 1:01:46 AM(UTC+0)

@s.whatsapp.net Robert F Hyde

Attachments:



Size: 94211
File name: 43363393-99fd-4fa7-87be-49f090b6fed0.jpg
Path: https://mmg-fna.whatsapp.net/d/AmuLzD9lydMqd9Z87fW2093M8LXGZeuat5SegOfzF7N enc
43363393-99fd-4fa7-87be-49f090b6fed0.jpg

Status: Read
Platform: Mouse

3/29/2019 1:02:30 AM(UTC+0)

@s.whatsapp.net Lp

<https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>

Attachments:



Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump
Size: 8149
File name: a9b10bb6-4ffc-4626-9fcb-9eb852061f26.thumb
a9b10bb6-4ffc-4626-9fcb-9eb852061f26.thumb

Status: Sent
Platform: Mobile

5/19/2019 7:30:00 AM(UTC+0)

@s.whatsapp.net Robert F Hyde

What's up bud? Heard that got cancelled

Status: Read
Platform: Mobile

6/3/2019 1:48:08 PM(UTC+0)



Extraction Report

Apple iPhone

Participants

-  [redacted]@s.whatsapp.net
Igor Kolomoisky
-  [redacted]@s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (31)

[redacted]@s.whatsapp.net Igor Kolomoisky
https://www.1tv.ru/news/2019-09-14/372250-analiticheskaya_programma_odnako_s_miniallom_leontievym

Attachments:



Title: Аналитическая программа «Однако» с Михаилом Леонтьевым. Новости. Первый канал
Size: 5757
File name: 887795c4-7b27-4705-ad38-0b97820eb0b8.thumb
887795c4-7b27-4705-ad38-0b97820eb0b8.thumb

Status: Read
Platform: Mobile

9/16/2019 12:12:42 PM(UTC+0)

System Message System Message

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Platform: Mobile

9/16/2019 12:12:42 PM(UTC+0)

[redacted]@s.whatsapp.net Lp

Я ещё чуть задерживаясь на встрече как только освобожусь сразу наберу

Status: Sent

Platform: Mobile

9/16/2019 12:39:45 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

9/16/2019 2:40:57 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

9/20/2019 9:23:49 AM(UTC+0)

@s whatsapp net Igor Kolomoisky

А ты в ЮС во время визита Зе будешь?

Status: Read

Platform: Mobile

9/21/2019 9:25:01 AM(UTC+0)

@s whatsapp net Igor Kolomoisky

<https://www.pravda.com.ua/rus/news/2019/09/20/7226838/>

Attachments:



Title: Александр Лукашенко призвал, что просят Украину начать
расширение Оросомельно Балкана

Size: 5006

File name: iedfmsk_4667_4671-6924-067 (60451614).thumb

60451614-6667-4671-6924-067 (60451614).thumb

Status: Read

Platform: Mobile

9/20/2019 9:48:59 AM(UTC+0)

@s whatsapp net Ip

Недавно прилетел Позже наберу тебе

Status: Sent

Platform: Mobile

9/20/2019 12:55:50 PM(UTC+0)

@s whatsapp net Igor Kolomoisky

[https://en.m.wikipedia.org/wiki/John_Durham_\(lawyer\)](https://en.m.wikipedia.org/wiki/John_Durham_(lawyer))

Attachments:



Title: John Durham (lawyer) - Wikipedia

Size: 0

Status: Read

Platform: Mobile

9/21/2019 5:38:02 PM(UTC+0)

@s whatsapp net Igor Kolomoisky

Кто это?

Status: Read

Platform: Mobile

9/21/2019 5:38:17 PM(UTC+0)

[Redacted] @s whatsapp net Igor Kolomoysky

Есть новости

Status: Read

Platform: Mobile

9/25/2019 12:09:34 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

9/25/2019 12:09:37 PM(UTC+0)

[Redacted] @s whatsapp net Igor Kolomoysky

Для тебя

Status: Read

Platform: Mobile

9/25/2019 12:09:47 PM(UTC+0)

[Redacted] @s whatsapp net Lp

<https://www.scribd.com/document/427409655/Ukraine-Call-Transcript>

Attachments



Title: Ukraine Call Transcript

Size: 0

Entry File

Status: Sent

Platform: Mobile

9/25/2019 3:34:04 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

9/26/2019 5:08:35 PM(UTC+0)

[Redacted] @s whatsapp net Lp

Поздравляю тебя с Новым годом ! Желаю чтобы Новый год При нёс радости и здоровья !!!

Status: Sent

Platform: Mobile

9/29/2019 2:11:26 PM(UTC+0)

[REDACTED]@s.whatsapp.net Igor Kolomoisky

Attachments:



Size: 110950

File name: 4c8a938-4a26-4a7c-8e57-c719d9e5145c.jpg

Path: https://mmg

/na.whatsapp.net/d/1/Ah0OwTnyo2hNLHbTxWcRF3gHLcpudX7hH5n

Aym0UjS.enc

4c8a938-4a26-4a7c-8e57-c719d9e5145c.jpg

Status: Read

Platform: Mobile

9/29/2019 4:05:17 PM(UTC+0)

[REDACTED]@s.whatsapp.net Igor Kolomoisky

Attachments:



Size: 1433335

File name: 457fae65-b7e8-4bdc-aeca-ba943e8513ec.mp4

Path: https://mmg

/na.whatsapp.net/d/1/AvV5hB8MGEEesybp1TDXLjei9U0NH7ca9Kk

SN4v17o4.enc

457fae65-b7e8-4bdc-aeca-ba943e8513ec.mp4

Status: Read

Platform: Mobile

9/29/2019 4:05:39 PM(UTC+0)

[REDACTED]@s.whatsapp.net Igor Kolomoisky

Ані

Status: Read

Platform: Mobile

10/3/2019 3:51:25 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

10/3/2019 3:51:30 PM(UTC+0)

[REDACTED]@s.whatsapp.net Igor Kolomoisky

Есть новости

Status: Read

Platform: Mobile

10/3/2019 3:51:48 PM(UTC+0)

[REDACTED]@s.whatsapp.net Ігор

Я Скажиш мені Я прийдемося тебе Наберу

Status: Sent

Platform: Mobile

10/3/2019 6:03:16 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
https://fb.ua/news/2019/10/08/439274_insider_zelenskiy_nyuyorke.html
 Attachments:

 Title: The Insider: Зеленский в Нью-Йорке виделся с Байденом: созданный с международным криминалом
 Size: 4785
 File name: e659b0d-45d0-4f79-802a-e6be833d1fc2.thumb
 e659b0d-46d0-4f79-802a-e6be833d1fc2.thumb
 Status: Sent
 Platform: Mobile
 10/8/2019 3:13:17 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
 Похоже на твоего равнина
 Status: Sent
 Platform: Mobile
 10/8/2019 3:14:01 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
 ??
 Status: Sent
 Platform: Mobile
 10/8/2019 3:14:38 PM(UTC+0)

[redacted]@s.whatsapp.net Igor Kolomoysky
 Узнаю после Йом Кипура
 Status: Read
 Platform: Mobile
 10/8/2019 3:20:50 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
 Забыл у вас уже начался желаю тебя Лёгкой пост
 Status: Sent
 Platform: Mobile
 10/8/2019 3:25:00 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
 Attachments:

 Size: 35367
 File name: 01b72182-0fc0-40e-b07b-7b59a404527c.jpg
 Path: https://mms://s.whatsapp.net/dm/AjxYtRrHWcdDlQm5HeCh3K0zCpOoOZ4fMwH1344UjGC54.png
 01b72182-0fc0-40e-b07b-7b59a404527c.jpg
 Status: Sent
 Platform: Mobile
 10/8/2019 3:25:10 PM(UTC+0)

[redacted] @s.whatsapp.net Igor Kolomoysky
Взаимно
Status: Read
Platform: Mobile
10/3/2019 3:37:50 PM(UTC+0)

[redacted] @s.whatsapp.net Igor Kolomoysky
<https://www.pravda.com.ua/rus/news/2019/10/9/7228531/>
Attachments:

Title: Надпел Дерач обнародовал информация о влиянии посольства США на НАБУ
Size: 5738
File name: 46b44b78-5c59-4f6e-957d-1abc6ba14f61.thumb
46b44b78-5c59-4f6e-957d-1abc6ba14f61.thumb
Status: Read
Platform: Mobile
10/3/2019 8:44:03 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
10/3/2019 8:59:05 PM(UTC+0)



Extraction Report

Apple iPhone

Participants

-   @s.whatsapp.net
Ura Lusenka Attmy General Ukraine
-   @s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (651)

System Message System Message

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Platform: Mobile

2/20/2019 4:30:31 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Attmy General Ukraine

Завтра в 16

Status: Read

Platform: Mobile

2/20/2019 4:30:31 PM(UTC+0)

 @s.whatsapp.net Lp

Ok

Status: Sent

Platform: Mobile

2/20/2019 4:30:53 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Attmy General Ukraine

Мамедов нужен?

Status: Read

Platform: Mobile

2/20/2019 4:31:10 PM(UTC+0)

 @s.whatsapp.net Lp

No

Status: Sent

Platform: Mobile

2/20/2019 4:31:23 PM(UTC+0)

7774

[redacted] @s whatsapp net Lp

Вдвоём встретимся

Status: Sent

Platform: Mobile

2/20/2019 4:31:36 PM(UTC+0)

[redacted] @s whatsapp net Lp

Игорь тоже не нужен если можешь пошли за мной машину

Status: Sent

Platform: Mobile

2/20/2019 4:31:57 PM(UTC+0)

[redacted] @s whatsapp net Ura Lusenka Atirny General Ukraine

Тогда связь и звезд через Александра +380 (63) 164 [redacted]

Status: Read

Platform: Mobile

2/20/2019 4:32:13 PM(UTC+0)

[redacted] @s whatsapp net Lp

Понял Я ему наберу завтра

Status: Sent

Platform: Mobile

2/20/2019 4:32:59 PM(UTC+0)

[redacted] @s whatsapp net Lp

Добрый день

Status: Sent

Platform: Mobile

2/23/2019 11:59:23 AM(UTC+0)

[redacted] @s whatsapp net Ura Lusenka Atirny General Ukraine

Привет

Status: Read

Platform: Mobile

2/23/2019 11:59:43 AM(UTC+0)

[redacted] @s whatsapp net Lp

Как планы в какое время встречаемся?

Status: Sent

Platform: Mobile

2/23/2019 12:02:26 PM(UTC+0)

[redacted] @s whatsapp net Ura Lusenka Atirny General Ukraine

Жду вводную от През

Status: Read

Platform: Mobile

2/23/2019 12:02:45 PM(UTC+0)

██████████@s.whatsapp.net Lp
OK
Status: Sent
Platform: Mobile
2/23/2019 12:05:17 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Aitmy General Ukraine
Привет. Закончил , но поеду домой. Еле живой.
Status: Read
Platform: Mobile
2/23/2019 8:07:14 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Aitmy General Ukraine
Ты завтра на месте?
Status: Read
Platform: Mobile
2/23/2019 8:07:41 PM(UTC+0)

██████████@s.whatsapp.net Lp
Да я завтра здесь
Status: Sent
Platform: Mobile
2/23/2019 8:08:00 PM(UTC+0)

██████████@s.whatsapp.net Lp
Иди отдыхай жду завтра скажу какое время
Status: Sent
Platform: Mobile
2/23/2019 8:08:13 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Aitmy General Ukraine
OK
Status: Read
Platform: Mobile
2/23/2019 8:08:27 PM(UTC+0)

██████████@s.whatsapp.net Lp
Добрый день как планы сегодня?
Status: Sent
Platform: Mobile
2/24/2019 1:41:18 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Aitmy General Ukraine
В районе 21
Status: Read
Platform: Mobile
2/24/2019 2:50:12 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Отлично поужинаем вместе?
Status: Sent
Platform: Mobile
2/24/2019 2:53:17 PM(UTC+0)

[redacted]@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Какая кухня?
Status: Read
Platform: Mobile
2/24/2019 2:54:22 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Хороший украинскую это
Status: Sent
Platform: Mobile
2/24/2019 2:54:52 PM(UTC+0)

[redacted]@s.whatsapp.net Ura Lusenka Atmy General Ukraine
А пиво ок?
Status: Read
Platform: Mobile
2/24/2019 2:56:32 PM(UTC+0)

[redacted]@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Есть хор бельгийский пивной ресторан с укр блюдами
Status: Read
Platform: Mobile
2/24/2019 2:56:55 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
yes
Status: Sent
Platform: Mobile
2/24/2019 2:57:13 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Привет в какое время встречаемся
Status: Sent
Platform: Mobile
2/26/2019 10:27:06 AM(UTC+0)

[redacted]@s.whatsapp.net Lp
Добрый вечер я представляю ты сегодня супер занят не хочу беспокоить если не получается нам встретиться будет возможность набери сегодня чтобы пообщаться а то я завтра рано утром улетаю
Status: Sent
Platform: Mobile
2/26/2019 4:58:14 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра привет как дела?

Status: Sent

Platform: Mobile

3/1/2019 4:58:28 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Разрулил ваши кофейные вопросы

Status: Read

Platform: Mobile

3/1/2019 5:19:40 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Х опять допросили ваши по той же теме

Status: Read

Platform: Mobile

3/1/2019 5:20:08 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Жду сигналов от вас

Status: Read

Platform: Mobile

3/1/2019 5:20:41 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Большое спасибо Встречаюсь позже сегодня по всем вопросам завтра наберу дам знать

Status: Sent

Platform: Mobile

3/1/2019 5:38:21 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Привет. Мы готовы допросить вашего латвийского знакомого.

Status: Read

Platform: Mobile

3/5/2019 10:34:29 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Улетаю Вашингтон сегодня завтра наберу

Status: Sent

Platform: Mobile

3/5/2019 4:47:35 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Посол открыто призвала уволить главу САП.

Status: Read

Platform: Mobile

3/5/2019 6:59:03 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

3/6/2019 6:50:22 AM(UTC+0)

@s.whatsapp.net Lp

Юра привет пропустил твой звонок набери когда сможешь

Status: Sent

Platform: Mobile

3/6/2019 1:14:05 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atirny General Ukraine

Теперь посол указала на плохой подбор судей Верховного суда.)

Status: Read

Platform: Mobile

3/6/2019 1:48:11 PM(UTC+0)

@s.whatsapp.net Lp

Юра набери меня когда сможешь

Status: Sent

Platform: Mobile

3/6/2019 5:40:56 PM(UTC+0)

@s.whatsapp.net Lp

Юра привет ты сможешь через полчаса разговаривать

Status: Sent

Platform: Mobile

3/7/2019 4:23:44 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atirny General Ukraine

Еще 45 мин на связи

Status: Read

Platform: Mobile

3/7/2019 5:09:56 PM(UTC+0)

@s.whatsapp.net Lp

Юра если можешь набери мне прямо сейчас очень важно

Status: Sent

Platform: Mobile

3/7/2019 9:38:52 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

3/7/2019 10:43:46 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

<https://thehill.com/hilltv/hsing/415901-fbi-email-chain-may-provide-most-damning-evidence-of-fisa-abuses-yet>

Attachments:



Title: FBI email chain may provide most damning evidence of FISA abuses yet
Size: 2042
File name: 37c4feb-ed73-4710-9197-24db5bc7fb00.thumb
[37c4feb-ed73-4710-9197-24db5bc7fb00.thumb](#)

Status: Sent
Platform: Mobile

3/7/2019 10:54:24 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Jhon Solomon - the hill
Sean Hannity - Fox

Status: Sent
Platform: Mobile

3/7/2019 10:54:44 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

<https://www.washingtonpost.com/nation/2019/03/05/trump-doubles-down-with-sean-hannity-tweet-amid-new-scrutiny-his-ties-fox-news/>

Attachments:



Title: Trump doubles down with Sean Hannity tweet amid new scrutiny of his ties to Fox News
Size: 6942
File name: aac24245-3034-4459-94f1-4c6010c1bc37.thumb
[aac24245-3034-4459-94f1-4c6010c1bc37.thumb](#)

Status: Sent
Platform: Mobile

3/7/2019 10:56:07 PM(UTC+0)

[REDACTED]@s.whatsapp.net Ura Lusenka Attorney General Ukraine

Тем временем зам Госсекретаря Хейл, говоря о заявлении посла США о необходимости снять Холодницкого, заявил, что «посол Иванович представляет Президента США в Украине и Америка разделяет ее позицию»

Status: Read
Platform: Mobile

3/9/2019 12:21:28 AM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Юра Мы все в курсе постараемся сделать завтрашнее интервью в час дня Вашингтона время который будет 08:00 по вашему времени по скайпу

Status: Sent
Platform: Mobile

3/8/2019 12:25:34 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atfmy General Ukraine

В 8 не реально. Да и телефона журналиста нету

Status: Read

Platform: Mobile

3/8/2019 12:27:19 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Я жду звонок чтоб мне дали знать Кто из них будет брать интервью

Status: Sent

Platform: Mobile

3/8/2019 12:36:48 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atfmy General Ukraine

Ok

Status: Read

Platform: Mobile

3/8/2019 12:30:56 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atfmy General Ukraine

С 8 начну моему звонить. У нас завтра выходной. Знаю, что с 12 он точно будет в Администрации. Попробую раньше соединить

Status: Read

Platform: Mobile

3/8/2019 12:31:56 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

3/8/2019 12:32:39 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

И будь уверен что это будет дружеский интервью у президента Украины государства партнера Америки !!!

Status: Sent

Platform: Mobile

3/8/2019 12:34:45 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atfmy General Ukraine

Attachments:



Size: 165694

File name: a608b114-257d-4b13-adba-23cf62dacc7.jpg

Path: https://img.

tna.whatsapp.net/d/1Aon54RWKcITWbmJy12A6Z39A8WIDqGhh9XI

OjBukOuP_enc

a608b114-257d-4b13-adba-23cf62dacc7.jpg

Status: Read

Platform: Mobile

3/8/2019 12:35:26 AM(UTC+0)

 @s.whatsapp.net Lp
 И постараемся договориться чтоб завтра они взяли у тебя тоже интервью
 Status: Sent
 Platform: Mobile
 3/8/2019 12:35:27 AM(UTC+0)

 @s.whatsapp.net Lp
 Status: Sent
 Platform: Mobile
 3/8/2019 12:35:33 AM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmyr General Ukraine
 Я в Риме. Не знаю, где взять скайл.)
 Status: Read
 Platform: Mobile
 3/8/2019 12:35:51 AM(UTC+0)

 @s.whatsapp.net Lp
 I love it
 Status: Sent
 Platform: Mobile
 3/8/2019 12:36:20 AM(UTC+0)

 @s.whatsapp.net Lp
 Постарайся загрузить Скауре к себе на телефон
 Status: Sent
 Platform: Mobile
 3/8/2019 12:36:47 AM(UTC+0)

 @s.whatsapp.net Lp
 Я хочу очень важно чтоб ты был главный для будущего
 Status: Sent
 Platform: Mobile
 3/8/2019 12:37:21 AM(UTC+0)

 @s.whatsapp.net Lp
 Attachments:

 Size: 104595
 File name: f8c74b9-1b4b-40bc-a7e0-0e809f6b2b84.jpg
 Path: https://mms.fna.whatsapp.net/d/BAmcRDbyvJfRDdD3p513kJZZevZM02YScTWiWVtHuf.enc
 f8c74b9-1b4b-40bc-a7e0-0e809f6b2b84.jpg
 Status: Sent
 Platform: Mobile
 3/8/2019 12:37:30 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 А мы с Игорем в Вашингтоне !!!!!
 Status: Sent
 Platform: Mobile
 3/8/2019 12:40:12 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Attachments:

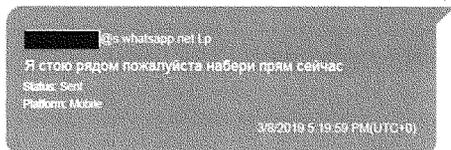
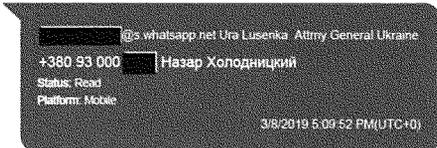
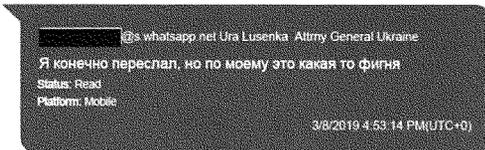
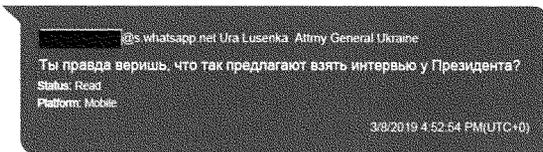
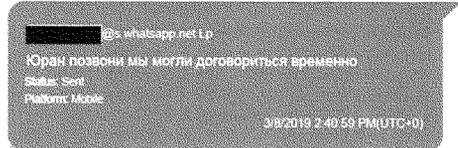
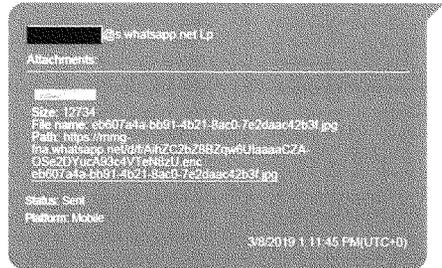
 Size: 2073
 File name: Be670d9e-69a9-4b5f-b9c-cf1b2723aba1.thumb
 Be670d9e-69a9-4b5f-b9c-cf1b2723aba1.thumb
 (38.894104, -77.027230)
 Status: Sent
 Platform: Mobile
 3/8/2019 12:40:20 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Attachments:

 Size: 15584
 File name: af152f2-d767-42ff-b8e7-8e1498e4263f.jpg
 Path: https://mmg-
 fba.whatsapp.net/d/1AqN54RWKcITWbmUy1ZAGZ35AGWf0q9hh9X/
 OYdUOqP/see
 af152f2-d767-42ff-b8e7-8e1498e4263f.jpg
 Status: Sent
 Platform: Mobile
 3/8/2019 12:40:30 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
 Status: Sent
 Platform: Mobile
 3/8/2019 12:40:54 AM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Allmy General Ukraine
 Мой готов. Жду телефон
 Status: Read
 Platform: Mobile
 3/8/2019 8:03:48 AM(UTC+0)



██████████@s whatsapp net Lp

Attachments:



Size: 64135
 File name: e91ef037-5b1b-47f7-a962-74864b21454b.jpg
 Path: https://mmg-
 fna.whatsapp.net/d/AAo2U6h09ENZXRJFAJMTotGgasuh3V7gpyfSn
 gOZZq.enc
 e91ef037-5b1b-47f7-a962-74864b21454b.jpg

Status: Sent
 Platform: Mobile

3/8/2019 6:03:46 PM(UTC+0)

██████████@s whatsapp net Lp

Attachments:



Size: 57431
 File name: 53b959ab-9fcf-4eba-ad8f-8e3b466b752c.jpg
 Path: https://mmg-fna.whatsapp.net/d/BAqjRN-3y7Yw-
 usdEBUyqyRplSEXyyfOePUw6AhEISg.enc
 53b959ab-9fcf-4eba-ad8f-8e3b466b752c.jpg

Status: Sent
 Platform: Mobile

3/8/2019 6:04:23 PM(UTC+0)

██████████@s whatsapp net Lp

Юра дай знать как лучше нам набрать номер или дать вам номер куда чтобы
 они забрали

Status: Sent
 Platform: Mobile

3/8/2019 6:04:57 PM(UTC+0)

██████████@s whatsapp net Ura Lusenka Attny General Ukraine

Сейчас на тебя выйдет прессекретарь. Святослав

Status: Read
 Platform: Mobile

3/8/2019 6:09:45 PM(UTC+0)

██████████@s whatsapp net Ura Lusenka Attny General Ukraine

+380 50 442 ██████████ Ero ten

Status: Read
 Platform: Mobile

3/8/2019 6:10:09 PM(UTC+0)

██████████@s whatsapp net Ura Lusenka Attny General Ukraine

И Назар ждет. Я все объяснил. Готов рассказать о заангажированности

Status: Read
 Platform: Mobile

3/8/2019 6:13:56 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Status: Sent
Platform: Mobile

3/8/2019 6:14:19 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Мы сейчас суде находимся будем набирать сейчас секретарь президента

Status: Sent
Platform: Mobile

3/8/2019 6:14:35 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

В студии

Status: Sent
Platform: Mobile

3/8/2019 6:17:55 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Attachments:



Size: 66045

File name: 528a0c0f-647-4468-bbd2-60e01e13fb00.jpg
Path: https://mmg-fna.whatsapp.net/d/f/Ag02taje-D0yGaRVlyL-zw0307c0E23a27Kuz2X9j9.enc
528a0c0f-647-4468-bbd2-60e01e13fb00.jpg

Status: Sent
Platform: Mobile

3/8/2019 6:18:16 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Attachments:



Size: 60833

File name: b39ebb81-53bb-43ef-8d4e-2314a034ac1d.jpg
Path: https://mmg-fna.whatsapp.net/d/f/AnM0RM1z30JKeEqFOiaYsOA50k1j-1_MqDJ39IKc_e9.enc
b39ebb81-53bb-43ef-8d4e-2314a034ac1d.jpg

Status: Sent
Platform: Mobile

3/8/2019 6:59:23 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Юра ну только закончили интервью как будет возможность наברי мне я тебе все расскажу

Status: Sent
Platform: Mobile

3/8/2019 7:45:20 PM(UTC+0)

[Redacted] @s whatsapp.net Lp
 Attachments:

 Title: This will be questions
 Size: 82570
 File name: 16c19052-0779-4ac9-8386-c345c8e86e22.jpg
 Path: https://mms-
 tra.whatsapp.net/d/AmHPQLMDELXR0Lc7fnJRMOLhdRnl_eDySe
 J_P0e6of/enc
 16c19052-0779-4ac9-8386-c345c8e86e22.jpg
 Status: Sent
 Platform: Mobile
 3/8/2019 7:50:00 PM(UTC+0)

[Redacted] @s whatsapp.net Ura Lusenka Atmy General Ukraine
 Это вопросы не для действующего Президента. В разгар кампании он не может
 отвечать на вопросы о после, Байдене и тд
 Status: Read
 Platform: Mobile
 3/8/2019 9:51:39 PM(UTC+0)

[Redacted] @s whatsapp.net Ura Lusenka Atmy General Ukraine
 Я еще не пересылал, но на его месте - я бы отказался
 Status: Read
 Platform: Mobile
 3/8/2019 9:52:18 PM(UTC+0)

[Redacted] @s whatsapp.net Lp
 Я уже послал
 Status: Sent
 Platform: Mobile
 3/8/2019 9:54:36 PM(UTC+0)

[Redacted] @s whatsapp.net Ura Lusenka Atmy General Ukraine
 Лева, Президент не может комментировать такие вопросы
 Status: Read
 Platform: Mobile
 3/8/2019 9:55:12 PM(UTC+0)

[Redacted] @s whatsapp.net Lp
 Это я тебе послал чтобы у тебя было просьб
 Status: Sent
 Platform: Mobile
 3/8/2019 9:55:13 PM(UTC+0)

[Redacted] @s whatsapp.net Lp
 Позвони мне пожалуйста
 Status: Sent
 Platform: Mobile
 3/8/2019 9:57:07 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра я Улетаю во флориду через час если уже сегодня поздно давай уже завтра я проснусь тебе наберу и всё обговорим

Status: Sent
Platform: Mobile

3/8/2019 10:33:36 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atirny General Ukraine

+
Status: Read
Platform: Mobile

3/8/2019 2:13:03 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра привет через полчаса нормально будет я тебе наберу

Status: Sent
Platform: Mobile

3/8/2019 3:40:03 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atirny General Ukraine

На связи
Status: Read
Platform: Mobile

3/9/2019 5:43:31 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Сейчас наберу пару минут

Status: Sent
Platform: Mobile

3/9/2019 5:44:50 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

3/9/2019 5:51:42 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

3/9/2019 5:54:33 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра привет набери мне

Status: Sent
Platform: Mobile

3/10/2019 7:07:29 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

В самолете

Status: Read

Platform: Mobile

3/10/2019 9:11:50 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Хорошего полёта набери когда приземлился

Status: Sent

Platform: Mobile

3/10/2019 9:16:38 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

3/11/2019 3:07:57 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Я наберу через минут 10

Status: Sent

Platform: Mobile

3/11/2019 3:29:16 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

30

Status: Read

Platform: Mobile

3/11/2019 3:34:03 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

3/11/2019 3:34:18 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра набери меня

Status: Sent

Platform: Mobile

3/11/2019 5:21:15 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра я вылетаю через пару минут если есть возможность набери меня сейчас

Status: Sent

Platform: Mobile

3/11/2019 6:51:15 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Юра дай знать когда ты прилетаешь во вторник или в среду
Status: Sent
Platform: Mobile
3/11/2019 8:24:43 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine
Когда получу приглашение от генаторнея
Status: Read
Platform: Mobile
3/11/2019 10:19:10 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Когда найдёшь время набери меня
Status: Sent
Platform: Mobile
3/11/2019 10:57:23 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Юра добрый вечер очень важно что нам нужно с тобой связаться если сегодня уже поздно Тогда пожалуйста набери меня как только проснёшься я не похужь спать жду звонок когда мы уже с тобой поговорим
Status: Sent
Platform: Mobile
3/12/2019 9:46:01 PM(UTC+0)

[REDACTED]@s.whatsapp.net Lp

Mr. Prosecutor General:

My name is John Solomon, and I am the executive vice president of The Hill newspaper in Washington DC, one of America's largest political news sources with more than 35 million monthly readers. I run the Hill's new television division and would like to invite you to be interviewed on air this Thursday at your convenience. Our studio currently has opened between 11:30a and 2:30p EDT on Thursday.

Below are the topics we are interested in. I deeply appreciate considering our interview request.

Sincerely,

John Solomon
Executive Vice President
The Hill
202-236-[REDACTED]

TOPICS FOR INTERVIEW WITH PROSECUTOR GENERAL

1. What is at stake in your upcoming national elections, both for the Ukrainian people and your ally, the United States?
2. How is your country's relationship with the United States and more specifically with U.S. Ambassador Yovanovitch?
3. There seems to be a spate of recent comments by the US ambassador and some career State Department officials lamenting the fight against corruption inside Ukraine. What is your response to that and are you surprised about the timing of those comments so close to an election?
4. I recently was shown a letter from a member of Congress who suggested Ambassador Yovanovitch was saying derogatory things about President Trump. Do you have any evidence that has happened with her or her staff at the embassy? What comments have been made that were derogatory to President Trump? Specifically have any US officials suggested to Ukrainian officials that they can ignore President Trump because he might be impeached and what was the Ukrainian reaction?
5. In 2016, VP Joe Biden came to visit Ukraine and met with President Poroshenko. I've seen some recent video in which VP Biden claimed he used that visit to get your predecessor as Prosecutor General fired. Please tell us what happened and what if any role U.S. loan guarantees played in the incident. What did President Poroshenko tell you was the reason your predecessor was fired? Do you think it was justified?
6. At the time Mr. Shulkin was fired, did VP Biden have an interest personally in the prosecutor's office and its activities?
7. Was the VP's son Hunter Biden and his company Barisma Holdings under investigation and how serious were the allegations?
8. What happened to that case after the vice president's intervention?
9. Has the case been recently been reopened to your knowledge? In layman's terms what is the nature of the criminality that was going on with the company?
10. What evidence specifically in the case involved Hunter Biden and was any of his activity criminal under Ukraine statutes?
11. Did you ever see any evidence of financial transaction inside Barisma that suggested the company had lobbied or compensated someone to lobby VP Biden? How much money was cited as the payment?
12. Given that Hunter Biden had no prior experience listed on his public resume with Ukrainian law, why do you think Barisma hired him?
13. Why was the former CIA official Cofer Black hired by Barisma in your understanding of the case?
14. Attached is a copy of the alleged Ukrainian court file in the Barisma investigation. Can you review it and confirm it is an authentic record of what went on in the case?
15. Why did the courts suddenly conclude there was no evidence of criminality after two years of pretrial activities suggesting the financial transfers were criminal in nature? Do you think VP Biden's intervention had any impact?
16. Did the Prosecutor General's office have difficulty getting financial records information from Cyprus? Why and what records were not provided?
17. Do you have any evidence that Ambassador Yovanovitch or the US embassy played any role in interfering with the Barisma prosecution?

Status: Sent
Platform: Mobile

3/13/2019 2:34:32 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра я послал Тебе вопросы и приглашения от журналиста когда проснёшься
набери Меня

Status: Sent
Platform: Mobile

3/13/2019 2:35:54 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Altmy General Ukraine

В п 14 говорится о каком то attached решении укр суда. Что это?

Status: Read
Platform: Mobile

3/13/2019 7:03:09 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Это бумаги то что я показал когда мы были в Украина

Status: Sent
Platform: Mobile

3/13/2019 7:04:11 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Altmy General Ukraine

Не помню решения укр суда. Перешли, плиз

Status: Read
Platform: Mobile

3/13/2019 7:05:05 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Окей я постараюсь если не смогу сейчас то когда проснусь я сделаю
сразу

Status: Sent
Platform: Mobile

3/13/2019 7:05:40 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Имей хороший день мой друг я проснусь тебе наберу

Status: Sent
Platform: Mobile

3/13/2019 7:06:14 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Пришли пожалуйста твой e-mail адрес

Status: Sent
Platform: Mobile

3/13/2019 7:06:31 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Altmy General Ukraine

[REDACTED] @gmail.com

Status: Read
Platform: Mobile

3/13/2019 7:06:15 AM(UTC+0)

██████████@s.whatsapp.net Lp

Юра я послал тебе на e-mail

Status: Sent

Platform: Mobile

3/13/2019 7:12:36 AM(UTC+0)

██████████@s.whatsapp.net Lp

Юра добрый день я сейчас на следующий заканчиваю через полчаса наберу тебя

Status: Sent

Platform: Mobile

3/13/2019 4:17:33 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Нет связи по тел?

Status: Read

Platform: Mobile

3/13/2019 7:00:39 PM(UTC+0)

██████████@s.whatsapp.net Lp

Я только вышел с митинга сейчас связь есть?

Status: Sent

Platform: Mobile

3/13/2019 8:06:45 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Извини

Но все это просто заебалю

Я не получил визита. Мой Первый не получил ни хера.

Я готов взуть вашего конкурента. Но ты хочешь еще большего.

Мы - все. Вы - потом.

Это не честно

Status: Read

Platform: Mobile

3/13/2019 8:20:19 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Attachments:



Size: 104318

File name: e4fab5cb-4288-4af5-b42e-90fe5a08d38d.jpg

Path: https://img

na.whatsapp.net/d/1/AqQWGuJ9vzA9Vb0Xpxc2iackbcgxQ1MIO3x8f

F3xzt.enc

e4fab5cb-4288-4af5-b42e-90fe5a08d38d.jpg

Status: Read

Platform: Mobile

3/13/2019 8:25:48 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmyr General Ukraine

Эта запись у вас 2 месяца!!!!

Status: Read

Platform: Mobile

3/13/2019 8:26:12 PM(UTC+0)

@s.whatsapp.net Lp

Юра, Дорогой !!! Давай завтра на свежую голову поговорим !!! В 800 am по
вашему времени !!!!

Status: Sent

Platform: Mobile

3/13/2019 8:32:47 PM(UTC+0)

@s.whatsapp.net Lp

Юр наберёшь мне после интервью гудлак

Status: Sent

Platform: Mobile

3/14/2019 5:02:10 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmyr General Ukraine

Думаю, что интервью бомба. 1,2 часа

Status: Read

Platform: Mobile

3/14/2019 8:03:27 PM(UTC+0)

@s.whatsapp.net Lp

Супер я скоро жду файла от наших я тебе завтра наберу как только буду знать
всю информацию

Status: Sent

Platform: Mobile

3/14/2019 8:06:48 PM(UTC+0)

@s.whatsapp.net Lp

Если хочешь я буду свободен через полчаса можем поговорить а так я наберу
тебя завтра

Status: Sent

Platform: Mobile

3/14/2019 8:07:03 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmyr General Ukraine

Я на тв
У нас выборы.)

Status: Read

Platform: Mobile

3/14/2019 8:07:29 PM(UTC+0)

@s.whatsapp.net Lp

Status: Sent

Platform: Mobile

3/14/2019 8:07:52 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра только что разговаривал с нашими я думаю есть хорошие новости когда будет возможность набери меня насчёт твоего визита суда

Status: Sent

Platform: Mobile

3/14/2019 10:14:14 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Давай завтра. Просто еле живой

Status: Read

Platform: Mobile

3/14/2019 10:14:56 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Почал брат отдыхай давай завтра поговорим

Status: Sent

Platform: Mobile

3/14/2019 10:15:11 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Спроси у журналиста - как ему эфир?

Status: Read

Platform: Mobile

3/14/2019 10:15:30 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Все прошло супер завтра все расскажу детали

Status: Sent

Platform: Mobile

3/14/2019 10:15:46 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Привет как прошёл день я на связи если хочешь набери если нет можем на выходных поговорить

Status: Sent

Platform: Mobile

3/15/2019 7:30:37 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра извини что я тебе так поздно беспокою но я только что получил звонок очень важно нужно получить подписанный тот контракт перед приездом суда который готовится на следующую неделю завтра объясню больше детали

Status: Sent

Platform: Mobile

3/15/2019 9:33:02 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра только подъехал К Рудину набери тебя течение 10 минут

Status: Sent

Platform: Mobile

3/16/2019 7:05:33 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра набери меня

Status: Sent

Platform: Mobile

3/16/2019 7:30:27 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра привет через час улетаю Вашингтон если будет возможность набери

Status: Sent

Platform: Mobile

3/19/2019 6:18:16 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра Пусть Глеб Мне наберёт я ему звоню он трубку не поднимает

Status: Sent

Platform: Mobile

3/19/2019 5:41:22 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра привет Началось когда будет время набери меня я тебе расскажу

Status: Sent

Platform: Mobile

3/20/2019 2:04:13 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юрки пришли пожалуйста имена людей которые она сказала

Status: Sent

Platform: Mobile

3/20/2019 3:00:18 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka - Atmy General Ukraine

Leshchenko, MP
Nayem, MP
Shabunin, ngo

Status: Read

Platform: Mobile

3/20/2019 3:01:43 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka - Atmy General Ukraine

Все - громкие активисты НАБУ

Status: Read

Platform: Mobile

3/20/2019 3:02:13 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

3/20/2019 3:02:19 PM(UTC+0)

@s.whatsapp.net Lp

<https://thehill.com/hilltv/rising/434892-senior-ukrainian-justice-official-says-hes-opened-probe-into-us-election>

Attachments:



Title: Senior Ukrainian official says he's opened probe into US election
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3/20/2019 3:03:37 PM(UTC+0)

@s.whatsapp.net Lp

<https://thehill.com/hilltv/rising/434875-top-ukrainian-justice-official-says-us-ambassador-gave-him-a-do-not-prosecute>

Attachments:



Title: Top Ukrainian justice official says US ambassador gave him a do not
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3/20/2019 3:05:35 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmyr General Ukraine

То есть, меня теперь будет атаковать не только посол, но и Госдеп???

Status: Read
 Platform: Mobile

3/20/2019 3:10:32 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmyr General Ukraine

Круто..

Status: Read
 Platform: Mobile

3/20/2019 3:10:39 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmyr General Ukraine

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██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

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Status: Read
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3/20/2019 3:22:02 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

Сорри, второй фамилии не было. Была другая - Zalychshuk

Status: Read
 Platform: Mobile

3/20/2019 3:51:43 PM(UTC+0)

██████████ @s.whatsapp.net Lp

<https://twitter.com/seanhannity/status/1108396038719102977?s=12>

Attachments:



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3/20/2019 4:15:34 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра поздравляю !!!! Сегодня ты стал политическим деятелем Мирового Уровня !!!!
 Слава Украине !!!!

Status: Sent
 Platform: Mobile

3/20/2019 4:51:05 PM(UTC+0)

██████████ @s.whatsapp.net Lp

<https://thehill.com/hilltv/raising/434910-putin-has-blackmailed-ukrainian-people-ahead-of-election-says-top-ukrainian>

Attachments:



Title: Top Ukrainian official accuses Putin of 'blackmail' ahead of
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3/20/2019 5:02:17 PM(UTC+0)

[Redacted] @s whatsapp net Lp
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[Redacted] @s whatsapp net Ura Lusenka Atmy General Ukraine
А правда, что послуци и Сытника вызвали в Вашингтон?
Status: Read
Platform: Mobile
3/20/2019 5:08:34 PM(UTC+0)

[Redacted] @s whatsapp net Lp
Я позже тебе наберу поговорим
Status: Sent
Platform: Mobile
3/20/2019 5:09:10 PM(UTC+0)

1310849365@s whatsapp net Lp
Attachments:

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3/20/2019 5:18:13 PM(UTC+0)

[Redacted] @s whatsapp net Ura Lusenka Atmy General Ukraine
Чей твит
Status: Read
Platform: Mobile
3/20/2019 6:16:43 PM(UTC+0)

[Redacted] @s whatsapp net Lp
Был твит От джорна лист но президент ретвитов
Status: Sent
Platform: Mobile
3/20/2019 6:20:40 PM(UTC+0)

[Redacted] @s whatsapp net Ura Lusenka Atmy General Ukraine
Президент ретвитнул?
Status: Read
Platform: Mobile
3/20/2019 6:22:13 PM(UTC+0)

@s.whatsapp.net Lp

Status: Sent
Platform: Mobile

3/20/2019 6:22:20 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine

<https://news.iga.net/politics/news/lutsenko-dal-intervyu-the-hill-obvinil-yovanovich-gosdep-otvetil>

Attachments:



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3/20/2019 7:54:29 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine

Если меня не пригласят в Ближ время с офици визитом - я не отобьюсь от наших и ваших

Status: Read
Platform: Mobile

3/20/2019 8:03:24 PM(UTC+0)

@s.whatsapp.net Lp

Юра не переживай мы тебя в обиду не дадим это только начало сейчас не могу говорить позже постараюсь набрать или завтра утром

Status: Sent
Platform: Mobile

3/20/2019 8:18:44 PM(UTC+0)

@s.whatsapp.net Lp

<https://thehill.com/opinion/campaign/435029-as-russia-collusion-fades-ukrainian-plot-to-help-clinton-emerges>

Attachments:



Title: As Russia collusion fades, Ukrainian plot to help Clinton emerges
Size: 0

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Platform: Mobile

3/20/2019 11:43:06 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine

Ну что: меня взувают заявлением Госдепа о том, что я вру. Спрашивается: нахуй мне эти приключения. Особенно за 10 дней до выборов?

Status: Read
Platform: Mobile

3/21/2019 1:51:36 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka - Atmy General Ukraine

Причем в Госдеп говорят, что мои заявления идут в пользу коррупционерам.

Status: Read
Platform: Mobile

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[REDACTED] @s.whatsapp.net Ura Lusenka - Atmy General Ukraine

Ахуенная помощь Украине

Status: Read
Platform: Mobile

3/21/2019 1:54:04 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Дан мне 30-45 минут я тебе перезвоню у меня есть хорошие новости

Status: Sent
Platform: Mobile

3/21/2019 1:56:08 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka - Atmy General Ukraine

Госдеп заявляет, что я лгу!!!
Я ебал такие результаты

Status: Read
Platform: Mobile

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[REDACTED] @s.whatsapp.net Lp

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Status: Sent
Platform: Mobile

3/21/2019 2:40:45 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра это у нас вчера вечером выступление было на факс посмотри

Status: Sent
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[REDACTED] @s.whatsapp.net Lp

Юра позвони мне очень важно

Status: Sent
Platform: Mobile

3/21/2019 4:06:15 PM(UTC+0)

[REDACTED]@whatsapp.net Lp

Oleg:

Attached below are questions I just sent to the US embassy in Kiev. I'm hoping Mr. Lutsenko can answer these as well.

Thanks

John

1.) What did Ambassador Yovanovitch communicate during her first meeting with the General Prosecutor's office in 2016 about the following individuals:

Parliamentary member Leshchenko, Parliamentary member Nayem and Vitaliy Shabunin, founder of ANTAC.

2.) Why did the US embassy take a special interest in these Ukrainian citizens and was any instruction given concerning the prosecutor's office dealings with these individuals? Did any instructions or requests concerning these individuals come from the department's Eurasia office in Washington DC (Ambassador Nuland's team) or from representatives of George Soros' or his charitable entities? Did any of these individuals or their affiliated entities receive financial support from the Department of State or the Department of Justice?

3.) Describe the role that Mr. Shabunin, ANTAC or Daria Kaleniak played in assisting the embassy or FBI in the Ukraine kleptocracy investigations and the Paul Manafort probe?

4.) Did the embassy or any of its leaders officially or unofficially encourage NABU to release any information about Mr. Manafort's case in 2016? When did the embassy learn that NABU had leaked the black ledger files and what was its response?

5.) Please describe any support that the DOS or the embassy provided to ANTAC? Please describe any role Mr. Soros' or his representative played in supporting ANTAC along with the embassy?

6.) In an April 2016 letter to the GP's office, Mr. Kerr explicitly raised concerns about the GP's office investigation of ANTAC, calling the investigation "misplaced." What interest would the United States have in an internal investigation of a Ukrainian NGO and did the embassy receive any inquiries from Mr. Soros' representatives about this investigation? Was there any concern the US would be viewed as applying pressure to what was an internal matter of a Ukrainian sovereign agency?

7.) Why was the General Prosecutor's office investigating ANTAC (the Anti-Corruption Centre)?

—
John Solomon
Executive Vice President
The Hill

—
John Solomon
Executive Vice President
The Hill

Status: Sent
Platform: Mobile

3/21/2019 4:35:14 PM(UTC+0)

@s whatsapp net Lp
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System Message System Message
 Missed Voice Call
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System Message System Message
 Missed Voice Call
 Platform: Mobile
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@s whatsapp net Ura Lusenka Attny General Ukraine
 Не играйте. Или нах. Или пусть трахаат нас до сентября
 Status: Read
 Platform: Mobile
 3/21/2019 9:13:57 PM(UTC+0)

@s whatsapp net Ura Lusenka Attny General Ukraine
 Ну что, Ваш Пенс выговорил моего Первого.
 Нашего посла выговорили
 Я просто один на один против 2 стран
 Status: Read
 Platform: Mobile
 3/22/2019 2:26:21 PM(UTC+0)

@s whatsapp net Lp
 Сейчас я позвоню 2 минуты
 Status: Sent
 Platform: Mobile
 3/22/2019 2:27:23 PM(UTC+0)

@s whatsapp net Ura Lusenka Attny General Ukraine
 Та я не про это.
 Status: Read
 Platform: Mobile
 3/22/2019 2:28:11 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine
Просто если вы не принимаете решение по мадам - вы ставите под сомнения все мои заявления. В том числе по Б
Status: Read
Platform: Mobile
3/22/2019 2:43:14 PM(UTC+0)

@s.whatsapp.net Lp
Call me important
Status: Sent
Platform: Mobile
3/22/2019 3:32:42 PM(UTC+0)

@s.whatsapp.net Lp
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@s.whatsapp.net Ura Lusenka Attny General Ukraine
Кто он?
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@s.whatsapp.net Lp
Работает факс ньюс
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@s.whatsapp.net Ura Lusenka Attny General Ukraine
Ок
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@s.whatsapp.net Lp

<https://twitter.com/dbongino/status/1109165948462907393?s=12>

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While the 2016 presidential election was raging in America, Ukrainian prosecutors ran into some unexpectedly strong headwinds as they pursued an investigation into the activities of a nonprofit in their homeland known as the Anti-Corruption Action Centre (AntAC).

The focus on AntAC – whose youthful street activists famously wore “Ukraine F*ck Corruption” t-shirts – was part of a larger probe by Ukraine’s Prosecutor General’s office into whether U.S. funds earmarked to fight corruption inside the former Soviet republic were being poorly spent, politicized or misused to settle business scores.

The prosecutors would soon learn the resistance they were facing was blowing directly from the U.S. embassy in Kiev, where Obama administration took the rare step of trying to pressure the Ukrainian government to back off its investigation of both the U.S. aid and the group.

“The investigation into the Anti-Corruption Action Center (sic), based on the assistance they have received from us, is similarly misplaced,” then-U.S. embassy Charge d’ Affaires George Kent wrote the prosecutor’s office in April 2016 that also argued U.S. officials had no concerns about how the aid monies had been spent.

At the time, the nation’s Prosecutor General had just been fired under pressure from the United States, and a permanent replacement had not yet been named.

A few months later, Yuri Lutsenko, widely regarded as a hero in the West for spending two years in prison after fighting Russian aggression in his country, was named the new prosecutor general and invited to meet the new U.S. Ambassador Marie Yovanovitch.

Lutsenko told me he was stunned when the ambassador provided him a list of names she did not want his office to pursue for investigation. The list included a founder of the AntAC group as well as two members of Parliament who vocally supported the group’s anti-corruption reform agenda, according to a source directly familiar with the meeting.

It turns out the group that Ukrainian law enforcement was probing was being co-funded both by the Obama administration and the liberal megadonor George Soros. And it was collaborating with the very FBI agents investigating then-Trump campaign manager Paul Manafort’s business activities with pro-Russian figures in Ukraine.

The implied message to Ukraine’s prosecutors was clear: It was a mistake to target AntAC in the middle of an America presidential election where Soros was backing Hillary Clinton to beat Trump in the race to replace another Soros-favorite, Barack Obama. Ukrainian sources told me.

“We ran right into a buzzsaw, and we got bloodied,” a senior Ukrainian official told me.

State officials told me privately they wanted Ukraine prosecutors to back off AntAC because they feared the investigation was simply retribution for the group’s high-profile efforts to force anticorruption reforms inside Ukraine, some of which took authorities and prestige from the Prosecutor General’s office.

But at the same time, the officials said, it was an unusual message.

“We’re not normally in the business of telling a country’s police force who they can and can’t pursue, unless it involves an American citizen we think is wrongly accused,” one official said.

In the end, no action was taken against AntAC, and it remains thriving today and supported by the U.S. embassy. Nonetheless, the anecdote is taking on new significance for three reasons.

First, it conflicts with the State Department’s official statement last week after Lutsenko first mentioned the do-not-prosecute list. The embassy responded the claim was a fabrication and a sign that corruption was alive and well inside Ukraine.

But Kent’s letter unequivocally shows the embassy did press Ukrainian prosecutors to back off what normally would be considered an internal law enforcement matter inside a

sovereign country. And more than a half dozen U.S. and Ukrainian sources confirmed to me the AntAC case wasn't the only one where American officials exerted pressure on Ukrainian investigators in 2016.

I asked State to explain the letter and the inclusion of the Soros-connected names during the meeting and it demurred. "As a general rule, we don't read out private diplomatic meetings," it responded. "Ambassador Yovanovitch represents the President of the United States in Ukraine, and America stands behind her and her statements."

The second significance of the AntAC anecdote exposes a reality often not visible to the American public: After the Obama Justice Department launched its Kleptocracy Initiative a decade ago to prosecute corruption in other countries, the State Department, the Justice Department and the FBI outsourced much of its work, creating partnerships with private groups and partners that have political and business interests too.

Inside Ukraine, the partners were tied to Soros, the Hungarian-American businessman who is one of the largest donors to American liberal causes, a champion of the U.S. kleptocracy crackdown and a man with extensive business interests in Ukraine.

The partners ranged from internationally acclaimed Transparency International to the smaller AntAC, which received 59 percent (or \$1 million) of its nearly \$1.7 million budget since 2012 from U.S. budgets tied to State and nearly \$290,000 from Soros' International Renaissance Foundation, according to the group's donor disclosure records.

The U.S.-Soros collaboration was visible in Kiev. Several senior Justice Department officials and FBI agents appeared in pictures as participants or attendees at Soros-sponsored events and conferences.

One attendee was Karen Greenaway, the FBI supervisor in charge of international fraud cases and one of the lead agents in the Manafort investigation in Ukraine. She attended multiple such events and won glowing praise in a social post from AntAC's own executive director.

The FBI confirmed her trips. "In furtherance of the FBI's mission and in the course of their duties, FBI employees routinely travel and participate in public forums in an official capacity. At a minimum, all such travel and speaking engagements are authorized by the employee's direct supervisor and can receive further authorization all the way up to the relevant division head, along with an ethics official determination," the bureau said.

Greenaway recently retired, and Soros' AntAC immediately announced she was joining its supervisory board.

Internal memos from Soros' umbrella charity organization, the Open Society Foundations, describe a concerted strategy of creating friendships inside key government agencies like State, DOJ and the FBI that can be leveraged inside the countries Soros was targeting for anti-corruption activism.

"We have broadly recognized the importance of developing supportive constituencies in order to make headway in tightening the global web of anticorruption accountability," a Feb. 21, 2014 memo states. "We first conceived of this in terms of fostering and helping to build a political environment favorable to high-level anti-corruption cases.

That same memo shows Soros' organization wanted to make Ukraine a top priority starting in 2014 and planned to use the Anti-Corruption Action Centre as the leading edge of its strategy.

"Ukraine: Behind the scenes advice and support to Ukrainian partner Anti-Corruption Action Center's efforts to generate corruption litigation in Europe and the U.S. respecting state assets stolen by senior Ukrainian leaders," the memo states.

The memo included a chart of Ukrainians the Soros team wanted pursued. Multiple figures on the chart had ties to Manafort.

Senior U.S. law enforcement officials confirmed to me that the early Kleptocracy collaborations inside Ukraine led to highly visible U.S. actions against both the oligarch Dmitri Firtash, a major target of the Soros group, and Manafort.

In 2014, FBI agents interviewed Manafort but closed down the case for lack of evidence. But during the 2016 election, it was revived based on new information that surfaced both inside Ukraine and with the British intelligence operative Christopher Steele, who at the time was working to defeat Trump on an opposition project funded by Hillary Clinton's campaign, documents released by Congress and the courts show.

Spokespersons for AntAC and Open Society Foundations did not respond to repeated request for comment.

Michael Vachon, a spokesman for Soros, deferred any comment about AntAC to the group. But he did confirm his boss supported the continued investigation of Russia collusion allegations against Trump well past 2016.

Vachon said Soros wrote a sizable check from his personal funds in fall 2017 to a new group called the Democracy Integrity Project started by a former FBI agent and Senate staffer named Dan Jones to continue "investigation and research into foreign interference in American elections and European elections.

Vachon said the group asked Soros not to divulge the size of his contribution and he later learned the group hired Fusion GPS, the same firm that was paid by Hillary Clinton's

campaign and the Democratic Party to create the now-infamous Steele dossier alleging Trump-Russia collusion.

The he-said-she-said battle playing out between Ukraine's chief prosecutor and the American ambassador doesn't benefit either side. Rather, an honest, complete and transparent account of what the embassy communicated to Ukraine's law enforcement does.

And the tale of AntAC raises some cogent questions.

Why would the U.S. embassy intervene on a Ukrainian internal investigation and later deny it exerted such pressure? Did Soros' role as a major political fund have any impact? Do Americans want U.S. tax dollars commingled with activists' private funds when it comes to anti-corruption probes?

Someone in State and Congress should try to get the answers

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@s.whatsapp.net Lp

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@s.whatsapp.net Ura Lusenka Attry General Ukraine

Если все строится на таком клоуне - ноу комментс

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@s.whatsapp.net Lp

https://en.wikipedia.org/wiki/Bud_Cummins

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@s.whatsapp.net Lp

Юра ты знаешь этого человека

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@s whatsapp.net Lp

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3/23/2019 3:04:51 AM(UTC+0)

@s whatsapp.net Ura Lusenka Attny General Ukraine

Попроси перекинуть мне видео моего интервью Соломону
 Мне это оч важно

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@s whatsapp.net Lp

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@s whatsapp.net Lp

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@s whatsapp.net Lp

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@s whatsapp.net Ura Lusenka Attry General Ukraine

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Status: Read
 Platform: Mobile

3/26/2019 7:53:23 AM(UTC+0)

@s whatsapp.net Ura Lusenka Attry General Ukraine

Нифига себе

Status: Read
 Platform: Mobile

3/26/2019 7:53:39 AM(UTC+0)

@s whatsapp.net Ura Lusenka Attry General Ukraine

А что, действительно есть связь Бурисмы и Привата?

Status: Read
 Platform: Mobile

3/26/2019 10:19:27 AM(UTC+0)

@s whatsapp.net Ura Lusenka Attry General Ukraine

Attachments:



Size: 151176
 File name: 7011f4a-a37b-4929-af20-92307a6f7c40.jpg
 Path: https://mmg...
 In: whatsapp.net/d/As1dX3afzZisUKVQGvOglZdGJgKPB-AKxKq
 Rwmr4fs enc
 7011f4a-a37b-4929-af20-92307a6f7c40.jpg

Status: Read
 Platform: Mobile

3/26/2019 3:27:20 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Attachments:



Size: 77068
 File name: cc533f38-b99a-4a03-91f7-776db3a3eaf2.jpg
 Path: https://mmg-fna.whatsapp.net/d/f/Ab5nAYc5iO6LN9pPKDFiO611rTZTbQtdb7c6e5ZQ.enc
 cc533f38-b99a-4a03-91f7-776db3a3eaf2.jpg

Status: Read
 Platform: Mobile

3/26/2019 3:27:24 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Это она требует от Адм През ликвидировать департамент противодействия коррупции в СБУ. 60% взятки лоят они. И этим показывают ничемность НАБУ, у которых ничего не получается.

Status: Read
 Platform: Mobile

3/26/2019 3:28:56 PM(UTC+0)

@s.whatsapp.net Lp

Status: Sent
 Platform: Mobile

3/26/2019 3:29:36 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Attachments:



Size: 137034
 File name: 0693de48-1f69-4949-942a-f5643a1cde23.jpg
 Path: https://mmg-fna.whatsapp.net/d/f/Avmyr-saUWGHrSKo4qbR2GF1e5fEJqEC7R2RaSYhPBB.enc
 0693de48-1f69-4949-942a-f5643a1cde23.jpg

Status: Read
 Platform: Mobile

3/26/2019 3:29:40 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Это письмо Кента депутатам Народного фронта (Яценюк) с рекомендацией за кого голосовать на аудитора НАБУ.

Status: Read
 Platform: Mobile

3/26/2019 3:30:27 PM(UTC+0)

@s.whatsapp.net Lp

Status: Sent
 Platform: Mobile

3/26/2019 3:30:55 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Конкретно - за Найджела Брауна

Status: Read
Platform: Mobile

3/26/2019 3:31:56 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Это голосование было в февр 2017

Status: Read
Platform: Mobile

3/26/2019 3:32:24 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Сорри, посольство было против Брауна и за Сторча

Status: Read
Platform: Mobile

3/26/2019 3:33:59 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Посольство давило Нар фронт после того, как они вместе с БПП (Порошенко) внесли этого Брауна.

Status: Read
Platform: Mobile

3/26/2019 3:34:44 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Это текст внесения Брауна спикеру Парламента за подписью НФ и БПП

Status: Read
Platform: Mobile

3/26/2019 3:35:23 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Attachments:



Size: 130927
File name: d39e27bc-04a0-4660-9611-2b8b1ec2ccdd.jpg
Path: https://mmg.fra.whatsapp.net/d/AAEGaE5dbKCEkghwFKNaOy22JAmo805U2x4siOCqeYk.enc
[d39e27bc-04a0-4660-9611-2b8b1ec2ccdd.jpg](https://mmg.fra.whatsapp.net/d/AAEGaE5dbKCEkghwFKNaOy22JAmo805U2x4siOCqeYk.enc)

Status: Read
Platform: Mobile

3/26/2019 3:35:28 PM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Attachments:



Size: 137303
 File name: 16d0f9a-3bb1-4ea9-8a4f-cf410e0c9234.jpg
 Path: https://mmg-fna.whatsapp.net/d/ARPoFpsrbZB-RGpZC1a91YwJrH5DgV8EAll10aRWYhox-enc-16d0f9a-3bb1-4ea9-8a4f-cf410e0c9234.jpg

Status: Read

Platform: Mobile

3/26/2019 3:37:58 PM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Attachments:



Size: 262955
 File name: 71578011-b32f-4a4e-849d-19acd6acad32b.jpg
 Path: https://mmg-fna.whatsapp.net/d/1AonWBbyDIdiHbugUDFm2_7xgdtLXEFOINyJT-SJfOq-enc-71578011-b32f-4a4e-849d-19acd6acad32b.jpg

Status: Read

Platform: Mobile

3/26/2019 4:03:18 PM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Attachments:



Size: 179392
 File name: ae9c58b2-8647-410e-93c4-d975c5035087.jpg
 Path: https://mmg-fna.whatsapp.net/d/8Amg_XmOVKZ-wDwm41OZeCgV1S2B3E9AwZWYFpaTr0-enc-ae9c58b2-8647-410e-93c4-d975c5035087.jpg

Status: Read

Platform: Mobile

3/26/2019 4:03:23 PM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

2 последних картинки - краткое содержание слива из набу в посольство

Status: Read

Platform: Mobile

3/26/2019 4:04:07 PM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Про Злочевского и Бурисму тоже.)

Status: Read

Platform: Mobile

3/26/2019 4:04:33 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Надеюсь, хватит

Status: Read

Platform: Mobile

3/26/2019 4:04:49 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Все эти материалы - не для сми

Status: Read

Platform: Mobile

3/26/2019 4:05:05 PM(UTC+0)

██████████@s.whatsapp.net Lp

Status: Sent

Platform: Mobile

3/26/2019 4:05:12 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Уже ВАШИНГТОН ПОСТ МЕНЯ МОЧИТ

Status: Read

Platform: Mobile

3/26/2019 7:51:24 PM(UTC+0)

██████████@s.whatsapp.net Lp

Я знаю

Status: Sent

Platform: Mobile

3/26/2019 7:51:54 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Они пишут, что Сытник герой. Ноль результатов.
Хотят послушать пленку - я завтра получу записывающее устройство и показания участников разговора

Status: Read

Platform: Mobile

3/26/2019 7:53:54 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

У меня успешно движется дело по Злочевскому. Есть показания о перечислении Б

Status: Read

Platform: Mobile

3/26/2019 7:54:40 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

И только вы не можете снять одну дуру:(

Status: Read

Platform: Mobile

3/26/2019 7:55:03 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Она непростая дура поверь меня
Status: Sent
Platform: Mobile
3/26/2019 7:55:34 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Ну куда она не денется
Status: Sent
Platform: Mobile
3/26/2019 7:55:42 PM(UTC+0)

System Message System Message
Missed Voice Call
Platform: Mobile
3/26/2019 9:18:53 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Call you in 15 min
Status: Sent
Platform: Mobile
3/26/2019 9:19:21 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://thehill.com/opinion/campaign/435906-us-embassy-pressed-ukraine-to-drop-probe-of-george-soros-group-during-2016>
Attachments:

Title: US embassy pressed Ukraine to drop probe of George Soros group during
Size: 3730
File name: 2c7f8924-42e1-463d-9f9e-601e3c23b92b (thumb)
2c7f8924-42e1-463d-9f9e-601e3c23b92b (thumb)
Status: Sent
Platform: Mobile
3/26/2019 10:16:14 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmyr General Ukraine
Господи, с кем еще я воюю?))
Status: Read
Platform: Mobile
3/26/2019 10:33:03 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmyr General Ukraine
Привет
Хав а ю?
Status: Read
Platform: Mobile
3/27/2019 10:39:59 PM(UTC+0)

██████████ @s.whatsapp.net Lv

Very good

Status: Sent

Platform: Mobile

3/28/2019 1:54:37 AM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

Attachments:



Size: 30586033

File name: a945de00-10b8-4656-a944-ab4ed0c22e78.mp4

Path: https://img.fsa.whatsapp.net/r/1Apm_xRbc8ApXuDnDAGK-

W0cc0c1EXy7t1C7V2b5B5g5.enc

a945de00-10b8-4656-a944-ab4ed0c22e78.mp4

Status: Read

Platform: Mobile

3/28/2019 12:49:52 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

Сытник за Хилари против явно пророссийского Трампа

Status: Read

Platform: Mobile

3/28/2019 12:50:16 PM(UTC+0)

██████████ @s.whatsapp.net Lv

Юва меня попросили лично тебе передать что Америка тебя поддариживает и в обиду не даст как бы не выглядела сейчас это скоро все обернется и будет правильных русле. Чтоб ты знала тебе здесь разговаривает как настоящий герой Украины

Status: Sent

Platform: Mobile

3/28/2019 3:03:35 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

У меня есть распечатка платежей burisma на senesa

Status: Read

Platform: Mobile

3/28/2019 3:08:40 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

На пару млн

Status: Read

Platform: Mobile

3/28/2019 3:09:15 PM(UTC+0)

██████████ @s.whatsapp.net Lv

Ты можешь прислать

Status: Sent

Platform: Mobile

3/28/2019 3:10:47 PM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
 Передам через нового посла.)
 Status: Read
 Platform: Mobile
 3/28/2019 3:14:23 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
 Lol
 Status: Sent
 Platform: Mobile
 3/28/2019 3:15:00 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
 Very soon
 Status: Sent
 Platform: Mobile
 3/28/2019 3:25:48 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
 Attachments:

 Size: 11651704
 File name: 50c3f026a-e978-4fd1-804c-d8388a2708e4.mp4
 Path: https://mmg.
 [redacted] @s.whatsapp.net/As06YZE6D+o05XEHAw25u87ef_Y7gK9ZY_s
 0c_Lara.png
 50c3f026a-e978-4fd1-804c-d8388a2708e4.mp4
 Status: Sent
 Platform: Mobile
 3/29/2019 1:14:46 AM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
 Тем временем последица организовава слив материалов НАБУ в финансированный вами телепроект о коррупции окружения Порошенко.
 Status: Read
 Platform: Mobile
 3/29/2019 12:16:28 PM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
 Следующий - по мне
 Status: Read
 Platform: Mobile
 3/29/2019 12:16:46 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
 Скоро наберу с новостями
 Status: Sent
 Platform: Mobile
 3/29/2019 2:36:23 PM(UTC+0)

@s.whatsapp.net Lp
<https://youtu.be/HrzCmXWGtyo>
 Attachments:

 Title: John Solomon on the Ukrainian Plot to Help Clinton
 Size: 1908
 File name: 4bc3bb41-0b49-4f51-ba0b-becf3aff8d2.thumb
 4bc3bb41-0b49-4f51-ba0b-becf3aff8d2.thumb
 Status: Sent
 Platform: Mobile
 3/30/2019 2:17:35 AM(UTC+0)

@s.whatsapp.net Lp
 Юра набери меня
 Status: Sent
 Platform: Mobile
 3/30/2019 6:12:44 PM(UTC+0)

System Message: System Message
 Missed Voice Call
 Platform: Mobile
 3/30/2019 6:16:47 PM(UTC+0)

@s.whatsapp.net Lp
 Attachments:

 Size: 6278581
 File name: e2e4e9af-18ba-4677-9a2b-ea1413a40568.mp4
 Path: https://mmf.50a.whatsapp.net/d/AgFleLD9X2OwXWGGC-SEIFba05yYxFN6Yy_H9l67MAaw.enc
 e2e4e9af-18ba-4677-9a2b-ea1413a40568.mp4
 Status: Sent
 Platform: Mobile
 3/31/2019 1:29:25 AM(UTC+0)

@s.whatsapp.net Lp
 Attachments:

 Size: 16165474
 File name: 01370eeef-0889-4ed8-beab-a00d1e0a09cb.mp4
 Path: https://mmf.50a.whatsapp.net/d/1AinFBA43nNYYou2EaAmY2DsPrF0awgJfZC-SKFWM.enc
 01370eeef-0889-4ed8-beab-a00d1e0a09cb.mp4
 Status: Sent
 Platform: Mobile
 4/2/2019 1:25:54 AM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Size: 3696000
 File name: 507ce25c-ddc2-4a8f-9892-a1614fc71a3b.m4a
 Path: https://mmg.fna.whatsapp.net/d/6A1KLh3plFN4K4aS115TP3h_5hh08d2C54pS-d09n.m4a
 507ce25c-ddc2-4a8f-9892-a1614fc71a3b.m4a

Status: Sent
 Platform: Mobile

4/2/2019 1:28:42 AM(UTC+0)

@s.whatsapp.net Lp

<https://thehill.com/opinion/white-house/436816-joe-bidens-2020-ukrainian-nightmare-a-closed-probe-is-revived>

Attachments:



Title: Joe Biden's 2020 Ukrainian nightmare: A closed probe is revived
 Size: 3400
 File name: da3e7725-ca37-4fa3-9b9f-a7736573dac.thumb
 da3e7725-ca37-4fa3-9b9f-a7736573dac.thumb

Status: Sent
 Platform: Mobile

4/2/2019 1:49:02 AM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Size: 51649
 File name: 2bac2212-5469-4b94-bb83-0249514729e0.jpg
 Path: https://mmg.fna.whatsapp.net/d/6A13kw8aPDz9wwDKMfxREajLzmlchjH082GH-c23X1.sne
 2bac2212-5469-4b94-bb83-0249514729e0.jpg

Status: Sent
 Platform: Mobile

4/2/2019 3:01:19 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Я наведено самый знаменитый украинец у вас :)

Status: Read
 Platform: Mobile

4/2/2019 3:02:13 PM(UTC+0)

@s.whatsapp.net Lp

Status: Sent
 Platform: Mobile

4/2/2019 3:02:31 PM(UTC+0)

@s.whatsapp.net Lp
This is going to be a big week
Status: Sent
Platform: Mobile
4/2/2019 3:02:48 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Attachments:

Size: 195900
File name: e9f4ac22-1435-4562-bfa7-5dfd0b2d55e2.jpg
Path: https://img-na.whatsapp.net/d/6ArGMEIKY2962_e9f4ac22-1435-4562-bfa7-5dfd0b2d55e2.jpg
Status: Read
Platform: Mobile
4/2/2019 3:03:57 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Давид и Голиаф
Status: Read
Platform: Mobile
4/2/2019 3:04:09 PM(UTC+0)

@s.whatsapp.net Lp
Attachments:

Size: 51731
File name: 944a09f1-8ab3-4c09-bfa5-c3d528d52dfc.jpg
Path: https://img-na.whatsapp.net/d/6ArGMEIKY2962_e9f4ac22-1435-4562-bfa7-5dfd0b2d55e2.jpg
Status: Sent
Platform: Mobile
4/2/2019 3:57:22 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Просьба: не играйте в параллельные игры
Я всегда открыто делаю свою работу. Но есть делятели, которые это рассматривают как слабость
Status: Read
Platform: Mobile
4/2/2019 7:45:19 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Ну и было бы неплохо таки пригласить меня на встречу
Status: Read
Platform: Mobile
4/2/2019 7:53:47 PM(UTC+0)

@s.whatsapp.net Ura Lusenka: Attny General Ukraine

Можно - неформальную, на ранчо
А то чувствую себя подопытной мышкой

Status: Read
Platform: Mobile

4/2/2019 7:54:35 PM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Size: 11023626
File name: e0f99cfa-822f-418b-a29f-2a5b2eb54a8c.mp4
Path: https://mmg-fba.whatsapp.net/d/f/AtoFmEMSvC-VMB6RBW7XpdyuqY1cAskuz2deDTHVde.enc
e0f99cfa-822f-418b-a29f-2a5b2eb54a8c.mp4

Status: Sent
Platform: Mobile

4/2/2019 10:56:07 PM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Size: 45583
File name: 47a40d59-1bcf-417e-92e0-1f5994fcc5ea.jpg
Path: https://mmg-fba.whatsapp.net/d/f/AqNlGRzSvWoupSLewrYUehlwOqkA66U-mrgPNfwJOS.enc
47a40d59-1bcf-417e-92e0-1f5994fcc5ea.jpg

Status: Sent
Platform: Mobile

4/3/2019 12:13:42 PM(UTC+0)

@s.whatsapp.net Lp

<https://twitter.com/watchdogmedia/status/1113399610242197505?s=12>

Attachments:



Title: Watchdog Media on Twitter
Size: 4607
File name: cd346251-d08c-4862-8162-e0aaafe621f1.thumb
cd346251-d08c-4862-8162-e0aaafe621f1.thumb

Status: Sent
Platform: Mobile

4/3/2019 10:58:52 PM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Size: 83516105
 File name: c6b091ff-2c78-46b7-80ac-d7a05939632f.mp4
 Path: https://ring
 In: whatsapp.net/d/AqDIYGC9ictZGZ9CpseAdkigmOFnDoDk-
 PzVp2Xv0.ans
 c6b091ff-2c78-46b7-80ac-d7a05939632f.mp4

Status: Sent
 Platform: Mobile

4/4/2019 8:07:17 AM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine

А что дальше?
 Спецпрокурор?

Status: Read
 Platform: Mobile

4/4/2019 8:53:15 AM(UTC+0)

@s.whatsapp.net Lp

3 то следующую

Status: Sent
 Platform: Mobile

4/4/2019 9:09:36 AM(UTC+0)

@s.whatsapp.net Lp

<https://youtu.be/KCF9My1vBP4>

Attachments:



Title: Biden made Ukraine fire top prosecutor investigating son's firm - report
 Size: 6635
 File name: 3ae1a59c-9955-4e0e-9a17-b174a70316dd.thumb
 3ae1a59c-9955-4e0e-9a17-b174a70316dd.thumb

Status: Sent
 Platform: Mobile

4/4/2019 9:16:18 AM(UTC+0)

@s.whatsapp.net Lp

<https://www.breitbart.com/politics/2019/04/03/exclusive-peter-schweizer-joe-biden-steered-1-8-billion-to-ukraine-while-his-son-bagged-sweetheart-deal-from-trump-government/>

Attachments:



Title: Schweizer: Joe Biden 'Steered \$1.8 Billion' to Ukraine, Son Got a Deal
 Size: 5233
 File name: 4bb72937-0aea-4fca-8220-84c5852e79cd.thumb
 4bb72937-0aea-4fca-8220-84c5852e79cd.thumb

Status: Sent
 Platform: Mobile

4/4/2019 4:55:48 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Плохая связь потом наберу тебя
Status: Sent
Platform: Mobile
4/6/2019 4:00:15 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atirny General Ukraine
Ok
Status: Read
Platform: Mobile
4/6/2019 4:00:46 PM(UTC+0)

System Message: System Message
Missed Voice Call
Platform: Mobile
4/6/2019 8:23:32 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atirny General Ukraine
Имей ввиду: Ку очень токсичен. За ним серьезные хвосты в рф
Status: Read
Platform: Mobile
4/6/2019 8:15:44 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Я сейчас занят могу через час полтора тебе набрать
Status: Sent
Platform: Mobile
4/6/2019 8:17:02 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
Attachments:

Size: 214113551
File name: a12264b7-214e-459a-8495-a047b84315d1.mp4
Path: https://mmg-fna.whatsapp.net/d/!AqY0SSzpKWkn-
nkyyddsRnHMAlyPnVh8GF0-nomCGAcE1-enc-
a12264b7-214e-459a-8495-a047b84315d1.mp4
Status: Sent
Platform: Mobile
4/7/2019 3:25:55 PM(UTC+0)

 @s whatsapp net Lp

Ukrainian to US prosecutors: Why don't you want our evidence on Democrats? - <https://thehill.com/opinion/white-house/437719-ukrainian-to-us-prosecutors-why-dont-you-want-our-evidence-on-democrats>

Attachments:



Title: Ukrainian to US prosecutors: Why don't you want our evidence on
 Size: 4853
 File name: 41a53a58-01c1-417a-9661-e4bdc477e6a5.thumb
 Path: https://thehill.com/opinion/white-house/437719-ukrainian-to-us-prosecutors-why-dont-you-want-our-evidence-on-democrats-41a53a58-01c1-417a-9661-e4bdc477e6a5.thumb

Status: Sent
 Platform: Mobile

4/7/2019 3:26:11 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

4/7/2019 4:27:43 PM(UTC+0)

 @s whatsapp net Lp

Attachments:



Size: 116465
 File name: cd20766a-c3e3-488b-b2ad-3ad4a169d226.jpg
 Path: https://na.whatsapp.net/s/AmvOdfP2XR28hYRy4_eA2s9xbz3v49p6f1_GeH7MhDN.enc-cd20766a-c3e3-488b-b2ad-3ad4a169d226.jpg

Status: Sent
 Platform: Mobile

4/8/2019 3:45:03 PM(UTC+0)

 @s whatsapp net Lp

Юр набери меня

Status: Sent
 Platform: Mobile

4/8/2019 10:36:35 PM(UTC+0)

 @s whatsapp net Lp

Attachments:



Size: 2489216
 File name: 1172c41-0d25-4168-9483-b243c24eea1a.mp4
 Path: https://na.whatsapp.net/s/Abyy4RjeKhpIVvNUJhKCM9e_TopSq18LA5E1SV3lo.enc-1172c41-0d25-4168-9483-b243c24eea1a.mp4

Status: Sent
 Platform: Mobile

4/8/2019 5:26:16 AM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka - Attny General Ukraine

Советники и публичные спикеры канд в През Зеленского

Лещенко (депутат из списка Маши)
Шабунин (центр противодействия коррупции имени Сороса и Маши)
Данилюк (экс мин финансов)

Status: Read

Platform: Mobile

4/6/2019 3:43:07 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka - Attny General Ukraine

Вместе с Богданом (адвокат Коломойского) Лещенко и Шабунин посетили набу и достигли полного соглашения о поддержке в угол делах

Status: Read

Platform: Mobile

4/9/2019 3:44:42 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka - Attny General Ukraine

Марта Борщ (экс прокурор США, любимая активистка Маши и наших ngo) - кандидат на ГПУ.

Status: Read

Platform: Mobile

4/10/2019 8:18:10 AM(UTC+0)

██████████@s.whatsapp.net Lp

Andrii Telizhenko

Status: Sent

Platform: Mobile

4/10/2019 9:04:29 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka - Attny General Ukraine

Who is he?

Status: Read

Platform: Mobile

4/10/2019 9:52:42 PM(UTC+0)

██████████@s.whatsapp.net Lp

Юра набери меня важно

Status: Sent

Platform: Mobile

4/12/2019 5:23:08 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka - Attny General Ukraine

Андрій Теліженко 050 446 ██████████

Status: Read

Platform: Mobile

4/12/2019 6:56:14 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Юра привет будет возможность набери мне
Status: Sent
Platform: Mobile
4/14/2019 1:35:31 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
Привет. Аваков ждет завтра в 12
Status: Read
Platform: Mobile
4/15/2019 3:49:33 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
4/15/2019 3:51:03 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Пришлишь адрес
Status: Sent
Platform: Mobile
4/15/2019 3:51:17 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
Богомольца_10
Status: Read
Platform: Mobile
4/15/2019 3:53:23 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
4/15/2019 3:53:36 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
Где вы вечером?
Status: Read
Platform: Mobile
4/15/2019 5:28:06 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Дай мне 10 минут тебе наберу
Status: Sent
Platform: Mobile
4/15/2019 5:28:53 PM(UTC+0)

██████████@s.whatsapp.net Lp
Я освободился
Status: Sent
Platform: Mobile
4/15/2019 6:41:37 PM(UTC+0)

██████████@s.whatsapp.net Lp
Дай адрес куда ехать
Status: Sent
Platform: Mobile
4/15/2019 6:51:19 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine
Могу в Хилтон
Там хороший рецепшн
Status: Read
Platform: Mobile
4/15/2019 6:58:21 PM(UTC+0)

██████████@s.whatsapp.net Lp
Юра давай шах плов
Status: Sent
Platform: Mobile
4/15/2019 6:59:17 PM(UTC+0)

██████████@s.whatsapp.net Lp
Там вкусно
Status: Sent
Platform: Mobile
4/15/2019 6:59:41 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine
Не могу есть
И обещал домой к 23
Status: Read
Platform: Mobile
4/15/2019 7:00:36 PM(UTC+0)

██████████@s.whatsapp.net Lp
Окей давай через минут 20
Status: Sent
Platform: Mobile
4/15/2019 7:01:08 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine
Где?
Status: Read
Platform: Mobile
4/15/2019 7:01:17 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
ХИЛТОН
Status: Sent
Platform: Mobile
4/15/2019 7:01:24 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
Ok
Status: Read
Platform: Mobile
4/15/2019 7:01:35 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
Могу и завтра. Если вы уже настроились
Status: Read
Platform: Mobile
4/15/2019 7:04:58 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Нет давай встретимся все нормально
Status: Sent
Platform: Mobile
4/15/2019 7:05:16 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
Не могу говорить. Тут 300 чел
Status: Read
Platform: Mobile
4/16/2019 8:37:34 AM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
ПИЩИ
Status: Read
Platform: Mobile
4/16/2019 8:37:36 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Понял я поехал на встречу наберу тебя отгудова
Status: Sent
Platform: Mobile
4/16/2019 8:40:16 AM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Atmy General Ukraine
Ok
Status: Read
Platform: Mobile
4/16/2019 9:25:17 AM(UTC+0)

[REDACTED] @s whatsapp.net Lp

Только закончил всё супер будет время набери меня расскажу

Status: Sent

Platform: Mobile

4/16/2019 9:37:20 AM(UTC+0)

[REDACTED] @s whatsapp.net Ura Lusenka Atimy General Ukraine

Давай в 18-30 у меня пересечемся с Борей

Status: Read

Platform: Mobile

4/16/2019 9:44:09 AM(UTC+0)

[REDACTED] @s whatsapp.net Lp

Status: Sent

Platform: Mobile

4/16/2019 9:44:28 AM(UTC+0)

[REDACTED] @s whatsapp.net Lp

Добрый день как планы на сегодня

Status: Sent

Platform: Mobile

4/17/2019 12:57:15 PM(UTC+0)

[REDACTED] @s whatsapp.net Ura Lusenka Atimy General Ukraine

Проблемы дома
Давай завтра?

Status: Read

Platform: Mobile

4/17/2019 6:31:55 PM(UTC+0)

[REDACTED] @s whatsapp.net Lp

Окей братуха Дай бог все нормально

Status: Sent

Platform: Mobile

4/17/2019 6:38:59 PM(UTC+0)

[REDACTED] @s whatsapp.net Ura Lusenka Atimy General Ukraine

Заебался

Status: Read

Platform: Mobile

4/17/2019 6:30:12 PM(UTC+0)

[REDACTED] @s whatsapp.net Lp

Я представляю держись я с тобой

Status: Sent

Platform: Mobile

4/17/2019 6:39:37 PM(UTC+0)

██████████@s.whatsapp.net Lp
Юра намери мене
Status: Sent
Platform: Mobile
4/18/2019 11:28:34 AM(UTC+0)

██████████@s.whatsapp.net Lp
Юра дай мне знать как планы на сегодня
Status: Sent
Platform: Mobile
4/18/2019 1:21:11 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine
18-307
Status: Read
Platform: Mobile
4/18/2019 1:35:39 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Ресторан скажу
Status: Read
Platform: Mobile
4/18/2019 1:39:24 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Ок?
Status: Read
Platform: Mobile
4/18/2019 1:43:00 PM(UTC+0)

██████████@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
4/18/2019 1:45:11 PM(UTC+0)

██████████@s.whatsapp.net Lp
какой ресторан ?
Status: Sent
Platform: Mobile
4/18/2019 2:48:46 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine
Ул Богдана Хмельницького, 34 а
11 Митро
Один охоронець вже там
Status: Read
Platform: Mobile
4/18/2019 3:24:52 PM(UTC+0)

██████████@s.whatsapp.net Lp
Мы в Hilton гостиницы выезжаем через пять минут
Status: Sent
Platform: Mobile
4/18/2019 3:28:32 PM(UTC+0)

██████████@s.whatsapp.net Lp
Мы на месте
Status: Sent
Platform: Mobile
4/18/2019 3:43:50 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine
Еду
Status: Read
Platform: Mobile
4/18/2019 3:43:58 PM(UTC+0)

██████████@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
4/18/2019 3:44:05 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine
Заказывайте
Status: Read
Platform: Mobile
4/18/2019 3:44:05 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine
+
Status: Read
Platform: Mobile
4/18/2019 7:54:44 PM(UTC+0)

██████████@s.whatsapp.net Lp
Call in 15 minutes
Status: Sent
Platform: Mobile
4/18/2019 7:55:41 PM(UTC+0)

██████████@s.whatsapp.net Lp
he's calling you now
Status: Sent
Platform: Mobile
4/18/2019 8:28:11 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Позвони мне

Status: Sent

Platform: Mobile

4/18/2019 8:35:05 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра если не слышь набери меня

Status: Sent

Platform: Mobile

4/18/2019 10:11:22 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Добрый день как планы во сколько увидимся?

Status: Sent

Platform: Mobile

4/18/2019 9:29:46 AM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Привет

Status: Read

Platform: Mobile

4/19/2019 9:29:05 AM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Очень занят. И жду решения К

Status: Read

Platform: Mobile

4/19/2019 9:52:06 AM(UTC+0)

██████████ @s.whatsapp.net Lp

Хорошо жду набери когда освободишься хорошего тебе дня

Status: Sent

Platform: Mobile

4/19/2019 9:53:01 AM(UTC+0)

██████████ @s.whatsapp.net Lp

Мой дорогой друг как будет возможность набери мне

Status: Sent

Platform: Mobile

4/20/2019 9:47:24 AM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Я вне Киева

Status: Read

Platform: Mobile

4/20/2019 10:56:18 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Понял набери мне когда у тебя будет возможность

Status: Sent

Platform: Mobile

4/20/2019 10:56:28 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka - Attny General Ukraine

Вечером. Или завтра 12

Status: Read

Platform: Mobile

4/20/2019 1:19:18 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Юра привет набери меня

Status: Sent

Platform: Mobile

4/24/2019 4:20:50 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka - Attny General Ukraine

Чуть позже

Status: Read

Platform: Mobile

4/24/2019 4:36:01 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

4/24/2019 4:36:37 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Пришли статью

Status: Sent

Platform: Mobile

4/24/2019 6:27:13 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka - Attny General Ukraine

<https://www.2000.ua/v-nomere/forum/mir/neglasnyj-kanal-svjazi-kieva-s-trampom-pod-ugrozoi.htm>

Attachments:



Title: Негласный «канал связи» Киева с Трампом под угрозой

Size: 0

Status: Read

Platform: Mobile

4/24/2019 6:30:30 PM(UTC+0)

██████████ @s.whatsapp.net Lp
Добрый день
Status: Sent
Platform: Mobile
4/25/2019 11:53:23 AM(UTC+0)

██████████ @s.whatsapp.net Lp
Юра я заснул ся за своим другом
Status: Sent
Platform: Mobile
4/25/2019 4:23:38 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Aitmy General Ukraine
Освободился
Status: Read
Platform: Mobile
4/25/2019 5:07:06 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Aitmy General Ukraine
Ты где?
Status: Read
Platform: Mobile
4/25/2019 6:07:10 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Aitmy General Ukraine
Окружная, ресторан Сим Сим
Status: Read
Platform: Mobile
4/25/2019 6:41:32 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Aitmy General Ukraine
Едете?
Status: Read
Platform: Mobile
4/25/2019 7:07:00 PM(UTC+0)

██████████ @s.whatsapp.net Lp
Да по дороге минут 20
Status: Sent
Platform: Mobile
4/25/2019 7:07:41 PM(UTC+0)

██████████ @s.whatsapp.net Lp
Подъезжаю 2 минуты
Status: Sent
Platform: Mobile
4/25/2019 7:32:24 PM(UTC+0)

@s.whatsapp.net Lp

<https://thehill.com/opinion/white-house/440730-how-the-obama-white-house-engaged-ukraine-to-give-russia-collusion>

Attachments:



Title: How the Obama White House engaged Ukraine to give Russia collusion
 Size: 4224
 File name: 57eb519f-1b14-45b3-8e57-3acbcc12b56d.thumb
 57eb519f-1b14-45b3-8e57-3acbcc12b56d.thumb

Status: Sent
 Platform: Mobile

4/26/2019 8:23:56 AM(UTC+0)

@s.whatsapp.net Lp

<https://youtu.be/YWGAAZLpTXY>

Attachments:



Title: Hannity: Democrats' crazy train has another passenger
 Size: 0

Status: Sent
 Platform: Mobile

4/26/2019 6:49:17 AM(UTC+0)

@s.whatsapp.net Lp

Clinton-Ukraine collusion allegations 'big' and 'incredible,' will be reviewed, Trump says

<https://www.foxnews.com/politics/trump-barr-will-look-at-incredible-possibility-of-ukraine-clinton-collusion>

Explore the Fox News apps that are right for you at <http://www.foxnews.com/apps-products/index.html>.

Attachments:



Title: Clinton-Ukraine collusion allegations 'big' and 'incredible,' will be reviewed, Trump says
 Size: 4463
 File name: 6821583e-5af3-4527-a0c1-6eebd0c40a4e.thumb
 Path: https://www.foxnews.com/politics/trump-barr-will-look-at-incred-ble-poss-bility-of-ukraine-clinton-collusion
 6821583e-5af3-4527-a0c1-6eebd0c40a4e.thumb

Status: Sent
 Platform: Mobile

4/26/2019 6:48:36 AM(UTC+0)

 @s.whatsapp.net Lp
<https://thehill.com/opinion/white-house/441580-nellie-ohrs-hi-honey-emails-to-doj-about-russia-collusion-should-alarms-us>
 Attachments:

 Title: Nellie Ohr's 'Hi Honey' emails to DOJ about Russia collusion should
 Size: 4135
 File name: 03735e7d-1cdd-4906-b6b3-2c998c66a73.thumb
 03735e7d-1cdd-4906-b6b3-2c998c66a73.thumb
 Status: Sent
 Platform: Mobile
 5/1/2019 8:49:46 PM(UTC+0)

 @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>
 Attachments:

 Title: Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies
 Size: 5801
 File name: c5432ace-4929-4b67-9e73-9c87ade2e2e.thumb
 c5432ace-4929-4b67-9e73-9c87ade2e2e.thumb
 Status: Sent
 Platform: Mobile
 5/2/2019 1:42:20 AM(UTC+0)

 @s.whatsapp.net Ura Lusenka Attorney General Ukraine
 Самое возмутительное, что я им раз 10 объяснял, что дело Бурисмы о маниллондеринг ушло в набу. И что мое дело об неуплате налогов Бурисмой не закрыто, а завершено выплатой рекордной суммы в укр бюджет
 Status: Read
 Platform: Mobile
 5/2/2019 8:45:02 AM(UTC+0)

 @s.whatsapp.net Ura Lusenka Attorney General Ukraine
 Просто уроды
 Status: Read
 Platform: Mobile
 5/2/2019 8:45:18 AM(UTC+0)

 @s.whatsapp.net Lp
 Что ты конешь демократы
 Status: Sent
 Platform: Mobile
 5/2/2019 4:06:51 PM(UTC+0)

 @s.whatsapp.net Lp
 Как глава республиканской партии Украины ты должен лучше всех это
 понять
 Status: Sent
 Platform: Mobile
 5/2/2019 4:07:26 PM(UTC+0)

 @s.whatsapp.net Lp
<https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>
 Attachments:

 Title: Ukrainian embassy confirms DNC contractor solicited Trump dirt in 2016
 Size: 4800
 File name: 4bd7daba-d5c0-4839-b65a-f33576c1f330.thumb
 4bd7daba-d5c0-4839-b65a-f33576c1f330.thumb
 Status: Sent
 Platform: Mobile
 5/2/2019 11:23:39 PM(UTC+0)

 @s.whatsapp.net Lp
<https://youtu.be/NnVe8aNaNSA>
 Attachments:

 Title: SEAN HANNITY 5/2/19 [FULL] - FOX NEWS TODAY MAY 2 2019
 Size: 5900
 File name: 7f56c7dc-554c-4c94-8ed4-c94c500882b8.thumb
 7f56c7dc-554c-4c94-8ed4-c94c500882b8.thumb
 Status: Sent
 Platform: Mobile
 5/2/2019 2:28:43 AM(UTC+0)

 @s.whatsapp.net Ura Lusenska Attorney General Ukraine
 Attachments:

 Size: 204541
 File name: 71ea4645-f783-4d9c-b9e4-147a512b13f2.jpg
 Path: https://img.sna.whatsapp.net/d/1Ahyz8xfvihyLoqJcGgI3Meu97G1QJ6sC8wnVKDxtu6g0.enc
 71ea4645-f783-4d9c-b9e4-147a512b13f2.jpg
 Status: Read
 Platform: Mobile
 5/4/2019 5:40:12 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Когда он встречался с Байденом
 Status: Sent
 Platform: Mobile

5/4/2019 5:44:01 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine
 Не знаю. Это журналисты пишут
 Status: Read
 Platform: Mobile

5/4/2019 5:44:32 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Понял? постарайся узнать если это было ченне последнего месяца
 Status: Sent
 Platform: Mobile

5/4/2019 5:45:32 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine
 Так проверьте въезд в страну
 Status: Read
 Platform: Mobile

5/4/2019 5:46:04 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 К
 Status: Sent
 Platform: Mobile

5/4/2019 5:48:35 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Если у тебя есть пришли мне копию паспорта
 Status: Sent
 Platform: Mobile

5/4/2019 5:47:00 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine
 Нет, конечно
 Status: Read
 Platform: Mobile

5/4/2019 5:47:15 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp
 Хорошо найдем по-другому
 Status: Sent
 Platform: Mobile

5/4/2019 5:47:38 PM(UTC+0)

██████████@s.whatsapp.net Lp

Ты вернулся или ещё отдыхаешь?

Status: Sent

Platform: Mobile

5/4/2019 5:48:01 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Aitmy General Ukraine

С такой фамилией легче легкого

Status: Read

Platform: Mobile

5/4/2019 5:48:05 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Aitmy General Ukraine

Уже дома

Status: Read

Platform: Mobile

5/4/2019 5:48:11 PM(UTC+0)

██████████@s.whatsapp.net Lp

Тоже ничего сейчас домой завтра тебя наберу много чего есть поговорить

Status: Sent

Platform: Mobile

5/4/2019 5:48:27 PM(UTC+0)

██████████@s.whatsapp.net Lp

Лечу

Status: Sent

Platform: Mobile

5/4/2019 5:48:39 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Aitmy General Ukraine

У нас говорят, что от вас будет очень высокий уровень на инаугурацию

Status: Read

Platform: Mobile

5/4/2019 5:49:16 PM(UTC+0)

██████████@s.whatsapp.net Lp

Ты же понимаешь Кто этим занимается

Status: Sent

Platform: Mobile

5/4/2019 5:50:46 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

<https://www.ukr.net/news/details/politika/71222832/>

Attachments:



Title: UKR.NET: Всі новини України, останні новини дня в Україні та Світі
Size: 4135
File name: 341ec2ce-c588-4afe-9489-10de5de12234.thumb
341ec2ce-c588-4afe-9489-10de5de12234.thumb

Status: Read

Platform: Mobile

5/8/2019 4:03:19 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

И пол года не прошло!

Status: Read

Platform: Mobile

5/8/2019 4:03:33 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

И все-таки я же работаю

Status: Sent

Platform: Mobile

5/8/2019 4:08:52 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Я тебе позже наберу Планирую в конце недели приехать я тебе всё расскажу just beginning

Status: Sent

Platform: Mobile

5/8/2019 4:07:45 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Attachments:



Size: 87135
File name: d14588b4-55d1-4c0e-9f38-b1651a21784e.jpg
Path: https://mmg.fna.whatsapp.net/d14588b4-55d1-4c0e-9f38-b1651a21784e.jpg
G3 enc
d14588b4-55d1-4c0e-9f38-b1651a21784e.jpg

Status: Read

Platform: Mobile

5/8/2019 4:13:28 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

5/8/2019 4:20:06 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Хороший подарок к Дню св Юрия

Status: Read

Platform: Mobile

5/6/2019 5:05:34 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

<https://www.washingtonpost.com/opinions/2019/05/07/us-ambassador-ukraine-is-recalled-after-becoming-political-target/>

Attachments:



Title: Opinion | U.S. ambassador to Ukraine is recalled after becoming a political target

Size: 4537

File name: e0a9b8b-6037-4708-ac8b-b47a2ec967e.thumb

e0a9b8b-6037-4708-ac8b-b47a2ec967e.thumb

Status: Sent

Platform: Mobile

5/8/2019 12:45:12 AM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

<https://www.ukr.net/homeDetails/politika/71272760/>

Attachments:



Title: UKR.NET: Всі новини України, останні новини дня в Україні та Світі

Size: 4135

File name: 63621af7-463a-4935-be4e-cb3ad3612da8.thumb

63621af7-463a-4935-be4e-cb3ad3612da8.thumb

Status: Read

Platform: Mobile

5/8/2019 4:42:20 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

<https://www.cnn.com/2019/05/09/politics/giuliani-goes-on-offense-biden-ukraine/index.html>

Attachments:



Title: Giuliani previews potential 2020 attack dog role with Biden-Ukraine story

Size: 0

Status: Sent

Platform: Mobile

5/9/2019 5:35:21 PM(UTC+0)

 @s.whatsapp.net Lp
<https://www.newsweek.com/rudy-giuliani-trump-ukraine-ambassador-1420074>
 Attachments:

 Title: How Rudy Giuliani's unfounded claims of an anti-Trump conspiracy in Ukraine may have ousted an ambassador
 Size: 1
 Status: Sent
 Platform: Mobile
 5/8/2019 9:34:08 PM(UTC+0)

 @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html>
 Attachments:

 Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump
 Size: 5140
 File name: 247f05aac-7169-44d4-a305-6a2b875a30b4.thumb
 247f05aac-7169-44d4-a305-6a2b875a30b4.thumb
 Status: Sent
 Platform: Mobile
 5/10/2019 5:35:21 AM(UTC+0)

 @s.whatsapp.net Lp
 Куда нам ехать?
 Status: Sent
 Platform: Mobile
 5/11/2019 9:22:55 AM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmy General Ukraine
 Я в готель заведу. Или хочешь что то другое?
 Status: Read
 Platform: Mobile
 5/11/2019 9:25:51 AM(UTC+0)

 @s.whatsapp.net Lp
 Приезжай сюда как удобно
 Status: Sent
 Platform: Mobile
 5/11/2019 9:28:32 AM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmy General Ukraine
 Ок
 Status: Read
 Platform: Mobile
 5/11/2019 9:28:55 AM(UTC+0)

[REDACTED] @s whatsapp net Ura Lusenka Attny General Ukraine

5 МИН

Status: Read

Platform: Mobile

5/11/2019 9:36:49 AM(UTC+0)

[REDACTED] @s whatsapp net Lp

K

Status: Sent

Platform: Mobile

5/11/2019 9:36:27 AM(UTC+0)

[REDACTED] @s whatsapp net Lp

I concluded that the President elect is being advised by people who were very vocal opponents of President Trump and peculiarly vocal supporters of Hillary Clinton, in particular Sergii Leschenko. He has already been found to have acted improperly with regard to our 2016 election. Under these circumstances the meeting would have accomplished little and may be in the hands of those who might misrepresent it. My purpose was to share information to assist their on-going investigation of Ukrainian officials being used by Americans to gather information to assist Clinton in last election. It was also to alert them to the very real dangers that there are people involved in the investigation as targets who are attempting to shut it down before it reaches a conclusion. This investigation has the potential to reveal some of the people who originated and/or propagated the false claim of collusion which has been found to be false now by 2.not 1. FBI investigations. This false charge didn't emerge from thin air. If it didn't originate in Ukraine, there is evidence it was pursued there and pursued using illicit means.

Status: Sent

Platform: Mobile

5/11/2019 12:24:09 PM(UTC+0)

[REDACTED] @s whatsapp net Lp

Это официальный пресс-релиз выпустил Rudy только что

Status: Sent

Platform: Mobile

5/11/2019 12:24:42 PM(UTC+0)

[REDACTED] @s whatsapp net Lp

Прочитай человеку с кем ты сейчас встречаешься

Status: Sent

Platform: Mobile

5/11/2019 12:28:27 PM(UTC+0)

[REDACTED] @s whatsapp net Lp

Ты уже освободился

Status: Sent

Platform: Mobile

5/11/2019 2:34:42 PM(UTC+0)

[REDACTED] @s whatsapp net Ura Lusenka Attny General Ukraine

Да

Status: Read

Platform: Mobile

5/11/2019 2:34:49 PM(UTC+0)

 @s.whatsapp.net Lp
 Давай увидимся
 Status: Sent
 Platform: Mobile
 5/11/2019 2:34:58 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmy General Ukraine
 Еду на работу
 Status: Read
 Platform: Mobile
 5/11/2019 2:35:12 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmy General Ukraine
 Приезжайте
 Status: Read
 Platform: Mobile
 5/11/2019 2:35:19 PM(UTC+0)

 @s.whatsapp.net Lp
 Хотя ктобы привхали туда
 Status: Sent
 Platform: Mobile
 5/11/2019 2:35:25 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmy General Ukraine
 Attachments:

 Size: 5650377
 File name: a1735f7c-cb1b-4426-a929-f9383880fede.mp4
 Path: https://msg.sna.whatsapp.net/d/f/AIKCy8DwLRluVwda_KLQWQMDacUer3UyJD/PqLgyBkks.enc
 a1735f7c-cb1b-4426-a929-f9383880fede.mp4
 Status: Read
 Platform: Mobile
 5/11/2019 6:55:03 PM(UTC+0)

 @s.whatsapp.net Lp
 Status: Sent
 Platform: Mobile
 5/11/2019 6:55:48 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Attachments:



Size: 135090
 File name: 948199cf-e10e-444d-a1b4-2acbd586537f.jpg
 Path: https://mmg.fna.whatsapp.net/d/f/Ak5Dy_CjsYzTgDBbSNhHz4cIT3S4svOqyfedYoJTak8_etc/948199cf-e10e-444d-a1b4-2acbd586537f.jpg

Status: Read
 Platform: Mobile

5/11/2019 7:35:57 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

2016 год

Status: Read
 Platform: Mobile

5/11/2019 7:36:03 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Attachments:



Size: 82361
 File name: c7b3a3ca-4f6f-42f0-8e06-10379420574a.jpg
 Path: https://mmg.fna.whatsapp.net/d/f/Agwkkf2oS3ArhLoELHD_7_ksf1l82UCE3rwaNCvc7f1.etc/c7b3a3ca-4f6f-42f0-8e06-10379420574a.jpg

Status: Read
 Platform: Mobile

5/11/2019 7:36:35 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

2019

Status: Read
 Platform: Mobile

5/11/2019 7:36:39 PM(UTC+0)

██████████@s.whatsapp.net Lp

Status: Sent
 Platform: Mobile

5/11/2019 7:37:23 PM(UTC+0)

██████████@s.whatsapp.net Lp

Юра набери мне у меня есть что-то тебе важно рассказать

Status: Sent
 Platform: Mobile

5/12/2019 7:40:11 PM(UTC+0)

@s whatsapp net Lp
Юра если ты сегодня будет сильно подню перезвонит давай завтра в час дня у тебя?
Status: Sent
Platform: Mobile
5/12/2019 7:51:22 PM(UTC+0)

@s whatsapp net Ura Lusenka Altmy General Ukraine
Созвонимся. Лучше после 16. У меня куча дел по работе
Status: Read
Platform: Mobile
5/12/2019 9:47:10 PM(UTC+0)

@s whatsapp net Lp
Ok
Status: Sent
Platform: Mobile
5/12/2019 7:34:25 AM(UTC+0)

@s whatsapp net Lp
<https://twitter.com/jackposobiec/status/1127665671100350465?s=12>
Attachments:

Title: Jack Posobiec on Twitter
Size: 5371
File name: 86118db3-e903-4e5f-a883-c9b5e5f105.thumb
86118db3-e903-4e5f-a883-c9b5e5f105.thumb
Status: Sent
Platform: Mobile
5/13/2019 9:34:25 AM(UTC+0)

@s whatsapp net Ura Lusenka Altmy General Ukraine
Так он против расследования?
Status: Read
Platform: Mobile
5/13/2019 9:54:58 AM(UTC+0)

@s whatsapp net Lp
<https://www.breitbart.com/clips/2019/05/12/rand-paul-americans-will-be-shocked-to-know-what-bidens-son-was-up-to/>
Attachments:

Title: Rand Paul: Americans Will Be 'Shocked' to Know What Biden's Son Was Up To | Breitbart
Size: 1
Status: Sent
Platform: Mobile
5/13/2019 4:08:03 PM(UTC+0)

 @s whatsapp net Lp
<https://twitter.com/Victoensing/status/1126817757733978113?s=12>
 Attachments:


 Title: Victoria Toensing on Twitter
 Size: 5234
 File name: 57843ff-ccde-4731-ba70-6a1e6348d838.thumb
 57843ff-ccde-4731-ba70-6a1e6348d838.thumb
 Status: Sent
 Platform: Mobile

5/13/2019 7:36:34 PM(UTC+0)

 @s whatsapp net Lp
https://lb.ua/society/2019/05/13/426711_advokatu_trampa_prisvoyat_zvanie.html
 +1
 Attachments:


 Title: Адвокату Трампа присвоят звание почетного мэра Анатервы - главный раввин Украины
 Size: 4246
 File name: 9eb341f9-2a9a-43c9-bb18-355d9e7a1e8d.thumb
 Path: https://lb.ua/society/2019/05/13/426711_advokatu_trampa_prisvoyat_zvanie.html
 9eb341f9-2a9a-43c9-bb18-355d9e7a1e8d.thumb
 Status: Sent
 Platform: Mobile

5/13/2019 8:13:47 PM(UTC+0)

 @s whatsapp net Lp
<https://www.bloomberg.com/news/articles/2019-05-13/ukraine-prosecutor-made-up-biden-allegation-kiev-lawmaker-says>
 Attachments:


 Title: Ukraine Prosecutor Made Up Biden Claim, Kiev Lawmaker Says
 Size: 0
 Status: Sent
 Platform: Mobile

5/14/2019 8:02:22 AM(UTC+0)

 @s whatsapp net Lp
 Big day today !!!!!
 Status: Sent
 Platform: Mobile

5/14/2019 8:02:40 AM(UTC+0)

 @s.whatsapp.net Lp
 Good luck and kick ass !!!
 Status: Sent
 Platform: Mobile
 5/14/2019 8:02:57 AM(UTC+0)

 @s.whatsapp.net Lp
<https://youtu.be/7Cc62qu7jcU>
 Attachments:

 Title: Скорр Пуценко и Дзукани. Показаны доказательства
 Size: 4332
 File name: fec4eb8c-a64c-44fa-b4bf-28e25e9c7848.thumb
 fec4eb8c-a64c-44fa-b4bf-28e25e9c7848.thumb
 Status: Sent
 Platform: Mobile
 5/14/2019 8:06:16 AM(UTC+0)

 @s.whatsapp.net Lp
<https://youtu.be/KrC6TUQFHQI>
 Attachments:

 Title: John Solomon on Joe Biden's Ukraine Corruption Scandal
 Size: 3988
 File name: b0a44e75-3480-401b-9f7e-52ca4f8e5840.thumb
 b0a44e75-3480-401b-9f7e-52ca4f8e5840.thumb
 Status: Sent
 Platform: Mobile
 5/14/2019 8:22:12 AM(UTC+0)

 @s.whatsapp.net Lp
<https://www.nytimes.com/2019/05/13/us/politics/russia-investigation-justice-department-review.html>
 Attachments:

 Title: Barr Assigns U.S. Attorney in Connecticut to Review Origins of Russia Inquiry
 Size: 3368
 File name: 53b67874-9842-4fe1-bfdb-02822bcd3639.thumb
 53b67874-9842-4fe1-bfdb-02822bcd3639.thumb
 Status: Sent
 Platform: Mobile
 5/14/2019 8:22:37 AM(UTC+0)

 @s.whatsapp.net Lp
 Все по плану сегодня?
 Набери когда освободишься чтобы позже могли встретиться обязательно
 Status: Sent
 Platform: Mobile
 5/14/2019 9:55:23 AM(UTC+0)

[redacted] @s.whatsapp.net Lp
<https://twitter.com/rudygiuliani/status/1126234175000141824?s=12>
Attachments

Title: Rudy Giuliani on Twitter
Size: 0
Status: Sent
Platform: Mobile
5/14/2019 11:15:54 AM(UTC+0)

[redacted] @s.whatsapp.net Lp
Юра набери меня мне же нужно перезвонить как прошло всё
Status: Sent
Platform: Mobile
5/14/2019 2:00:19 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
SUPER !!! Обязательно позвони когда освободишься
Status: Sent
Platform: Mobile
5/14/2019 2:32:59 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
Когда успокоишься наберешь меня Я жду твой звонок
Status: Sent
Platform: Mobile
5/14/2019 6:08:04 PM(UTC+0)

[redacted] @s.whatsapp.net Ura Lusanka - Atmy General Ukraine
Я спокойный как хуй после акта
Status: Read
Platform: Mobile
5/14/2019 6:12:57 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
5/14/2019 6:16:18 PM(UTC+0)

[redacted] @s.whatsapp.net Lp
Call you soon
Status: Sent
Platform: Mobile
5/14/2019 8:24:43 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Я понимаю ты очень занят ну нам с тобой нужно увидеться я за тобой соскучился скучи где любое время я спать не могу

Status: Sent

Platform: Mobile

5/14/2019 8:40:44 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

Deleted by the sender

Attachments:



Title: 3AE6D78EB0E1A72D9A0B
Size: 0

Platform: Mobile

5/14/2019 10:07:19 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

По Бурисме: дело ГПУ по налогам в связи с полной выплатой 180 млн грн закрыто. Дело по незаконной выдаче Злочевским своей фирме лицензий было закрыто, а теперь после скандала возобновлено сап/ набу.

Status: Read

Platform: Mobile

5/14/2019 10:07:55 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Status: Sent

Platform: Mobile

5/14/2019 10:08:50 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

Кроме того, Злоча мы расследуем по отмыванию денег. Дело до Бурисмы

Status: Read

Platform: Mobile

5/14/2019 10:08:56 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atimy General Ukraine

ЭТО МОЖНО ИСПОЛЬЗОВАТЬ КАК МОЙ КОММЕНТ

Status: Read

Platform: Mobile

5/14/2019 10:09:16 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Юра привет дай знать когда подъехать

Status: Sent

Platform: Mobile

5/16/2019 8:46:19 AM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimry General Ukraine
19 у МЕНЯ
Status: Read
Platform: Mobile
5/16/2019 2:51:51 PM(UTC+0)

██████████@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
5/16/2019 2:52:07 PM(UTC+0)

██████████@s.whatsapp.net Lp
News from Ukraine that prosecutor finds no evidence of wrongdoing by Bidens and that Hunter and Burisma are not targets. Reaction?
Status: Sent
Platform: Mobile
5/16/2019 7:49:01 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimry General Ukraine
Нот евиденс только с точки зрения нашего закона.
Status: Read
Platform: Mobile
5/16/2019 7:52:56 PM(UTC+0)

██████████@s.whatsapp.net Lp
911 911 call me
Status: Sent
Platform: Mobile
5/16/2019 8:19:27 PM(UTC+0)

System Message System Message
Missed Voice Call
Platform: Mobile
5/16/2019 8:47:08 PM(UTC+0)

██████████@s.whatsapp.net Lp
Юра скажи куда я тебе подъеду мне нужно тебе срочно увидеть
Status: Sent
Platform: Mobile
5/16/2019 8:48:52 PM(UTC+0)

██████████@s.whatsapp.net Lp
Юра это очень очень очень важно
Status: Sent
Platform: Mobile
5/16/2019 8:52:26 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Я за 30 км от Киева

Status: Read

Platform: Mobile

5/16/2019 8:56:11 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

По тел нельзя?

Status: Read

Platform: Mobile

5/16/2019 8:56:27 PM(UTC+0)

██████████@s.whatsapp.net Lp

Мне выхода нет мне нужно с тобой очень важно поговорить очень важно и Потому что Ridy с тобой очень хочет говорить сегодня у меня сказали это очень важно

Status: Sent

Platform: Mobile

5/16/2019 8:57:55 PM(UTC+0)

██████████@s.whatsapp.net Lp

Поверь мне я не хочу ехать сейчас 30 км

Status: Sent

Platform: Mobile

5/16/2019 8:58:17 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

То есть ехать должен я

Status: Read

Platform: Mobile

5/16/2019 8:58:35 PM(UTC+0)

██████████@s.whatsapp.net Lp

Давай посередине где-то

Status: Sent

Platform: Mobile

5/16/2019 8:58:48 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Ты где?

Status: Read

Platform: Mobile

5/16/2019 8:59:05 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

В отеле

Status: Read

Platform: Mobile

5/16/2019 8:59:12 PM(UTC+0)

@s whatsapp net Lp
ХИЛТОН ГОСТИНИЦА
Status: Sent
Platform: Mobile
5/16/2019 8:59:12 PM(UTC+0)

@s whatsapp net Ura Lusenka Attny General Ukraine
Еду с женой.
Вам пилаец
Status: Read
Platform: Mobile
5/16/2019 9:00:26 PM(UTC+0)

@s whatsapp net Lp
Окей ждуть тебя в гостинице
Status: Sent
Platform: Mobile
5/16/2019 9:00:50 PM(UTC+0)

@s whatsapp net Lp
Жду тебя здесь
Status: Sent
Platform: Mobile
5/16/2019 9:01:48 PM(UTC+0)

@s whatsapp net Lp
Дай знать если хочешь я могу ехать тебе как удобнее лучше бы я поехал чем ты сейчас будешь женой точно смотри как удобнее
Status: Sent
Platform: Mobile
5/16/2019 9:02:09 PM(UTC+0)

@s whatsapp net Ura Lusenka Attny General Ukraine
Спускайтесь
Status: Read
Platform: Mobile
5/16/2019 9:22:34 PM(UTC+0)

@s whatsapp net Lp
<https://twitter.com/solomonreports/status/1129184208902119424?s=12>
Attachments:

Title: John Solomon on Twitter
Size: 3035
File name: 7054be42-1ea3-4861-bb40-a272d779c19.thumb
7054be42-1ea3-4861-bb40-a272d779c19.thumb
Status: Sent
Platform: Mobile
5/17/2019 1:08:04 AM(UTC+0)

[REDACTED]@s whatsapp.net Lp

Attachments:



Size: 51725814
 File name: 51e03e9c-aa7c-4bd3-a9a1-a1d0abe3a119.mp4
 Path: https://mmg-fva.whatsapp.net/d/AqTCA1Zc-xZYH0XLWbbyc3VU09wYD8mHzQLU96S10 enc
 51e03e9c-aa7c-4bd3-a9a1-a1d0abe3a119.mp4

Status: Sent
 Platform: Mobile

5/17/2019 1:42:08 AM(UTC+0)

[REDACTED]@s whatsapp.net Lp

<https://www.nytimes.com/2019/05/16/world/europe/ukraine-zelensky-kolomoisky.html>

Attachments:



Title: Oligarch's Return Raises Alarm in Ukraine
 Size: 0
 1/1 (2.7 KB)

Status: Sent
 Platform: Mobile

5/17/2019 10:03:31 AM(UTC+0)

[REDACTED]@s whatsapp.net Lp

Юра привет в какое время увидимся

Status: Sent
 Platform: Mobile

5/17/2019 3:09:58 PM(UTC+0)

[REDACTED]@s whatsapp.net Lp

<https://www.youtube.com/watch?v=6BfmOHmpHvk>

Attachments:



Title: Коломойский повернулся: «Я выраде найближч о ть рока прожити в Україні» | СХЕМА

Status: Sent
 Platform: Mobile

5/17/2019 8:25:01 PM(UTC+0)

[REDACTED]@s whatsapp.net Lp

Юра набери меня

Status: Sent
 Platform: Mobile

5/17/2019 9:26:27 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Ни хуя. Я не хочу в 2 ночи работать на Америку

Status: Read

Platform: Mobile

5/17/2019 6:31:07 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

ПОНЯТ

Status: Sent

Platform: Mobile

5/17/2019 6:32:27 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Виски это круто

Status: Read

Platform: Mobile

5/17/2019 7:55:23 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

С привкусом торфа и дыма !!!! Уже другое вряд ли будем пить - Или японское !!!!

Status: Sent

Platform: Mobile

5/17/2019 7:57:44 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Звони после 350

Status: Read

Platform: Mobile

5/17/2019 7:58:19 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

На такой объём нужна сильная компания !!!!

Status: Sent

Platform: Mobile

5/17/2019 7:59:41 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Та фигня

Status: Read

Platform: Mobile

5/17/2019 8:00:03 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Вот 700 это штанга

Status: Read

Platform: Mobile

5/17/2019 8:00:25 PM(UTC+0)

██████████@s.whatsapp.net Lp

это смертельная Доза

Status: Sent

Platform: Mobile

5/17/2019 8:00:59 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Первый раз да

Status: Read

Platform: Mobile

5/17/2019 8:01:14 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Потом привыкаешь

Status: Read

Platform: Mobile

5/17/2019 8:01:22 PM(UTC+0)

██████████@s.whatsapp.net Lp

Это Профессионалы могут!!!!!!

Status: Sent

Platform: Mobile

5/17/2019 9:01:59 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Пишут, что Госдеп присылает нам Тейлора в качестве врем поверенного

Status: Read

Platform: Mobile

5/18/2019 7:23:39 AM(UTC+0)

██████████@s.whatsapp.net Lp

Юра набери меня

Status: Sent

Platform: Mobile

5/18/2019 11:11:45 AM(UTC+0)

██████████@s.whatsapp.net Lp

<https://strana.ua/articles/201769-kak-razhoretsja-konflikt-mezhdu-kolomojskim-i-biznesmenami-iz-okruzenija-dzhulfani.html>

Attachments:



Title: "Заблещен Коломойского": это принцип угрозы? Леги Дугиными подает заявление на олигарка в правоохранительные органы Украины и США

Size: 5924

File name: 3fcd376-0106-4e07-ade6-dee8ccab4b44.thumb

3fcd376-0106-4e07-ade6-dee8ccab4b44.thumb

Status: Sent

Platform: Mobile

5/18/2019 13:41:49 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
https://twitter.com/rudygiuliani/status/1129766189707984898?s=12
Status: Sent
Platform: Mobile
5/18/2019 2:33:48 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
https://twitter.com/rudygiuliani/status/1129761193755910144?s=12
Status: Sent
Platform: Mobile
5/18/2019 2:55:11 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
https://twitter.com/rudygiuliani/status/1129761193755910144?s=12
Attachments:

Title: Rudy Giuliani on Twitter
Size: 322K
File name: 804f309d-9d47-449c-9706-7f2cac3f8b37_thumb
804f309d-9d47-449c-9706-7f2cac3f8b37_thumb
Status: Sent
Platform: Mobile
5/18/2019 2:55:31 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
https://twitter.com/rudygiuliani/status/1129761369660841984?s=12
Status: Sent
Platform: Mobile
5/18/2019 2:56:21 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Юра набери мне пожалуйста меня Нужно с тобой По говорить
Status: Sent
Platform: Mobile
5/18/2019 6:27:39 PM(UTC+0)

System Message System Message
Missed Voice Call
Platform: Mobile
5/19/2019 8:14:45 AM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Видел сашу спасибо большое большой привет от Игоря огромное
спасибо
Status: Sent
Platform: Mobile
5/19/2019 12:19:50 PM(UTC+0)

@s.whatsapp.net Ura Lusenska Atmy General Ukraine

Всего доброго
Приезжайте с большим бронированным десантом

Status: Read
Platform: Mobile

5/19/2019 2:15:30 PM(UTC+0)

@s.whatsapp.net Lp

Status: Sent
Platform: Mobile

5/19/2019 2:16:58 PM(UTC+0)

@s.whatsapp.net Lp

See you soon my brother

Status: Sent
Platform: Mobile

5/19/2019 2:17:08 PM(UTC+0)

@s.whatsapp.net Ura Lusenska Atmy General Ukraine

Attachments:



Size: 71477
File name: 9176b10-683f-4e09-a127-34e0a3d5ea8.jpg
Path: https://mmg.fba.whatsapp.net/d/f/AtwIP9C9kMvAKKLNzPHxe-0BjDoeAKWf3m6VyaJm;enc=9176b10-683f-4e09-a127-34e0a3d5ea8.jpg

Status: Read
Platform: Mobile

5/19/2019 2:17:30 PM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Title: Good morning my brother! How are you?
Size: 34702
File name: 4c64fab-b5ce-4f49-bbbe-062c54238e90.jpg
Path: https://mmg.fba.whatsapp.net/d/f/AMXAhT5-nZ9pMMeU-XOCyX1Cmk4O10WSlUwKLE7ZL;enc=4c64fab-b5ce-4f49-bbbe-062c54238e90.jpg

Status: Sent
Platform: Mobile

5/21/2019 7:33:42 AM(UTC+0)

@s.whatsapp.net Ura Lusenska Atmy General Ukraine

Привет

Status: Read
Platform: Mobile

5/21/2019 7:43:47 AM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Настроение говно

Status: Read

Platform: Mobile

5/21/2019 7:43:55 AM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Страна у края пропасти

Status: Read

Platform: Mobile

5/21/2019 7:44:06 AM(UTC+0)

██████████@s.whatsapp.net Lp

Держись я скоро буду

Status: Sent

Platform: Mobile

5/21/2019 7:52:06 AM(UTC+0)

██████████@s.whatsapp.net Lp

Набери мне только прилетел

Status: Sent

Platform: Mobile

5/23/2019 8:16:30 PM(UTC+0)

██████████@s.whatsapp.net Lp

Hello my brother call me

Status: Sent

Platform: Mobile

5/23/2019 8:18:29 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Attny General Ukraine

Ду ю ин Хилтон?

Status: Read

Platform: Mobile

5/23/2019 8:18:54 PM(UTC+0)

██████████@s.whatsapp.net Lp

Yes

Status: Sent

Platform: Mobile

5/23/2019 8:19:09 PM(UTC+0)

██████████@s.whatsapp.net Lp

I miss you my brother I want to see you

Status: Sent

Platform: Mobile

5/23/2019 8:19:29 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atirny General Ukraine
10 МИН
Status: Read
Platform: Mobile
5/23/2019 8:19:39 PM(UTC+0)

██████████ @s.whatsapp.net Lp
Status: Sent
Platform: Mobile
5/23/2019 8:19:42 PM(UTC+0)

██████████ @s.whatsapp.net Lp
How are you my brother
Status: Sent
Platform: Mobile
5/24/2019 9:07:41 AM(UTC+0)

System Message System Message
Missed Voice Call
Platform: Mobile
5/25/2019 11:07:17 AM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atirny General Ukraine
Вы что, вот так все бросили и без «на коня» уехали???

██████████ @s.whatsapp.net Lp
Так последний раз дали , что решили «чуть помедленнее кони , чуть помедленнее» «!!!!!!

██████████ @s.whatsapp.net Ura Lusenka Atirny General Ukraine
Та это норм
Status: Read
Platform: Mobile
5/25/2019 1:02:31 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atirny General Ukraine
Все на ногах
Status: Read
Platform: Mobile
5/25/2019 1:02:41 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Там клиент беспокоится. Дает интервью об мисандстендинг

Status: Read

Platform: Mobile

5/25/2019 1:03:15 PM(UTC+0)

██████████@s.whatsapp.net Lp

Только признался набери меня

Status: Sent

Platform: Mobile

5/25/2019 7:01:47 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Attachments:



Size: 23458618

File name: f0399336-5594-494b-9d01-d64033e71d91.mp4

Path: https://mmg-fva.whatsapp.net/d/AtclLLdND0K-c3eckRmlLxZ-AzMLdPX1nS9RardwN/enc-f0399336-5594-494b-9d01-d64033e71d91.mp4

Status: Read

Platform: Mobile

5/27/2019 12:27:20 PM(UTC+0)

██████████@s.whatsapp.net Lp

Это не похоже на извинения и на мисс андерстэнд

Status: Sent

Platform: Mobile

5/27/2019 1:36:29 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Это Сытник в день выборов

Status: Read

Platform: Mobile

5/27/2019 1:36:51 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atmy General Ukraine

А тот еще не опубликовался

Status: Read

Platform: Mobile

5/27/2019 1:37:17 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
<https://www.pravda.com.ua/rus/articles/2019/05/27/7215183/>
Attachments:

Title: Колонієсиай: Азіметов в 2016-ом сказав мне, что Залеский будет дрэ-модерном
Size: 0
Status: Sent
Platform: Mobile
5/27/2019 10:22:38 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Ты видела интервью с 53 минуты
Status: Sent
Platform: Mobile
5/27/2019 10:22:52 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
50
Status: Sent
Platform: Mobile
5/27/2019 10:23:01 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Что это ?
Status: Sent
Platform: Mobile
5/27/2019 10:35:19 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenko - Altmy General Ukraine
Это было до ваших договоренностей.
Но все равно ппц
Status: Read
Platform: Mobile
5/27/2019 10:37:04 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp
Посмотрим как он завтра выпустит видео
Status: Sent
Platform: Mobile
5/27/2019 10:40:09 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Attachments:



Size: 47700
 File name: 2a6de6df-c5ba-422b-9deb-50e4cb6c197e.jpg
 Path: https://img-fra.whatsapp.net/d/t/Aq1w614NAgLXcDe-5co1E5AwYwZHXzFp0b3Bap0du36Uere-2a6de6df-c5ba-422b-9deb-50e4cb6c197e.jpg

Status: Read
 Platform: Mobile

5/27/2019 10:40:36 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Status: Sent
 Platform: Mobile

5/27/2019 10:40:48 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Я за тебя переживаю перезвони меня

Status: Sent
 Platform: Mobile

6/1/2019 7:05:06 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Плохая связь я тебе через минут 15:20 наберу

Status: Sent
 Platform: Mobile

6/1/2019 8:24:18 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Когда вы ждете За у вас?
 Я к этому времени хочу сдвинуться вперед

Status: Read
 Platform: Mobile

6/1/2019 8:48:57 PM(UTC+0)

██████████ @s.whatsapp.net Lp

10 min

Status: Sent
 Platform: Mobile

6/1/2019 8:49:14 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Привет

Status: Read
 Platform: Mobile

6/4/2019 1:56:25 PM(UTC+0)

[REDACTED] @s whatsapp net Ura Lusenka Atmy General Ukraine

Attachments:



Size: 100365

File name: dc27054e-dd07-4c05-9e8e-fe193a707582.jpg

Path: https://mmg.

fn-a.whatsapp.net/d/AAICA4VZcINEwRHEe4UUOOY-

4Fe_V40aSuq4t_M6Td.enc

dc27054e-dd07-4c05-9e8e-fe193a707582.jpg

Status: Read

Platform: Mobile

6/4/2019 1:56:31 PM(UTC+0)

[REDACTED] @s whatsapp net Ura Lusenka Atmy General Ukraine

Attachments:



Size: 128252

File name: 1b0a3e22-72cd-43ff-8671-aa0355390cbb.jpg

Path: https://mmg-fna.whatsapp.net/d/AA2TCX8c73DUTC-

JWKB: sju-hnY3J_ILVEYVIEwu5.enc

1b0a3e22-72cd-43ff-8671-aa0355390cbb.jpg

Status: Read

Platform: Mobile

6/4/2019 1:56:35 PM(UTC+0)

[REDACTED] @s whatsapp net Ura Lusenka Atmy General Ukraine

Фейсбук нового пресс секретаря Зеленского

Status: Read

Platform: Mobile

6/4/2019 1:57:13 PM(UTC+0)

[REDACTED] @s whatsapp net Lp

Very nice

Status: Sent

Platform: Mobile

6/4/2019 4:28:30 PM(UTC+0)

[REDACTED] @s whatsapp net Ura Lusenka Atmy General Ukraine

Слово friend перевела как подружка

Status: Read

Platform: Mobile

6/4/2019 4:33:25 PM(UTC+0)

[REDACTED] @s whatsapp net Ura Lusenka Atmy General Ukraine

Кушнер сего встречается с Зе?

Status: Read

Platform: Mobile

6/4/2019 6:11:47 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

А как называется марка автомобиля, в котором мы ездили в Вашингтоне?

Status: Read
Platform: Mobile

6/9/2019 7:12:52 PM(UTC+0)

@s.whatsapp.net Lp

Cadillac Escalade suv

Status: Sent
Platform: Mobile

6/9/2019 7:20:21 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Спис

Status: Read
Platform: Mobile

6/9/2019 7:29:31 PM(UTC+0)

@s.whatsapp.net Lp

Юра мы только прилетели Вашингтон я тебе скоро наберу

Status: Sent
Platform: Mobile

6/12/2019 7:49:11 PM(UTC+0)

@s.whatsapp.net Lp

Позовни

Status: Sent
Platform: Mobile

6/15/2019 5:42:26 PM(UTC+0)

@s.whatsapp.net Lp

<https://thehill.com/opinion/white-house/449206-fbi-warned-early-and-often-that-manafort-file-might-be-fake-used-it-anyway>

Attachments:



Title: FBI warned early and often that Manafort file might be fake, used it
Size: 604B
File name: 1412x119-1e5b-437d-a719-a9151a38c=48_thumb
812ca11c-1e6b-437a-a71c-a9151a38c=48_liknB

Status: Sent
Platform: Mobile

6/15/2019 2:56:10 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Лечу в Киев из Амстердама

Status: Read
Platform: Mobile

6/19/2019 2:58:50 PM(UTC+0)

@s whatsapp net Ura Lusenka Atmy General Ukraine
Вы когда к нам?
Status: Read
Platform: Mobile
6/19/2019 2:59:00 PM(UTC+0)

@s whatsapp net Lp
Сорок после 25 буду там
Status: Sent
Platform: Mobile
6/19/2019 3:00:34 PM(UTC+0)

@s whatsapp net Lp
<https://abcnews.go.com/Politics/biden-sidesteps-questions-sons-foreign-business-dealings-promises/story?id=63820806>
Attachments:

Title: Biden sidesteps questions about his son's foreign business dealings
Size: 5208
File name: e0b041e9-42ce-4b8f-ba93-489fa0214ac0.thumb
e0b041e9-42ce-4b8f-ba93-489fa0214ac0.thumb
Status: Sent
Platform: Mobile
6/20/2019 11:48:19 AM(UTC+0)

@s whatsapp net Ura Lusenka Atmy General Ukraine
ФАННИ
Status: Read
Platform: Mobile
6/20/2019 11:49:57 AM(UTC+0)

@s whatsapp net Lp
<https://twitter.com/rudygiuliani/status/1142085976230898176?s=12>
Attachments:

Title: Rudy Giuliani on Twitter
Size: 3221
File name: 9a8a0a35-5c7b-463a-b644-71d06e44524c.thumb
9a8a0a35-5c7b-463a-b644-71d06e44524c.thumb
Status: Sent
Platform: Mobile
6/21/2019 3:25:38 PM(UTC+0)

@s whatsapp net Ura Lusenka Atmy General Ukraine
Думаю, что пора нам с Мейером поговорить. У меня есть 2-2,5 месяца. И у меня есть план.
Status: Read
Platform: Mobile
6/21/2019 3:48:38 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Status: Sent
Platform: Mobile

6/21/2019 3:53:32 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Серьезно. Нужно проговорить.

Status: Read
Platform: Mobile

6/21/2019 3:54:13 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Call you shortly
Status: Sent
Platform: Mobile

6/21/2019 4:01:53 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Call me my brother

Status: Sent
Platform: Mobile

6/22/2019 12:24:50 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

6/22/2019 12:33:12 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

6/22/2019 12:33:41 PM(UTC+0)

██████████ @s.whatsapp.net Lp

Bad connection call you in 15 min

Status: Sent
Platform: Mobile

6/22/2019 12:39:08 PM(UTC+0)

██████████ @s.whatsapp.net Ura Lusenka Atmy General Ukraine

Через час давай

Status: Read
Platform: Mobile

6/22/2019 12:39:49 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
6/22/2019 12:42:05 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Attachments:

Size: 105390
File name: d0cb3ea3-d276-4e54-b338-2c3a94551aee.jpg
Path: https://mmg.
fna.whatsapp.net/d/AsMaOEJmOpJkJEDQF9h9u2agMO3a.ErJ-
HMTPnOQ enc:
d0cb3ea3-d276-4e54-b338-2c3a94551aee.jpg
Status: Sent
Platform: Mobile
6/26/2019 2:47:12 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Attachments:

Size: 98509
File name: 884d7f64-2137-4106-9516-b3a7f6a5cd85.jpg
Path: https://mmg.
fna.whatsapp.net/d/ArmCbOfIaA5xvdpq7DArNZrOg9BzIhwBz-
4CAXByv0l enc:
884d7f64-2137-4106-9516-b3a7f6a5cd85.jpg
Status: Sent
Platform: Mobile
6/26/2019 2:48:03 PM(UTC+0)

[redacted]@s.whatsapp.net Lp
Игорь спрашивает какой лучше ему вылить ?
Status: Sent
Platform: Mobile
6/26/2019 2:48:32 PM(UTC+0)

[redacted]@s.whatsapp.net Ura Lusenka Atmy General Ukraine
ЗІБИКИ
Status: Read
Platform: Mobile
6/29/2019 3:02:39 PM(UTC+0)

[redacted]@s.whatsapp.net Ura Lusenka Atmy General Ukraine
ХІБИКИ
Status: Read
Platform: Mobile
6/29/2019 3:02:44 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Очень классный. В тройке мира

Status: Read

Platform: Mobile

6/26/2019 3:03:09 PM(UTC+0)

@s.whatsapp.net Lp

Приезжай к нам

Status: Sent

Platform: Mobile

6/26/2019 3:03:29 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

Attachments



Size: 131739

File name: 5eb7374c-1dd8-4283-abb0-0391d511a946.jpg

Path: https://img-faa.whatsapp.net/d/FAA/1QDix9e9L0tqqn-

DQC0FMIshF0wDwWp_584SFU68.png

5eb7374c-1dd8-4283-abb0-0391d511a946.jpg

Status: Read

Platform: Mobile

6/26/2019 3:05:33 PM(UTC+0)

@s.whatsapp.net Lp

Понял

Status: Sent

Platform: Mobile

6/26/2019 3:06:36 PM(UTC+0)

@s.whatsapp.net Lp

Набери меня если интересно тебе сказать

Status: Sent

Platform: Mobile

7/2/2019 12:49:09 PM(UTC+0)

@s.whatsapp.net Lp

Please send questions

Status: Sent

Platform: Mobile

7/2/2019 3:42:35 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Atmy General Ukraine

1. Кто дал право вам, как госслужащему, на разглашение материалов следствия по черной кассе партии регионов?

Status: Read

Platform: Mobile

7/2/2019 6:50:14 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

2. Вы сказали, что черная касса доказывает коррупцию Манафорта. Но вы знали, что подпись напротив его фамилии не Манафорта. Это подпись депутата Геллера, друга Коломойского и Богдана, с которым вы работали в компании Зеленского

Status: Read
Platform: Mobile

7/2/2019 6:52:27 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

3. Когда ваши обвинения опубликовали амер сми, вы заявили, что этим заблели гвоздь в крышку гроба Трампа. То есть, ваша активность была связана не с укр коррупцией, а с америк выборами?

Status: Read
Platform: Mobile

7/2/2019 6:54:05 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Status: Sent
Platform: Mobile

7/2/2019 6:54:53 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Вот классное у нас взаимодействие.
Новый посол даже встречаться со мной боится. Не говоря о нашем Генатторнее.
Зато новый глава СБУ оеко провел встречи в цру и в госдепе

Status: Read
Platform: Mobile

7/2/2019 8:36:09 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Call me important my brother

Status: Sent
Platform: Mobile

7/10/2019 8:21:01 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Everything ok my brother call me

Status: Sent
Platform: Mobile

7/24/2019 7:47:37 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

I'm worried about you

Status: Sent
Platform: Mobile

7/24/2019 7:47:47 PM(UTC+0)

 @s.whatsapp.net Lp
Attachments:

 Size: 70792
 File name: 57ba4cef-ab13-4d1b-bba3-ee4387cb8a7e.jpg
 Path: https://mmg-fna.whatsapp.net/d/AnQF-1BPq5zhSKEleID6QzgUJT1Pk6WEmRnuz-AWgcf.enc
 57ba4cef-ab13-4d1b-bba3-ee4387cb8a7e.jpg
 Status: Sent
 Platform: Mobile
 7/25/2019 8:15:43 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmry General Ukraine
Not bad
 Status: Read
 Platform: Mobile
 7/25/2019 8:46:49 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmry General Ukraine
Attachments:

 Size: 18408560
 File name: fa2d0882-1d95-425c-b81c-14590b1650f.mp4
 Path: https://mmg-fna.whatsapp.net/d/AvSq3SoOgrF89-1ZuH4eqUakhAOyqE3VUA41-qxXizM4.enc
 fa2d0882-1d95-425c-b81c-14590b1650f.mp4
 Status: Read
 Platform: Mobile
 8/9/2019 4:34:33 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmry General Ukraine
Attachments:

 Size: 106676
 File name: 1b21d649-c569-4422-bef8-5f28fc042628.jpg
 Path: https://mmg-fna.whatsapp.net/d/1AMhZ9M_TOPpNodzCTw-ZAfaV93f-vBkyC3WYXiegl.jpg.enc
 1b21d649-c569-4422-bef8-5f28fc042628.jpg
 Status: Read
 Platform: Mobile
 8/9/2019 4:35:13 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Atmry General Ukraine
Хідем Меієра
 Status: Read
 Platform: Mobile
 8/9/2019 4:39:12 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Attny General Ukraine
 Attachments:

 Size: 21404545
 File name: 3b3526a-a122-406c-9685-ab726d327cf.mp4
 Path: https://mmg-fna.whatsapp.net/d/f/ArJbos_7CwRM_N2h-ywFPQchEyrJ6X0lvjoiZBei_enc-3b3526a-a122-406c-9685-ab726d327cf.mp4
 Status: Read
 Platform: Mobile
 8/9/2019 5:37:42 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Attny General Ukraine
 Attachments:

 Size: 17610458
 File name: abf5dee-63f9-47f7-96b1-c3f6dd8a1eec.mp4
 Path: https://mmg-fna.whatsapp.net/d/f/An47rxB4kK3Ewtwa4xEsbyXMm9rItMU-ZMFxMQouyLJ_enc-abf5dee-63f9-47f7-96b1-c3f6dd8a1eec.mp4
 Status: Read
 Platform: Mobile
 8/9/2019 6:38:17 PM(UTC+0)

 @s.whatsapp.net Lp
<https://www.facebook.com/watch/?v=1274762779343373>
 Attachments:

 Title: Дівчанка Трамп оголоши (предельно фантастично) – "Залюбки"
 Duration: 03:04секунд 2
 Size: 9480
 File name: 9bcb8f6-c0aa-4f05-963e-d1aecd7f051.thumb-9bcb8f6-c0aa-4f05-963e-d1aecd7f051.thumb
 Status: Sent
 Platform: Mobile
 8/16/2019 1:37:30 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Attny General Ukraine
 Бомба
 Status: Read
 Platform: Mobile
 8/16/2019 4:11:40 PM(UTC+0)

 @s.whatsapp.net Ura Lusenka Attny General Ukraine
 +372 8255  Богдан А.
 Status: Read
 Platform: Mobile
 8/28/2019 7:09:36 PM(UTC+0)

@s.whatsapp.net Lp
??
Status: Sent
Platform: Mobile
8/28/2019 7:12:36 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine
Attachments:

Size: 453144
File name: f69a3600-386d-466b-be58-726d85b2b37.jpg
Path: https://mmg-fba.whatsapp.net/d/f/AsuDONWK6_YwYU30ctsyAEeYgiddAkRCvhaurYNNYDj.enc
f69a3600-386d-466b-be58-726d85b2b37.jpg
Status: Read
Platform: Mobile
8/29/2019 5:30:31 AM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine
Attachments:

Size: 189937
File name: f4304fad-9769-442b-b59d-f5c280de2f52.jpg
Path: https://mmg-fba.whatsapp.net/d/f/AkLMzyD7oNhuJBYer2gy2B2hAMhszMvMsofKqg4UkZim-.enc
f4304fad-9769-442b-b59d-f5c280de2f52.jpg
Status: Read
Platform: Mobile
9/13/2019 2:49:12 PM(UTC+0)

@s.whatsapp.net Lp
Status: Sent
Platform: Mobile
9/13/2019 3:58:00 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine
Следующий зам - Трепак
Status: Read
Platform: Mobile
9/13/2019 4:11:48 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine
Автор картинки - Шабунин, любимый активист Иованович.
Status: Read
Platform: Mobile
9/13/2019 4:12:25 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

Они сделали все, что хотели

Status: Read

Platform: Mobile

9/13/2019 4:12:43 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp

Пока это правда

Status: Sent

Platform: Mobile

9/13/2019 4:21:33 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp

Ну еще на вечер

Status: Sent

Platform: Mobile

9/13/2019 4:21:40 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

У нас вечер

Status: Read

Platform: Mobile

9/13/2019 4:21:59 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp

Юра Привет набери пожалуйста очень важно

Status: Sent

Platform: Mobile

9/27/2019 7:17:48 PM(UTC+0)

[Redacted] @s.whatsapp.net Lp

??

Status: Sent

Platform: Mobile

9/27/2019 9:04:31 PM(UTC+0)

System Message: System Message

Missed Voice Call

Platform: Mobile

9/27/2019 9:47:02 PM(UTC+0)

[Redacted] @s.whatsapp.net Ura Lusenka Attny General Ukraine

На связи

Status: Read

Platform: Mobile

9/27/2019 9:50:35 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Attachments:



Size: 10989

File name: da2bdcf3-f398-42ad-ac45-da94876a3e81.jpg

Path: https://mmg

fn:whatsapp.net/d./f/Ah0RX4U_AMJDRCoJOWQ8hqtL2zXVIv0eRvYB

t4S_HeCNDt.enc

da2bdcf3-f398-42ad-ac45-da94876a3e81.jpg

Status: Read

Platform: Mobile

9/27/2019 9:50:51 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Attachments:



Size: 93339

File name: a192e1a2-abd5-4223-962b-83407adab9d0.jpg

Path: https://mmg

fn:whatsapp.net/d./f/AnHP8H_XKEU5K79Gq93aicr2MpdAvKW20xGg

ESU1kKq.enc

a192e1a2-abd5-4223-962b-83407adab9d0.jpg

Status: Read

Platform: Mobile

9/27/2019 10:02:29 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Я им сказал лайкли ту би хэв аббюзинг бай Байден

Status: Read

Platform: Mobile

9/27/2019 10:12:23 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Анд лайкли ту би нон пейинг тексис бай джунior

Status: Read

Platform: Mobile

9/27/2019 10:12:57 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Ho!

Status: Read

Platform: Mobile

9/27/2019 10:13:03 PM(UTC+0)

██████████@s.whatsapp.net Ura Lusenka Atimy General Ukraine

Все это - должно расследоваться на терр сша.

Status: Read

Platform: Mobile

9/27/2019 10:13:41 PM(UTC+0)

[REDACTED] @s.whatsapp.net Ura Lusenka Atmy General Ukraine

https://m.zn.ua/internal/mezhdu-stulyami-331133_.html

Attachments:



Title: Между стульями

Size: 5265

File name: df1ca355-9f5e-430f-b041-e6cccb39846.thumb

df1ca355-9f5e-430f-b041-e6cccb39846.thumb

Status: Read

Platform: Mobile

9/27/2019 10:42:01 PM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Can you please have him email it back to me and confirm that this is an accurate transcript of our call

At no time since our interview have I ever retracted the statement I made about the US ambassador providing me a list of names of people and organizations she did not want my office to prosecute. Shortly after my televised interview with your news organization I was asked by a Ukraine reporter if I had a copy of the letter that Ambassador Ivanovich provided me with the names of those she did not want prosecuted. The reporter misunderstood how the names were transmitted to me. I explained to the reporter that the Ambassador did not hand me a written list but rather provided the list of names orally over the course of a meeting. And I wrote those names down in my hand written notes I believe then as I do now that the US ambassadors demand amounted to an intrusion on the sovereign authority of my office to handle all enforcement matters for Ukraine. I also provided you a letter showing a specific written example of when the US Embassy in Kiev order pressured me not to pursue a specific investigation of a non-governmental organization. I stand by my assertions I made during our interview.

Status: Sent

Platform: Mobile

9/28/2019 2:59:36 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Это перевод твоего интервью соломонам

Status: Sent

Platform: Mobile

9/28/2019 3:00:20 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Если в перевод все нормально пожалуйста пришли соломона на e-mail завтра с твоим подтверждением

Status: Sent

Platform: Mobile

9/28/2019 3:00:49 AM(UTC+0)

[REDACTED] @s.whatsapp.net Lp

Attachments:

[REDACTED]

Size: 13537

File name: 9577275f-5015-450f-bbc4-93cd3f5e354c.jpg

Path: /tmp/

file: /s.whatsapp.net/d/AtWpbV/AzMEeFZcA32PO914K_XYZ7Slt6m

OS0mte4Hk.etc

9577275f-5015-450f-bbc4-93cd3f5e354c.jpg

Status: Sent

Platform: Mobile

9/28/2019 3:01:52 AM(UTC+0)

@s.whatsapp.net Ura Lusenka - Atomy General Ukraine

Я не считаю письмо давлением. Они просто сообщили, что не считают Штаты потерпевшей стороной.

Status: Read
Platform: Mobile

9/28/2019 7:05:10 AM(UTC+0)

@s.whatsapp.net Lp

Юра привет набери пожалуйста

Status: Sent
Platform: Mobile

9/29/2019 12:07:23 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

9/29/2019 3:34:48 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

9/29/2019 3:38:12 PM(UTC+0)

@s.whatsapp.net Lp

Attachments:



Size: 68346
File name: 831066cb-021b-4c39-8ae4-25d896d48f9.jpg
Path: https://mmg.
ts.whatsapp.net/d1A1wprpEY1rHP/mDOOyDwSgMHe_E6utmh
mSBlvRYR0ph.enc
831066cb-021b-4c39-8ae4-25d896d48f9.jpg

Status: Sent
Platform: Mobile

9/30/2019 12:12:43 PM(UTC+0)

@s.whatsapp.net Lp

Status: Sent
Platform: Mobile

9/30/2019 12:12:50 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine

Вы все сошли с ума.
 Все амер сми обрезают мои слова.
 Пишут и показывают только фразу, что Байдену не нарушали укр законов.
 И обрезают, что Байден возможно злоупотреблял своей должностью. Но это не может
 расследовать Украина! Он не наш служащий.
 Хантер законно получал оплату консалтинга. И только амер следствие может
 проверить - был ли это консалтинг или плата за защиту Злочевского

Status: Read

Platform: Mobile

9/30/2019 12:14:08 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine

Онищенко - рва сумасшедший

Status: Read

Platform: Mobile

9/30/2019 12:14:25 PM(UTC+0)

@s.whatsapp.net Lp

Я сейчас на встрече я буду у тебя набару

Status: Sent

Platform: Mobile

9/30/2019 12:52:43 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine

<https://www.nytimes.com/2019/10/05/world/europe/ukraine-prosecutor-trump.html>

Attachments:



Title: Meet the Ukrainian Ex-Prosecutor Behind the Impeachment Furore

Size: 5039

File name: 320e0d7_e873-44a7-bf7d-2f75d97fbcdc.thumb

320e0d7_e873-44a7-bf7d-2f75d97fbcdc.thumb

Status: Read

Platform: Mobile

10/5/2019 9:04:04 PM(UTC+0)

@s.whatsapp.net Ura Lusenka Attny General Ukraine

Attachments:



Size: 89698

File name: ee4bbb08-0118-4599-bf1e-8560226510fe.jpg

Path: https://mmg-

tra.whatsapp.net/d1/AuPnobKY__KccGMYeBSEIXBtw2yuVNSRp/S

uJmDy1BakOne

ee4bbb08-0118-4599-bf1e-8560226510fe.jpg

Status: Read

Platform: Mobile

10/5/2019 9:04:26 PM(UTC+0)

@s whatsapp net Ura Lusenka Attny General Ukraine

Перечитал конец. Додуматься спросить у Джуллиани о моей наполовину обрезанной фразе (без перспективы расследования в Америке конфликта интересов Байдена) - это Пулитцер с рук Геобельса

Status: Read
Platform: Mobile

10/5/2019 9:04:45 PM(UTC+0)

@s whatsapp net Ura Lusenka Attny General Ukraine

Пиздец! Просто пиздец. Шестое амер сми безбожно врет и манипулирует. Какая нахуй у аас там свобода слова????

Status: Read
Platform: Mobile

10/5/2019 9:05:36 PM(UTC+0)

@s whatsapp net Ura Lusenka Attny General Ukraine

Они меня нагло дискредитируют, чтобы никто не сказал то, чего они не хотят. А Мейер в это втянулся.

Status: Read
Platform: Mobile

10/5/2019 10:11:03 PM(UTC+0)



Extraction Report

Apple iPhone

Participants

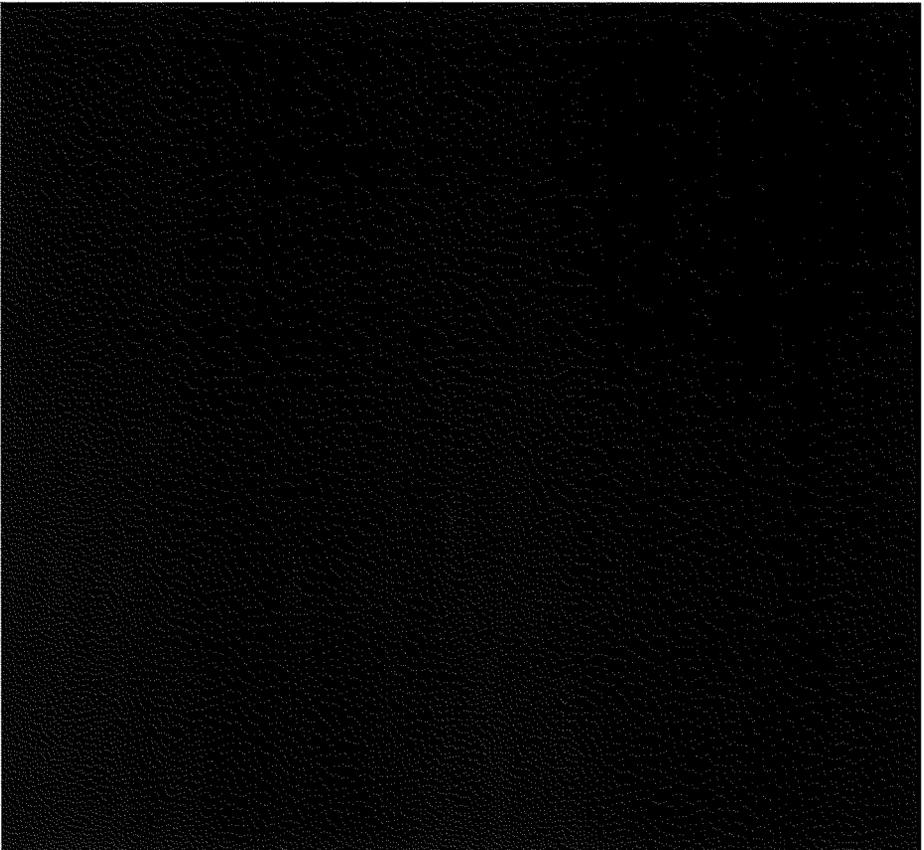


[REDACTED]@s.whatsapp.net
Harry Sargeant III



[REDACTED]@s.whatsapp.net
Lp (owner)

Conversation - Instant Messages (2745)



[Redacted] s whatsapp.net Lp
Put Hannity on now
Status: Sent
Platform: Mobile
3/21/2019 1:02:22 AM(UTC+0)

[Redacted] s whatsapp.net Harry Sargeant III
Watching
Status: Read
Platform: Mobile
3/21/2019 1:05:44 AM(UTC+0)

[Redacted] s whatsapp.net Harry Sargeant III
Great job. Was fantastic.
Status: Read
Platform: Mobile
3/21/2019 1:27:45 AM(UTC+0)

[Redacted] s whatsapp.net Lp
<https://twitter.com/dbongino/status/1108770629002496514?s=12>
Attachments:

Title: Dan Bongino on Twitter
Size: 4447
File name: 16dfecc-5ba5-48a3-9736-4893de2a17cd.thumb
16dfecc-5ba5-48a3-9736-4893de2a17cd.thumb
Status: Sent
Platform: Mobile
3/21/2019 5:26:23 PM(UTC+0)

[Redacted] s whatsapp.net Harry Sargeant III
Status: Read
Platform: Mobile
3/21/2019 5:32:53 PM(UTC+0)

[Redacted] s whatsapp.net Harry Sargeant III
Genius
Status: Read
Platform: Mobile
3/21/2019 5:32:53 PM(UTC+0)

[REDACTED]'s whatsapp net Harry Sargeant III

Attachments:



Size: 54462
 File name: cb32af94-d412-49e1-89e0-af770e41b072.jpg
 Path: https://msmg-fna.whatsapp.net/d1/AshvOO4RadLQKSeq-
 652UKRFP1780Fkx49h90hCrtzy-ene-
 cb32af94-d412-49e1-89e0-af770e41b072.jpg

Status: Read
 Platform: Mobile

3/21/2019 5:32:53 PM(UTC+0)

[REDACTED]'s whatsapp net Lp

Status: Sent
 Platform: Mobile

3/21/2019 5:37:06 PM(UTC+0)

[REDACTED]'s whatsapp net Lp

This waiting game is killing me

Status: Sent
 Platform: Mobile

3/21/2019 5:37:32 PM(UTC+0)

[REDACTED]'s whatsapp net Harry Sargeant III

I know

Status: Read
 Platform: Mobile

3/21/2019 5:40:10 PM(UTC+0)

[REDACTED]'s whatsapp net Harry Sargeant III

<https://www.rferl.org/a/us-rejects-top-ukrainian-prosecutors-dont-prosecute-accusation/29834853.html>

Status: Read
 Platform: Mobile

3/21/2019 8:17:27 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

3/21/2019 11:15:00 PM(UTC+0)

[REDACTED]'s whatsapp net Harry Sargeant III

Any news?

Status: Read
 Platform: Mobile

3/22/2019 1:08:30 AM(UTC+0)

[Redacted] s whatsapp net Lp
Call you when I get out of here and update you
Status: Sent
Platform: Mobile
3/22/2019 1:18:36 AM(UTC+0)

[Redacted] s whatsapp net Harry Sargeant III
Ok thanks. In suspense!!!
Status: Read
Platform: Mobile
3/22/2019 1:26:45 AM(UTC+0)

[Redacted] s whatsapp net Lp
<https://www.washingtonexaminer.com/news/white-house/white-house-personnel-official-described-trump-gop-nomination-as-end-of-the-world>
Attachments:

Title: White house personnel official described Trump/ GOP nomination as 'end of the world'
Size: 443b
File name: a6d407b3-f9b1-495a-a818-5735a9ab558a.thumb
a6d407b3-f9b1-495a-a818-5735a9ab558a.thumb
Status: Sent
Platform: Mobile
3/22/2019 4:18:41 PM(UTC+0)

[Redacted] s whatsapp net Lp
It's getting crazy but we will get it done. rad this article
Status: Sent
Platform: Mobile
3/22/2019 4:19:10 PM(UTC+0)

[Redacted] s whatsapp net Harry Sargeant III
Crazy stuff.
Status: Read
Platform: Mobile
3/22/2019 4:23:19 PM(UTC+0)

[Redacted] s whatsapp net Lp
<https://twitter.com/dbongino/status/1109102486400516097?s=12>
Attachments:

Title: Dan Bongino on Twitter
Size: 3447
File name: cec7a023-24b1-46f0-8417-52087efc0ac.thumb
cec7a023-24b1-46f0-8417-52087efc0ac.thumb
Status: Sent
Platform: Mobile
3/22/2019 5:42:44 PM(UTC+0)

[Redacted] s whatsapp.net Lp
<https://twitter.com/dbongino/status/1109164121103369604?s=12>
 Attachments:

 Title: Dan Bongino on Twitter
 Size: 4447
 File name: 4e7951c0-ba5f-45d9-9f1e-c331bbd197cb.thumb
 4e7951c0-ba5f-45d9-9f1e-c331bbd197cb.thumb
 Status: Sent
 Platform: Mobile
 3/22/2019 6:47:14 PM(UTC+0)

[Redacted] s whatsapp.net Lp
<https://twitter.com/dbongino/status/1109165948462907383?s=12>
 Attachments:

 Title: Dan Bongino on Twitter
 Size: 4447
 File name: a6bcabef-9e9d-4a4a-8d1d-4356c2e0bdcc.thumb
 a6bcabef-9e9d-4a4a-8d1d-4356c2e0bdcc.thumb
 Status: Sent
 Platform: Mobile
 3/22/2019 6:54:42 PM(UTC+0)

[Redacted] s whatsapp.net Harry Sargeant III
 Ambassador?
 Status: Read
 Platform: Mobile
 3/22/2019 7:09:33 PM(UTC+0)

[Redacted] s whatsapp.net Lp
 Attachments:

 Size: 57462
 File name: add7fca-29e5-48a3-a487-5ecca96b3d5.jpg
 Path: https://img-fra1-1.whatsapp.net/d/Aunu-
 WqjT15e3C80325m9a54e9WceV4E-g1WzGm0.enc
 add7fca-29e5-48a3-a487-5ecca96b3d5.jpg
 Status: Sent
 Platform: Mobile
 3/22/2019 8:55:14 PM(UTC+0)

s.whatsapp.net Harry Sargeant III

Attachments:



Size: 100048
File name: 024e3f3a-34f4-4c17-9c51-22cb1fd45e4.jpg
Path: https://mmg.fna.whatsapp.net/v/Ars5PeOkSSJHU2Su6ubYdptyUD25f1cQEjSR9KE2LX0.rtc:024e3f3a-34f4-4c17-9c51-22cb1fd45e4.jpg

Status: Read
Platform: Mobile

3/22/2019 8:56:42 PM(UTC+0)

s.whatsapp.net Harry Sargeant III

Mueller submits long-awaited Russia probe report to Justice Department

<https://www.foxnews.com/politics/mueller-submits-long-awaited-russia-probe-report-to-justice-department>

Explore the Fox News apps that are right for you at <http://www.foxnews.com/apps-products/index.html>

Attachments:



Title: Mueller submits long-awaited Russia probe report to Justice Department
Size: 4995
File name: dc48ceec-c74a-4cd3-adfe-4e67132b3775.tthumb
Path: https://www.foxnews.com/politics/mueller-submits-long-awaited-russia-probe-report-to-justice-department
dc48ceec-c74a-4cd3-adfe-4e67132b3775.tthumb

Status: Read
Platform: Mobile

3/22/2019 9:10:07 PM(UTC+0)

s.whatsapp.net Lp

I know call you soon

Status: Sent
Platform: Mobile

3/22/2019 9:11:54 PM(UTC+0)

s.whatsapp.net Lp

He's dealing with it now

Status: Sent
Platform: Mobile

3/22/2019 9:12:12 PM(UTC+0)

s.whatsapp.net Lp

Looks good for us

Status: Sent
Platform: Mobile

3/22/2019 9:12:24 PM(UTC+0)

[REDACTED] s whatsapp.net Harry Sargeant III
Status: Read
Platform: Mobile
3/22/2019 9:13:07 PM(UTC+0)

[REDACTED] s whatsapp.net Lp
Statement from Rudy Giuliani and Jay Sekulow, Counselors to the President
"We're pleased that the Office of Special Counsel has delivered its report to the Attorney General pursuant to the regulations." Attorney General Barr will determine the appropriate next steps."
Status: Sent
Platform: Mobile
3/22/2019 9:50:32 PM(UTC+0)

[REDACTED] s whatsapp.net Harry Sargeant III
Status: Read
Platform: Mobile
3/22/2019 9:51:25 PM(UTC+0)

[REDACTED] s whatsapp.net Lp
Attachments:

Size: 133014
File name: 7c5e7e14-800d-4cc3-89df-3e13e5611c1c.jpg
Path: https://mmg.hq.whatsapp.net/d1/Aowgg7Uoa2ned_o_5NKhw3SAP5XdE91lga_El3aPFXAw7c5e7e14-800d-4cc3-89df-3e13e5611c1c.jpg
Status: Sent
Platform: Mobile
3/22/2019 10:45:18 PM(UTC+0)

[REDACTED] s whatsapp.net Harry Sargeant III
Awesome
Status: Read
Platform: Mobile
3/22/2019 10:59:46 PM(UTC+0)

[REDACTED] s whatsapp.net Harry Sargeant III
U still in DC?
Status: Read
Platform: Mobile
3/23/2019 12:12:03 AM(UTC+0)

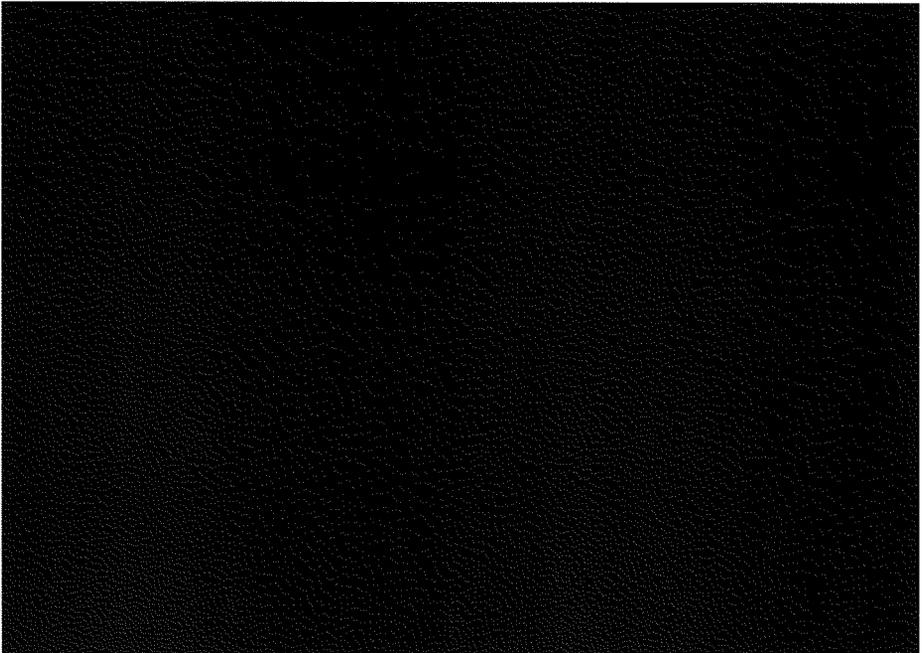
[REDACTED] s whatsapp.net Lp
Yes
Status: Sent
Platform: Mobile
3/23/2019 12:12:30 AM(UTC+0)

[REDACTED] s whatsapp net Lp
Attachments:

Size: 4947340 B
File name: c62ba6c-9b05-4cd1-a22e-348c0224b128.mp4
Path: https://mmsg.ios.whatsapp.net/d/1AgW95coCjUImoFZ56p9aAA3dJpedeCzovn9T
C3cd4Y1mC
9b05-4cd1-a22e-348c0224b128.mp4
Status: Sent
Platform: Mobile
3/23/2019 3:04:51 AM(UTC+0)

[REDACTED] s whatsapp net Lp
She's gone
Status: Sent
Platform: Mobile
3/23/2019 3:06:57 AM(UTC+0)

[REDACTED] s whatsapp net Harry Sargeant III
AWESOME!!!
Status: Read
Platform: Mobile
3/23/2019 3:21:39 AM(UTC+0)



[Redacted] s whatsapp.net Lp
Are you back
Status: Sent
Platform: Mobile
3/24/2019 12:39:47 AM(UTC+0)

[Redacted] s whatsapp.net Harry Sargeant III
Status: Read
Platform: Mobile
3/24/2019 12:44:33 AM(UTC+0)

[Redacted] s whatsapp.net Lp
<https://www.dailymts.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-nyan-saavedra>
Attachments

Title: Calls Grow To Remove Obama's U.S. Ambassador To Ukraine
Size: 4818
File name: e8e6d0cd-a980-4e75-a4dc-5001c2a44548.thumb
e8e6d0cd-a980-4e75-a4dc-5001c2a44548.png
Status: Sent
Platform: Mobile
3/24/2019 4:00:20 PM(UTC+0)

[Redacted] s whatsapp.net Harry Sargeant III
She looks like agency to me.
Status: Read
Platform: Mobile
3/24/2019 4:13:27 PM(UTC+0)

[Redacted] s whatsapp.net Lp
Believe me she is gondo call you soon
Status: Sent
Platform: Mobile
3/24/2019 4:27:23 PM(UTC+0)

[Redacted] s whatsapp.net Harry Sargeant III
Ok
Status: Read
Platform: Mobile
3/24/2019 4:28:52 PM(UTC+0)

s.whatsapp.net Lp

Attachments:



Size: 64164
 File name: 57c47bdf-a143-459d-a053-c8466cc41014.jpg
 Path: https://mmsg-
 fna.whatsapp.net/d/1A1J7H-WONDC1JZiHgyU1tXpQTWg1fCvDY_
 TNGxOYY48.enc
 57c47bdf-a143-459d-a053-c8466cc41014.jpg

Status: Sent
 Platform: Mobile

3/24/2019 4:30:07 PM(UTC+0)

System Message System Message

Missed Voice Call

Platform: Mobile

3/24/2019 9:33:49 PM(UTC+0)

s.whatsapp.net Lp

Attachments:



Size: 63530
 File name: 09c21b69-1536-44a0-976b-77b4205ea0.jpg
 Path: https://mmsg-
 fna.whatsapp.net/d/1Ag7m1NgbOgO3mz3N0Xmvs.1N8xcPhCnPgq
 QV4yxcyd.enc
 09c21b69-1536-44a0-976b-77b4205ea0.jpg

Status: Sent
 Platform: Mobile

3/25/2019 12:59:42 AM(UTC+0)

s.whatsapp.net Lp

Attachments:



Size: 101826
 File name: 62e721ea-563a-4e24-9137-20427b361e03.jpg
 Path: https://mmsg-
 fna.whatsapp.net/d/1AgBmUwgsVQWfFHGndxuxX0xwYM3YoUvSV_
 UWUshp0D.enc
 62e721ea-563a-4e24-9137-20427b361e03.jpg

Status: Sent
 Platform: Mobile

3/25/2019 4:14:35 AM(UTC+0)

s.whatsapp.net Lp

Team trump dinner celebration I'm officially part of team trump tomorrow big day my brother I'll call you tomorrow

Status: Sent
 Platform: Mobile

3/25/2019 4:20:40 AM(UTC+0)

whatsapp net Lp

<https://thehill.com/opinion/campaign/435906-us-embassy-pressed-ukraine-to-drop-probe-of-george-soros-group-during-2016>

Attachments



Title: US Embassy pressed Ukraine to drop probe of George Soros group during
 Size: 3738
 File name: c1f8e5c4-7b5-48e5-be96-89467ab3051d.thumb
 c1f8e5c4-7b5-48e5-be96-89467ab3051d.thumb

Status: Sent
 Platform: Mobile

3/25/2019 10:15:14 PM(UTC+0)

System Message: System Message

Missed Voice Call

Platform: Mobile

3/26/2019 11:54:27 PM(UTC+0)

System Message: System Message

Missed Voice Call

Platform: Mobile

3/27/2019 12:03:38 AM(UTC+0)

whatsapp net Lp

Attachments



Size: 94717
 File name: e20143b-d268-4267-9d5a-8decedf6437.jpg
 Path: https://msg
 th:whatsapp.net/d/1AgnBCVpkULhWSST5bevsWZ4/OjckE1RWsl
 yUch9Dzj.ens
 e20143b-d268-4267-9d5a-8decedf6437.jpg

Status: Sent
 Platform: Mobile

3/27/2019 2:09:25 AM(UTC+0)

whatsapp net Lp

Attachments

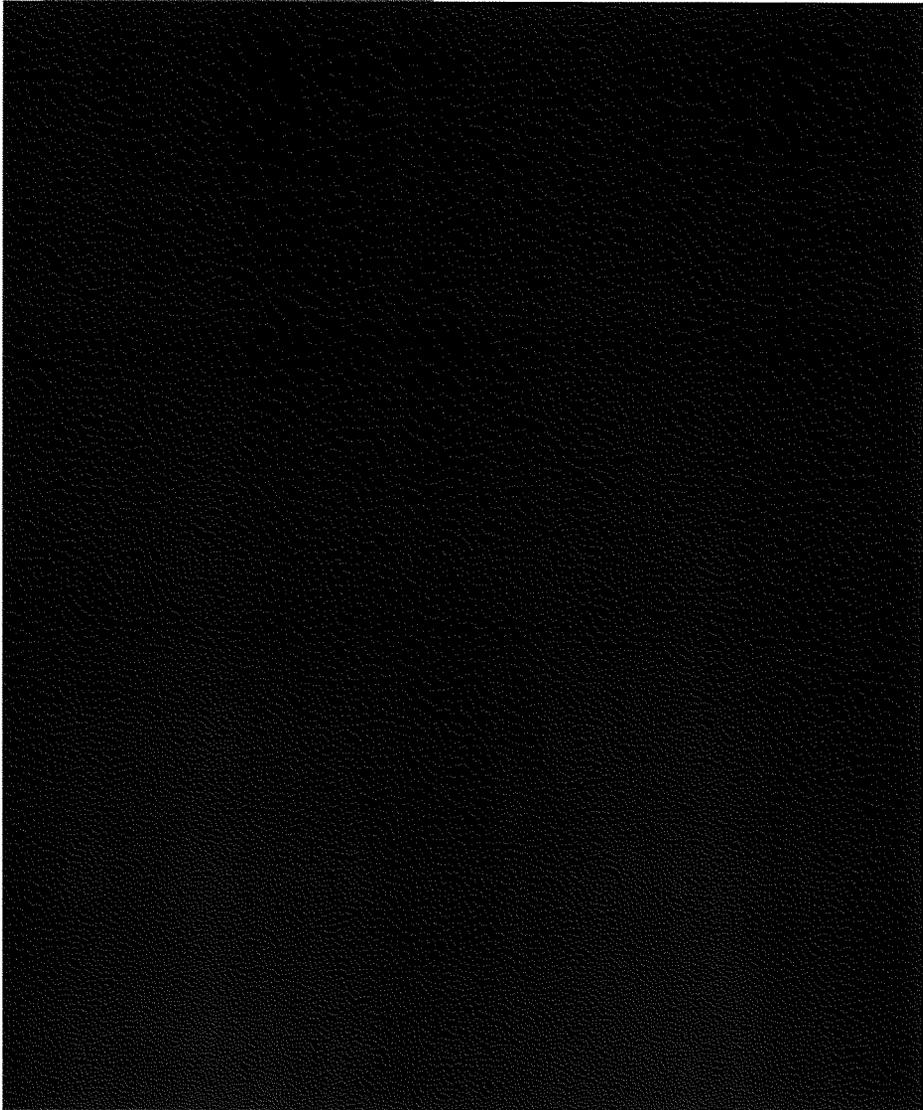


Size: 93293
 File name: e341692c-3293-4ac1-b1b5-5f82b6c32adc.jpg
 Path: https://msg
 th:whatsapp.net/d/1AgnBCVpkULhWSST5bevsWZ4/OjckE1RWsl
 yUch9Dzj.ens
 e341692c-3293-4ac1-b1b5-5f82b6c32adc.jpg

Status: Sent
 Platform: Mobile

3/27/2019 2:00:52 AM(UTC+0)

WhatsApp.net Harry Sargeant III
Awesome
Status: Read
Platform: Mobile
3/27/2019 2:02:14 AM(UTC+0)





[Redacted] @ whatsapp.net Lp

Attachments:



Size: 16165474
File name: 5abc372f-c9ac-4624-a1e3-f1ce54b5225.mp4
Path: https://mmg-
f12.whatsapp.net/d1/AimFBrA43nY1Yob2EiAimZ2DsPrFdswgJFZC-
SfGVHh.cnc
5abc372f-c9ac-4624-a1e3-f1ce54b5225.mp4

Status: Sent
Platform: Mobile

4/2/2019 1:25:32 AM(UTC+0)

[Redacted] @ whatsapp.net Harry Sargeant III

Seen if. Not bad

Status: Read
Platform: Mobile

4/2/2019 1:26:18 AM(UTC+0)

whatsapp.net Lp

Attachments:



Size: 3336009
 File name: 91941148-47d0-4080-b57d-90023f5e9e4.mpd
 Path: https://msg.fra.whatsapp.net/v/t/ARLKLnd3pRPNK4aSH1GTF3b_0nhoid2C54ps-6Dqk.pnc/91941148-47d0-4080-b57d-90023f5e9e4.mpd

Status: Sent
 Platform: Mobile

4/2/2019 1:26:23 AM(UTC+0)

whatsapp.net Lp

Hey my brother I hate to bother can you please approve for Dave to pay for car service on cc we got a deal from Rody's guys it like \$300 a day cheaper than hotel and taxis They need cc on file Again sorry to bother you with such little shit thank you again my brother

Status: Sent
 Platform: Mobile

4/2/2019 1:36:57 AM(UTC+0)

whatsapp.net Harry Sargeant III

Don't bother w this stuff pls. Drinking w MA

Status: Read
 Platform: Mobile

4/2/2019 1:47:50 AM(UTC+0)

whatsapp.net Harry Sargeant III

LEV fake a and drink cheap vodka

Status: Read
 Platform: Mobile

4/2/2019 1:48:29 AM(UTC+0)

whatsapp.net Lp

<https://thehill.com/opinion/white-house/436816-joe-bidens-2020-ukrainian-nightmare-a-closed-probe-is-revived>

Attachments:



Title: Joe Biden's 2020 Ukrainian nightmare. A closed probe is revived
 Size: 3400
 File name: 8465a1f7-520e-4736-93c2-80e2a4f9391c.thumb.8465a1f7-609e-4736-93c2-80e2a4f9391c.thumb

Status: Sent
 Platform: Mobile

4/2/2019 1:48:39 AM(UTC+0)

WhatsApp net Lp

Attachments:



Size: 63759
 File name: e1641dc9-ca1e-4979-9647-e25bd527b2f1.jpg
 Path: https://mm0-1ba.whatsapp.net/d/Av3SueW3LXvovUuIhn-
 a15sc05142zmf31jcd0m44_3.enc
 e1641dc9-ca1e-4979-9647-e25bd527b2f1.jpg

Status: Sent
 Platform: Mobile

4/2/2019 3:41:49 PM(UTC+0)

WhatsApp net Harry Sargeant III

Status: Read
 Platform: Mobile

4/2/2019 3:43:13 PM(UTC+0)

WhatsApp net Lp

Attachments:



Size: 81731
 File name: 4f57e10b-ecb3-46e2-9a9c-84e5161ccde.jpg
 Path: https://mm0-1ba.whatsapp.net/d/1A0YocYfNK3-
 udvOyeL6Cckd1uA_EvcsdwV5qptaT0OPty.enc
 4f57e10b-ecb3-46e2-9a9c-84e5161ccde.jpg

Status: Sent
 Platform: Mobile

4/2/2019 3:57:22 PM(UTC+0)

WhatsApp net Lp

Attachments:



Size: 42589
 File name: b6d00a5-257e-43e5-b32e-9bd4bae7d81.jpg
 Path: https://mm0-1ba.whatsapp.net/d/1AqNl8RzssW0up5LewfYUshhwQpA66U-
 mspW1uKOS.enc
 b6d00a5-257e-43e5-b32e-9bd4bae7d81.jpg

Status: Sent
 Platform: Mobile

4/3/2019 12:13:42 PM(UTC+0)

WhatsApp net Harry Sargeant III

Status: Read
 Platform: Mobile

4/3/2019 12:14:44 PM(UTC+0)

 s.whatsapp.net Lp
<https://twitter.com/watchdogmedia/status/1113399510242197505?s=12>
Attachments:

Title: Watchdog Media on Twitter
Size: 0
Path: https://t.me/whatsapp.net/d/1AgDYGC8clZGZ6CpseAdkIgmOFs2oDkIFz7VpZXv0.enc
File name: b0c6f61d-08e2-4467-ac98-9f739a44e643.mp4
Status: Sent
Platform: Mobile
 4/3/2019 10:57:52 PM(UTC+0)

 s.whatsapp.net Lp
Attachments:

Size: 63516195
File name: b0c6f61d-08e2-4467-ac98-9f739a44e643.mp4
Path: https://t.me/whatsapp.net/d/1AgDYGC8clZGZ6CpseAdkIgmOFs2oDkIFz7VpZXv0.enc
File name: b0c6f61d-08e2-4467-ac98-9f739a44e643.mp4
Status: Sent
Platform: Mobile
 4/4/2019 8:07:37 AM(UTC+0)

 s.whatsapp.net Lp
<https://youtu.be/KCF9My1vBP4>
Attachments:

Title: Biden made Ukraine fire top prosecutor investigating son's firm - report
Size: 5635
File name: 393761f5-488e-4b45-9753-7a8a2c7b5c.thumb
File name: 393761f5-488e-4b45-9753-7a8a2c7b5c.thumb
Status: Sent
Platform: Mobile
 4/4/2019 9:16:55 AM(UTC+0)

 s.whatsapp.net Lp
Attachments:

Size: 93019
File name: f021ff19-2e1d-4c1e-89c1-fa92b693d6d9.jpg
Path: https://t.me/whatsapp.net/d/1AgB909NaicTPAW5guJZj_gZrUuBX5A2p_JEz_s35SM.enc
File name: f021ff19-2e1d-4c1e-89c1-fa92b693d6d9.jpg
Status: Sent
Platform: Mobile
 4/4/2019 10:06:11 AM(UTC+0)

whatsapp.net Lp

Attachments:



Size: 110963
 File name: E7B9a31-1736-4deb-9acc-52673acafe50.jpg
 Path: https://www.whatsapp.net/d/AnDFAVng4MLCeiRppw7fBiorVngCWw034brD7V/Mkqr.enc
 E7B9a31-1736-4deb-9acc-52673acafe50.jpg

Status: Sent
 Platform: Mobile

4/4/2019 10:05:38 AM(UTC+0)

whatsapp.net Harry Sargeant III

Nicoll

Status: Read
 Platform: Mobile

4/4/2019 12:14:56 PM(UTC+0)

whatsapp.net Lp

Wich one the golf course or the videos

Status: Sent
 Platform: Mobile

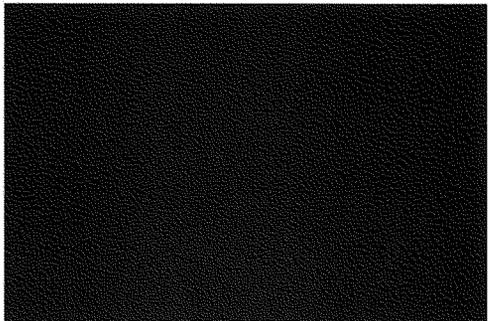
4/4/2019 12:15:52 PM(UTC+0)

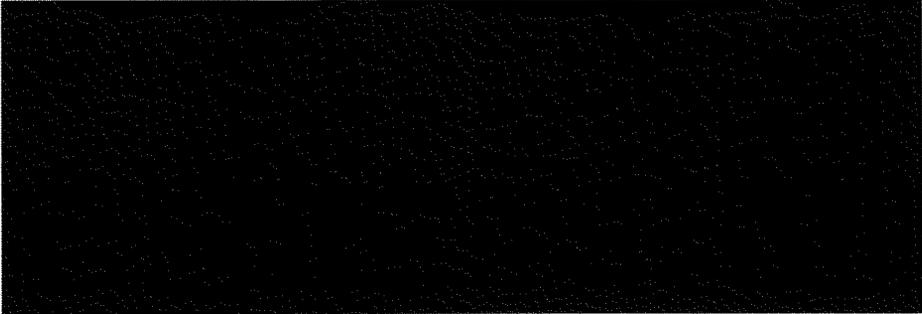
whatsapp.net Harry Sargeant III

Videos. Golf course looks like still!

Status: Read
 Platform: Mobile

4/4/2019 12:25:21 PM(UTC+0)





[redacted]@whatsapp.net Harry Sargeant III
 Rudy there. Pete wants to complain about State
 Status: Read
 Platform: Mobile
 4/10/2019 3:06:10 AM(UTC+0)

[redacted]@whatsapp.net Lp
 He will be here very soon
 Status: Sent
 Platform: Mobile
 4/10/2019 3:06:25 AM(UTC+0)

[redacted]@whatsapp.net Harry Sargeant III
 On way. Deeper out to kill
 Status: Read
 Platform: Mobile
 4/10/2019 3:07:23 AM(UTC+0)

[redacted]@whatsapp.net Lp
 I'm all in my brother
 Status: Sent
 Platform: Mobile
 4/10/2019 3:07:40 AM(UTC+0)

[redacted]@whatsapp.net Lp
Attachments:

 Title: Waiting for you my brother
 Size: 73011
 File name: 176b05e-be31-429f-96b1-e763ba3812c9.jpg
 Path: file:///mnt/pts/whatsapp/mc041/Ag1Zr0W-
 ZCZca4BA0E2bc3meFYUml#SfRt LPWV-7P.enc
 176b05e-be31-429f-96b1-e763ba3812c9.jpg
 Status: Sent
 Platform: Mobile
 4/10/2019 3:19:40 AM(UTC+0)

[REDACTED] s whatsapp.net Harry Sargeant III

Status: Read
Platform: Mobile

4/10/2019 3:20:08 AM(UTC+0)

[REDACTED] s whatsapp.net Lp

Please give me a call soon as you have a chance my brother I was just told that our trip just got canceled ??? I'm meeting with Rudy in 15-20 min I need to know what I'm talking about. We have people scheduled to meet on Saturday in Vienna

Status: Sent
Platform: Mobile

4/10/2019 2:27:38 PM(UTC+5)

[REDACTED] s whatsapp.net Harry Sargeant III

Just becoming expensive flying u guys everywhere LEV.

Status: Read
Platform: Mobile

4/10/2019 2:56:17 PM(UTC+0)

[REDACTED] s whatsapp.net Lp

We are paying you back for this we are never expecting you to pay for it my brother that's why we wanted to do the loan so we don't have to bother you. I'm downstairs let's meet up so we can discuss

Status: Sent
Platform: Mobile

4/10/2019 3:05:38 PM(UTC+0)

[REDACTED] s whatsapp.net Lp

I'm downstairs having breakfast with Rudy are you around

Status: Sent
Platform: Mobile

4/10/2019 3:28:32 PM(UTC+0)

[REDACTED] s whatsapp.net Harry Sargeant III

W Otto down stairs.

Status: Read
Platform: Mobile

4/10/2019 3:31:09 PM(UTC+0)

[REDACTED] s whatsapp.net Harry Sargeant III

Should we come over.

Status: Read
Platform: Mobile

4/10/2019 3:31:26 PM(UTC+0)

[REDACTED] s whatsapp.net Lp

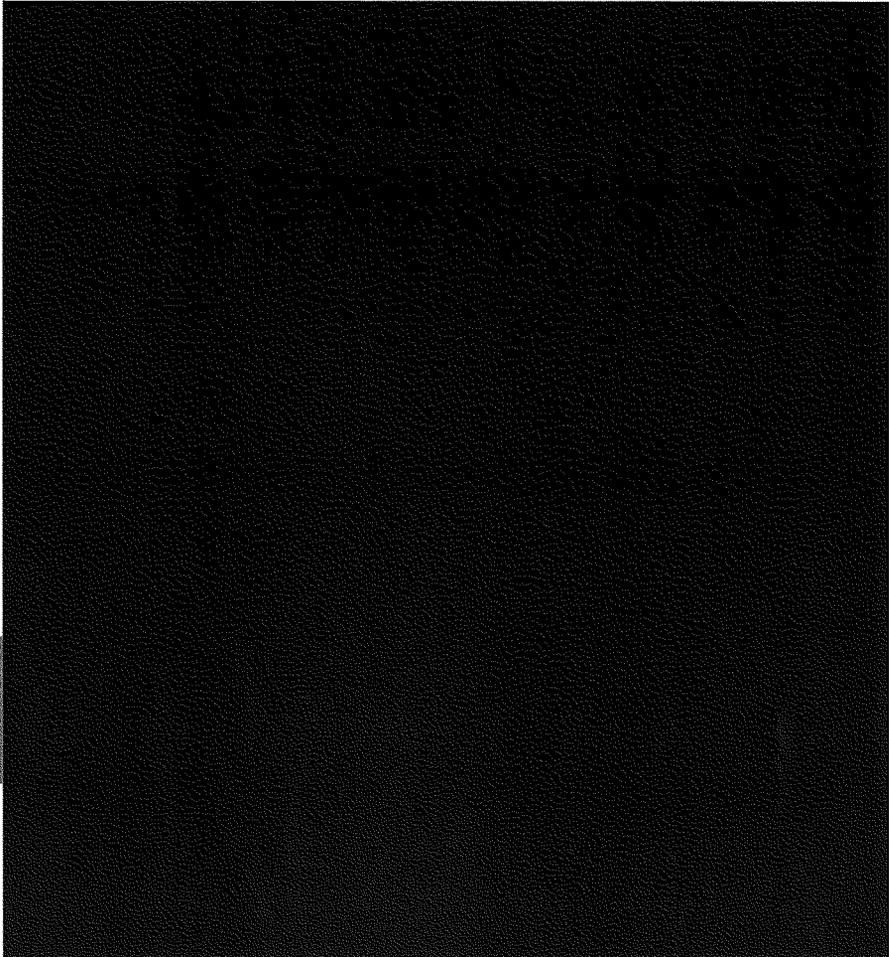
Of course come here my brother

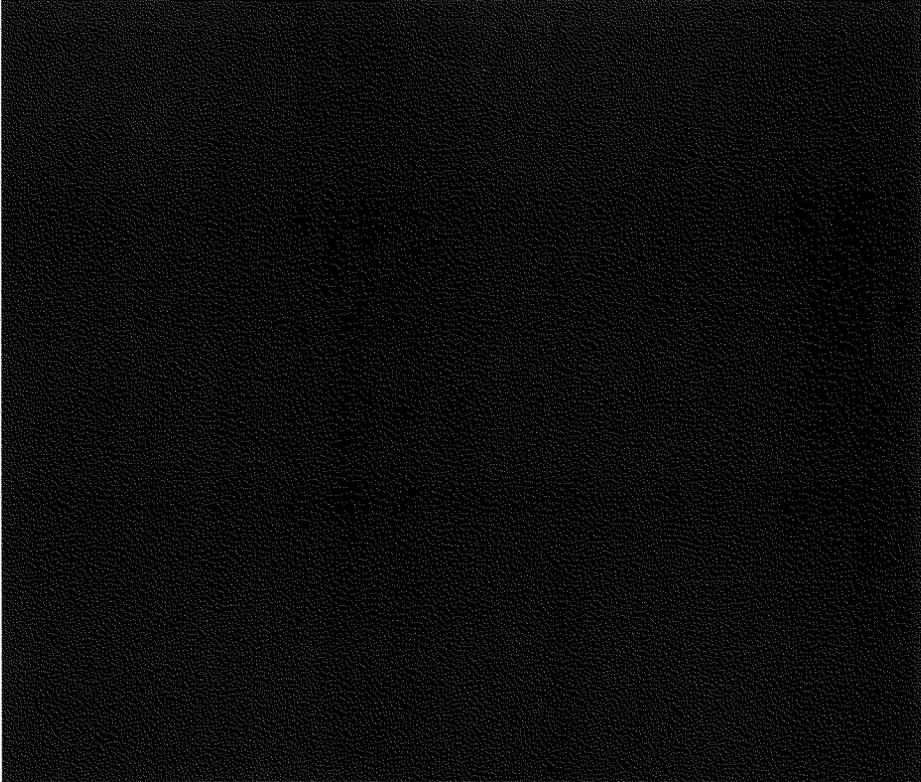
Status: Sent
Platform: Mobile

4/10/2019 3:33:04 PM(UTC+0)

[REDACTED] @ whatsapp.net LG
John just got here
Status: Sent
Platform: Mobile
4/10/2019 4:42:30 PM(UTC+0)

[REDACTED] @ whatsapp.net Harry Sargeant III
Lets meet w John later if we can.
Status: Read
Platform: Mobile
4/10/2019 4:45:15 PM(UTC+0)





[REDACTED] @ whatsapp.net I p
Call me when you land have some juicy stuff
Status: Sent
Platform: Mobile
4/12/2019 8:59:21 PM(UTC+0)

[REDACTED] @ whatsapp.net Harry Sargeant III
What's up?
Status: Read
Platform: Mobile
4/12/2019 8:48:10 PM(UTC+0)

[REDACTED] @ whatsapp.net I p
Call me when you have time my trooper taking off to Ukraine in 3 hours so lol so good
Status: Sent
Platform: Mobile
4/12/2019 4:48:43 PM(UTC+0)



[Redacted] whatsapp net Lp
Working hard to save our country my brother !!!
Status: Sent
Platform: Mobile
4/23/2019 8:03:12 PM(UTC+0)

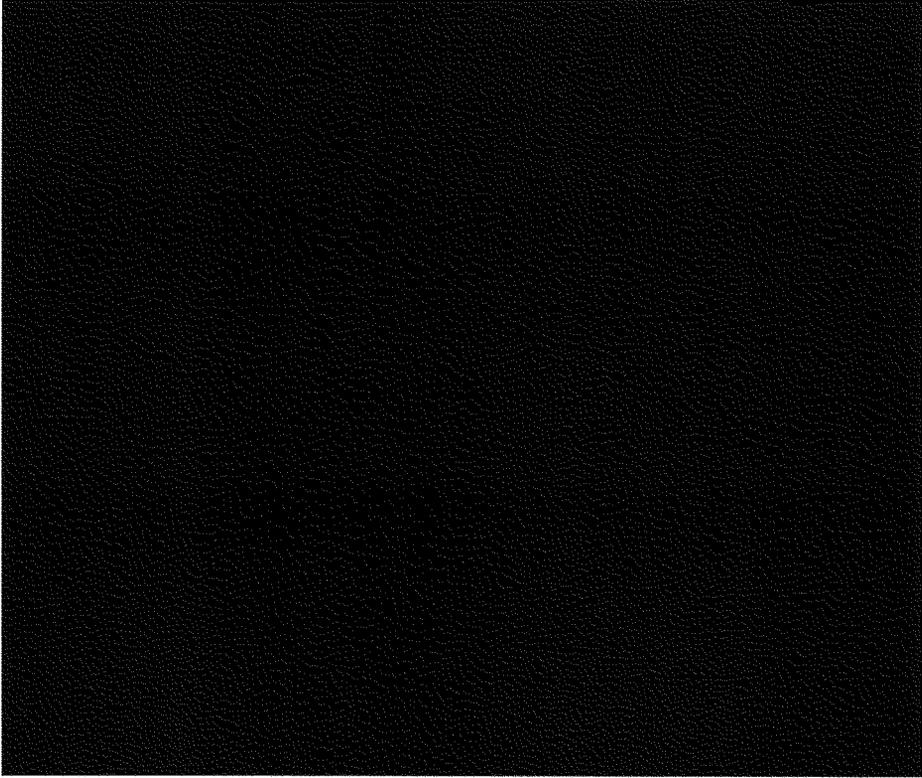
[Redacted] whatsapp net Lp
The bomb is dropping tomorrow
Status: Sent
Platform: Mobile
4/23/2019 8:03:34 PM(UTC+0)

System Message System Message
Missed Voice Call
Platform: Mobile
4/24/2019 1:00:04 PM(UTC+0)

[Redacted] whatsapp net Lp
<https://www.thegatewaypundit.com/2019-04/stunning-european-reporter-reveals-trump-russia-collusion-hoax-has-its-origins-with-soros-funded-ukrainian-activist-group>
Attachments:

Title: Stunning: European Reporter Reveals Trump-Russia-Collusion Hoax Has Its Origins with Soros-Funded Ukrainian Activist Group
Size: 449K
File name: aac2bd9f-c63c-4c90-a9ed-c1f175abe8c0.tumblr_aac2bd9f-c63c-4c90-a9ed-c1f175abe8c0.munt
Status: Sent
Platform: Mobile
4/24/2019 3:39:27 PM(UTC+0)

[Redacted] whatsapp net Lp
Bad reception call you in 15
Status: Sent
Platform: Mobile
4/24/2019 3:56:05 PM(UTC+0)



[REDACTED] @ whatsapp.net Up
They just recalled her finally
Status: Sent
Platform: Mobile
5/6/2019 4:21:54 PM(UTC+0)

[REDACTED] @ whatsapp.net Harry Sargant III
Awesome!!
Status: Read
Platform: Mobile
5/6/2019 4:28:01 PM(UTC+0)

[Redacted] s whatsapp net Lp

https://translate.googleusercontent.com/translate_c?depth=1&hl=pl&nv=1&url=translate.google.com&sl=ru&sp=rm&4&e=en&u=https://theworldnews.net/ua-news/posol-ssha-kozlovich-zavershaet-rabotu-v-ukraine-sm&id=15700021_15700186_15700191_15700253_15700256_15700258&usq=ALkJrhfaVQ_KIC5AZF2iUMnQZ1nWk1kw

Attachments



Title: [posol SSHA Kozlovich завершает работу в Украине – GMMF
Size: 4296
File name: ee2c735a-b6d4-d57-6156-d79b5e32738.tumblr
ee2c735a-b6d4-d57-6156-d79b5e32738.tumblr

Status: Sent
Platform: Mobile

5/6/2019 4:59:45 PM(UTC+0)

[Redacted] s whatsapp net Harry Sargeant III

Spill. Couldn't take phone away for 4 hours.

Status: Read
Platform: Mobile

5/7/2019 6:57:18 PM(UTC+0)

[Redacted] s whatsapp net Lp

LO!

Status: Sent
Platform: Mobile

5/7/2019 6:59:37 PM(UTC+0)

[Redacted] s whatsapp net Lp

Me to

Status: Sent
Platform: Mobile

5/7/2019 6:59:42 PM(UTC+0)

[Redacted] s whatsapp net Lp

Come by the hotel like 5 meeting with Rudy

Status: Sent
Platform: Mobile

5/7/2019 6:59:47 PM(UTC+0)

[Redacted] s whatsapp net Harry Sargeant III

Ok cool

Status: Read
Platform: Mobile

5/7/2019 7:01:44 PM(UTC+0)

 s.whatsapp.net Lp
<https://foreignpolicy.com/2019/05/07/us-ambassador-to-ukraine-recalled-in-political-hit-job-lawmakers-say-marie-yovanovitch-lutsenko-right-wing-media-accusations-congress-diplomats-diplomacy/>
 Attachments

 Title: U.S. Ambassador to Ukraine Recalled in 'Political Hit Job,' Lawmakers Say
 Size: 629K
 File name: bc332699-62a1-4112-9587-9cd0eeaf933d.thumb
 bc332699-62a1-4112-9587-9cd0eeaf933d.thumb
 Status: Sent
 Platform: Mobile
 5/7/2019 6:09:27 PM(UTC+0)

 s.whatsapp.net Lp
<https://www.washingtonpost.com/opinions/2019/05/07/us-ambassador-ukraine-is-recalled-after-becoming-political-target/>
 Attachments

 Title: Opinion | U.S. ambassador to Ukraine is recalled after becoming a political target
 Size: 453K
 File name: c5079e6c-53a4-4ef2-b766-3376ac3892.thumb
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 Status: Sent
 Platform: Mobile
 5/8/2019 12:45:12 AM(UTC+0)

 s.whatsapp.net Lp
 We are in Vienna my brother, call you in a little bit going into a meeting
 Status: Sent
 Platform: Mobile
 5/5/2019 12:32:05 PM(UTC+0)

 s.whatsapp.net Harry Sargeant III
 Perfect
 Status: Read
 Platform: Mobile
 5/5/2019 12:33:54 PM(UTC+0)

 s.whatsapp.net Lp
 Call me my brother I have important news
 Status: Sent
 Platform: Mobile
 5/5/2019 5:19:35 PM(UTC+0)

's whatsapp.net Lp
<https://www.cnn.com/2019/05/03/politics/giuliani-goes-on-offense-biden-ukraine-index.html>
 Attachments:

 Title: Giuliani previews potential 2020 attack dog role with Biden-Ukraine story
 Size: 0
 Status: Sent
 Platform: Mobile
 5/3/2019 5:36:21 PM(UTC+0)

's whatsapp.net Lp
<https://www.newsweek.com/rudy-giuliani-trump-ukraine-ambassador-1420074>
 Attachments:

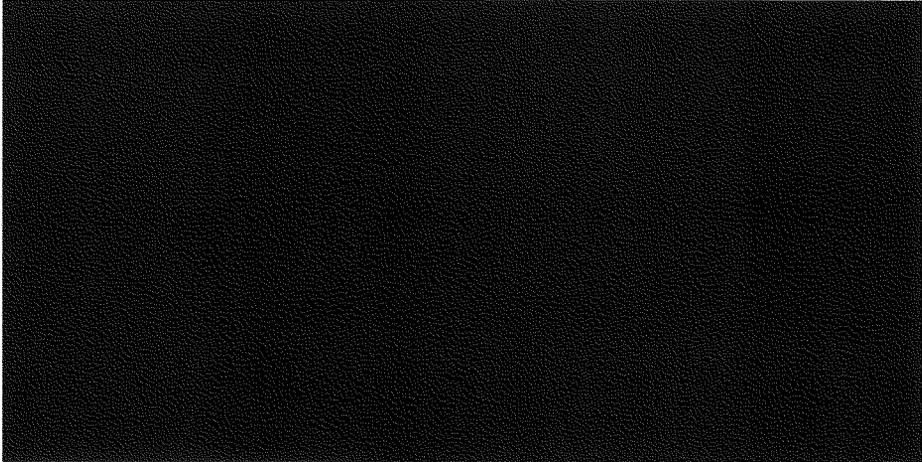
 Title: Now Rudy Giuliani's unfounded claims of an anti-Trump conspiracy in Ukraine may have ousted an ambassador
 Size: 0
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 Status: Sent
 Platform: Mobile
 5/3/2019 6:34:06 PM(UTC+0)

's whatsapp.net Lp
<https://www.nytimes.com/2019/05/03/us/politics/giuliani-ukraine-trump.html>
 Attachments:

 Title: Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump
 Size: 5149
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 Status: Sent
 Platform: Mobile
 5/13/2019 8:35:21 AM(UTC+0)

's whatsapp.net Harry Sargeant III
 What's up buddy?
 Status: Read
 Platform: Mobile
 5/12/2019 2:52:04 PM(UTC+0)

's whatsapp.net Lp
 All good my brother
 Status: Sent
 Platform: Mobile
 5/12/2019 2:52:49 PM(UTC+0)



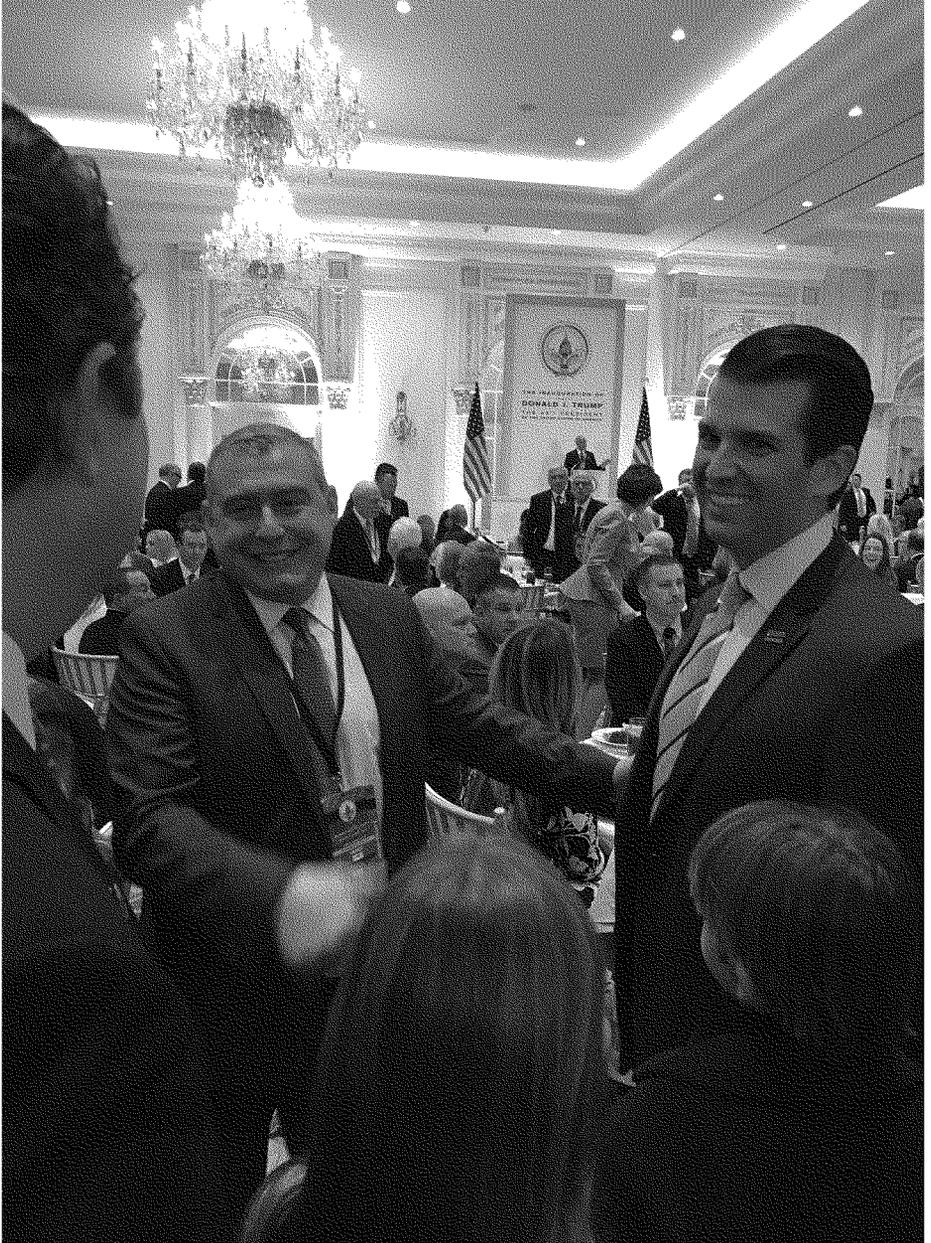
[Redacted] s.whatsapp.net Lp
<https://twitter.com/rudyguitara/status/1136431119077078114?s=12>
 Attachments:

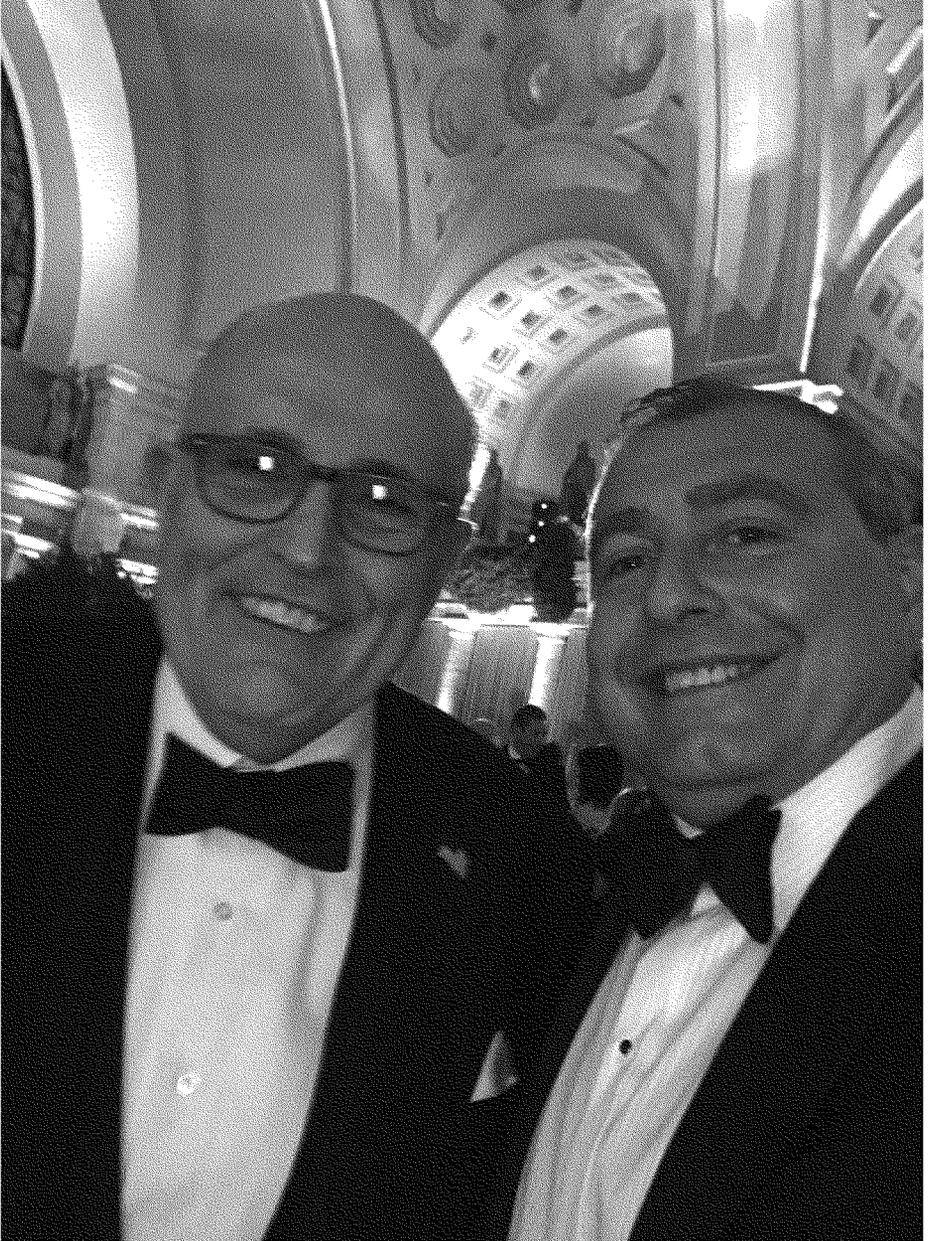
 Title: Rudy Guitara on Twitter
 Size: 3226
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 Status: Sent
 Platform: Mobile
 5/6/2019 12:54:26 AM(UTC+0)

[Redacted] s.whatsapp.net Harry Sargeant III
 Awesome
 Status: Read
 Platform: Mobile
 5/6/2019 12:56:08 AM(UTC+0)

[Redacted] s.whatsapp.net Lp
 So proud
 Status: Sent
 Platform: Mobile
 5/6/2019 12:56:19 AM(UTC+0)

[Redacted] s.whatsapp.net Harry Sargeant III
 I should be: Amazing
 Status: Read
 Platform: Mobile
 5/6/2019 1:04:07 AM(UTC+0)



















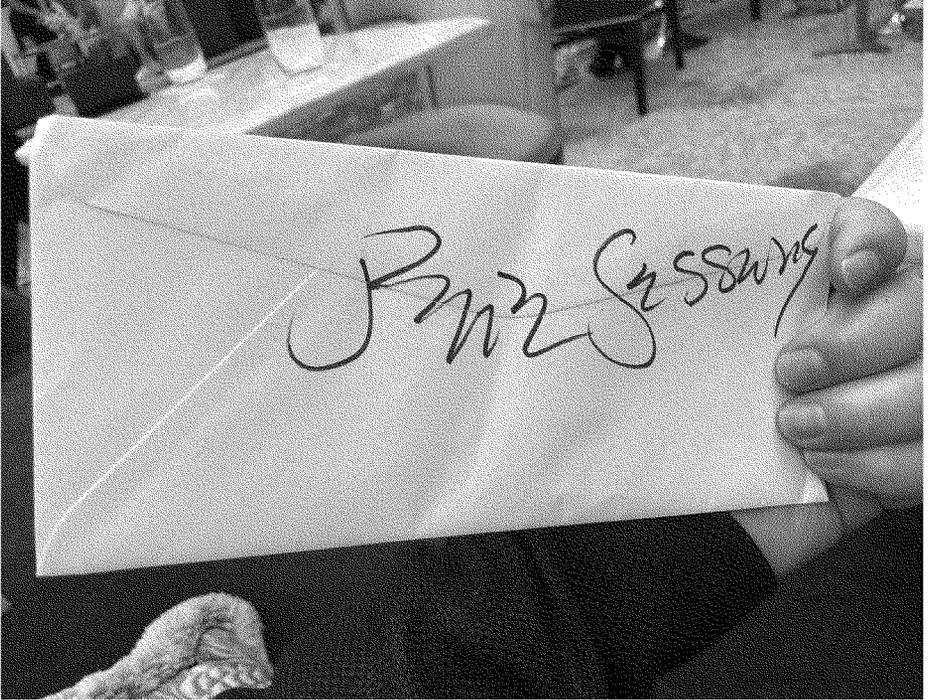












5:56



Done 6152018_125749PM_5.9.18 PS...



PETE SESSIONS
3201 Corporate Plaza
CHAMBLAIN
CONSTITUENT SERVICES
COMMITTEE ON
FINANCIAL SERVICES
HOUSE



Congress of the United States
House of Representatives

2121 FREDERICK STREET, SUITE 200
BETHESDA, MD 20814-4100
TELEPHONE: 301-724-6100
FAX: 301-724-6100
WWW.HOUSE.GOV
MAIL ROOM: 301-724-6100
RECEPTION: 301-724-6100
E-MAIL: 301-724-6100

May 9, 2018

PRIVATE

The Honorable Michael Pompeo
Secretary
United States Department of State
2201 C St NW
Washington, DC 20520-0099

Dear Secretary Pompeo:

I wanted to bring to your attention an interaction that I recently had with individuals regarding the current U.S. Ambassador to Ukraine.

As you likely know, Marie Yovanovitch is the U.S. Ambassador to Ukraine. She previously served as Ambassador to the Republic of Armenia (2008-2011) and the Kyrgyz Republic (2005-2008). I have received notice of concrete evidence from close companions that Ambassador Yovanovitch has spoken privately and repeatedly about her disdain for the current Administration in a way that might call for the expulsion of Ms. Yovanovitch as U.S. Ambassador to Ukraine immediately.

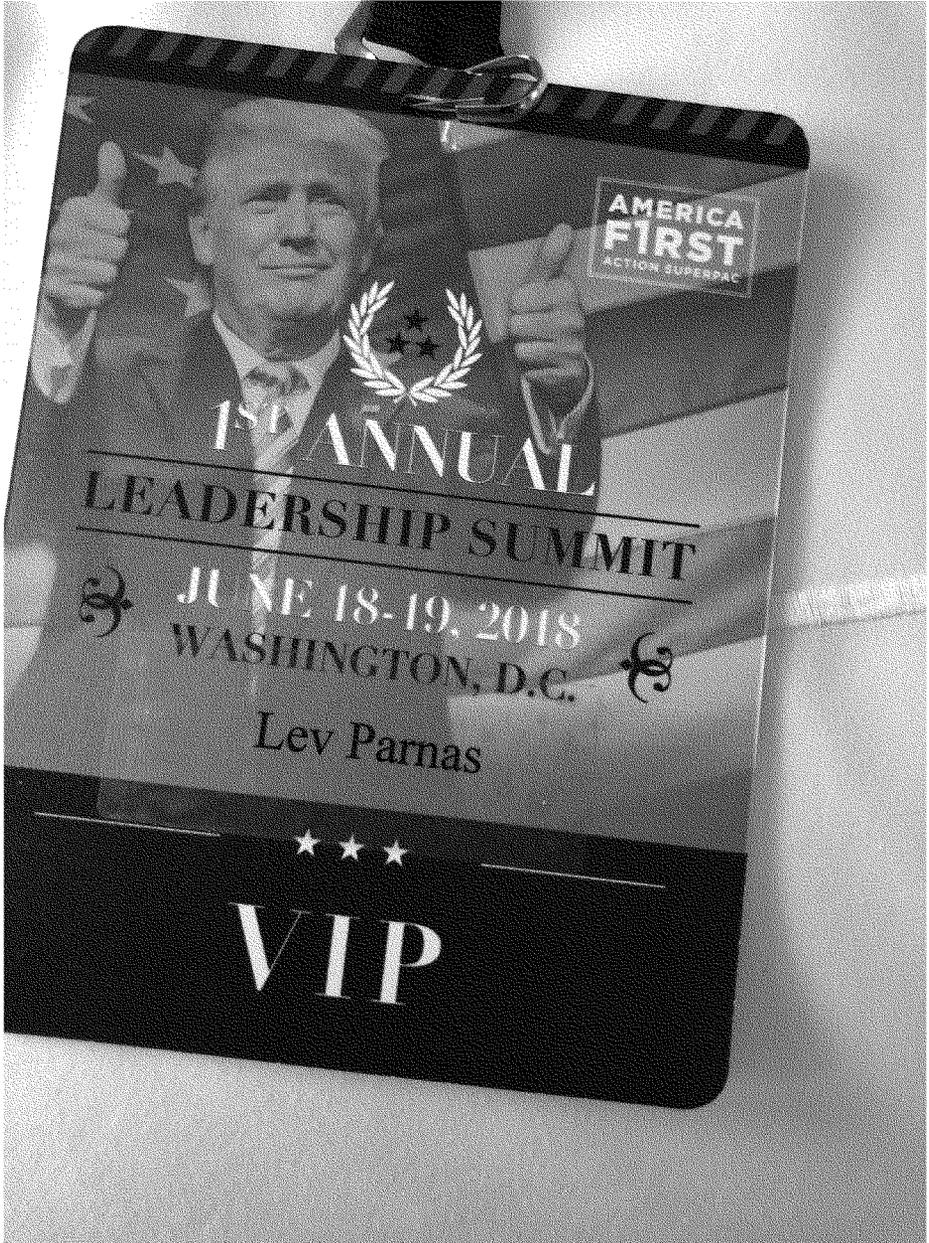
I kindly ask you to consider terminating her ambassadorship and find a replacement as soon as possible. If you would like to discuss this matter further, I can be reached directly at 214.213. [REDACTED] or [REDACTED]@petesessions.com

Thank you for reviewing this matter.

Sincerely,

Pete Sessions
Member of Congress



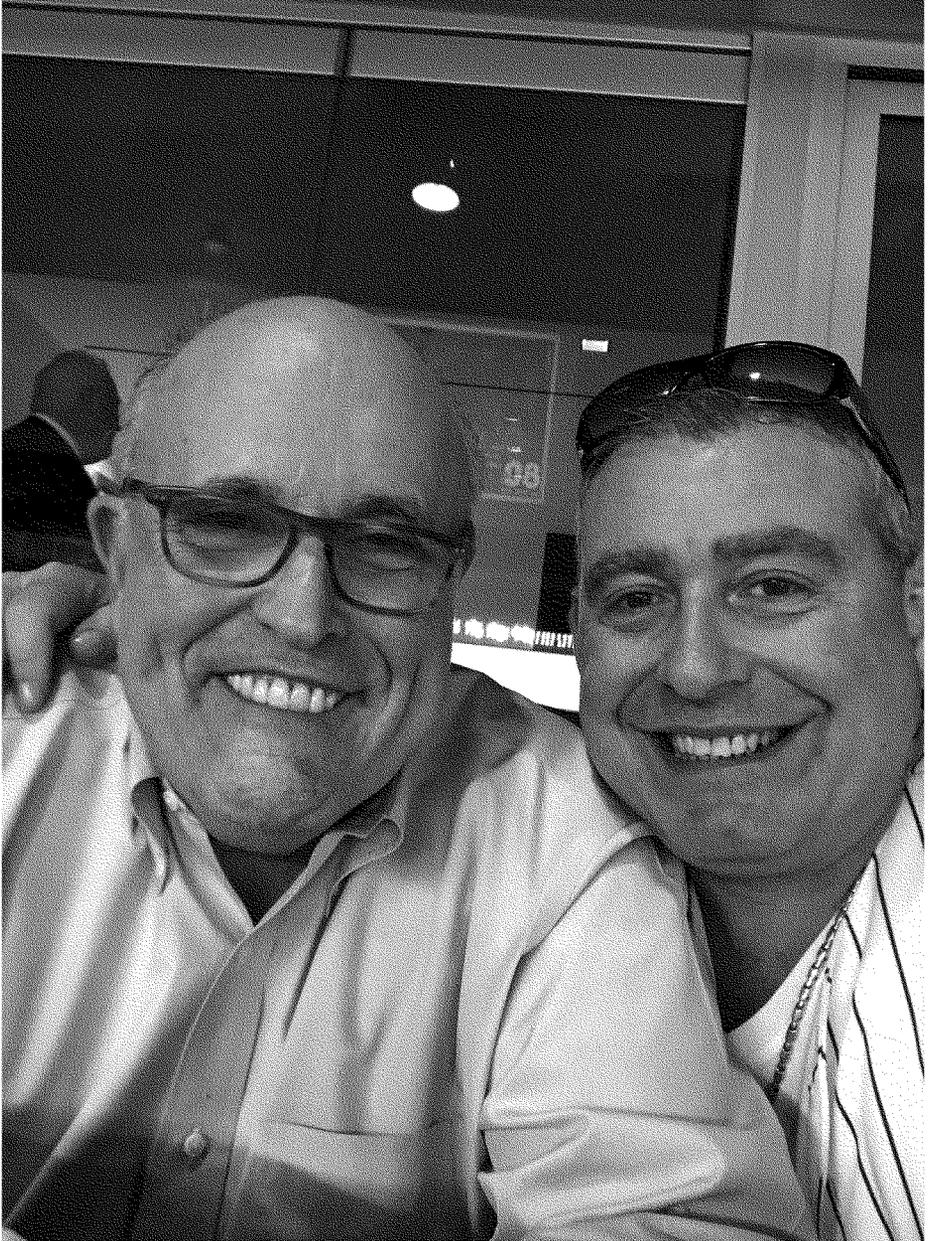














President Porchenko, thanks for joining us here today at The Hill newspaper and the our Hill.TV network.

I know you are in the middle of an election right now, can you tell us what is at stake in the election for you and for relations with the United States?

How do you think you will fare in your re-election bid?

Now when most American think of Ukraine they think of Russia and we're go get to that. But I know there is one important development that doesn't get much attention here but was important to the Ukrainian people. And that is the recent split in the Orthodox Christian Church and the independence that Ukraine now has from Russia within the church? Why has that been so important?

Speaking of Russia, how are relations with your neighbor and are there any new developments on Crimea, the capture pilot, and other bilateral issues.

How is the state of NATO and your efforts to join it?

Do you have evidence that Vladimir Putin is meddling in the current election?

How is your country's relationship with the United States and more specifically with U-S ambassador YO-van-NO-VITCH?

There seems to be a spate of recent comments by our ambassador and some career State officials lamenting the fight against the corruption. What is your response to that and are you surprised about the timing of those comments so close to an election.

I recently was shown a letter from a member of Congress who suggested Ambassador YO-van-NO-witch was saying derogatory things about president Trump. Do you have any evidence that has happened?

Mr. President I would like to take you back to September 2016 when VP Joe Biden came to visit. I've seen some recent video of Biden talking where he there seemed to be a dispute about loan guarantees. What is your recollection of what happened?

Did he specifically ask you to fire the country's chief prosecutor? Were you reluctant?

Did VP Biden have an interest personally in the prosecutor's office and its activities?

Was the VP's son and his company Barisma Holdings under investigation and how serious were the allegations?

What happened to that case after the vice president's intervention?

What does Ukraine need from its partnership with the United States going forward?

4:43

LTE



AS

Andy >



Laura Ingraham: "In May 2018, former Congressman Pete Sessions sent Secretary of State Pompeo an urgent letter imploring him to remove the U.S. Ambassador to Ukraine Marie Yovanovitch. ... She's reportedly demonstrated clear anti-Trump bias." <https://t.co/iHoujSHB1h>

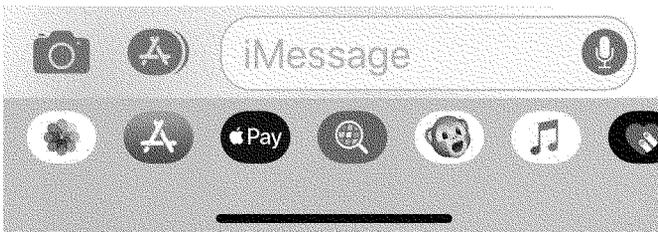
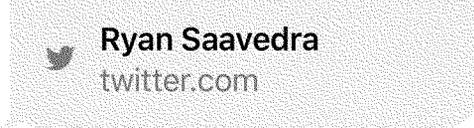
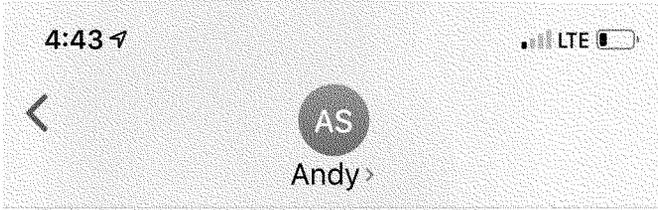
**Ryan Saavedra**

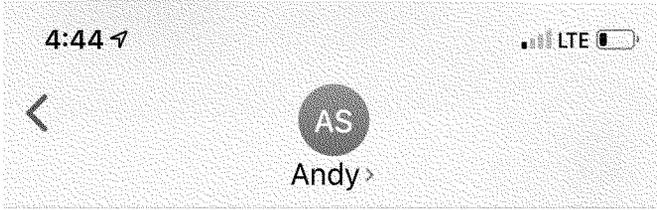
twitter.com



iMessage

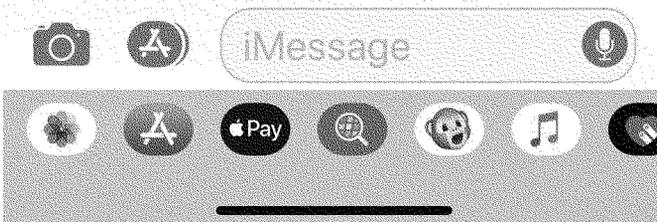






Former federal prosecutor Joe diGenova: "The current United States ambassador Marie Yovanovitch has bad mouthed the President of the United States to Ukrainian officials and has told them not to listen or worry about Trump policy because he's going to be impeached."
<https://t.co/VOsmlfaao>

 **Ryan Saavedra**
twitter.com



12:15



Andy >

8HtsEVzw8m



Sebastian Gorka DrG

twitter.com

We need more
@RichardGrenell's and
less of these jokers as
ambassadors.

Calls Grow To Remove
Obama's U.S.
Ambassador To Ukraine
<https://t.co/0jgzp1ZqmU>



Donald Trump Jr.

twitter.com

Awesome 👍👍👍 great
work

Delivered



iMessage





7934

(185) nbox [REDACTED]@g.oba.energyproducers.com ProtonMail

11/27/19 2:54 PM

Fwd: Timetable with supporting evidence - key developments in Burisma Holdings

Sent: Wednesday, March 13, 2019 4:48 PM

From: [REDACTED]@globalenergyproducers.com

To: Rudolph W. Giuliani [REDACTED]@giulianipartners.com

Sent from ProtonMail Mobile

----- Forwarded message -----

From: John Solomo [REDACTED]@thehill.com>

Date: On Wed, Mar 13, 2019 at 3:35 PM

Subject: Fwd: Timetable with supporting evidence - key developments in Burisma Holdings

To: Lev Parnas [REDACTED]@globalenergyproducers.com>, Victoria Toensing [REDACTED]@digenovatoensing.com>, Joe diGenova [REDACTED]@digenovatoensing.com>

Cc:

Lev, Victoria, Joe:

Please see below, Need DOS help on Hunter Biden contacts.

Thanks

John

Key Events in Burisma Investigation

February 2014.

VP Joe Biden named by President Obama to be U.S. point man on Ukrainian crisis. Meets with President Viktor Yanukovich. Yanukovich ousted as president during Maidan uprising.

March 2014

New Ukrainian elections set for May and Petro Poroshenko emerges as top Western-friendly candidate for president.

April 2014:

Devon Archer, business partner of Hunter Biden, son of the VP, and John Heinz, stepson of Secretary Kerry, is named an independent director of Burisma Holdings. https://www.resumonk.com/vYyKE5CEpSjnxKE_aGwqYQ

April 18, 2014:

Britain's Serious Fraud Office freezes \$23 million in assets kept in London by Burisma Holdings and its founder, Mykola Zlochevsky, on grounds it was fraudulently transferred from Ukraine.

April 24, 2014:

Joe Biden meets with candidate Poroshenko for the first time. <https://slate.com/news-and-politics/2014/04/petro-poroshenko-interview-ukrainian-presidential-candidate-discusses-putin-the-west-and-ukraine.html>

May 13, 2014

Hunter Biden appointed chief lawyer, and board member for Ukraine's largest natural gas company Burisma Holdings, which is run by Mykola Zlochevsky, a former Cabinet official for ousted president Yanukovich. <https://www.cnn.com/2014/05/13/bidens-son-joins-ukraine-gas-companys-board-of-directors.html>

May 20, 2014

David Leliec, former chief of staff to John Kerry, hired as DC lobbyist for Burisma Holdings. Senate lobbying records show. The firm is paid \$90,000 in 2014 to lobby Congress and the State Department. https://www.opensecrets.org/lobby/client_reports.php?id=F212407&year=2014

May 25, 2014.

<https://ma.protonmail.com/nbox> [REDACTED]

Page 1 of 3

Poroshenko wins the Ukraine presidential election

Aug. 20, 2014

Ukraine Prosecutor General Shokin's office opens criminal investigation of Burisma Holdings and Mykola Zlochevsky for alleged corrupt award of gas exploration permits and eventual looting of company, according to Ukrainian prosecutor general file. Hunter Biden identified as an American person of interest in the file.

December 16, 2014

Former deputy national security adviser Tony Blinken confirmed by Senate as Deputy Secretary of State under John Kerry.

Jan. 16, 2015

General Prosecutors office in Ukraine declares Burisma Holdings founder Zlochevsky a fugitive "wanted in Ukraine."

March 18, 2015

VP Biden call with President Poroshenko. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-6/>

April 15, 2015

VP Joe Biden speaks in Ukraine, praising the decision to appoint a new head of the NABU, the investigative arm of the Prosecutor General's office

May 26, 2015

Hunter Biden meets for breakfast with deputy secretary of state Tony Blinken regarding concerns in Ukraine about Burisma prosecution.

June 12, 2015

VP Biden calls President Poroshenko. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-8/>

July 15, 2015

VP Biden and Commerce Secretary Pritzker attend first ever US-Ukraine Chamber of Business meeting. <https://www.uschamber.com/first-annual-us-ukraine-business-forum>

July 24, 2015

VP Biden calls President Poroshenko, raises concerns about anti-corruption efforts in Ukraine. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-10/>

Aug. 16, 2015

Devon Archer throws a \$10,000 a plate fund-raiser in New York for the Seed Global Health charity founded by Secretary of State Kerry's daughter, Dr. Vanessa Kerry.

Aug. 28, 2015

VP Biden calls President Poroshenko <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-082815/>

Sept. 29, 2015

VP Biden meets with President Poroshenko in Ukraine. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-ukrainian-president-petro-poroshenko/>

Nov. 5, 2015

Biden calls President Poroshenko. <https://ua.usembassy.gov/readout-vice-president-bidens-call-ukrainian-president-petro-poroshenko-110515/>

Dec. 7, 2015

VP Biden meets with President Poroshenko and demands the termination of Ukraine's General Prosecutor Shokin. Biden states the president must make "hard decisions" to eliminate "the cancer of corruption" in his country. <https://ua.usembassy.gov/remarks-vice-president-joe-biden-ukrainian-president-petro-poroshenko-bilateral-meeting/>

Dec. 9, 2015

Hunter Biden and business partner Devon Archer meet at State Department regarding Burisma Holdings prosecution.

Feb. 11, 18, 19, 2016

VP Biden holds series of phone calls with President Poroshenko to check on status of pending items from their December 2015 meeting. Removal of general prosecutor raised again. <https://ua.usembassy.gov/readout-vice-president-bidens-calls-prime-minister-arseniy-yatsenyuk-uk-president-petro-poroshenko-ukraine-021816/>

March 15, 2016

1. Assistant Secretary of State Victoria Nuland demands Ukraine "appoint and confirm a new, clean Prosecutor General, who is committed to rebuilding the integrity of the PGO, and investigate, indict and successfully prosecute corruption and asset recovery cases -- including locking up dirty personnel in the PGO itself." She offers no proof that special prosecutor's office is corrupt. <https://ua.usembassy.gov/ukrainian-reforms-two-years-maidan-revolution-russian-invasion/>

March 22, 2016

VP Joe Biden engages in phone call from Washington DC with Ukrainian president Poroshenko about U.S. loan guarantees. It is believed in this call that Biden renews his demands that the president fire Prosecutor General Shokin, who is overseeing the Burisma prosecution, but this time Biden warns Ukraine risk losing the next \$1 billion in U.S. loan guarantees. <https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-032216/>

March 29, 2016

Ukraine parliament fires Prosecutor General Shokin at urging of President Poroshenko. <https://www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html>

March 31, 2016

VP Joe Biden arrives in Ukraine and announces \$1 billion in loan guarantees, ending threat to withhold aid and force Ukraine into debt default, and also delivers

\$239 million more in promised aid. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-president-petro-poroshenko-ukraine-033116/>

April 14, 2016

VP Biden calls President Poroshenko and "stressed the urgency of putting in place a new Prosecutor General who would bolster the agency's anti-corruption efforts. <https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-041416/>

May 12, 2016

Yuri Lutsenko named the new Prosecutor General of Ukraine, taking over investigations that include Burisma Holdings.

May 27, 2016

VP Biden holds phone call with President Poroshenko. <https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-052716/>

June 15, 2016

The Ukrainian investigative bureau NABU announces it has uncovered a massive fraud scheme involving Burisma Holdings. <https://www.pravda.com.ua/eng/news/2016/06/15/7111882/>

June 15, 2016

New Ukrainian prime minister Volodymyr Groysman meets in Washington DC with VP Joe Biden, Assistant Secretary of State Victoria Nuland and a representative of George Soros team.

Aug. 12, 2016

Phone call between VP Biden and President Poroshenko

Sept. 20, 2016

VP Biden meets President Poroshenko on sidelines of UN meeting. Confirms \$1 billion in loan guarantees has been made. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-president-petro-poroshenko-ukraine/>

Sept. 20, 2016

General Prosecutor's office eliminates "wanted" status of Burisma Holdings founder Zlochevsky in criminal case, ending his status as a fugitive.

Nov. 2, 2016

Prosecutor General's office in Ukraine closes down Burisma Holdings investigation without any formal charges.

Nov. 8, 2016

Donald Trump wins election to become 45th president of United States, ending eight years of Democratic control of the White House.

Dec. 15, 2016

VP Biden holds phone call with Ukraine president and prime minister, praises work of NABU, which prosecutor general's office says refused to investigate Burisma aggressively. <https://ua.usembassy.gov/readout-vice-president-bidens-calls-president-ukraine-petro-poroshenko-prime-minister-ukraine-volodymyr-groysman/>

Jan. 17-18, 2017

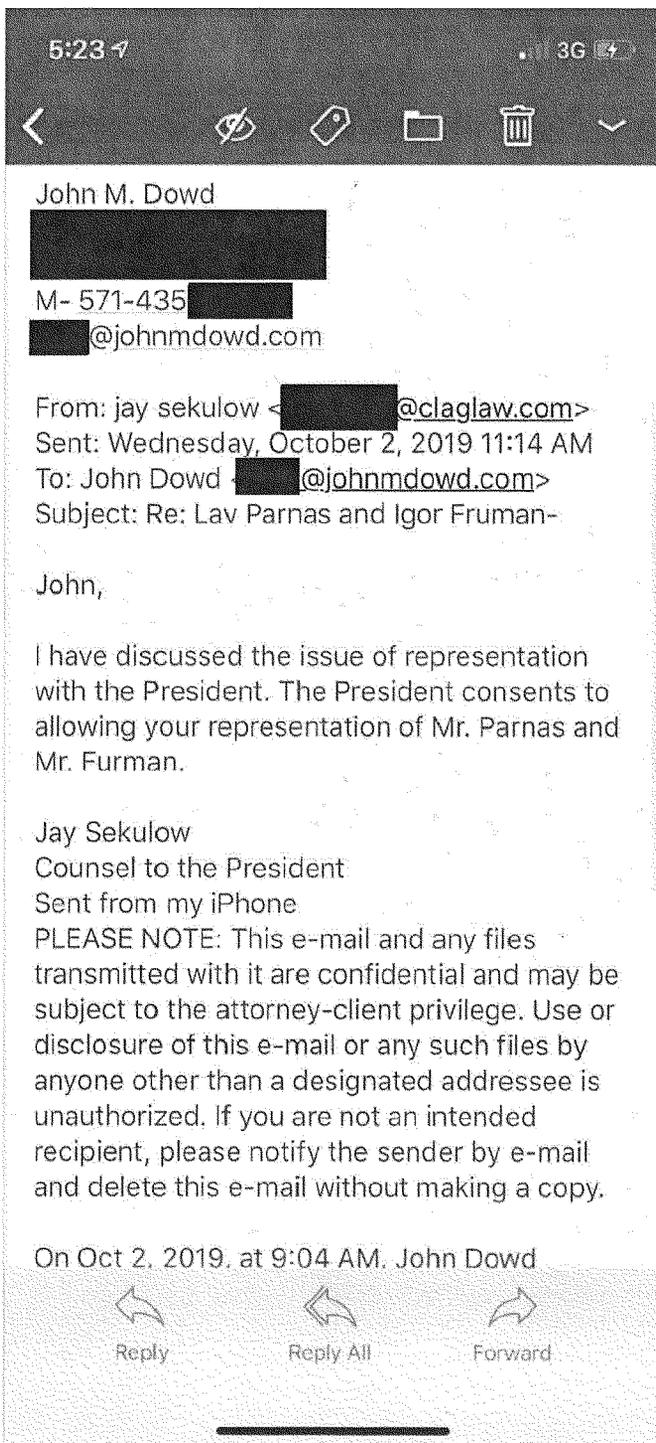
Biden makes final appearance in Ukraine with President Poroshenko. <https://ua.usembassy.gov/remarks-vice-president-joe-biden-joint-press-availability-ukrainian-president-petro-poroshenko/>

Jan. 25, 2018

Former VP Biden boasts at Council of Foreign Relations events in Washington DC that he strong armed Ukrainian president to fire the General Prosecutor, using loan guarantees as leverage. Does not mention his son's company was under investigation.

--
John Solomon

Executive Vice President
The Hill
202-23 [REDACTED]



7938

John M. Dowd
Attorney at Law

[REDACTED]
Washington, D.C. 20015

(O
(C
(F) [REDACTED]
@johnmdowd.com

VIA E-MAIL

October 3, 2019

[REDACTED]
House Permanent Select Committee on Intelligence
Democratic Congress of the United States
Washington, D.C. 20515

Subject: Your letters of September 30, 2019, to Lev Parnas and Igor Fruman

Dear [REDACTED]

This letter will confirm our recent telephone conversation of October 1, 2019, in response to the Committees' extensive and detailed letters which the Committees unfortunately caused to be published on the internet in violation of all norms of fairness and decency.

In that call, I advised you of my anticipated retainer by Lev Parnas and Igor Fruman. I now represent Lev Parnas and Igor Fruman with respect to the alleged impeachment investigation referenced in your letters of September 30, 2019.

I will meet with Mr. Parnas and Mr. Fruman beginning this weekend to get acquainted with them, the facts and documents requested in your detailed letter in order to prepare a response to the Committees' requests. This effort will take some time.

Be advised that Messrs. Parnas and Fruman assisted Mr. Giuliani in connection with his representation of President Trump. Mr. Parnas and Mr. Furman have also been represented by Mr. Giuliani in connection with their personal and business affairs. They also assisted Joseph DiGenova and Victoria Toensing in their law practice. Thus, certain information you seek in your September 30, 2019, letter is protected by the attorney-client, attorney work product and other privileges. Given the breadth and detail of your request for information, an appropriate privilege review cannot reasonably be conducted by October 7, 2019, the date you have set to produce documents and communications. The amount of time required is difficult to determine, but we are happy to keep you advised of our progress and engage in a rolling production of non-privileged documents.

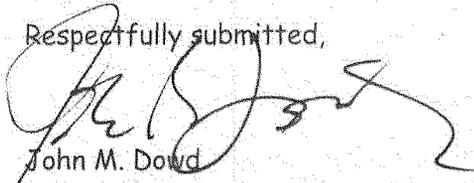
Your request for documents and communications is overly broad and unduly burdensome. The subject matter of your requests is well beyond the scope of your inquiry. This, in combination with requiring immediate responses, leads me to the inescapable conclusion that the Democratic Committee members' intent is to harass, intimidate and embarrass my clients.

The "Committees" and its Democratic members are well aware that my clients are entitled to retain counsel and counsel is entitled to an adequate period of time to get acquainted with the clients, review documents, consult with the clients and prepare the clients for any

potential testimony and document production. Requesting production of documents within seven days and requiring testimony within fifteen days is unreasonable and not in keeping with your Committees' standard procedures.

Considering the important factual questions and legal issues attendant to the alleged whistleblower, your investigation, your authority and requests for information, your charter should be amended to exhibit some semblance of due process, fairness, justice and common decency.

Respectfully submitted,



John M. Dowd

Counsel to Messrs. Parnas and Fruman

Calendar

#	Summary	Details	Start Date	Start Time	End Date	End Time	Priority	Status	Category	Repeat Day
58	Found in Natural Language @jacoblemp/producers.com Breakfast with President Trump in NYC		9/29/2019 12:30:00	PM(UTC-0)	9/29/2019		Unknown	Normal		None
124	@jacoblemp/producers.com National Council of Young Israel Gala Dinner on March 31st at Marriott Marquis in Manhattan	<p>From: Joseph Pizer [redacted]@jacob.com Date: December 19, 2018 at 4:31:05 PM GMT-2 To: [redacted]@jacoblemp/producers.com, [redacted]@gmail.com Cc: [redacted]@gmail.com Subject: National Council of Young Israel Gala Dinner on March 31st at Marriott Marquis in Manhattan</p> <p>Dear Ley and Ippor Great seeing you at the White House. I am counting on your support to make the National Council of Young Israel Gala Dinner on March 31st. You will be receiving the Builders of Jerusalem Award. It would be great if Rudy Giuliani could present the Award to you. It would also be great if Rudy and you can help bring the event to the attention of the media. We are hoping Jewish vets from World War Two 2019 marks the 80th year since the War began. Obviously, in order to make the Dinner a success we will need both money and people. I will gladly discuss. All in all it will be a Great event. Looking forward to getting together soon. Joe Pizer</p> <p>Sent from my iPhone</p>	3/31/2019 12:30:00	AM(UTC-0)	3/31/2019		Unknown	Private		None

10:40

Camera

3G



June 16

12:56 AM

Edit

PETE SESSIONS
 2050 DUNCAN DRIVE
 CHAIRMAN
 CONGRESSIONAL SERVICEMEN
 UNION
 1100 CONGRESS ST
 WASHINGTON, DC 20540



OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES
 500 HASTINGS BUILDING
 WASHINGTON, DC 20541-5500
 (202) 225-4800
 FAX (202) 225-4809
 WWW.HOUSE.GOV

Congress of the United States
House of Representatives

May 9, 2018

PRIVATE

The Honorable Michael Pompeo
 Secretary
 United States Department of State
 2201 C St NW
 Washington, DC 20520-0099

Dear Secretary Pompeo:

I wanted to bring to your attention an intervention that I recently had with individuals regarding the current U.S. Ambassador to Ukraine.

As you likely know, Maria Yovanovitch is the U.S. Ambassador to Ukraine. She previously served an Ambassador in the Republic of Armenia (2008-2011) and the Kyrgyz Republic (2005-2008). I have received notice of concrete evidence from close companions that Ambassador Yovanovitch has spoken privately and repeatedly about her disdain for the current Administration in a way that might call for the expulsion of Ms. Yovanovitch as U.S. Ambassador to Ukraine immediately.

I kindly ask you to consider terminating her ambassadorship and find a replacement as soon as possible. If you would like to discuss this matter further, I can be reached directly at 214.215.5849 or evan@petesessions.com.

Thank you for reviewing this matter.

Sincerely,

Pete Sessions
 Member of Congress





9 DEC 2014

Шановний/на пане/пані!

Вам було вимовлено у зверненні по візу згідно зі статтею 221(g) Закону США про імміграцію та громадянство. Ви повинні надати необхідну інформацію або документи, які відмічені галочками внизу. Ця стаття стосується усіх аплікантів, які звертаються по візу, включаючи учасників ESTA (додаткова інформація знаходиться на сайті <https://esta.cbp.dhs.gov>). Просимо уважно переглянути відмічені пункти і не брати до уваги всі інші.

- Новий паспорт.
- Фотокартка повинна бути зроблена протягом останніх 6 місяців, та бути кольоровою і зробленою на білому тлі.
- Фотокартки, які не відповідають цим вимогам, не приймаються. На фотокартці, яка використовується для зняття по візу, особа не повинна бути зображена в окулярах, вираз обличчя повинен бути нейтральним. Консульській відділі не приймає фотокартки, які не відповідають вказанним вимогам, навіть якщо фотокартка була завантажена у Вашу електронну візову анкету.
- Докази того, що Ви законно подовжили термін перебування у США.
- Ви повинні особисто з'явитися на електронне сканування відбитків пальців.
- Ви повинні особисто з'явитися на співбесіду з візовим офіцером для подальшого розгляду Вашої справи.
- Батьки повинні з'явитися, маючи при собі паспорти.
- Свідцтво про народження.
- Підтвердження зміни прізвища (наприклад, свідцтво про одруження).
- Документи з суду та/або поліції щодо кримінальної діяльності.
- Підтвердження сплати збору SEVIS.
- Заповнена / виправлена форма DS-160.
- Трудовий договір, підписаний роботодавцем та працівником.
- Список членів екіпажу.
- Ваша справа знаходиться на адміністративному розгляді. Ми зв'яжемося з Вами, коли цей розгляд буде завершено. Наразі від Вас не вимагається жодних подальших дій.
- Інше
Documents shared with US Sergeant.
- Як тільки Ви будете готові, Ви повинні прийти з паспортом та необхідними документами до Консульського відділу, попередньо призначивши співбесіду. Для того, щоб призначити співбесіду, Вам потрібно звернутися до кол-центру за номером (044) 383-80-66 із проханням призначити співбесіду за статтею 221(g) або поновити Ваші дані на веб-сторінці www.ustraveldocs.com/ua та призначити собі співбесіду за статтею 221(g).
- Як тільки Ви будете готові, Вам потрібно буде заповнити зворотню сторінку цього листа та принести паспорт і необхідні документи до найближчого офісу TMM-EXPRESS. Будь-ласка, зателефонуйте до кол-центру за номером (044) 383-80-66, якщо Вам потрібна допомога.
- Відскануйте документи та надішліть їх на KyivNIV@state.gov, вказавши прізвище, ім'я та номер закордонного паспорта апліканта в темі листа (наприклад, 221g: Петров Петро, FE123456).

Вам не потрібно буде ще раз сплачувати консульський збір, якщо Ви встигнете надати всю інформацію протягом 12 місяців з моменту Вашої співбесіди. Увага: якщо Ви звертаєтесь по візу, підкріплену петитією, та отримали відмову за статтею 221 (g) Закону США про імміграцію та громадянство, Ви повинні надати необхідну інформацію протягом одного року. В іншому випадку Ваша петитія буде скасована згідно зі статтею 203(g) Закону США про імміграцію та громадянство.

From USA: U.S. Embassy - Kyiv, Consular Section, Department of State, Washington, DC 20521-5650
In Ukraine: U.S. Embassy, Consular Section, 4 A.I. Sikorsky Street 04112 Kyiv
Visit webpage at <http://ukraine.usembassy.gov> and at www.ustraveldocs.com/ua
Call center number: in Ukraine +380 44 383 8066; in the US: 1-703-988-7107
Site: ustraveldocs-ukraine

2:28 ↵

◀ WhatsApp



ua.usembassy.gov

Public Television: *Ambassador Yovanovitch yesterday said that for the sake of integrity of anti-corruption institutions of Ukraine, the special anti-corruption prosecutor should be changed. Is it a demand by the United States, to whom is it addressed, and how does it go with the issue of interfering or not interfering with the affairs of a sovereign nation?*

Under Secretary Hale: Well, Ambassador Yovanovitch represents the President of the United States here in Ukraine, and America stands behind her statements. And I don't see any value in my own elaboration on what they may or may not have meant. They meant what she said. As a visitor here from Washington, I perhaps can widen a little bit the question if you permit me. What we seek is what the Ukrainian people seek: the aspirations that were so clearly defined and expressed during the Revolution of Dignity. The Ukrainian people said then, and they say now, I believe, that they want to make a choice. A choice for transparency, accountability, and modern corporate good governance. It's especially important that the institutions be led by individuals who are committed to those values – especially the institutions that are, in fact, designed to enforce those rules. But in the end of the day, these are



EMBASSY OF THE UNITED STATES OF AMERICA
THE AMBASSADOR

Kyiv, Ukraine
February 12, 2019

Dear Mr. Ambassador:

As senior U.S. officials have raised with Ukrainian counterparts on multiple occasions, I am writing to follow up on the case of fraudulent passports issued by Ukrainian officials. We remain very concerned by the lack of progress prosecuting those behind the Pimakhova passport fraud case or accurately tracking the number of fake passports still in circulation. I must emphasize how seriously we take this case, which has national security implications and the potential to threaten the safety of citizens of the United States, Ukraine, and third countries.

The U.S. government has confirmed that at least one individual entered the United States with a fraudulently obtained Ukrainian passport, and the Security Service of Ukraine (SBU) indicated terrorists and other individuals from high terrorism-threat countries were issued or were in possession of fraudulently obtained Ukrainian passports. ISIS leadership has repeatedly called upon its followers to attack western targets. The FBI remains concerned extremists could use fraudulently obtained Ukrainian travel documents to enter the United States to conduct an attack or conduct an attack against western interests in Europe.

More than one year has passed since the arrest of three officers of the National Anti-corruption Bureau of Ukraine (NABU) and the disruption by SBU and the Prosecutor General's Office (PGO) of the above passport case. I am therefore requesting, in writing, your government's cooperation and update on three issues:

1. To ensure all NABU evidence seized by SBU is returned immediately so NABU's investigation into the Pimakhova case can proceed in earnest;
2. To proceed with a joint PGO-NABU-SBU investigation into the PGO and SBU attempts to disrupt the case; and
3. To remove Directorate K from the SBU, in line with Article 19 of Ukraine's Law on National Security, which defines the competencies of SBU as counter-intelligence, counter-terrorism, and protection of state secrets. In keeping with Western principles, an intelligence and state security organization should not be involved in criminal investigations focused on organized crime or corruption offenses.

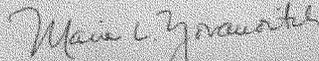
His Excellency

Ambassador Kostyantyn Yelisieiev,
Deputy Head of the Presidential Administration,
Kyiv, Ukraine.

-2-

I would appreciate your assistance in bringing these national security threats to the attention of the President and to ensure immediate and effective action is taken to address them. I would be grateful for an update on your efforts at your earliest convenience.

Sincerely,


Marie L. Yovanovitch

cc: Igor Rainin, Head of the Presidential Administration
Arsen Avakov, Minister of Internal Affairs
Vasyl Hrytsak, Head of the Security Service of Ukraine Vasyl Hrytsak
Yuriy Lutsenko, Prosecutor General

The Ministry of Justice of
Ukraine (Ukrainian:
Міністерство юстиції України)
is the main body in the system of
central government that ...



Minister responsible: Pavlo Petrenko;



Extraction Report

Apple iPhone

Chats (1)

These details are auto-referenced from this device's contacts.

iMessage: [REDACTED]@globalenergyproducers.com (1)

Native (1)

#		Deleted
1	<p>Start Time: 7/20/2018 8:24:34 PM(UTC-4) Last Activity: 10/9/2019 7:40:01 PM(UTC-4) Number of attachments: 373 Source: iMessage: [REDACTED]@globalenergyproducers.com Body file: chat-1.txt</p> <p>Participants:</p> <ul style="list-style-type: none">[REDACTED]@globalenergyproducers.com+191795 [REDACTED] Rudy Gusiani*+1310848 [REDACTED] Lubimiy* (owner)	

+1917951 [redacted] Rudy Giuliani

Want to meet at Shelly's at 10 for a cigar???

Status: Read

Read: 11/15/2018 8:46:44 PM(UTC-5)

11/15/2018 8:48:20 PM(UTC-5)

[redacted] @globalenergyproducers.com

Sounds good I'll meet you there

Status: Sent

Delivered: 11/15/2018 8:47:01 PM(UTC-5)

Read: 11/15/2018 8:47:51 PM(UTC-5)

11/15/2018 8:47:05 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Going to Shelly's

Status: Read

Read: 11/15/2018 9:49:36 PM(UTC-5)

11/15/2018 9:49:17 PM(UTC-5)

[redacted] @globalenergyproducers.com

Perfect on my way there grabbing Pets sessions with me

Status: Sent

Delivered: 11/15/2018 9:50:21 PM(UTC-5)

Read: 11/15/2018 9:50:26 PM(UTC-5)

11/15/2018 9:50:21 PM(UTC-5)

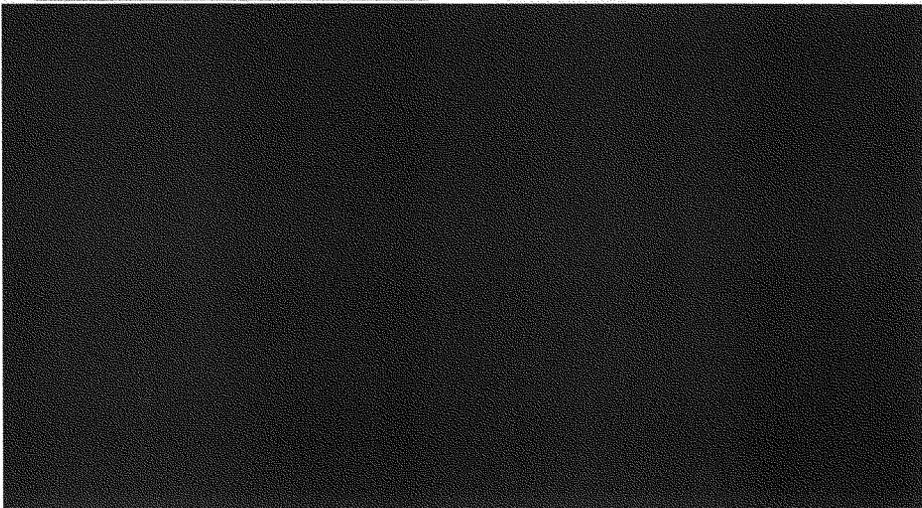
+1917951 [redacted] Rudy Giuliani

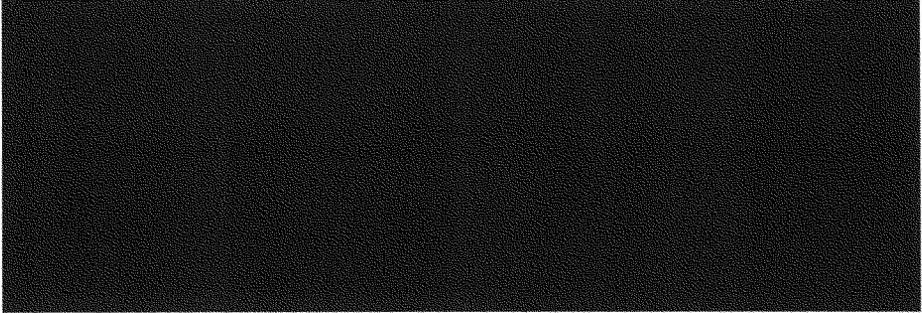
Good

Status: Read

Read: 11/15/2018 9:50:36 PM(UTC-5)

11/15/2018 9:50:31 PM(UTC-5)





 @globalenergyproducers.com
 Good morning my brother
 Status: Sent
 Delivered: 12/7/2018 10:31:11 AM(UTC-5)
 Read: 12/7/2018 10:35:37 AM(UTC-5)
 12/7/2018 10:31:10 AM(UTC-5)

 @globalenergyproducers.com
 Do you know what time we are meeting ?
 Status: Sent
 Delivered: 12/7/2018 12:30:18 PM(UTC-5)
 Read: 12/7/2018 12:31:47 PM(UTC-5)
 12/7/2018 12:30:18 PM(UTC-5)

+1917951  Rudy Okulari
 In a short while I will know certainly this afternoon. Need to get u up to speed.
 Status: Read
 Read: 12/7/2018 12:32:30 PM(UTC-5)
 12/7/2018 12:32:27 PM(UTC-5)

 @globalenergyproducers.com
 Status: Sent
 Delivered: 12/7/2018 12:32:35 PM(UTC-5)
 Read: 12/7/2018 6:35:33 PM(UTC-5)
 12/7/2018 12:32:35 PM(UTC-5)

 @globalenergyproducers.com
 My brother I want to thank you soooo much for the most incredible expenence I was able to have my son at the White House You are the best and I truly mean it from my heart
 Status: Sent
 Delivered: 12/7/2018 5:56:30 PM(UTC-5)
 Read: 12/7/2018 6:35:33 PM(UTC-5)
 12/7/2018 5:56:30 PM(UTC-5)

 @globalenergyproducers.com

Attachments:



Size: 49281
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Status: Sent
 Delivered: 12/7/2018 6:39:00 PM(UTC-5)
 Read: 12/7/2018 6:39:53 PM(UTC-5)

12/7/2018 6:39:53 PM(UTC-5)

 @globalenergyproducers.com

This was the letter from Pete to Pompeo

Status: Sent
 Delivered: 12/7/2018 6:39:40 PM(UTC-5)
 Read: 12/7/2018 6:39:53 PM(UTC-5)

12/7/2018 6:39:53 PM(UTC-5)

 @globalenergyproducers.com

<http://neweasteurope.eu/2018/04/19/yulia-tymoshenko-controversial-middle-man/>

Attachments:



Size: 6146
 File name: 0A71DB72-A537-4E7B-BBAA-F5A5149CE7E.plugin?payload=Attachment
 0A71DB72-A537-4E7B-BBAA-F5A5149CE7E.plugin?payload=Attachment



Size: 32473
 File name: 80154FF8-D4A9-4326-AC69-8EA07E5563AC.plugin?payload=Attachment
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Status: Sent
 Delivered: 12/7/2018 8:27:26 PM(UTC-5)
 Read: 12/7/2018 8:28:14 PM(UTC-5)

12/7/2018 8:27:24 PM(UTC-5)

 @globalenergyproducers.com

Just landed my brother have a great night I'll call you tomorrow and thank you again !!!

Status: Sent
 Delivered: 12/7/2018 8:44:46 PM(UTC-5)
 Read: 12/7/2018 8:46:28 PM(UTC-5)

12/7/2018 8:44:47 PM(UTC-5)

 @globalenergyproducers.com

Just spoke with Pete I'll update you tomorrow

Status: Sent
 Delivered: 12/7/2018 10:18:04 PM(UTC-5)
 Read: 12/7/2018 11:26:03 PM(UTC-5)

12/7/2018 10:09:27 PM(UTC-5)

@globalenergyproducers.com

Attachments



Size: 72004
File name: 15b751a4-af1-4d6c-bd11-51b24e744189.JPG
15b751a4-af1-4d6c-bd11-51b24e744189.JPG

Status: Sent
Delivered: 12/8/2018 5:15:01 PM(UTC-5)
Read: 12/8/2018 5:15:17 PM(UTC-5)

12/8/2018 5:14:59 PM(UTC-5)

@globalenergyproducers.com

Give me a call my brother

Status: Sent
Delivered: 12/8/2018 5:16:51 PM(UTC-5)
Read: 12/8/2018 5:17:06 PM(UTC-5)

12/8/2018 5:16:51 PM(UTC-5)

+1917951 Rudy Okulant

Cannot right on

Status: Read
Read: 12/8/2018 5:17:21 PM(UTC-5)

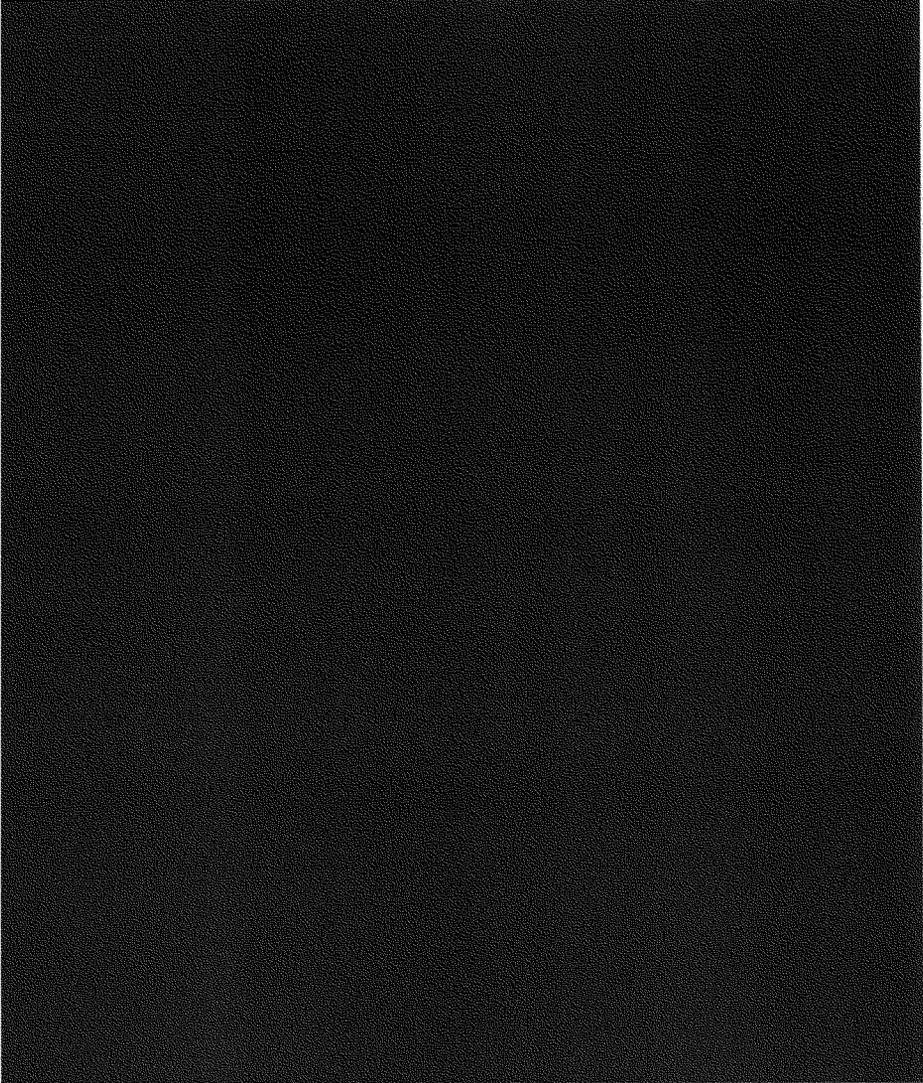
12/8/2018 5:17:18 PM(UTC-5)

@globalenergyproducers.com

No worries call me when you can got some updates

Status: Sent
Delivered: 12/8/2018 5:18:36 PM(UTC-5)
Read: 12/8/2018 5:18:36 PM(UTC-5)

12/8/2018 5:18:36 PM(UTC-5)



+1917051 [redacted] Rudy Giuliani

On tarmac for almost one hour. I think Mueller knew I was on this plane and is delaying it so he gets me to say whatever he wants me to say. But I'm just incapable of lying to save my own skin. He wants me to say that 35 years ago DT didn't pay two parking tickets. You say so what's so important? Well they may have been right in front of then Soviet embassy. I WILL NOT BE BROKEN!

Status: Read

Read: 12/19/2018 5:00:43 PM(UTC-5)

12/19/2018 5:00:33 PM(UTC-5)

██████████ @globalenergyproducers.com
Lol
Status: Sent
Delivered: 12/19/2018 5:04:13 PM(UTC-5)
Read: 12/19/2018 5:04:13 PM(UTC-5)
12/19/2018 5:01:14 PM(UTC-5)

██████████ @globalenergyproducers.com
Stand strong
Status: Sent
Delivered: 12/19/2018 5:04:13 PM(UTC-5)
Read: 12/19/2018 5:04:13 PM(UTC-5)
12/19/2018 5:01:22 PM(UTC-5)

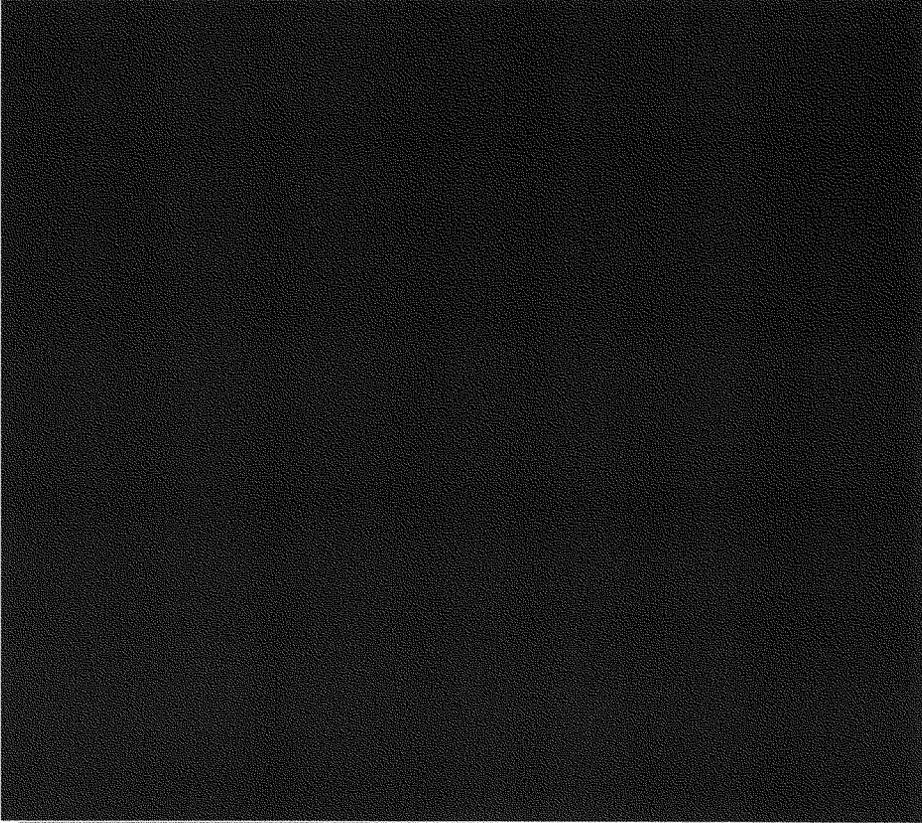
+1917951 ██████████ Rudy Gulkani
I'm no rat
Status: Read
Read: 12/19/2018 5:04:24 PM(UTC-5)
12/19/2018 5:04:13 PM(UTC-5)

██████████ @globalenergyproducers.com
How are you my brother hope your good if I'm leaving Ukraine tomorrow see you Saturday
Status: Sent
Delivered: 12/20/2018 4:07:05 PM(UTC-5)
Read: 12/20/2018 4:07:10 PM(UTC-5)
12/20/2018 4:07:04 PM(UTC-5)

+1917951 ██████████ Rudy Gulkani
Good will be in FL for part of week between Christmas and New Years
Status: Read
Read: 12/20/2018 4:08:07 PM(UTC-5)
12/20/2018 4:08:02 PM(UTC-5)

██████████ @globalenergyproducers.com
awesome
Status: Sent
Delivered: 12/20/2018 4:08:27 PM(UTC-5)
Read: 12/20/2018 4:08:27 PM(UTC-5)
12/20/2018 4:08:27 PM(UTC-5)

██████████ @globalenergyproducers.com
Just landed finally back
Status: Sent
Delivered: 12/23/2018 6:14:14 PM(UTC-5)
Read: 12/23/2018 6:14:44 PM(UTC-5)
12/23/2018 6:14:03 PM(UTC-5)



+1917951 [redacted] Rudy Giuliani

Let's meet after lunch at 2pm or so at GHR

Status: Read

Read: 1/7/2019 12:42:01 PM(UTC-5)

1/7/2019 12:41:58 PM(UTC-5)

 @globalenergyproducers.com

<https://www.dailymail.co.uk/news/article-5507429/amp/Bidens-son-Hunter-deal-Bank-China-fathers-trip.html>

Attachments



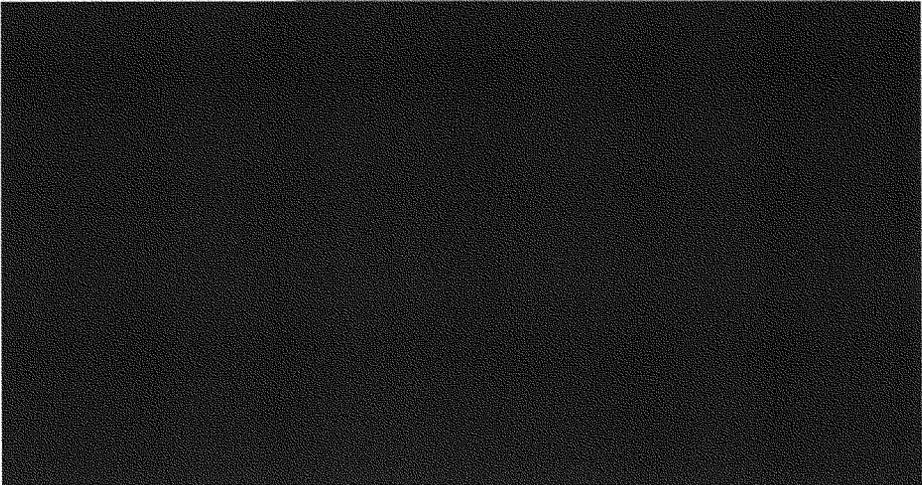
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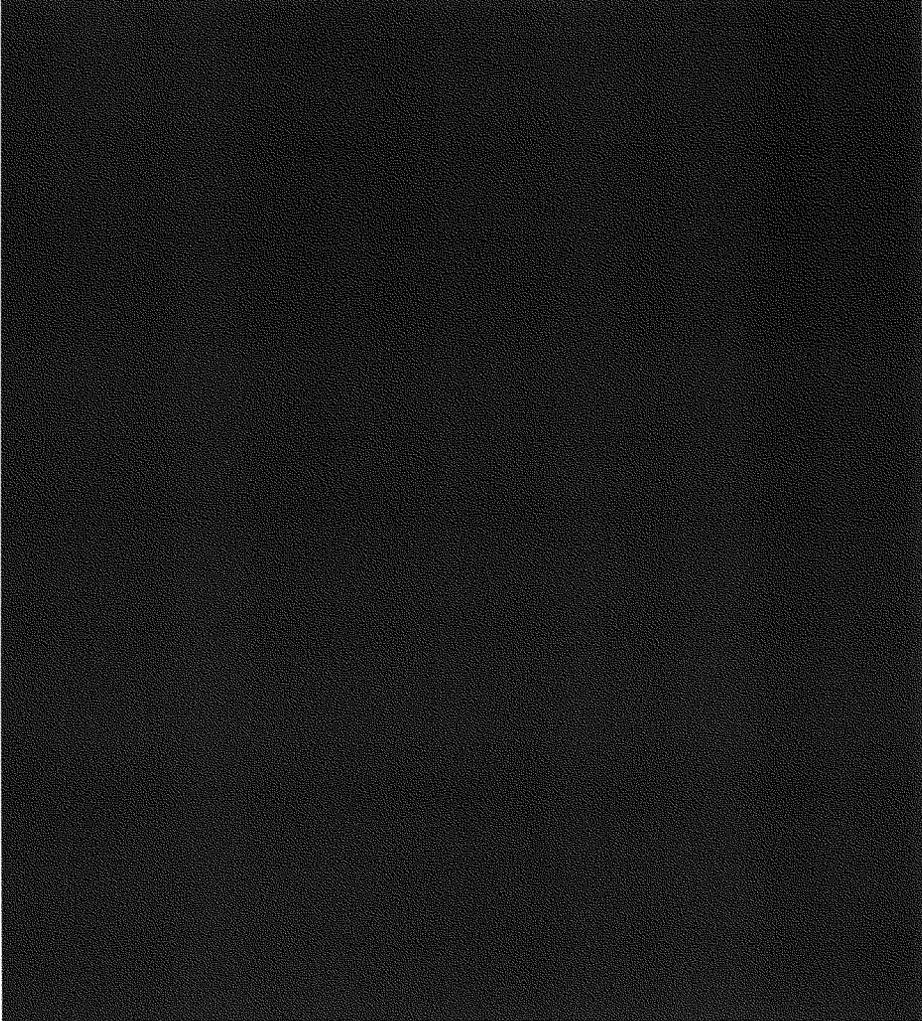


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Status: Sent
Delivered: 17/2019 5:51:42 PM(UTC-8)
Read: 17/2019 5:52:04 PM(UTC-8)

17/2019 5:51:41 PM(UTC-8)





+1917951 [redacted] Rudy Giuliani
What is name of person 1
Status: Read
Read: 1/9/2019 11:54:24 AM(UTC-5)

1/9/2019 11:52:27 AM(UTC-5)

@globalenergyproducers.com

Attachments



Size: 205436
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Size: 221951
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Status: Sent
 Delivered: 1/9/2019 12:01:46 PM(UTC-5)
 Read: 1/9/2019 12:11:23 PM(UTC-5)

1/9/2019 12:01:44 PM(UTC-5)

@globalenergyproducers.com

Stw: they declined his visa today

Status: Sent
 Delivered: 1/9/2019 12:02:16 PM(UTC-5)
 Read: 1/9/2019 12:11:23 PM(UTC-5)

1/9/2019 12:02:16 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

I can revive it

Status: Read
 Read: 1/9/2019 12:26:58 PM(UTC-5)

1/9/2019 12:26:50 PM(UTC-5)

@globalenergyproducers.com

Status: Sent
 Delivered: 1/9/2019 12:27:05 PM(UTC-5)
 Read: 1/9/2019 12:27:12 PM(UTC-5)

1/9/2019 12:27:05 PM(UTC-5)

@globalenergyproducers.com

Landing in teterboro around 4 meet at Grand Havana at 5 ?

Status: Sent
 Delivered: 1/9/2019 2:36:47 PM(UTC-5)
 Read: 1/9/2019 2:36:55 PM(UTC-5)

1/9/2019 2:36:50 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

I have a Meet Ng there from 5:30 to 7 then free. So can meet before and after ok

Status: Read
 Read: 1/9/2019 2:36:35 PM(UTC-5)

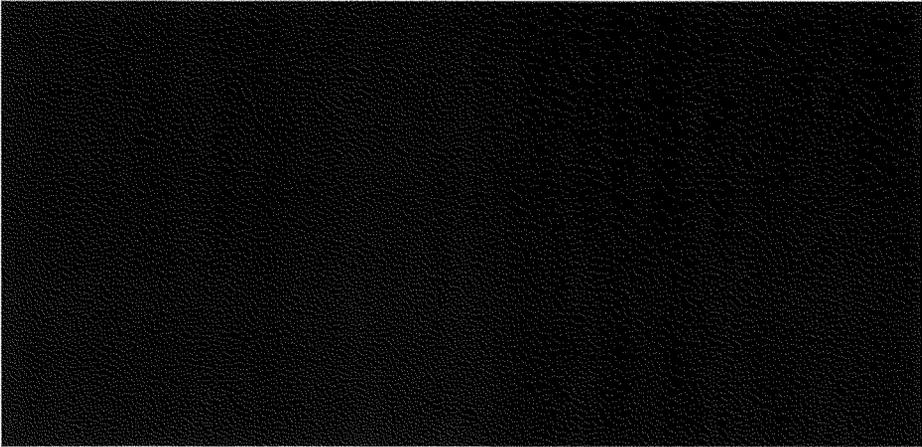
1/9/2019 2:36:29 PM(UTC-5)

 @globalenergyproducers.com
K
Status: Sent
Delivered: 1/9/2019 2:36:54 PM(UTC-5)
Read: 1/9/2019 2:40:19 PM(UTC-5)
1/9/2019 2:38:04 PM(UTC-5)

 @globalenergyproducers.com
<https://www.cnn.com/2019/01/09/politics/manafort-ukrainian-oligarchs/index.html>
Attachments:

Size: 5172
File name: A73E0AC4-5E47-40DD-9CA0-43CA4B366D47.pluginPayloadAttachment
A73E0ACA-5E47-40DD-9CA0-43CA4B366D47.pluginPayloadAttachment

Size: 214745
File name: AB7A7A8C-B454-4E6A-8F95-EF1D276C1417.pluginPayloadAttachment
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Status: Sent
Delivered: 1/9/2019 8:59:07 PM(UTC-5)
Read: 1/9/2019 9:11:37 PM(UTC-5)
1/9/2019 8:58:57 PM(UTC-5)



 @globalenergyproducers.com
No visa my brother he just called me
Status: Sent
Delivered: 1/10/2019 11:18:17 AM(UTC-5)
Read: 1/10/2019 11:45:49 AM(UTC-5)
1/10/2019 11:18:15 AM(UTC-5)

+1917951 Rudy Giuliani

Still trying

Status: Read

Read: 1/10/2019 11:46:26 AM(UTC-5)

1/10/2019 11:46:47 AM(UTC-5)

@globalenergyproducers.com

Status: Sent

Delivered: 1/10/2019 11:47:17 AM(UTC-5)

Read: 1/10/2019 11:49:25 AM(UTC-5)

1/10/2019 11:47:16 AM(UTC-5)

@globalenergyproducers.com

Just landed back in FL

Status: Sent

Delivered: 1/10/2019 2:35:16 PM(UTC-5)

Read: 1/10/2019 2:36:20 PM(UTC-5)

1/10/2019 2:35:16 PM(UTC-5)

@globalenergyproducers.com

Attachments



Size: 355917
File name: Image-1.jpg
Image: 1.jpg

Status: Sent

Delivered: 1/10/2019 7:10:51 PM(UTC-5)

Read: 1/10/2019 7:18:03 PM(UTC-5)

1/10/2019 7:10:46 PM(UTC-5)

@globalenergyproducers.com

Hi my brother I hope you got there safe and sound I hate to bother you while your at Augusta . Im going to get a call in the morning he has tickets for Saturday what should I tell him

Status: Sent

Delivered: 1/10/2019 8:28:37 PM(UTC-5)

Read: 1/10/2019 8:29:14 PM(UTC-5)

1/10/2019 8:28:36 PM(UTC-5)

+1917951 Rudy Giuliani

It's going to work I have no 1 in it

Status: Read

Read: 1/10/2019 8:29:55 PM(UTC-5)

1/10/2019 8:29:42 PM(UTC-5)

 @globalenergyproducers.com
Status: Sent
Delivered: 1/10/2019 8:30:51 PM(UTC-5)
Read: 1/10/2019 8:31:07 PM(UTC-5)
1/10/2019 8:30:50 PM(UTC-5)

 @globalenergyproducers.com
Hit them straight tomorrow and try to relax and enjoy the moment with your son
Status: Sent
Delivered: 1/10/2019 8:31:31 PM(UTC-5)
Read: 1/10/2019 8:31:31 PM(UTC-5)
1/10/2019 8:31:30 PM(UTC-5)

 @globalenergyproducers.com
Good morning my brother they called him from embassy and told him to cancel his tickets because he's not getting visa.
Status: Sent
Delivered: 1/11/2019 10:01:09 AM(UTC-5)
Read: 1/11/2019 10:02:47 AM(UTC-5)
1/11/2019 10:01:09 AM(UTC-5)

+1917795  Rudy Giuliani
He will get one
Status: Read
Read: 1/11/2019 10:32:21 AM(UTC-5)
1/11/2019 10:32:57 AM(UTC-5)

 @globalenergyproducers.com
I'll call him now
Status: Sent
Delivered: 1/11/2019 10:38:06 AM(UTC-5)
Read: 1/11/2019 10:46:58 AM(UTC-5)
1/11/2019 10:38:06 AM(UTC-5)

+1917795  Rudy Giuliani
Gave Jay your number
Status: Read
Read: 1/11/2019 10:47:57 AM(UTC-5)
1/11/2019 10:46:53 AM(UTC-5)

+1917795  Rudy Giuliani
Attachments

Size: 288
File name: Jay Sekulow vcf
Jay Sekulow vcf
Status: Read
Read: 1/11/2019 10:53:55 AM(UTC-5)
1/11/2019 10:48:25 AM(UTC-5)

[redacted]@globalenergyproducers.com
Status: Sent
Delivered: 1/11/2019 10:54:09 AM(UTC-5)
Read: 1/12/2019 7:29:51 AM(UTC-5)
1/11/2019 10:54:09 AM(UTC-5)

[redacted]@globalenergyproducers.com
Hope you had a great day my brother . Any news ?
Status: Sent
Delivered: 1/11/2019 4:47:53 PM(UTC-5)
Read: 1/12/2019 7:29:31 AM(UTC-5)
1/11/2019 4:47:53 PM(UTC-5)

[redacted]@globalenergyproducers.com
Give me a call my brother
Status: Sent
Delivered: 1/11/2019 9:23:51 PM(UTC-5)
Read: 1/12/2019 7:29:51 AM(UTC-5)
1/11/2019 9:23:50 PM(UTC-5)

[redacted]@globalenergyproducers.com
How are you my brother . Let me know what to do I had several missed calls from there . Do want to pick up before we talk.
Status: Sent
Delivered: 1/12/2019 11:22:25 AM(UTC-5)
Read: 1/12/2019 1:16:53 PM(UTC-5)
1/12/2019 11:22:19 AM(UTC-5)

[redacted]@globalenergyproducers.com
Call me my brother
Status: Sent
Delivered: 1/12/2019 5:56:59 PM(UTC-5)
Read: 1/12/2019 5:59:48 PM(UTC-5)
1/12/2019 5:56:54 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani
Can't figure out what happened will call about two hours
Status: Read
Read: 1/12/2019 6:00:31 PM(UTC-5)
1/12/2019 6:00:21 PM(UTC-5)

[redacted]@globalenergyproducers.com
K my brother
Status: Sent
Delivered: 1/12/2019 8:00:42 PM(UTC-5)
Read: 1/12/2019 8:01:50 PM(UTC-5)
1/12/2019 8:00:42 PM(UTC-5)

@globalenergyproducers.com
Give me a call when you get a chance my brother
Status: Sent
Delivered: 1/12/2019 10:00:29 PM(UTC-5)
Read: 1/12/2019 11:14:32 PM(UTC-5)
1/12/2019 10:00:27 PM(UTC-5)

+1917951 Rudy Giuliani
I will working on something now
Status: Read
Read: 1/12/2019 11:15:02 PM(UTC-5)
1/12/2019 11:14:54 PM(UTC-5)

@globalenergyproducers.com
Ok my brother
Status: Sent
Delivered: 1/12/2019 11:10:13 PM(UTC-5)
Read: 1/12/2019 11:22:15 PM(UTC-5)
1/12/2019 11:10:19 PM(UTC-5)

@globalenergyproducers.com
How are you my brother hope you enjoyed your Augusta golf outing can't wait to hear all about it. Let's talk later today to game plan for tomorrow. I have to call him at 1 am tonight to let him know what to do.
Status: Sent
Delivered: 1/13/2019 3:27:45 PM(UTC-5)
Read: 1/13/2019 3:35:41 PM(UTC-5)
1/13/2019 3:27:44 PM(UTC-5)

+1917951 Rudy Giuliani
I will call early evening
Status: Read
Read: 1/13/2019 3:36:12 PM(UTC-5)
1/13/2019 3:36:00 PM(UTC-5)

@globalenergyproducers.com
Status: Sent
Delivered: 1/13/2019 3:36:27 PM(UTC-5)
Read: 1/13/2019 3:36:48 PM(UTC-5)
1/13/2019 3:36:27 PM(UTC-5)

@globalenergyproducers.com
Are you sleeping ?
Status: Sent
Delivered: 1/13/2019 11:39:27 PM(UTC-5)
Read: 1/13/2019 11:33:39 PM(UTC-5)
1/13/2019 11:39:26 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani
You in Florida?
Status: Read
Read: 1/14/2019 10:47:48 AM(UTC-5)

1/14/2019 10:47:34 AM(UTC-5)

[redacted] @globalenergyproducers.com
Yes
Status: Sent
Delivered: 1/14/2019 10:47:52 AM(UTC-5)
Read: 1/14/2019 10:47:56 AM(UTC-5)

1/14/2019 10:47:52 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani
I dropped Andrew off here and am going to spend day with him so if you can I will stay tonight and we can have dinner then I'll go to DC on Tuesday
Status: Read
Read: 1/14/2019 10:49:00 AM(UTC-5)

1/14/2019 10:48:55 AM(UTC-5)

[redacted] @globalenergyproducers.com
Status: Sent
Delivered: 1/14/2019 10:49:41 AM(UTC-5)
Read: 1/14/2019 10:51:27 AM(UTC-5)

1/14/2019 10:49:40 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani
Fucked up system
Status: Read
Read: 1/14/2019 12:28:04 PM(UTC-5)

1/14/2019 12:25:29 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani
I can tell you when I see you
Status: Read
Read: 1/14/2019 12:28:04 PM(UTC-5)

1/14/2019 12:25:59 PM(UTC-5)

[redacted] @globalenergyproducers.com
Sounds good
Status: Sent
Delivered: 1/14/2019 12:28:19 PM(UTC-5)
Read: 1/14/2019 12:28:33 PM(UTC-5)

1/14/2019 12:28:16 PM(UTC-5)

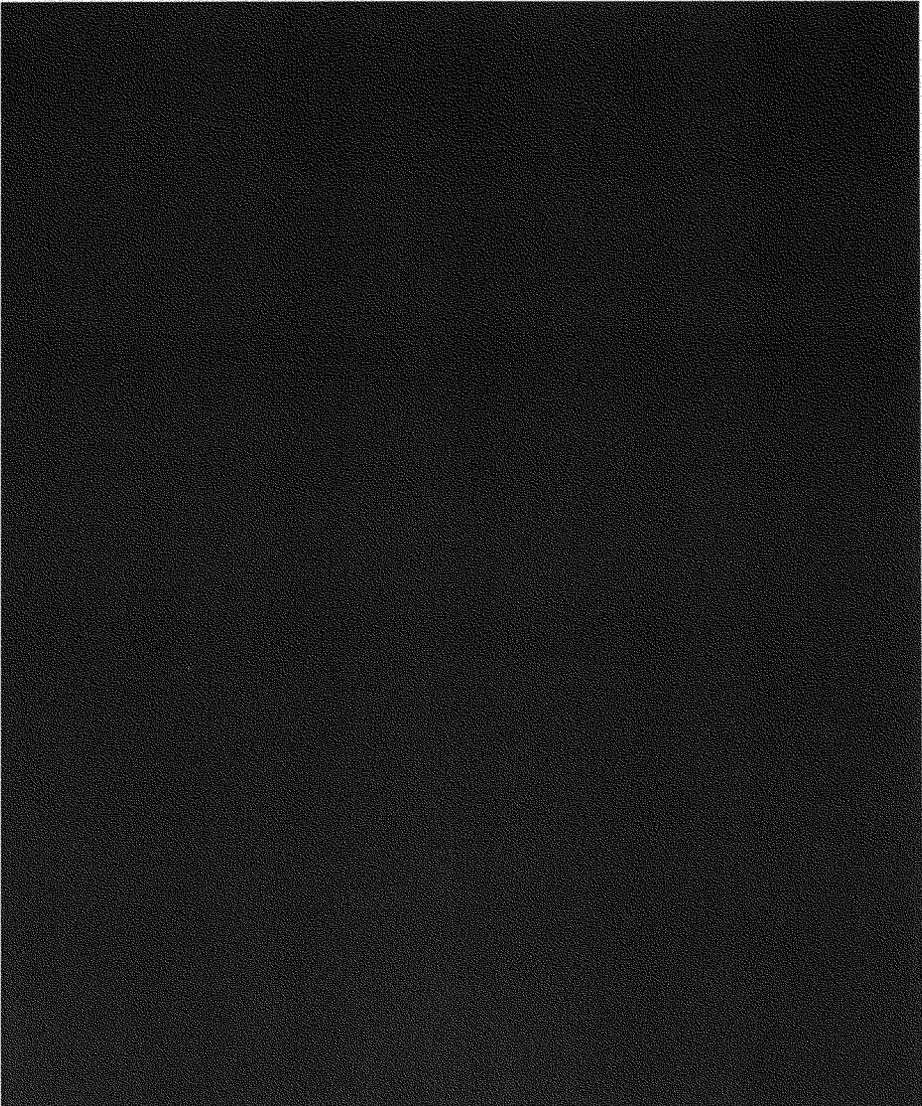
+1917951 [redacted] Rudy Giuliani

Ba there in ten was on phone with big guy

Status: Read

Read: 1/26/2019 10:50:37 AM(UTC-5)

1/26/2019 10:46:19 AM(UTC-5)



 @globalenergyproducers.com
https://en.m.wikipedia.org/wiki/Derek_Harvey
 Attachments


 Size: 1.930
 File name: 55748EFB-E0CA-4D01-8DB1-83DE3C241140.pptm;PayloadAttachment
 55748EFB-E0CA-4D01-8DB1-83DE3C241140.pptm;PayloadAttachment

 Size: 9043
 File name: F6B8C0D-3C8B-49D8-A8DE-FAC7ED74582D.pptm;PayloadAttachment
 F6B8C0D-3C8B-49D8-A8DE-FAC7ED74582D.pptm;PayloadAttachment
 Status: Sent
 Delivered: 1/31/2019 7:25:47 PM(UTC-5)
 Read: 1/31/2019 7:39:56 PM(UTC-5)
 1/31/2019 7:34:25 PM(UTC-5)

 @globalenergyproducers.com
 Call me my brother important
 Status: Sent
 Delivered: 1/31/2019 7:25:47 PM(UTC-5)
 Read: 1/31/2019 7:39:56 PM(UTC-5)
 1/31/2019 7:25:56 PM(UTC-5)

+1917951  Rudy Giuliani
<https://thehill.com/opinion/criminal-justice/428195-muellers-abuses-on-view-for-the-world-to-see>
 Status: Read
 Read: 2/3/2019 11:10:22 AM(UTC-5)
 2/3/2019 11:05:07 AM(UTC-5)

 @globalenergyproducers.com
 Taking of to dc see you so night my brother
 Status: Sent
 Delivered: 2/4/2019 12:53:33 PM(UTC-5)
 Read: 2/4/2019 12:58:57 PM(UTC-5)
 2/4/2019 12:53:32 PM(UTC-5)

+1917951  Rudy Giuliani
 Safe flight need to lock up law suit for AG if Ukraine
 Status: Read
 Read: 2/4/2019 2:01:44 PM(UTC-5)
 2/4/2019 1:01:11 PM(UTC-5)

 @globalenergyproducers.com
 Met with Derek he wants to meet you at hotel at 6:30
 Status: Sent
 Delivered: 2/4/2019 6:34:49 PM(UTC-5)
 Read: 2/4/2019 6:48:38 PM(UTC-5)
 2/4/2019 6:34:48 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Can't need to stop off and meet a new client with John will be back about 10 or 10:30

Status: Read

Read: 2/4/2019 6:36:37 PM(UTC-5)

2/4/2019 6:36:25 PM(UTC-5)

[redacted] @globalenergyproducers.com

K Let me let him know

Status: Sent

Delivered: 2/4/2019 6:37:26 PM(UTC-5)

Read: 2/4/2019 6:40:17 PM(UTC-5)

2/4/2019 6:37:26 PM(UTC-5)

[redacted] @globalenergyproducers.com

How's about tomorrow at 1 or 2 at hotel ?

Status: Sent

Delivered: 2/4/2019 6:39:43 PM(UTC-5)

Read: 2/4/2019 6:40:17 PM(UTC-5)

2/4/2019 6:39:43 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Good but you and I tonight when I get there?

Status: Read

Read: 2/4/2019 6:40:51 PM(UTC-5)

2/4/2019 6:40:50 PM(UTC-5)

[redacted] @globalenergyproducers.com

Yes I'm here waiting for you my brother

Status: Sent

Delivered: 2/4/2019 6:41:05 PM(UTC-5)

Read: 2/4/2019 6:41:16 PM(UTC-5)

2/4/2019 6:41:05 PM(UTC-5)

[redacted] @globalenergyproducers.com

Hey my brother I'm in the lobby

Status: Sent

Delivered: 2/4/2019 10:25:00 PM(UTC-5)

Read: 2/4/2019 10:25:05 PM(UTC-5)

2/4/2019 10:24:59 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Driving there now

Status: Read

Read: 2/4/2019 10:25:16 PM(UTC-5)

2/4/2019 10:25:16 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Any word on guy coming here

Status: Read

Read: 2/10/2019 10:11:49 AM(UTC-5)

2/10/2019 10:11:42 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Any progress on plane tomorrow

Status: Read

Read: 2/10/2019 10:11:57 AM(UTC-5)

2/10/2019 10:11:56 AM(UTC-5)

[redacted] @globalenergyproducers.com

Will find everything f out call you within 10 my brother

Status: Sent

Delivered: 2/10/2019 10:14:00 AM(UTC-5)

Read: 2/10/2019 10:19:58 AM(UTC-5)

2/10/2019 10:14:05 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani

No rush

Status: Read

Read: 2/10/2019 10:20:05 AM(UTC-5)

2/10/2019 10:20:03 AM(UTC-5)

[redacted] @globalenergyproducers.com

They are calling in 15 min my brother I will connect you right away

Status: Sent

Delivered: 2/10/2019 12:30:05 PM(UTC-5)

Read: 2/10/2019 12:33:01 PM(UTC-5)

2/10/2019 12:19:58 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

OK

Status: Read

Read: 2/10/2019 12:33:14 PM(UTC-5)

2/10/2019 12:33:13 PM(UTC-5)

[redacted] @globalenergyproducers.com

The Attorney general of Ukraine will meet us for dinner tomorrow at 7 pm in Warsaw Poland

Status: Sent

Delivered: 2/11/2019 3:13:17 PM(UTC-5)

Read: 2/11/2019 3:13:41 PM(UTC-5)

2/11/2019 3:13:15 PM(UTC-5)

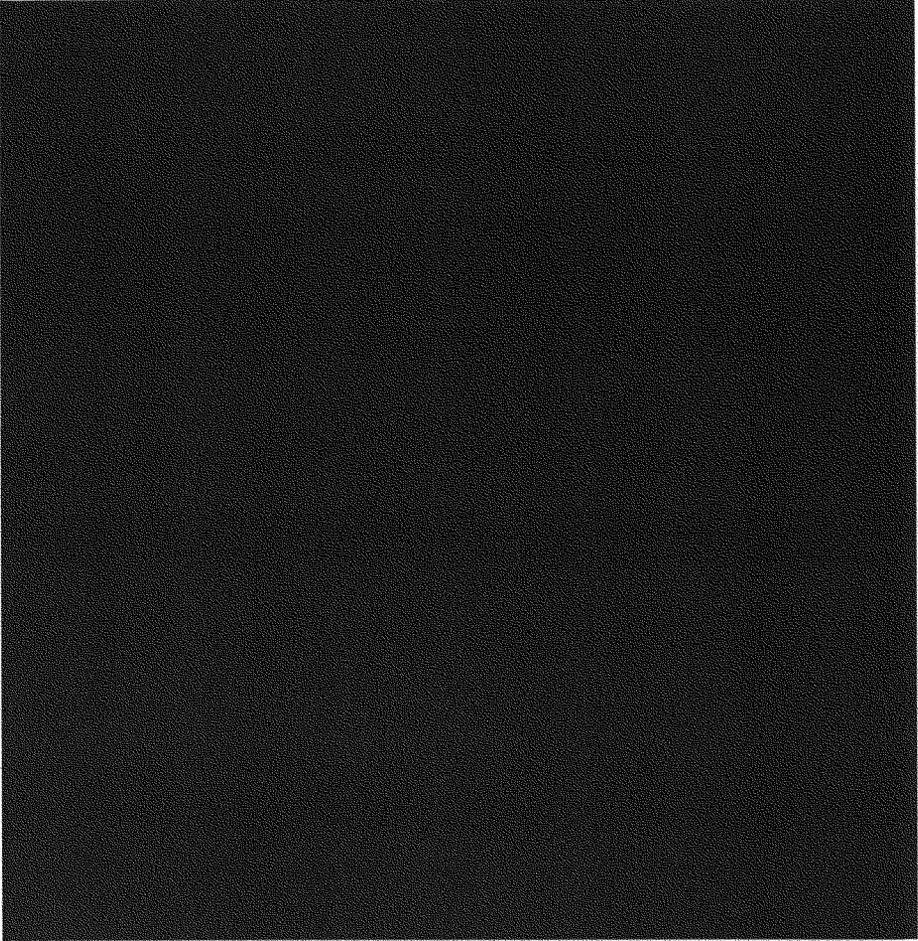
+1917951 [redacted] Rudy Giuliani

Good

Status: Read

Read: 2/11/2019 3:14:04 PM(UTC-5)

2/11/2019 3:13:57 PM(UTC-5)



 @globalenergyproducers.com
We are in Ukraine as you can tell in the picture
Status: Sent
Delivered: 2/14/2019 9:32:46 PM(UTC-5)
Read: 2/14/2019 9:36:35 PM(UTC-5)
2/14/2019 9:32:46 PM(UTC-5)

 @globalenergyproducers.com
My brother please give me a call when you can I need to ask you something important
Status: Sent
Delivered: 2/14/2019 8:07:26 PM(UTC-5)
Read: 2/14/2019 9:36:35 PM(UTC-5)
2/14/2019 8:07:26 PM(UTC-5)

 @globalenergyproducers.com
Just tried you back
Status: Sent
Delivered: 2/14/2019 9:35:12 PM(UTC-5)
Read: 2/14/2019 10:26:29 PM(UTC-5)
2/14/2019 9:35:12 PM(UTC-5)

 @globalenergyproducers.com
Attachments:

Size: 1409640
File name: IMG_6825.HEIC
IMG_6825.HEIC
Status: Sent
Delivered: 2/15/2019 4:13:51 PM(UTC-5)
Read: 2/15/2019 5:35:38 PM(UTC-5)
2/15/2019 4:13:48 PM(UTC-5)

 @globalenergyproducers.com
Attachments:

Size: 1104870
File name: IMG_6825.HEIC
IMG_6825.HEIC
Status: Sent
Delivered: 2/15/2019 4:13:52 PM(UTC-5)
Read: 2/15/2019 5:35:38 PM(UTC-5)
2/15/2019 4:13:49 PM(UTC-5)

 @globalenergyproducers.com
Just finished meeting with the older gentleman went great call me when you can I'll update you
Status: Sent
Delivered: 2/16/2019 8:59:14 AM(UTC-5)
Read: 2/16/2019 8:57:34 AM(UTC-5)
2/16/2019 8:59:12 AM(UTC-5)

 @globalenergyproducers.com
 @globalenergyproducers.com is my email
Status: Sent
Delivered: 2/16/2019 11:50:21 AM(UTC-5)
Read: 2/16/2019 11:50:31 AM(UTC-5)
2/16/2019 11:50:21 AM(UTC-5)

██████████@globalenergyproducers.com
How are you my brother give me a call when you have a chance
Status: Sent
Delivered: 2/17/2019 3:14:42 PM(UTC-5)
Read: 2/17/2019 4:25:21 PM(UTC-5)
2/17/2019 3:14:40 PM(UTC-5)

██████████@globalenergyproducers.com
Attachments:

Size: 251500
File name: IMG_0859.jpg
IMG_0859.jpg
Status: Sent
Delivered: 2/18/2019 3:42:34 PM(UTC-5)
Read: 2/18/2019 4:16:11 PM(UTC-5)
2/18/2019 3:42:31 PM(UTC-5)

██████████@globalenergyproducers.com
This is who the retainer should be me out to : ministry of justice of Ukraine
Alt: minster Pavlo Petranko
Status: Sent
Delivered: 2/18/2019 3:44:18 PM(UTC-5)
Read: 2/18/2019 4:15:11 PM(UTC-5)
2/18/2019 3:44:17 PM(UTC-5)

+1917951-██████████ Rudy Giuliani
How much?
Status: Read
Read: 2/18/2019 4:16:30 PM(UTC-5)
2/18/2019 4:16:34 PM(UTC-5)

██████████@globalenergyproducers.com
Call you shortly my brother
Status: Sent
Delivered: 2/18/2019 5:02:15 PM(UTC-5)
Read: 2/18/2019 5:46:26 PM(UTC-5)
2/18/2019 5:02:15 PM(UTC-5)

██████████@globalenergyproducers.com
Hi my brother let me know when to expect the retainer agreement
Status: Sent
Delivered: 2/19/2019 3:29:25 PM(UTC-5)
Read: 2/19/2019 4:27:46 PM(UTC-5)
2/19/2019 3:29:25 PM(UTC-5)

+1917951-██████████ Rudy Giuliani
It will be there in ten minutes
Status: Read
Read: 2/19/2019 4:31:12 PM(UTC-5)
2/19/2019 4:29:56 PM(UTC-5)

@globalenergyproducers.com
Status: Sent
Delivered: 2/19/2019 4:31:20 PM(UTC-5)
Read: 2/19/2019 4:35:33 PM(UTC-5)
2/19/2019 4:31:20 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani
Did you get it?
Status: Read
Read: 2/19/2019 4:35:57 PM(UTC-5)
2/19/2019 4:35:54 PM(UTC-5)

@globalenergyproducers.com
Yes
Status: Sent
Delivered: 2/19/2019 4:50:46 PM(UTC-5)
Read: 2/19/2019 4:50:53 PM(UTC-5)
2/19/2019 4:50:46 PM(UTC-5)

@globalenergyproducers.com
I will print it out and deliver it tomorrow
Status: Sent
Delivered: 2/19/2019 4:51:05 PM(UTC-5)
Read: 2/19/2019 4:51:16 PM(UTC-5)
2/19/2019 4:51:04 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani
Good
Status: Read
Read: 2/19/2019 4:51:17 PM(UTC-5)
2/19/2019 4:51:16 PM(UTC-5)

@globalenergyproducers.com
Can you please also send wire instructions
Status: Sent
Delivered: 2/19/2019 7:43:19 PM(UTC-5)
Read: 2/19/2019 7:47:28 PM(UTC-5)
2/19/2019 7:43:19 PM(UTC-5)

@globalenergyproducers.com
Also please send me a signed copy by you Victoria and Joe so they can execute and wire funds
Status: Sent
Delivered: 2/19/2019 7:45:10 PM(UTC-5)
Read: 2/19/2019 7:47:58 PM(UTC-5)
2/19/2019 7:45:09 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Can do that tomorrow

Status: Read

Read: 2/19/2019 7:48:26 PM(UTC-5)

2/19/2019 7:48:16 PM(UTC-5)

[redacted] @globalenergyproducers.com

Status: Sent

Delivered: 2/19/2019 7:48:43 PM(UTC-5)

Read: 2/19/2019 7:48:51 PM(UTC-5)

2/19/2019 7:48:43 PM(UTC-5)

[redacted] @globalenergyproducers.com

I received signed retainer. please send Gregory a text to call me I'll explain later

Status: Sent

Delivered: 2/20/2019 11:51:59 AM(UTC-5)

Read: 2/20/2019 11:52:06 AM(UTC-5)

2/20/2019 11:51:59 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Attachments:



Size: 150

File name: Gregory Nentymyria.vcf
Gregory Nentymyria.vcf

Status: Read

Read: 2/20/2019 11:54:42 AM(UTC-5)

2/20/2019 11:54:39 AM(UTC-5)

+1917951 [redacted] Rudy Giuliani

Did you get it???

Status: Read

Read: 2/20/2019 6:20:06 PM(UTC-5)

2/20/2019 6:19:53 PM(UTC-5)

[redacted] @globalenergyproducers.com

What my brother ?

Status: Sent

Delivered: 2/20/2019 6:20:47 PM(UTC-5)

Read: 2/20/2019 6:20:49 PM(UTC-5)

2/20/2019 6:20:46 PM(UTC-5)

+1917951 [redacted] Rudy Giuliani

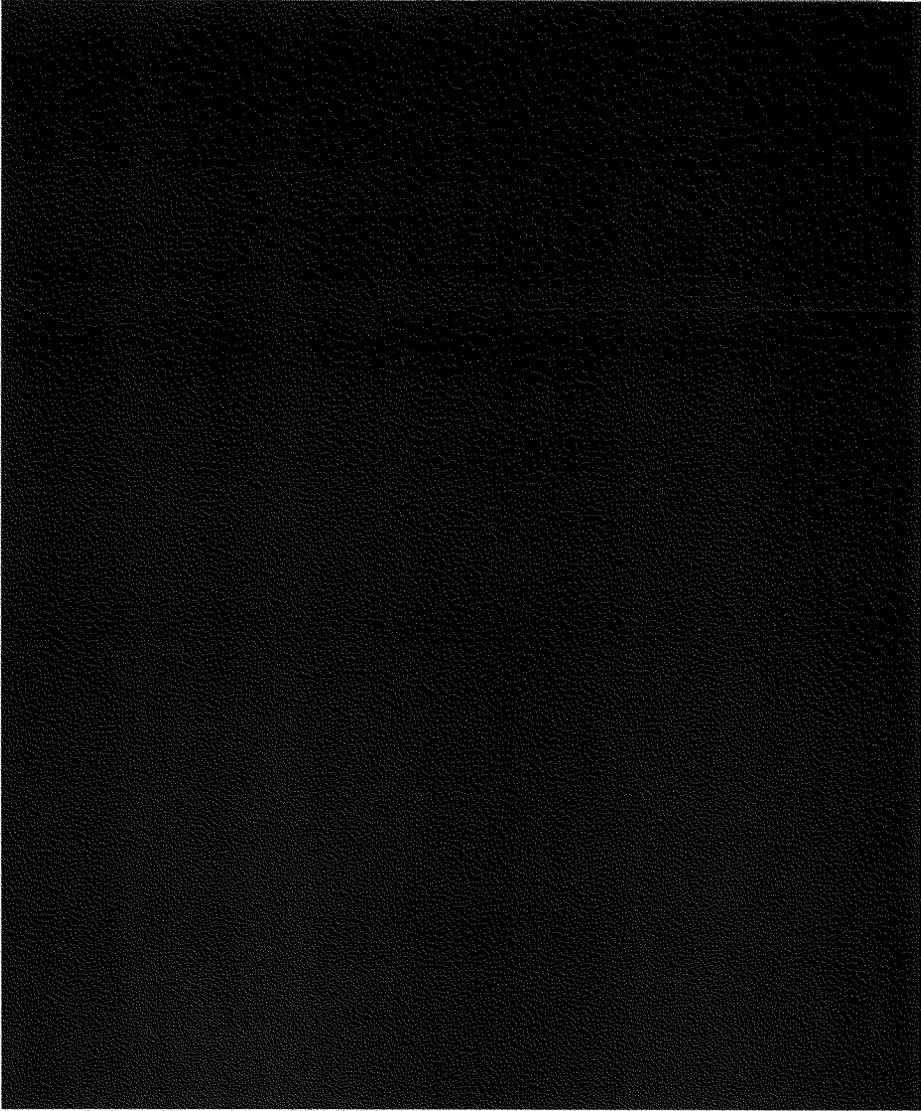
How is it going????

Status: Read

Read: 2/21/2019 3:03:25 PM(UTC-5)

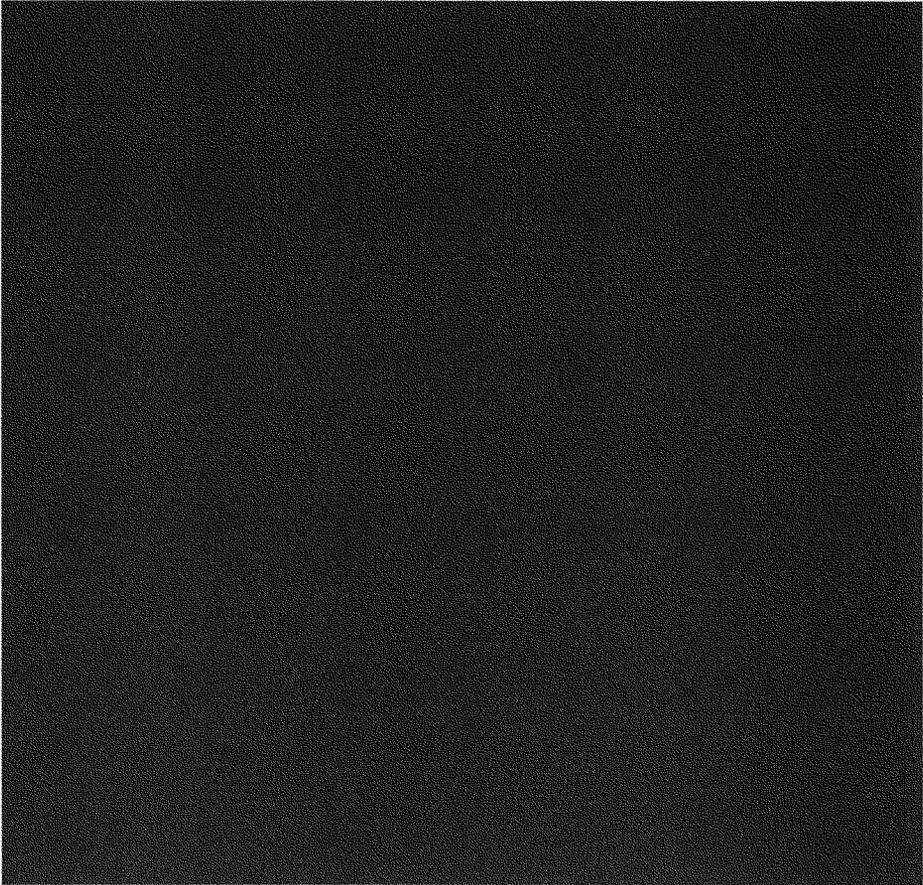
2/21/2019 3:03:21 PM(UTC-5)

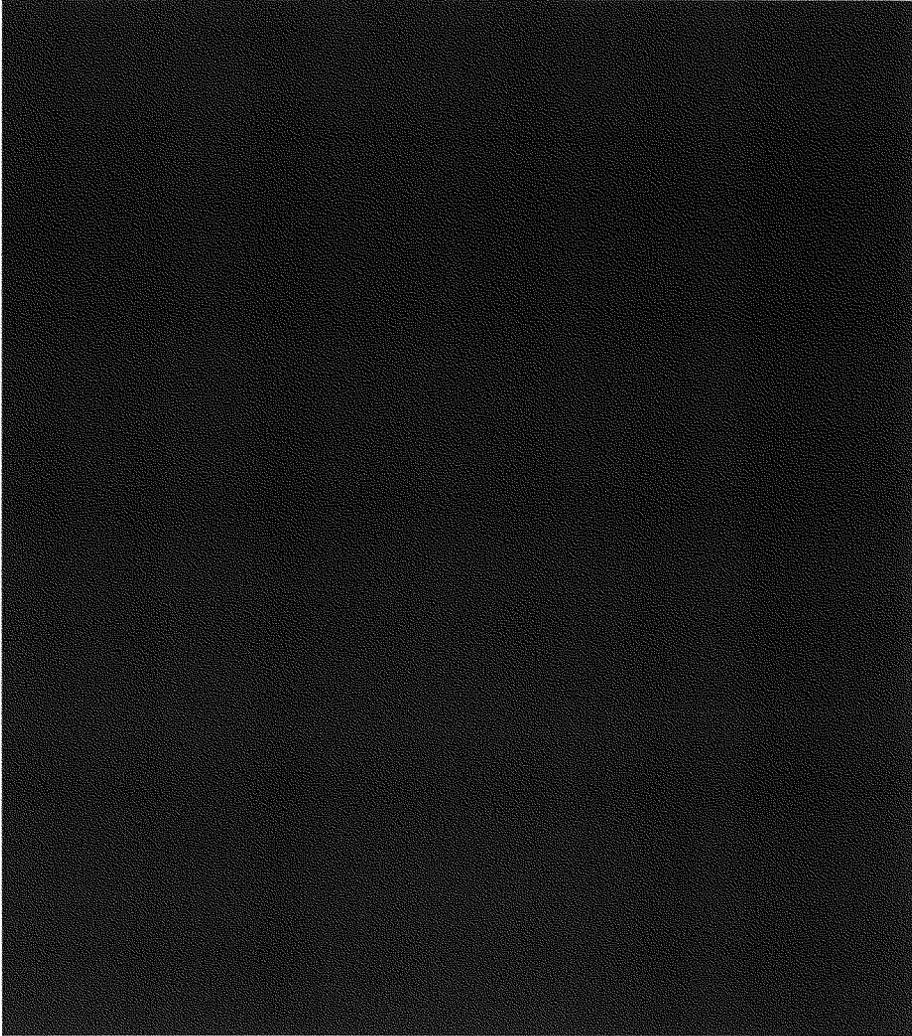
globalenergyproducts.com
Meeting with juri now everything good
Status: Sent
Delivered: 27/12/2019 3:28:39 PM (UTC-5)
Read: 27/12/2019 4:02:42 PM (UTC-5)
27/12/2019 3:28:39 PM (UTC-5)



[Redacted] @gkhatanergroup@comcast.com
Meeting with yuri in 2 hours he has some paperwork to give us. I'll call you after meeting him my brother
Status: Sent
Delivered: 2/24/2019 11:16:20 AM(UTC-5)
Read: 2/24/2019 2:24:36 PM(UTC-5)
2/24/2019 11:16:19 AM(UTC-5)

+1917951 [Redacted] Rudy Giuliani
Ok
Status: Read
Read: 2/24/2019 2:30:45 PM(UTC-5)
2/24/2019 2:29:41 PM(UTC-5)





[REDACTED]@stateenergyproducers.com

Just got off the phone with John Solomon and AG if Ukraine give me a call so I can update you very good stuff

Re: AG - Sent

Created: 03/2019 1:50:03 PM(UTC-5)

Re: AG - 03/2019 1:46:02 PM(UTC-5)

03/2019 1:36:03 PM(UTC-5)

██████████@globalenergyproducers.com

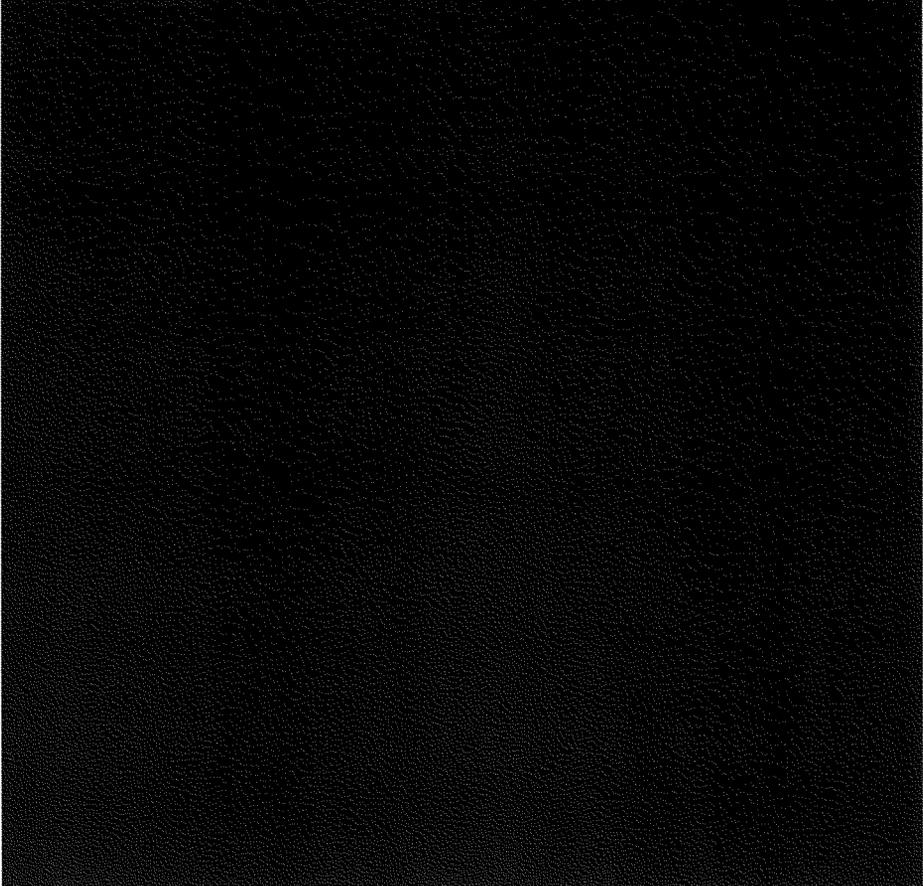
Attachments:



Size: 252762
File name: Image1.jpg
MIME: image/jpeg

Status: Sent
Delivered: 3/8/2019 2:29:45 PM(UTC-5)
Read: 3/8/2019 2:29:45 PM(UTC-5)

3/8/2019 2:29:45 PM(UTC-5)



[Redacted] @globalenergyproducers.com
 Just spoke with him all good
 Status: Sent
 Delivered: 3/11/2019 11:01:41 PM(UTC-4)
 Read: 3/12/2019 11:26:52 AM(UTC-4)
 3/11/2019 11:01:41 PM(UTC-4)

[Redacted] @globalenergyproducers.com
 Call me my brother
 Status: Sent
 Delivered: 3/12/2019 2:18:42 PM(UTC-4)
 Read: 3/12/2019 2:39:57 PM(UTC-4)
 3/12/2019 2:18:41 PM(UTC-4)

+1917951 [Redacted] Rudy Giuliani
 Any chance of getting out black book story today for tomorrow
 Status: Read
 Read: 3/12/2019 2:41:19 PM(UTC-4)
 3/12/2019 2:40:51 PM(UTC-4)

+1917951 [Redacted] Rudy Giuliani
 I've got nothing. The anti corruption prosecutor made some very weak comments that are equivocal at best. And not consistent with the facts. Story would get blown up. Don't want to lead with my weakest hand.
 I need Porochenko And the AG on the record about the ambassador and Biden. Can u make that happen? Just starting to get cooperation from former AG Shokin. So we are moving in good direction
 Status: Read
 Read: 3/12/2019 2:41:16 PM(UTC-4)
 3/12/2019 2:41:12 PM(UTC-4)

+1917951 [Redacted] Rudy Giuliani
 That is from John
 Status: Read
 Read: 3/12/2019 2:41:26 PM(UTC-4)
 3/12/2019 2:41:26 PM(UTC-4)

[Redacted] @globalenergyproducers.com
 I just spoke with him lots to update you
 Status: Sent
 Delivered: 3/12/2019 2:42:17 PM(UTC-4)
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[@globalenergyproducers.com](#)

First of all, I want to thank you for your understanding, as well as for interesting and conclusive questions. I will do my best to give essential answers keeping in mind format specifics. Though during live interview, being in Washington, it would be possible to significantly expand the circle of questions, and more information on the topics of your interest could have been revealed.

One of the key motivations for my willingness for dialogue is that I sincerely love and respect the United States of America and the American people. I could hardly feel different considering the fact that American doctors saved my life, and my daughters and grandchildren are US citizens living in United States.

As for the questions about the US Ambassador Marie Louise Yovanovitch, first of all, I want to clarify that I am not acquainted with her and have never communicated with her. However, I carefully analyze her activities as the US Ambassador to Ukraine. In my opinion, her recent comments, among other things, on personnel decisions issues and the fight against corruption, indicate that her speeches might lead to regress in relations between the United States of America and Ukraine. Unfortunately, I am not familiar with the letter you mention in one of your questions, so I can not comment on that.

As for activities of Mr. Joseph Biden in Ukraine, I would note that the video you mention was seen not only by me, but also by millions of people around the world. I received a lot of addresses and comments from people who were deeply outraged and disappointed with Mr. Biden's act. By and large, I have nothing to add to the storyline itself. The Vice President of the United States of America demands that the leadership of Ukraine dismisses the Attorney General of a sovereign country within six hours. Based on the narrative by Joe Biden himself, he was given a refusal at first. It was then that the ultimatum followed, the subject of which was a billion dollars in credit guarantees. I want to note that Joseph Biden repeatedly, starting the summer of 2015, approached the President of Ukraine, Petro Poroshenko, demanding my dismissal.

To my knowledge, President Poroshenko has repeatedly rejected. It got to the point that Mr. Biden promised to provide the President of Ukraine with information about my allegedly corrupt activities. After Joe Biden's last visit to Ukraine in December 2014, I asked Petro Poroshenko about whether the Vice President of the United States provides any materials about me committing acts of corruption or any other offenses. The President replied that no Joseph Biden did not provide any information about my illegal activities.

Regarding Mr. Nikolay Ziochevsky, who is the former Minister of Ecology under the Presidency of Mr. Viktor Yanukovich, and a number of his companies including Bursma Holdings Limited, several criminal cases were opened in 2014-2015 under various articles of the Criminal Code of Ukraine, including illegal large scale enrichment, money laundering on a large scale, and abuse of power. These criminal cases had been dismissed unreasonably and beforehand by the Prosecutor General's Office of Ukraine after my dismissal. Moreover, at that same time the Prosecutor General's Office unlawfully dismissed criminal case on embezzlement of US taxpayers' money, which the US government allocated for various programs in Ukraine in 2013-2015, proven by the document attached.

In course of investigation of criminal cases against Mr. Nikolai Ziochevsky and his companies, including Bursma Holdings Limited, specific plans were drafted. Those plans included interrogations and other crime investigation procedures into all members of the executive board, including Hunter Biden. I would like to emphasize on the fact that presumption of innocence principle in Ukraine is in act, as well as investigatory and judicial privilege. Therefore, I can not give any details on preliminary investigation of these criminal cases.

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3/13/2019 2:55:37 PM(UTC-4)

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Answers from Shokin to the additional questions from John

Status: Sent

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3/13/2019 2:56:02 PM(UTC-4)

[@globalenergyproducers.com](#)

AG interview set for tomorrow at 12

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3/13/2019 2:56:39 PM(UTC-4)

+1917951 [redacted] Rudy Giuliani

Good

Status: Read

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3/13/2019 3:19:33 PM(UTC-4)

[redacted] @globalenergyproducers.com

Hey my brother I just sent you an email please look at it important

Status: Sent

Delivered: 3/13/2019 4:51:41 PM(UTC-4)

Reat: 3/13/2019 4:51:47 PM(UTC-4)

3/13/2019 4:51:41 PM(UTC-4)

[redacted] @globalenergyproducers.com

Lev, Victoria, Joe

Please see below. Need DOS help on Hunter Biden contacts.

Thanks

John

Key Events in Burisma Investigation

February 2014

VP Joe Biden named by President Obama to be U.S. point man on Ukrainian crisis. Meets with President Viktor Yanukovich. Yanukovich ousted as president during Maidan uprising.

March 2014

New Ukrainian elections set for May and Petro Poroshenko emerges as top Western-friendly candidate for president.

April 2014

Devon Archer, business partner of Hunter Biden, son of the VP, and John Heitz, stepson of Secretary Kerry, is named an independent director of Burisma Holdings. https://www.resumonk.com/kVYKE5CEpSjptxE_aGwqYQ

April 18, 2014

Britain's Serious Fraud Office freezes \$23 million in assets kept in London by Burisma Holdings and its founder, Mykola Ziochevsky, on grounds it was fraudulently transferred from Ukraine.

April 24, 2014

Joe Biden meets with candidate Poroshenko for the first time. <https://state.com/news-and-politics/2014/04/petro-poroshenko-interview-ukrainian-presidential-candidate-discusses-putin-the-west-and-ukraine.html>

May 13, 2014

Hunter Biden appointed chief lawyer, and board member for Ukraine's largest natural gas company Burisma Holdings, which is run by Mykola Ziochevsky, a former Cabinet official for ousted president Yanukovich. <https://www.cnn.com/2014/05/13/bidens-son-joins-ukraine-gas-company-board-of-directors.html>

May 20, 2014

David Leiter, former chief of staff to John Kerry, hired as DC lobbyist for Burisma Holdings. Senate lobbying records show. The firm is paid \$90,000 in 2014 to lobby Congress and the State Department. https://www.opensecrets.org/lobby/client_reports.php?id=F212407&year=2014

May 25, 2014

Poroshenko wins the Ukraine presidential election.

Aug. 20, 2014

Ukraine Prosecutor General Shokin's office opens criminal investigation of Burisma Holdings and Mykola Ziochevsky for alleged corrupt award of gas exploration permits and eventual looting of company, according to Ukrainian prosecutor general file. Hunter Biden identified as an American person of interest in the file.

December 16, 2014

Former deputy national security adviser Tony Blinken confirmed by Senate as Deputy Secretary of State under John Kerry.

Jan. 16, 2015

General Prosecutors office in Ukraine declares Burisma Holdings founder Ziochevsky a

fugitive "wanted in Ukraine."

March 18, 2015

VP Biden call with President Poroshenko. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-6/>

April 15, 2015

VP Joe Biden speaks in Ukraine, praising the decision to appoint a new head of the NABU, the investigative arm of the Prosecutor General's office

May 26, 2015

Hunter Biden meets for breakfast with deputy secretary of state Tony Blinken regarding concerns in Ukraine about Burisma prosecution.

June 12, 2015

VP Biden calls President Poroshenko. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-8/>

July 15, 2015

VP Biden and Commerce Secretary Pritzker attend first ever US-Ukraine Chamber of Business meeting. <https://www.uschamber.com/first-annual-us-ukraine-business-forum>

July 24, 2015

VP Biden calls President Poroshenko, raises concerns about anti-corruption efforts in Ukraine. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-10/>

Aug. 16, 2015

Devon Archer throws a \$10,000 a plate fund-raiser in New York for the Seed Global Health charity founded by Secretary of State Kerry's daughter, Dr. Vanessa Kerry.

Aug. 28, 2015

VP Biden calls President Poroshenko <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-382815/>

Sept. 29, 2015

VP Biden meets with President Poroshenko in Ukraine. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-ukrainian-president-petro-poroshenko/>

Nov. 5, 2015

Biden calls President Poroshenko. <https://ua.usembassy.gov/readout-vice-president-bidens-call-ukrainian-president-petro-poroshenko-110515/>

Dec. 7, 2015

VP Biden meets with President Poroshenko and demands the termination of Ukraine's General Prosecutor Shokin. Biden states the president must make "hard decisions" to eliminate "the cancer of corruption" in his country. <https://ua.usembassy.gov/remarks-vice-president-joe-biden-ukrainian-president-petro-poroshenko-bilateral-meeting/>

Dec. 9, 2015

Hunter Biden and business partner Devon Archer meet at State Department regarding Burisma Holdings prosecution.

Feb. 11, 18, 19, 2015

VP Biden holds series of phone calls with President Poroshenko to check on status of pending items from their December 2015 meeting. Removal of general prosecutor raised again. <https://ua.usembassy.gov/readout-vice-president-bidens-calls-prime-minister-arseniy-yatsenyuk-president-petro-poroshenko-ukraine-021916/>

March 15, 2016

1. Assistant Secretary of State Victoria Nuland demands Ukraine "appoint and confirm a new, clean Prosecutor General, who is committed to rebuilding the integrity of the PGO, and investigate, indict and successfully prosecute corruption and asset recovery cases – including locking up dirty personnel in the PGO itself." She offers no proof that special prosecutor's office is corrupt. <https://ua.usembassy.gov/ukrainian-reforms-two-years-maidan-revolution-russian-invasion/>

March 22, 2016

VP Joe Biden engages in phone call from Washington DC with Ukrainian president Poroshenko about U.S. loan guarantees. It is believed in this call that Biden renews his demands that the president fire Prosecutor General Shokin, who is overseeing the Burisma prosecution, but this time Biden warns Ukraine risk losing the next \$1 billion in U.S. loan guarantees. <https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-032216/>

March 29, 2016

Ukraine parliament fires Prosecutor General Shokin at urging of President Poroshenko. <https://www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html>

March 31, 2016

VP Joe Biden arrives in Ukraine and announces \$1 billion in loan guarantees, ending threat to withhold aid and force Ukraine into debt default, and also delivers \$239 million more in promised aid. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-president-petro-poroshenko-ukraine-033116/>

April 14, 2016

VP Biden calls President Poroshenko and "stressed the urgency of putting in place a new Prosecutor General who would bolster the agency's anti-corruption efforts."
<https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-041416/>

May 12, 2016

Yuri Lutsenko named the new Prosecutor General of Ukraine, taking over investigations that include Burisma Holdings

May 27, 2016

VP Biden holds phone call with President Poroshenko. <https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-052716/>

June 15, 2016

The Ukrainian investigative bureau NABU announces it has uncovered a massive fraud scheme involving Burisma Holdings.
<https://www.pravda.com.ua/english/2016/06/15/7111882/>

June 16, 2016

New Ukrainian prime minister Volodymyr Groysman meets in Washington DC with VP Joe Biden, Assistant Secretary of State Victoria Nuland and a representative of George Soros team.

Aug. 12, 2016

Phone call between VP Biden and President Poroshenko

Sept. 20, 2016

VP Biden meets President Poroshenko on sidelines of UN meeting. Confirms \$1 billion in loan guarantees has been made. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-president-petro-poroshenko-ukraine/>

Sept. 20, 2016

General Prosecutor's office eliminates "wanted" status of Burisma Holdings founder Zlochevsky in criminal case, ending his status as a fugitive.

Nov. 2, 2016

Prosecutor General's office in Ukraine closes down Burisma Holdings investigation without any formal charges.

Nov. 8, 2016

Donald Trump wins election to become 45th president of United States, ending eight years of Democratic control of the White House.

Dec. 15, 2016

VP Biden holds phone call with Ukraine president and prime minister, praises work of NABU, which prosecutor general's office says refused to investigate Burisma aggressively.
<https://ua.usembassy.gov/readout-vice-president-bidens-calls-president-ukraine-petro-poroshenko-prime-minister-ukraine-volodymyr-groysman/>

Jan. 17-18, 2017

Biden makes final appearance in Ukraine with President Poroshenko.
<https://ua.usembassy.gov/remarks-vice-president-joe-biden-joint-press-availability-ukrainian-president-petro-poroshenko/>

Jan. 25, 2018

Former VP Biden boasts at Council of Foreign Relations events in Washington DC that he strong armed Ukrainian president to fire the General Prosecutor, using loan guarantees as leverage. Does not mention his son's company was under investigation.

—

John Solomon

Executive Vice President

The Hill

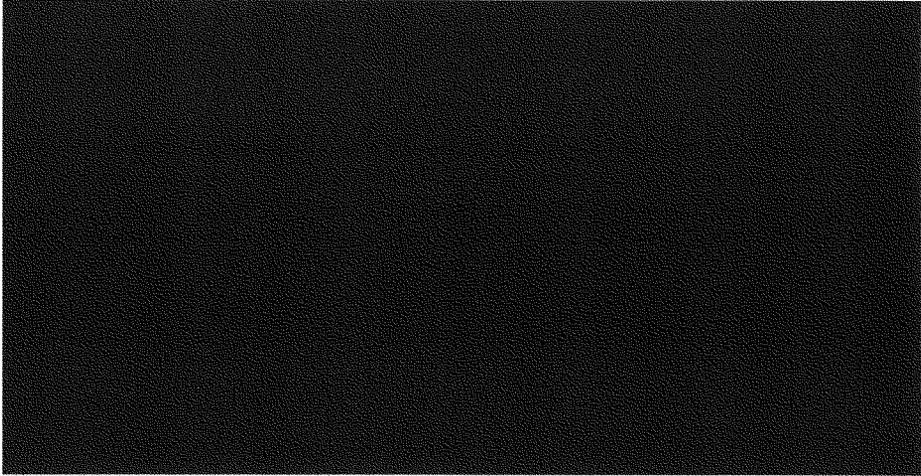
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Call me my brother just finished interview
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 @globalenergyproducers.com
Good morning my brother
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+1917951  Rudy Giuliani
Aiming for 12:30 at Trump
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 @globalenergyproducers.com
You want me to meet you there or to pick you up
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3/16/2019 10:40:58 AM(UTC-4)

+1917951  Rudy Giuliani
Meet us there is good
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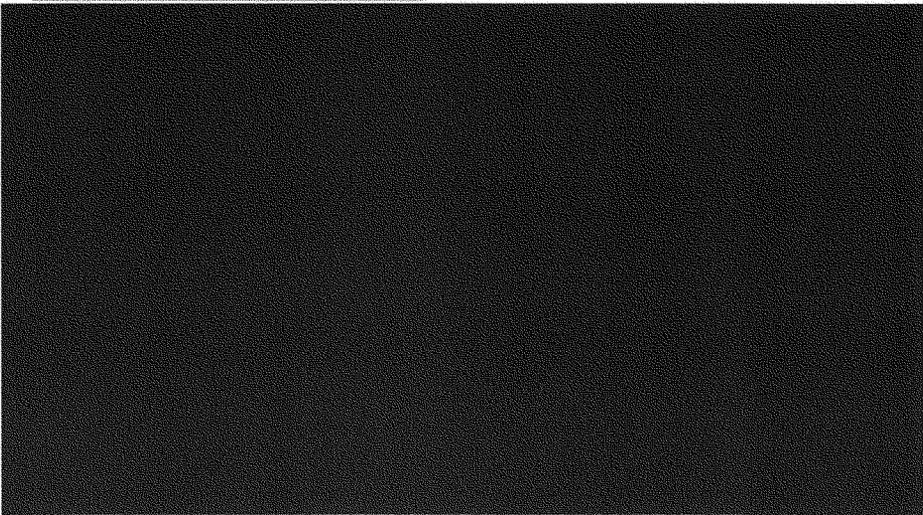
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[redacted]@globalenergyproducers.com
<https://www.nytimes.com/2019/03/15/world/europe/ukraine-election-tymoshenko-zelensky-poroshenko.html>
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+1917951 [redacted] Rudy Giuliani
Be there at 1
Status: Read
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3/16/2019 12:16:58 PM(UTC-4)



██████████@globalenergyproducers.com
Taking off in about an hour wanted to talk before take off my brother
Status: Sent
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Read: 4/12/2019 12:40:32 PM(UTC-4)
4/12/2019 3:10:16 PM(UTC-4)

██████████@globalenergyproducers.com
I'm with prosecutor Shokin if you can give me a call he wants to say hello would be good my brother
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4/13/2019 4:43:23 AM(UTC-4)

██████████@globalenergyproducers.com
Status: Sent
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██████████@globalenergyproducers.com
Taking off to Ukraine my brother call you later when we get there
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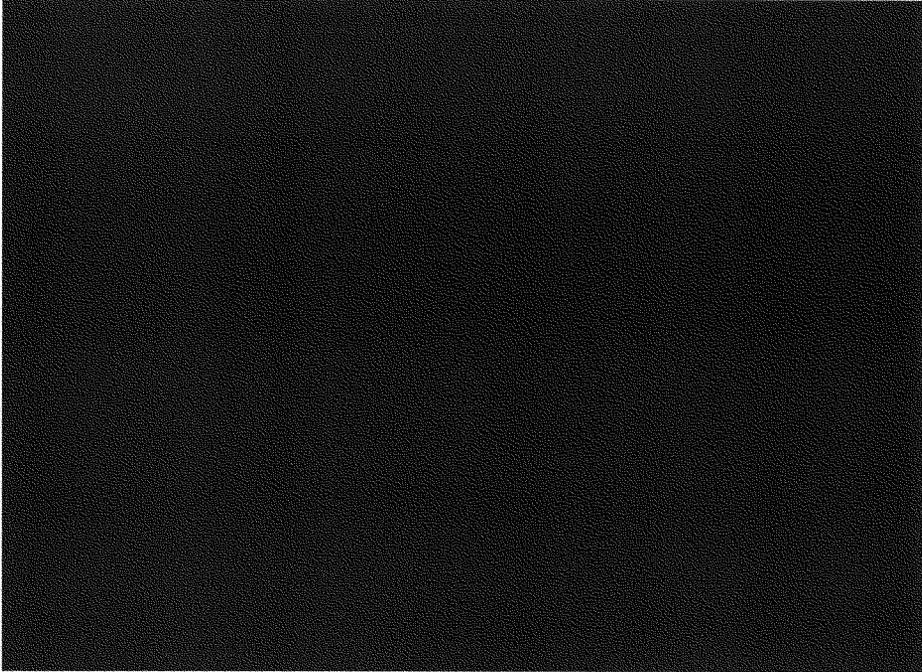




[REDACTED]@globalenergyproducers.com
Going to sleep my brother please text me or call me if you have any news
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+1317561 [REDACTED] Rudy Gullani
He fired her again.
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[REDACTED]@globalenergyproducers.com
I pray it happens this time I'll call you tomorrow my brother
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4/23/2019 4:53:36 PM(UTC-4)



+1917961 Rudy Giuliani

<https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html?amid=nytc-core-ics-share>

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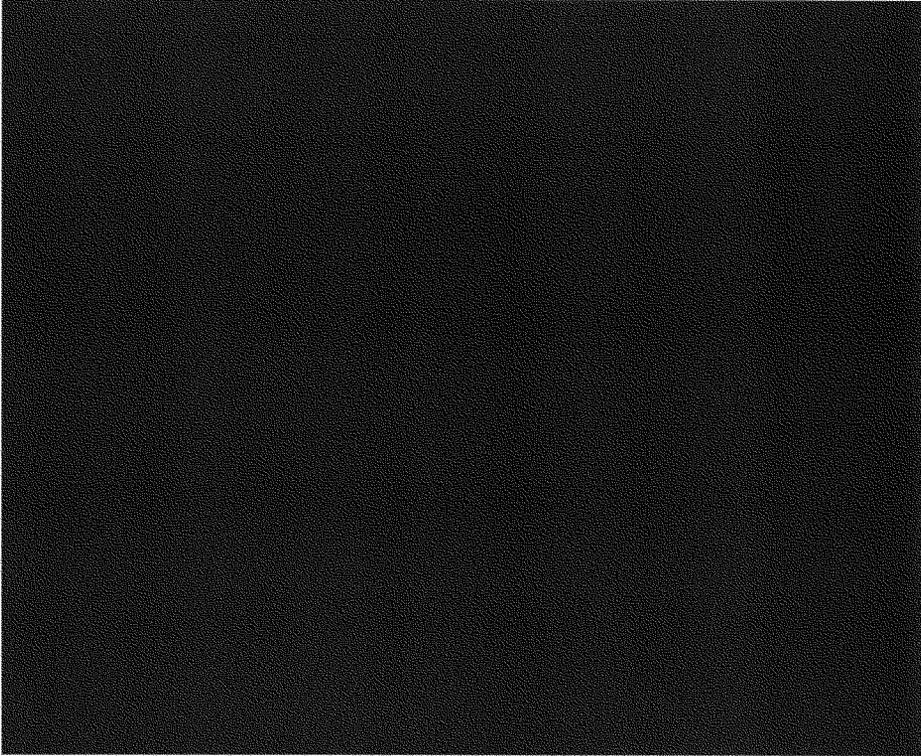
2/1/2019 9:41:20 PM(UTC-4)

[Redacted] [Redacted]@energyresources.com

Hope your all good my brother I Let me know what time and where you want me to meet you
Spoke with Marder, Salomon, and Ukraine. Will update when I see you my brother

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+1817951 [redacted] Rudy Giuliani

MSNBC Chris Hayes says you pressured Ukraine to tarnish Biden. Congratulations, Joe di

Status: Read
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5/3/2019 9:27:16 PM(UTC-4)

+1817951 [redacted] Rudy Giuliani

Boy, I'm so powerful I can intimidate the entire Ukrainian government. Please don't tell anyone I can't get the crooked Ambassador fired or I did three times and she's still there.

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 @globalenergyproducers.com

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5/10/2019 2:19:06 PM(UTC-4)

 @globalenergyproducers.com

Arsen Avakov
Minister of Internal Affairs

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5/10/2019 2:19:27 PM(UTC-4)

 @globalenergyproducers.com

President elect - Volodymyr Oleksandrovykh Zelensky

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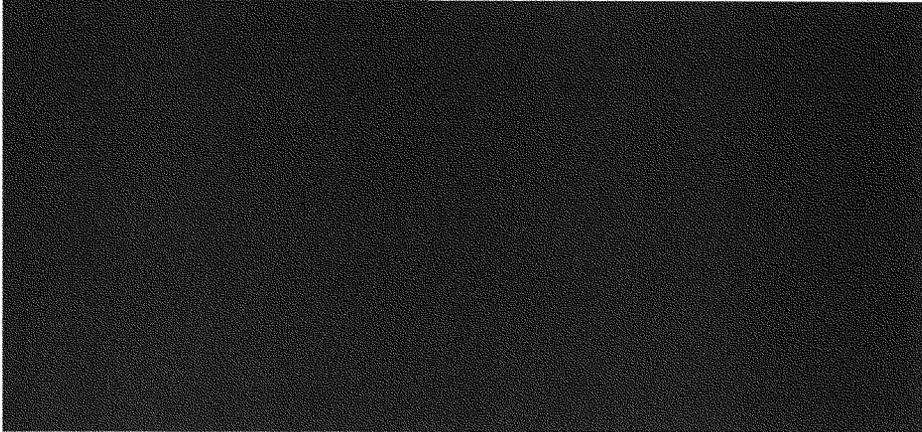
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+1(1762)  Rusty Giuliani

Address and email

Status: Read
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5/10/2019 2:19:30 PM(UTC-4)





+1917951 Rudy Giuliani

This guy is canceling meeting I think?

Status: Read

Read: 5/11/2019 2:50:49 AM(UTC-4)

5/10/2019 7:37:09 PM(UTC-4)

+1917951 Rudy Giuliani

I am going to say I have been informed the people advising the PRES ELECT are no friends of the President. At least one was involved in delivering fraudulent evidence falsely accusing the campaign and made horrible statements about his desire to defeat him. Hopafully Pres elect will realize that tge operatives around him don't have his best interests at heart

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5/10/2019 10:47:21 PM(UTC-4)

+1917951 Rudy Giuliani

Liked "I am going to say I have been informed the people advising the PRES ELECT are no friends of the President. At least one was involved in delivering fraudulent evidence falsely accusing the campaign and made horrible statements about his desire to defeat him. Hopafully Pres elect will realize that tge operatives around him don't have his best interests at heart"

Status: Read

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5/10/2019 10:57:16 PM(UTC-4)

+1917951 [REDACTED] Rudy Giuliani

I am advised that the PRES ELECT is in the hands of people who are avowed enemies of the President. At least one was involved in delivering fraudulent evidence falsely accusing the campaign and made horrible statements about his desire to defeat him. Hopefully Pres elect will realize that the operatives around him don't have his best interests at heart.

Status: Read

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+1917951 [REDACTED] Rudy Giuliani

Sorry I had to cancel trip. See if you can come back to NYC so we can talk and regroup.

Status: Read

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5/11/2019 1:43:21 AM(UTC-4)

+1917951 [REDACTED] Rudy Giuliani

I will text Victoria

Status: Read

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5/11/2019 1:43:39 AM(UTC-4)

[REDACTED] @globalenergyproducers.com

Please call me as soon as your up my brother

Status: Sent

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+1917951 [REDACTED] Rudy Giuliani

I concluded that the President elect is being advised by people who were very vocal opponents of President Trump and peculiarly vocal supporters of Hillary Clinton, in particular Sergii Leschenko. He has already been found to have acted improperly with regard to our 2016 election. Under these circumstances the meeting would have accomplished little and may be in the hands of those who might misrepresent it. My purpose was to share information to assist their on-going investigation of Ukrainian officials being used by Americans to gather information to assist Clinton in last election. It was also to alert them to the very real dangers that there are people involved in the investigation as targets who are attempting to shut it down before it reaches a conclusion. This investigation has the potential to reveal some of the people who originated and/or propagated the false claim of collusion which has been found to be false now by 2, not 1, FBI investigations. This false charge didn't emerge from thin air. If it didn't originate in Ukraine, there is evidence it was pursued there and pursued using illicit means.

Status: Read

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[REDACTED] @globalenergyproducers.com

Is this a statement you issued ?

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+1917951 [redacted] Rudy Giuliani

Was Leshenko involved with Yanukovich

Status: Read

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5/11/2019 9:03:29 AM(UTC-4)

[redacted] @globalenergyproducers.com

Yes he was very close to his Chief of staff of Yanukovich Iovachkin

Status: Sent

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[redacted] @globalenergyproducers.com

Attachments:



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+1917951 [redacted] Rudy Giuliani

Trump's interest stirring Ukraine investigations sows confusion in Kiev

Status: Read

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5/11/2019 12:22:09 PM(UTC-4)

+1917951 [redacted] Rudy Giuliani

<https://wapo.st/2vQ32NE>

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Size: 2996
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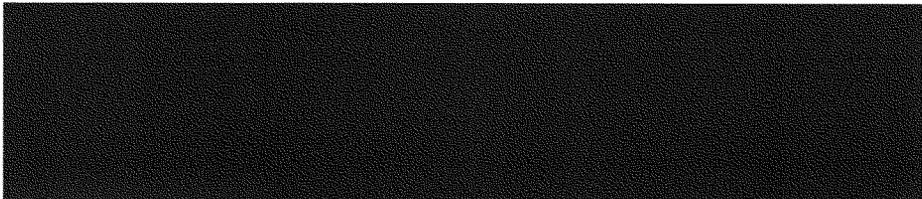


Size: 1474592
File name: AB9A095F_0697-4712-B285-C52191662E8C.pluginPayloadAttachment.AB9A095F_0697-4712-B285-C52191662E8C.pluginPayloadAttachment

Status: Read

Read: 5/11/2019 12:22:22 PM(UTC-4)

5/11/2019 12:22:15 PM(UTC-4)



@globalenergyproducers.com
<https://thehill.com/opinion/white-house/444167-ukrainian-who-meddled-against-trump-in-2016-is-now-under-russia>

Attachments

Size: 129K |
File name: 3EE19C3E-4D46-43AE-827D-7BE9581FED9D.pluginPayloadAttachment
3EE19C3E-4D46-43AE-827D-7BE9581FED9D.pluginPayloadAttachment



Size: 929K |
File name: CC626972-E047-441A-9AB4-800213AA9479.pluginPayloadAttachment
CC626972-E047-441A-9AB4-800213AA9479.pluginPayloadAttachment

Status: Sent
Delivered: 5/16/2019 9:45:51 PM(UTC-4)
Read: 5/16/2019 10:01:28 PM(UTC-4)

5/16/2019 8:43:45 PM(UTC-4)

+1517051 [Redacted] Rudy Giuliani

Bribery is universally defined as offering something of value (the 1.2 billion loan guarantee) to affect official action (firing Shokin, tanking the Burisma case for big money).

Status: Read
Read: 5/17/2019 3:09:42 AM(UTC-4)

5/16/2019 10:02:13 PM(UTC-4)

@globalenergyproducers.com
Good morning my brother I'm meeting with the head anti corruption prosecutor in 15 min I think it's very important I introduce you

Status: Sent
Delivered: 5/17/2019 9:16:36 AM(UTC-4)
Read: 5/17/2019 11:36:04 AM(UTC-4)

5/17/2019 8:16:27 AM(UTC-4)

@globalenergyproducers.com
I'm with him my brother please give me a call

Status: Sent
Delivered: 5/17/2019 9:32:56 AM(UTC-4)
Read: 5/17/2019 11:36:04 AM(UTC-4)

5/17/2019 9:32:57 AM(UTC-4)

@globalenergyproducers.com
When you wake up please call me my brother very serious
Status: Sent
Delivered: 5/18/2019 8:51:50 AM(UTC-4)
Read: 5/18/2019 8:23:00 AM(UTC-4)
5/18/2019 8:51:50 AM(UTC-4)

+1917951 [redacted] Rudy Giuliani
What is going on?
Status: Read
Read: 5/18/2019 12:04:03 PM(UTC-4)
5/18/2019 12:04:00 PM(UTC-4)

@globalenergyproducers.com
Waiting to see either Avakov or Lutsenko met with local attorney put the complaint together will hand it to them
Status: Sent
Delivered: 5/18/2019 12:05:44 PM(UTC-4)
Read: 5/18/2019 12:05:50 PM(UTC-4)
5/18/2019 12:05:43 PM(UTC-4)

@globalenergyproducers.com
I'll call
You soon as I get in touch with them
Status: Sent
Delivered: 5/18/2019 12:06:01 PM(UTC-4)
Read: 5/18/2019 12:06:01 PM(UTC-4)
5/18/2019 12:06:01 PM(UTC-4)

@globalenergyproducers.com
Also booking the Paris flights and hotel now
Status: Sent
Delivered: 5/18/2019 12:07:22 PM(UTC-4)
Read: 5/18/2019 12:07:22 PM(UTC-4)
5/18/2019 12:07:22 PM(UTC-4)

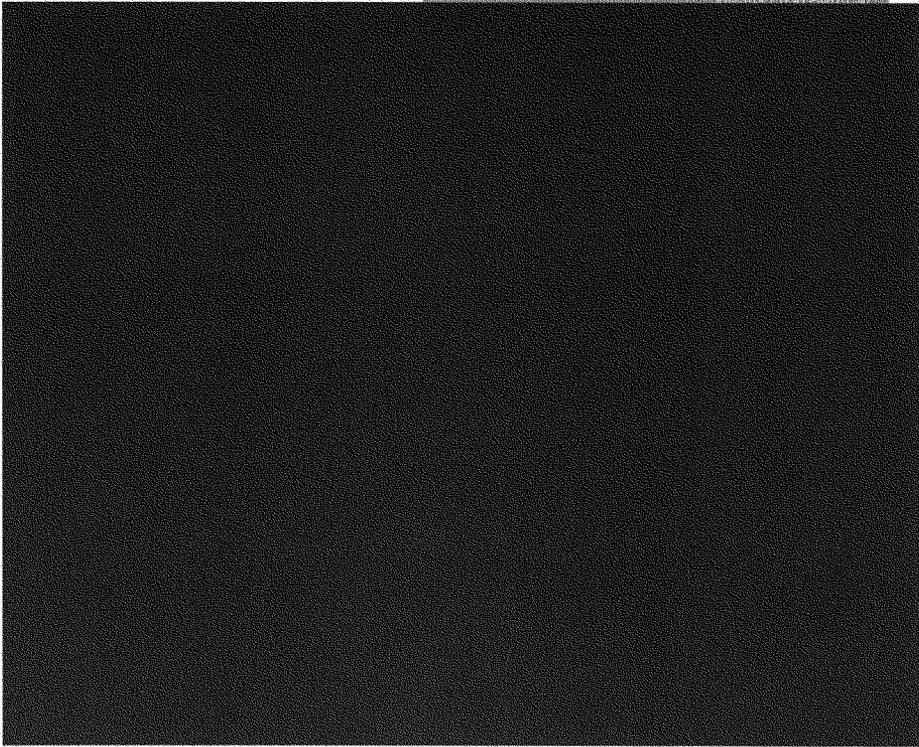
+1917951 [redacted] Rudy Giuliani
What will you say he said in complaint. Tell lawyer I can send him a statement on your behalf. Or he can call me.
Status: Read
Read: 5/18/2019 12:07:54 PM(UTC-4)
5/18/2019 12:07:51 PM(UTC-4)

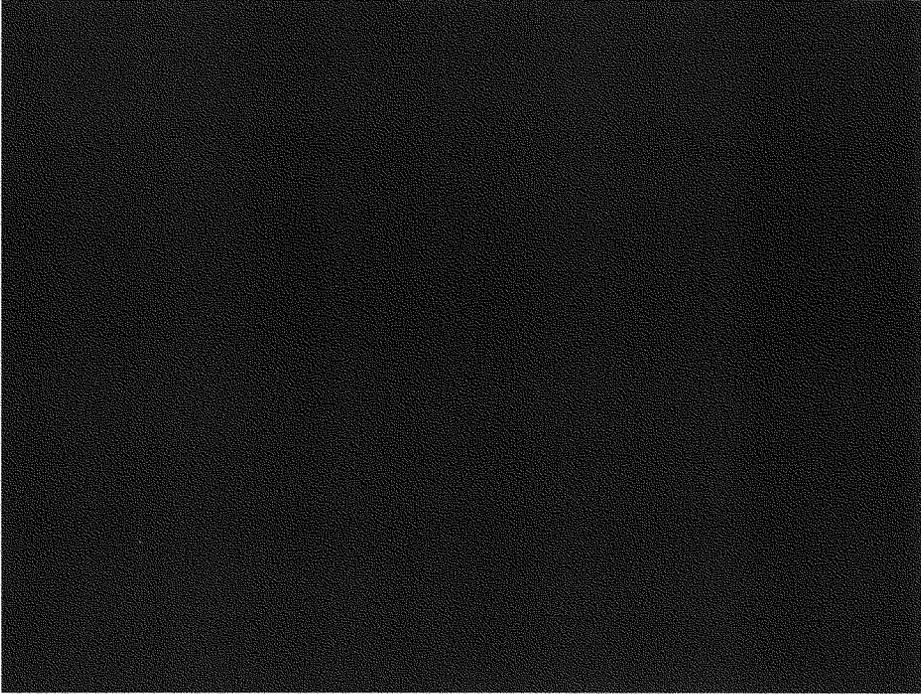
@globalenergyproducers.com
Lawyer went to print out paperwork
Status: Sent
Delivered: 5/18/2019 12:08:43 PM(UTC-4)
Read: 5/18/2019 12:27:45 PM(UTC-4)
5/18/2019 12:08:43 PM(UTC-4)

@globalenergyproducers.com
Will call you as she gets back
Status: Sent
Delivered: 5/18/2019 12:09:03 PM(UTC-4)
Read: 5/18/2019 12:27:45 PM(UTC-4)
5/18/2019 12:09:03 PM(UTC-4)

@globalenergyproducers.com
Thank you sooo much
Status: Sent
Delivered: 5/18/2019 12:16:15 PM(UTC-4)
Read: 5/18/2019 12:27:45 PM(UTC-4)
5/18/2019 12:16:15 PM(UTC-4)

@globalenergyproducers.com
The lawyer just got here call you shortly my brother
Status: Sent
Delivered: 5/18/2019 1:17:41 PM(UTC-4)
Read: 5/18/2019 1:22:35 PM(UTC-4)
5/18/2019 1:17:41 PM(UTC-4)





+1917951 [redacted] Rudy Giuliani

Where are you guys

Status: Read

Read: 7/3/2019 5:15:20 PM(UTC-4)

7/3/2019 5:15:17 PM(UTC-4)

[redacted] @kabalchergovofficers.com

Going to Vienna

Status: Sent

Delivered: 7/3/2019 5:15:35 PM(UTC-4)

Read: 7/3/2019 5:15:42 PM(UTC-4)

7/3/2019 5:15:39 PM(UTC-4)

+1917951 [redacted] Rudy Giuliani

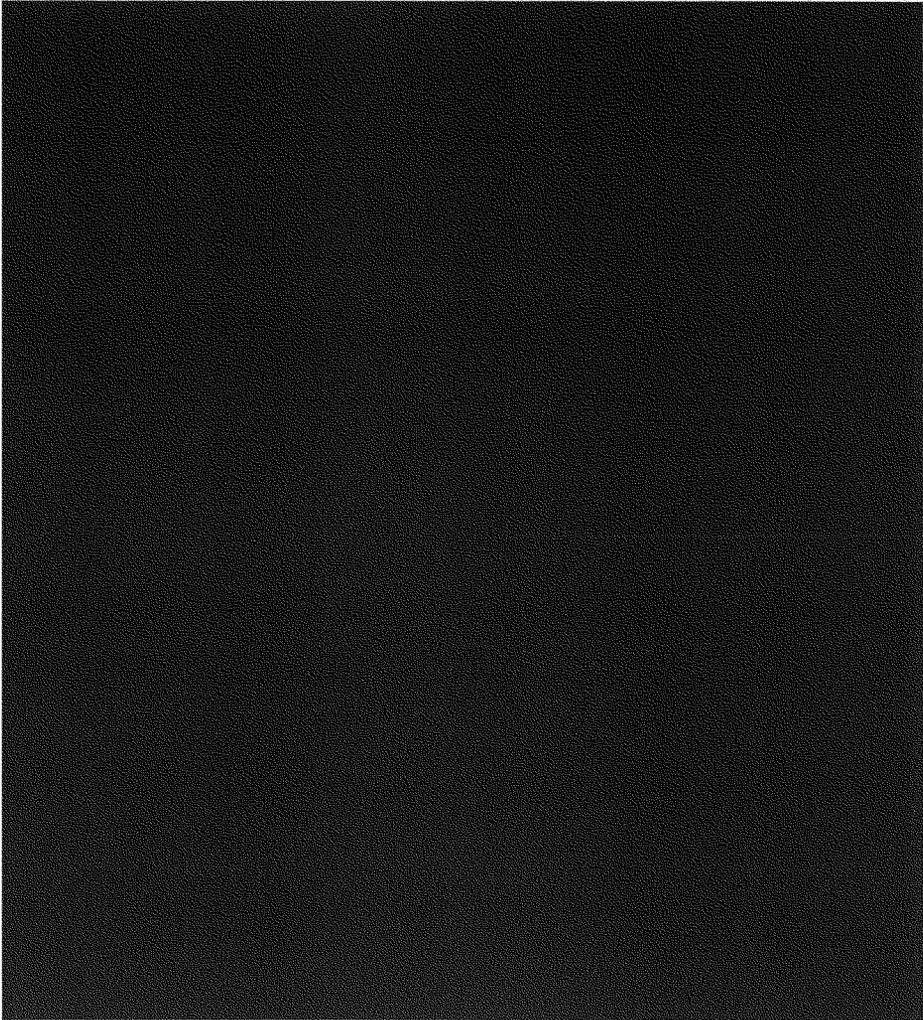
Wow!

Status: Read

Read: 7/3/2019 5:15:55 PM(UTC-4)

7/3/2019 5:15:55 PM(UTC-4)

@globalnettyproducers.com
Trying to get us mr Z.
Status: Sent
Delivered: 7/3/2019 5:16:19 PM(UTC-4)
Read: 7/3/2019 4:17:58 PM(UTC-4) 7/3/2019 5:16:19 PM(UTC-4)





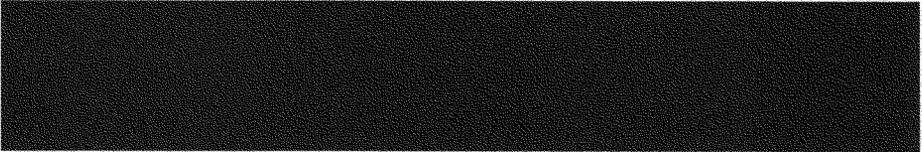
+1917351 [redacted] Rudy Giuliani

Good news on Zelensky also you're mailbox is full

Status: Read

Read: 7/26/2019 6:57:35 PM(UTC-4)

7/26/2019 6:43:01 PM(UTC-4)



[redacted] @glotalenergyproducers.com

Good morning my brother ! On our way to Spain ! Call me when your up

Status: Sent

Delivered: 7/26/2019 8:41:19 AM(UTC-4)

Read: 7/26/2019 9:41:21 AM(UTC-4)

7/26/2019 8:41:13 AM(UTC-4)

+1917351 [redacted] Rudy Giuliani

On my way to DV

Status: Read

Read: 7/26/2019 9:56:31 AM(UTC-4)

7/26/2019 9:41:30 AM(UTC-4)

 @globalenergyproducers.com
 Good morning my brother !!
 Attachments:

 Size: 244,054
 File name: BMS_0400 HEIC
 (MIME: image/heic)
 Status: Sent
 Delivered: 7/29/2019 7:26:30 AM(UTC-4)
 Read: 7/29/2019 8:10:15 AM(UTC-4)
 7/29/2019 7:26:27 AM(UTC-4)

+1917951  Rudy Guillani
 Ok on way to WH
 Status: Read
 Read: 7/29/2019 8:11:42 AM(UTC-4)
 7/29/2019 8:10:24 AM(UTC-4)

 @globalenergyproducers.com
 Give me a call when you have a chance
 Status: Sent
 Delivered: 7/29/2019 1:46:13 PM(UTC-4)
 Read: 7/29/2019 1:56:17 PM(UTC-4)
 7/29/2019 1:46:11 PM(UTC-4)

 @globalenergyproducers.com
 Call me my brother
 Status: Sent
 Delivered: 7/30/2019 11:13:39 AM(UTC-4)
 Read: 7/31/2019 4:04:56 AM(UTC-4)
 7/30/2019 11:13:38 AM(UTC-4)

 @globalenergyproducers.com
 Are you all set for tomorrow
 Status: Sent
 Delivered: 7/31/2019 8:12:11 PM(UTC-4)
 Read: 7/31/2019 9:10:50 PM(UTC-4)
 7/31/2019 8:12:11 PM(UTC-4)

 @globalenergyproducers.com
 I want to make sure Deanna look care of everything my brother
 Status: Sent
 Delivered: 7/31/2019 8:15:26 PM(UTC-4)
 Read: 7/31/2019 9:10:50 PM(UTC-4)
 7/31/2019 8:15:26 PM(UTC-4)

 @globalenergyproducers.com
I also arranged vip service at Madrid
Status: Sent
Delivered: 7/31/2019 8:13:46 PM(UTC-4)
Read: 7/31/2019 9:18:24 PM(UTC-4)
7/31/2019 8:13:46 PM(UTC-4)

+1917951  Rudy Casiani
All set thank you
Status: Read
Read: 8/1/2019 4:21:43 AM(UTC-4)
7/31/2019 11:48:43 PM(UTC-4)

 @globalenergyproducers.com
Good morning my brother give me a call when you get up
Status: Sent
Delivered: 8/1/2019 8:45:04 AM(UTC-4)
Read: 8/1/2019 10:56:55 AM(UTC-4)
8/1/2019 8:45:04 AM(UTC-4)

 @globalenergyproducers.com
On July 25 at night, negotiations took place between Uri Leibert and Zelensky (on a boat). Their result was Zelensky's consent to hand over the management of the cities of Kiev and the Dnieper to the Kolomoisky, as well as the Dnipropetrovsk region. Tariff policy in the field of industrial energy. Ministry of Energy and Coal Industry. To privatize Privatbank in favor of Kolomoisky. Odessa port plant. Tender fuel supplies to Ukrzaliznitsa. Bogdan's actions against Klitschko, the result of the agreements that took place on July 25th on the city of Kiev. On July 26, a meeting was held between Bogdan, Shafir and Tkachenko (director of the Kolomoisky Channel) on the issue of Klitschko and the city of Kiev. To fight Klitschko, involved law enforcement agencies.
Status: Sent
Delivered: 8/1/2019 10:25:19 AM(UTC-4)
Read: 8/1/2019 10:56:55 AM(UTC-4)
8/1/2019 10:25:19 AM(UTC-4)

 @globalenergyproducers.com
I'll explain when we speak
Status: Sent
Delivered: 8/1/2019 10:25:36 AM(UTC-4)
Read: 8/1/2019 10:56:55 AM(UTC-4)
8/1/2019 10:25:36 AM(UTC-4)

 @globalenergyproducers.com
Lidia Lopez

Status: Sent
Delivered: 8/1/2019 1:03:25 PM(UTC-4)
Read: 8/1/2019 1:03:47 PM(UTC-4)
8/1/2019 1:03:25 PM(UTC-4)

+1917351 [redacted] Rudy Giuliani

He does know most of this and I don't want us in their politics. I will meet with his lawyer and I want their commitment that they will support a real, full investigation.

Status: Read

Read: 6/12/2019 1:04:21 PM(UTC-4)

6/12/2019 1:04:17 PM(UTC-4)

[redacted] @probalenergyproductions.com

I fully agree

Status: Sent

Delivered: 6/12/2019 1:06:30 PM(UTC-4)

Read: 6/12/2019 1:35:26 PM(UTC-4)

6/12/2019 1:06:07 PM(UTC-4)

[redacted] @probalenergyproductions.com

When you arrive in Madrid there will be someone waiting for you with a sign that says "NUBA" at the door of the plane. They will take you through costumes.

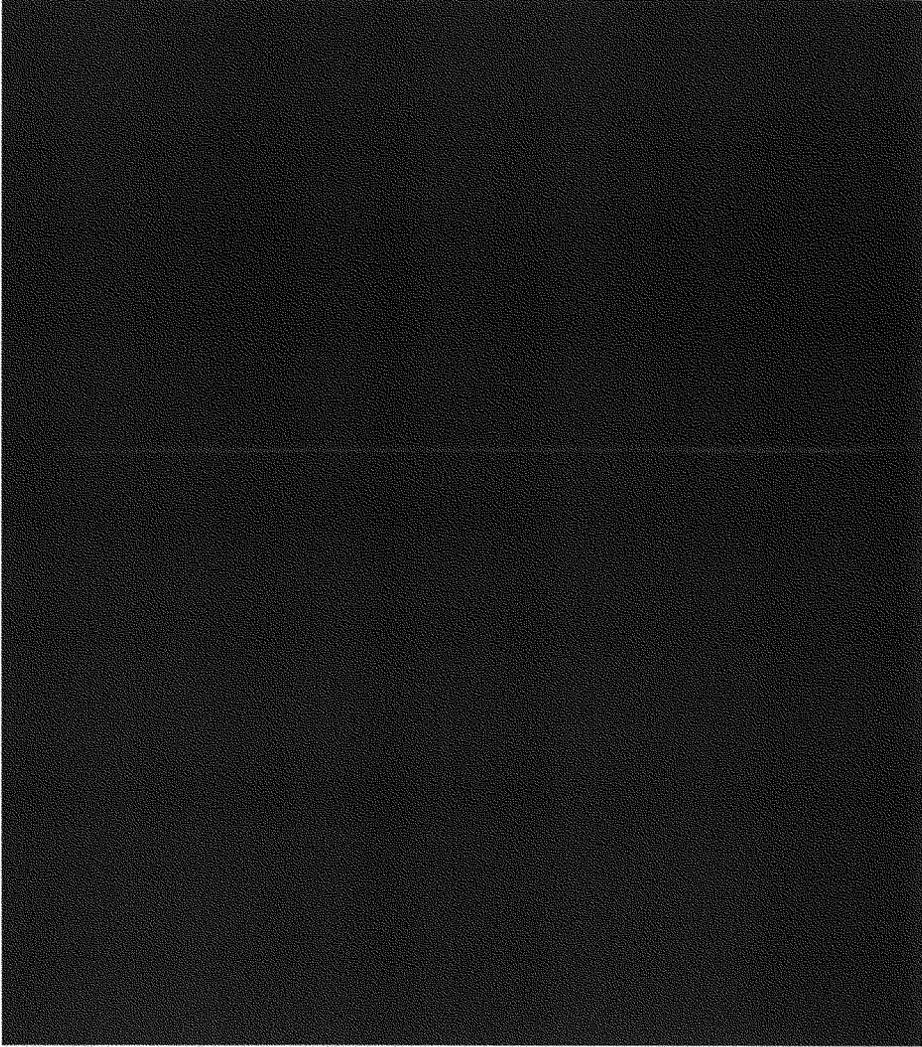
Status: Sent

Delivered: 6/12/2019 1:08:47 PM(UTC-4)

Read: 6/12/2019 1:35:26 PM(UTC-4)

6/12/2019 1:08:36 PM(UTC-4)





+1517851 Rudy Giuliani

Back from DOJ after 12

Status: Read

Read: 9/22/19 11:03:09 AM(LTC-4)

9/22/19 10:59:04 AM(LTC-4)

+1917951 [redacted] Rudy Giuliani

Doing Hannity at 9

Status: Read

Read: 9/6/2019 5:39:48 PM(UTC-4)

9/6/2019 5:39:41 PM(UTC-4)

+1917951 [redacted] Rudy Giuliani

Liked "Doing Hannity at 9"

Status: Read

Read: 9/6/2019 5:39:48 PM(UTC-4)

9/6/2019 5:39:44 PM(UTC-4)

[redacted] @globalenergyproducers.com

I'll be watching

Status: Sent

Delivered: 9/6/2019 5:40:02 PM(UTC-4)

Read: 9/6/2019 5:41:04 PM(UTC-4)

9/6/2019 5:40:02 PM(UTC-4)

[redacted] @globalenergyproducers.com

Great job

Status: Sent

Delivered: 9/6/2019 9:32:14 PM(UTC-4)

Read: 9/6/2019 10:14:47 PM(UTC-4)

9/6/2019 9:32:13 PM(UTC-4)

[redacted] @globalenergyproducers.com

Call me when you free up my brother

Status: Sent

Delivered: 9/9/2019 12:39:36 PM(UTC-4)

Read: 9/9/2019 12:39:28 PM(UTC-4)

9/9/2019 12:39:37 PM(UTC-4)

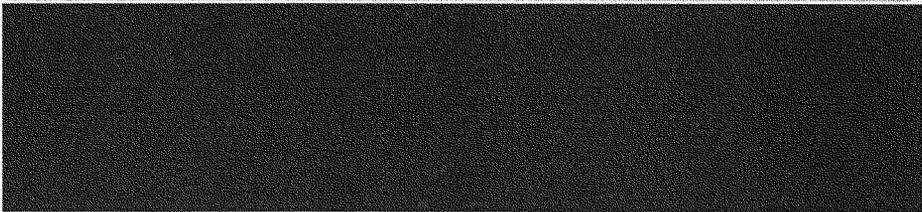
+1917951 [redacted] Rudy Giuliani

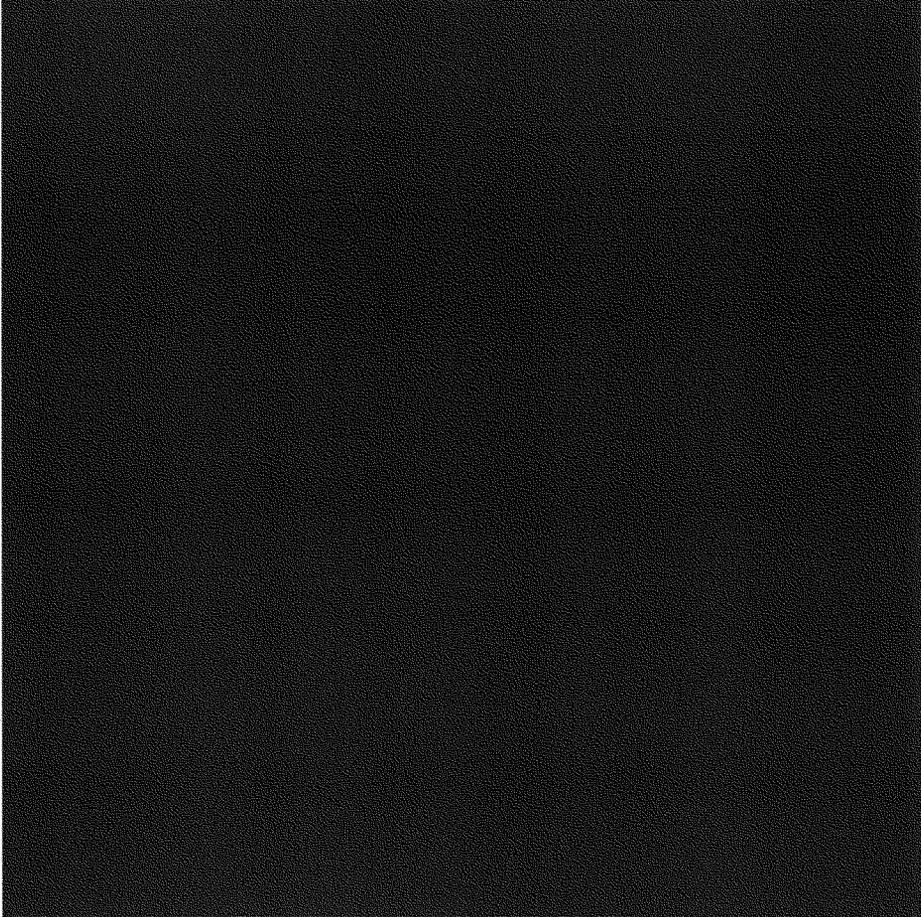
Do you know Andrei Artemenko and are you coming to DC

Status: Read

Read: 9/10/2019 1:48:39 PM(UTC-4)

9/10/2019 1:17:39 PM(UTC-4)





 @gabieringproducts.com
 How are you my brother !!
 Status: Sent
 Delivered: 9/25/2019 7:37:26 PM(UTC-4)
 Read: 9/25/2019 7:42:03 PM(UTC-4)

9/25/2019 7:07:20 PM(UTC-4)

+1917951  Rudy Guillan
 Fighting
 Status: Read
 Read: 9/25/2019 7:49:04 PM(UTC-4)

9/25/2019 7:42:10 PM(UTC-4)

globalenergyproducers.com
Me to
Status: Sent
Delivered: 9/26/2019 7:45:09 PM(UTC-4)
Read: 9/26/2019 7:45:09 PM(UTC-4)
9/26/2019 7:45:09 PM(UTC-4)

globalenergyproducers.com
Status: Sent
Delivered: 9/26/2019 7:45:14 PM(UTC-4)
Read: 9/26/2019 7:45:14 PM(UTC-4)
9/26/2019 7:45:14 PM(UTC-4)

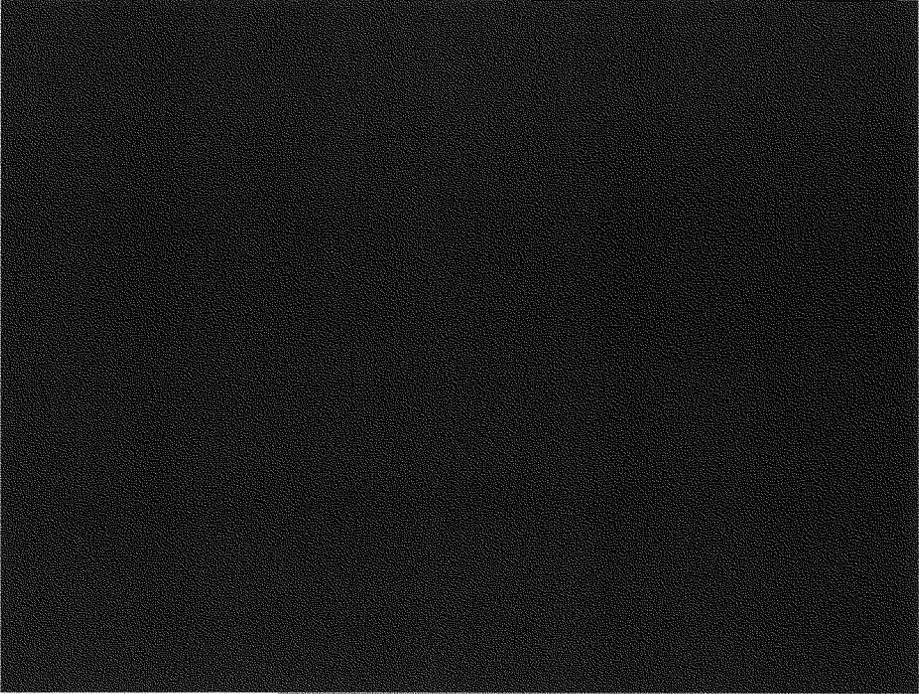
globalenergyproducers.com
Give me a call my brother
Status: Sent
Delivered: 9/27/2019 4:02:38 PM(UTC-4)
Read: 9/27/2019 4:02:37 PM(UTC-4)
9/27/2019 4:02:37 PM(UTC-4)

globalenergyproducers.com
Attachments
Size: 0
Status: Sent
Delivered: 9/27/2019 4:16:49 PM(UTC-4)
Read: 9/27/2019 4:16:57 PM(UTC-4)
9/27/2019 4:16:47 PM(UTC-4)

globalenergyproducers.com
CNN is reporting that Kurt Volker just resigned
Status: Sent
Delivered: 9/27/2019 7:14:09 PM(UTC-4)
Read: 9/27/2019 7:14:57 PM(UTC-4)
9/27/2019 7:14:09 PM(UTC-4)

+1917951 Rudy Gallani
Hope you feel better. It's painful but we are on the right side
Status: Read
Read: 9/29/2019 4:11:02 AM(UTC-4)
9/29/2019 6:07:53 PM(UTC-4)

globalenergyproducers.com
Thank you my brother
Status: Sent
Delivered: 9/29/2019 4:14:32 AM(UTC-4)
Read: 9/29/2019 6:06:55 AM(UTC-4)
9/29/2019 4:14:11 AM(UTC-4)



[Redacted] @globalenergyproducers.com

Landed call me when you can

Status: Sent

Delivered: 10/3/2019 3:33:03 PM(UTC-4)

Read: 10/3/2019 5:32:10 PM(UTC-4)

10/3/2019 5:32:46 PM(UTC-4)

[Redacted] @globalenergyproducers.com

Call me need to tell you something

Status: Sent

Delivered: 10/3/2019 4:40:08 PM(UTC-4)

Read: 10/3/2019 5:02:10 PM(UTC-4)

10/3/2019 4:40:03 PM(UTC-4)

[Redacted] @globalenergyproducers.com

Important

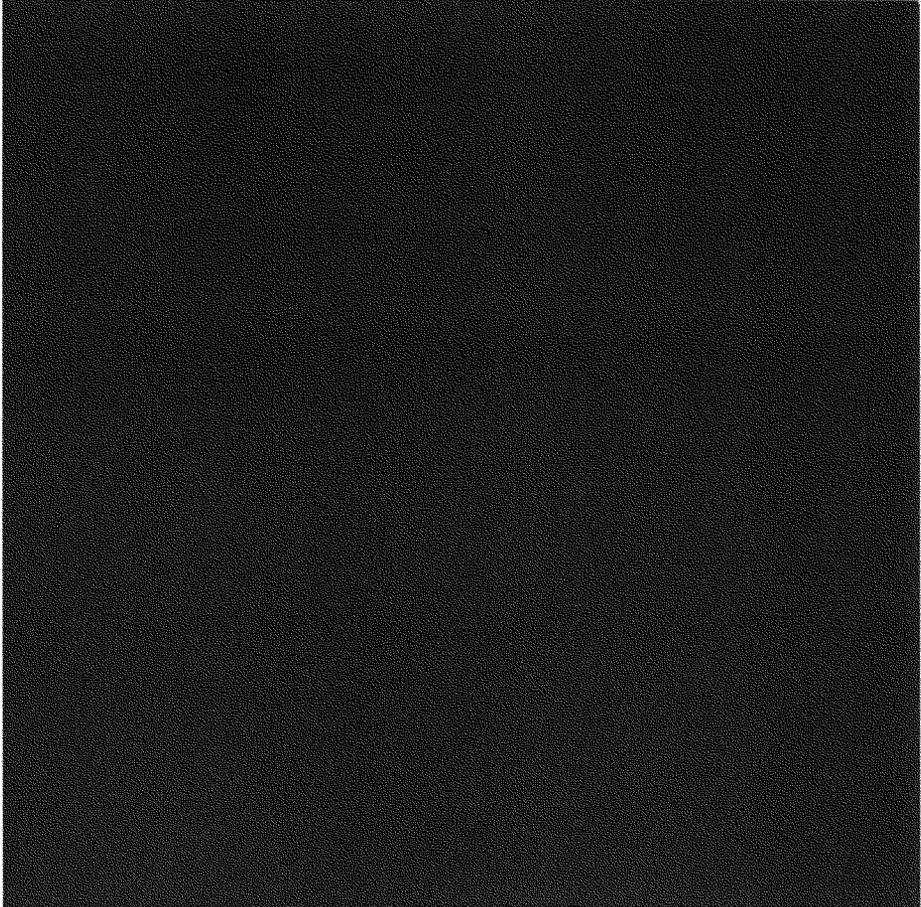
Status: Sent

Delivered: 10/3/2019 5:29:20 PM(UTC-4)

Read: 10/3/2019 7:22:14 PM(UTC-4)

10/3/2019 5:29:25 PM(UTC-4)

██████████@pubalens.org/products.com
Call me they tried to poison Shokin
Status: Sent
Delivered: 10/4/2019 1:31:37 PM(UTC-4)
Read: 10/4/2019 1:40:06 PM(UTC-4)
10/4/2019 8:31:36 PM(UTC-4)



+1917951 ██████████ Rudy Giuliani
Any word
Status: Read
Read: 10/5/2019 8:56:33 PM(UTC-4)
10/5/2019 8:56:47 PM(UTC-4)

██████████@globalenergyproducers.com
It's night time won't know till tonight
Status: Sent
Delivered: 10/5/2019 8:57:16 PM(UTC-4)
Read: 10/5/2019 8:57:42 PM(UTC-4)
10/5/2019 8:57:16 PM(UTC-4)

██████████@globalenergyproducers.com
I'll text you soon as I know
Status: Sent
Delivered: 10/5/2019 8:57:23 PM(UTC-4)
Read: 10/5/2019 8:57:42 PM(UTC-4)
10/5/2019 8:57:23 PM(UTC-4)

██████████@globalenergyproducers.com
Probably around 2-4 am
Status: Sent
Delivered: 10/5/2019 8:57:35 PM(UTC-4)
Read: 10/5/2019 8:57:42 PM(UTC-4)
10/5/2019 8:57:35 PM(UTC-4)

+1317951 ██████████ Rudy Giuliani
Ok
Status: Read
Read: 10/5/2019 8:57:54 PM(UTC-4)
10/5/2019 8:57:52 PM(UTC-4)

██████████@globalenergyproducers.com
Great win !!! Go yanks !!!
Status: Sent
Delivered: 10/5/2019 8:58:34 PM(UTC-4)
Read: 10/5/2019 8:58:51 PM(UTC-4)
10/5/2019 8:58:43 PM(UTC-4)

██████████@globalenergyproducers.com
Jet spoke with him my brother we are all good yet waiting for doctor to clear him for travel we should be all set for Tuesday
Status: Sent
Delivered: 10/5/2019 4:05:30 AM(UTC-4)
Read: 10/5/2019 4:07:25 AM(UTC-4)
10/5/2019 4:05:30 AM(UTC-4)

██████████@globalenergyproducers.com
I'll explain when we talk
Status: Sent
Delivered: 10/5/2019 4:05:43 AM(UTC-4)
Read: 10/5/2019 4:07:25 AM(UTC-4)
10/5/2019 4:05:43 AM(UTC-4)

██████████@globalenergyproducers.com
But it's all great !!!
Status: Sent
Delivered: 10/6/2019 4:05:35 AM(UTC-4)
Read: 10/6/2019 4:07:26 AM(UTC-4)
10/6/2019 4:05:54 AM(UTC-4)

██████████@globalenergyproducers.com
I'll be in dc later tonight meeting with David and departing at 7 pm let me know if you can make it I'll get you a flight
Status: Sent
Delivered: 10/6/2019 4:07:07 AM(UTC-4)
Read: 10/6/2019 4:07:23 AM(UTC-4)
10/6/2019 4:07:06 AM(UTC-4)

██████████@globalenergyproducers.com
Going to sleep call you when I wake up my brother
Status: Sent
Delivered: 10/6/2019 4:07:31 AM(UTC-4)
Read: 10/6/2019 4:07:25 AM(UTC-4)
10/6/2019 4:07:31 AM(UTC-4)

██████████@globalenergyproducers.com
Landing in dc in 30 min my brother
Status: Sent
Delivered: 10/6/2019 4:25:15 PM(UTC-4)
Read: 10/6/2019 4:32:45 PM(UTC-4)
10/6/2019 4:25:15 PM(UTC-4)

██████████@globalenergyproducers.com
Call you when I land
Status: Sent
Delivered: 10/6/2019 4:25:27 PM(UTC-4)
Read: 10/6/2019 4:32:45 PM(UTC-4)
10/6/2019 4:25:27 PM(UTC-4)

██████████@globalenergyproducers.com
Lots to update you
Status: Sent
Delivered: 10/6/2019 4:25:33 PM(UTC-4)
Read: 10/6/2019 4:32:45 PM(UTC-4)
10/6/2019 4:25:33 PM(UTC-4)

+131084 [redacted] Lubyly

<https://lexasscorecard.com/commentary/commentary-hunter-bidens-wild-ukrainian-ride/>

Attachments:



Size: 35108
 File name: BEA8F150-7F55-4733-B67C-EFD705CAF2FB.pluginPayloadAttachment
 BEA8F150-7F55-4733-B67C-EFD705CAF2FB.pluginPayloadAttachment



Size: 1781777
 File name: B050E3D7-1365-4F58-9A8F-85A7395B8795.pluginPayloadAttachment
 B050E3D7-1365-4F58-9A8F-85A7395B8795.pluginPayloadAttachment

Status: Sent
 Delivered: 10/8/2019 8:33:43 AM(UTC-4)
 Read: 10/8/2019 9:16:29 AM(UTC-4)

10/8/2019 8:33:41 AM(UTC-4)

+131084 [redacted] Lubyly

Just landed my brother on my way to hotel

Status: Sent
 Delivered: 10/8/2019 12:28:36 PM(UTC-4)
 Read: 10/8/2019 12:28:27 PM(UTC-4)

10/8/2019 12:28:36 PM(UTC-4)

+131084 [redacted] Lubyly

[I'll wait for you their

Status: Sent
 Delivered: 10/8/2019 12:28:48 PM(UTC-4)
 Read: 10/8/2019 12:30:27 PM(UTC-4)

10/8/2019 12:28:48 PM(UTC-4)

+131084 [redacted] Lubyly

<https://www.union.info/politics/10714672-nabu-could-pass-its-investigation-information-to-u-s-embassy-in-kyiv-ukrainian-mp-video.html>

Attachments:



Size: 5301
 File name: E0F7F80F-82CB-314A-801C-2D730F956221.pluginPayloadAttachment
 E0F7F80F-82CB-314A-801C-2D730F956221.pluginPayloadAttachment



Size: 85214
 File name: E224176A-0E16-41D3-A8A7-87B5D1AC7AC2.pluginPayloadAttachment
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Status: Sent
 Delivered: 10/9/2019 2:28:41 PM(UTC-4)
 Read: 10/9/2019 2:35:13 PM(UTC-4)

10/9/2019 2:28:38 PM(UTC-4)

+131084 [redacted] Libiny

<https://www.youtube.com/watch?v=0TbPWncTLJA8>

Attachments



Size: 10275
 File name: B5A8BAC384F4CAF4B02-52F3E4C95E1-pluginPayloadAttachment-75C8A8AD-324F-4CAF-ABD7-80F3E4C95E1-pluginPayloadAttachment



Size: 14966
 File name: BF73E9D1735248ACAF1E1732487C183-pluginPayloadAttachment-BF73E9D1735248ACAF1E1732487C183-pluginPayloadAttachment

Status: Sent
 Delivered: 10/9/2019 3:07:12 PM(UTC-4)
 Read: 10/9/2019 3:35:19 PM(UTC-4)

10/9/2019 3:37:11 PM(UTC-4)

+131084 [redacted] Libiny

E

Status: Sent
 Delivered: 10/9/2019 3:07:12 PM(UTC-4)
 Read: 10/9/2019 3:35:19 PM(UTC-4)

10/9/2019 3:37:11 PM(UTC-4)

+131084 [redacted] Libiny

<https://en.interfax.com.ua/news/press-conference/617936.html>

Attachments



Size: 2039
 File name: C90E1802-3807-4794-B061-713ED84F6B8E-pluginPayloadAttachment-C90E1802-3807-4794-B061-713ED84F6B8E-pluginPayloadAttachment



Size: 706-RU5
 File name: F4954F7B-4B8B-4EE3-AF4D-83E3D4D3569C-pluginPayloadAttachment-F4954F7B-4B8B-4EE3-AF4D-83E3D4D3569C-pluginPayloadAttachment

Status: Sent
 Delivered: 10/9/2019 7:38:31 PM(UTC-4)
 Read: 10/9/2019 7:40:01 PM(UTC-4)

10/9/2019 7:40:30 PM(UTC-4)

+1917961 [redacted] Rudy Gultau

Liked "<https://en.interfax.com.ua/news/press-conference/617936.html>"

Status: Unread

10/9/2019 7:40:01 PM(UTC-4)

U.S. Department of Justice
Washington, DC 20530

OMB No. 1124-0066; Expires May 31, 2020

**Exhibit A to Registration Statement
Pursuant to the Foreign Agents Registration Act of
1938, as amended**

INSTRUCTIONS. Furnish this exhibit for EACH foreign principal listed in an initial statement and for EACH additional foreign principal acquired subsequently. The filing of this document requires the payment of a filing fee as set forth in Rule (d)(1), 28 C.F.R. § 5.5(d)(1). Compliance is accomplished by filing an electronic Exhibit A form at <https://www.fara.gov>.

Privacy Act Statement. The filing of this document is required by the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.*, for the purposes of registration under the Act and public disclosure. Provision of the information requested is mandatory, and failure to provide this information is subject to the penalty and enforcement provisions established in Section 8 of the Act. Every registration statement, short form registration statement, supplemental statement, exhibit, amendment, copy of informational materials or other document or information filed with the Attorney General under this Act is a public record open to public examination, inspection and copying during the posted business hours of the Registration Unit in Washington, DC. Statements are also available online at the Registration Unit's webpage: <https://www.fara.gov>. One copy of every such document, other than informational materials, is automatically provided to the Secretary of State pursuant to Section 6(b) of the Act, and copies of any and all documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. The Attorney General also transmits a semi-annual report to Congress on the administration of the Act which lists the names of all agents registered under the Act and the foreign principals they represent. This report is available to the public in print and online at: <https://www.fara.gov>.

Public Reporting Burden. Public reporting burden for this collection of information is estimated to average 49 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Counterintelligence and Export Control Section, National Security Division, U.S. Department of Justice, Washington, DC 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

1. Name and Address of Registrant Signal Group Consulting, LLC 455 MASSACHUSETTS AVENUE, NW 12th Floor, Washington, DC 20001	2. Registration No. 6661
--	-----------------------------

3. Name of Foreign Principal Volodymyr Zelensky - Servant of the People through Marcov Cohen	4. Principal Address of Foreign Principal VELYKA VASYLKIIVSKA, 72 OLYMPIC SHOPPING CENTER, 2nd Floor KIEV, UKRAINE
--	---

5. Indicate whether your foreign principal is one of the following:

Government of a foreign country¹

Foreign political party

Foreign or domestic organization: If either, check one of the following:

<input type="checkbox"/> Partnership	<input type="checkbox"/> Committee
<input type="checkbox"/> Corporation	<input type="checkbox"/> Voluntary group
<input type="checkbox"/> Association	<input type="checkbox"/> Other (specify) _____

Individual-State nationality

6. If the foreign principal is a foreign government, state:

a) Branch or agency represented by the registrant N/A

b) Name and title of official with whom registrant deals N/A

7. If the foreign principal is a foreign political party, state:

a) Principal address
VELYKA VASYLKIIVSKA, 72, OLYMPIC SHOPPING CENTER, 2nd Floor, KIEV, UKRAINE

b) Name and title of official with whom registrant deals Volodymyr Zelensky - Servant of the People

c) Principal aim to elevate the profile of Volodymyr Zelensky - Servant of the People

¹ "Government of a foreign country," as defined in Section 1(e) of the Act, includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction, or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.

8. If the foreign principal is not a foreign government or a foreign political party:

a) State the nature of the business or activity of this foreign principal.

b) Is this foreign principal:

- Supervised by a foreign government, foreign political party, or other foreign principal Yes No
- Owned by a foreign government, foreign political party, or other foreign principal Yes No
- Directed by a foreign government, foreign political party, or other foreign principal Yes No
- Controlled by a foreign government, foreign political party, or other foreign principal Yes No
- Financed by a foreign government, foreign political party, or other foreign principal Yes No
- Subsidized in part by a foreign government, foreign political party, or other foreign principal Yes No

9. Explain fully all items answered "Yes" in Item 8(b). (If additional space is needed, a full insert page must be used.)

Volodymyr Zelensky - Servant of the People is a candidate for the presidency of Ukraine.

10. If the foreign principal is an organization and is not owned or controlled by a foreign government, foreign political party or other foreign principal, state who owns and controls it.

N/A

EXECUTION

In accordance with 28 U.S.C. § 1746, the undersigned swears or affirms under penalty of perjury that he/she has read the information set forth in this Exhibit A to the registration statement and that he/she is familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her knowledge and belief.

Date of Exhibit A	Name and Title	Signature
4-12-19	MARK DUFFY Executive Vice President	<i>Mark Duffy</i>

Received by NSD/FARA Registration Unit 04/12/2019 9:59:33 PM

U.S. Department of Justice
Washington, DC 20530

OMB No. 1124-0004; Expires May 31, 2020

**Exhibit B to Registration Statement
Pursuant to the Foreign Agents Registration Act of
1938, as amended**

INSTRUCTIONS. A registrant must furnish as an Exhibit B copies of each written agreement and the terms and conditions of each oral agreement with his foreign principal, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances by reason of which the registrant is acting as an agent of a foreign principal. Compliance is accomplished by filing an electronic Exhibit B form at <https://www.fara.gov>.

Privacy Act Statement. The filing of this document is required for the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.*, for the purposes of registration under the Act and public disclosure. Provision of the information requested is mandatory, and failure to provide the information is subject to the penalty and enforcement provisions established in Section 8 of the Act. Every registration statement, short form registration statement, supplemental statement, exhibit, amendment, copy of informational materials or other document or information filed with the Attorney General under this Act is a public record open to public examination, inspection and copying during the posted business hours of the Registration Unit in Washington, DC. Statements are also available online at the Registration Unit's webpage: <https://www.fara.gov>. One copy of every such document, other than informational materials, is automatically provided to the Secretary of State pursuant to Section 6(b) of the Act, and copies of any and all documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. The Attorney General also transmits a semi-annual report to Congress on the administration of the Act which lists the names of all agents registered under the Act and the foreign principals they represent. This report is available to the public in print and online at: <https://www.fara.gov>.

Public Reporting Burden. Public reporting burden for this collection of information is estimated to average 33 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Counterintelligence and Export Control Section, National Security Division, U.S. Department of Justice, Washington, DC 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

1. Name of Registrant <i>Signal Group Consulting, LLC</i>	2. Registration No. 6661
--	-----------------------------

3. Name of Foreign Principal
Volodymyr Zelensky - Servant of the People through Marcus Cohen

Check Appropriate Box:

4. The agreement between the registrant and the above-named foreign principal is a formal written contract. If this box is checked, attach a copy of the contract to this exhibit.
5. There is no formal written contract between the registrant and the foreign principal. The agreement with the above-named foreign principal has resulted from an exchange of correspondence. If this box is checked, attach a copy of all pertinent correspondence, including a copy of any initial proposal which has been adopted by reference in such correspondence.
6. The agreement or understanding between the registrant and the foreign principal is the result of neither a formal written contract nor an exchange of correspondence between the parties. If this box is checked, give a complete description below of the terms and conditions of the oral agreement or understanding, its duration, the fees and expenses, if any, to be received.
7. Describe fully the nature and method of performance of the above indicated agreement or understanding.

Contract is in the process of being approved. Once fully executed, Signal Group Consulting, LLC will amend Exhibit B and provide the executed contract.

Fees: \$60,000

FORM NSD-4
Revised 05/17

Received by NSD/FARA Registration Unit 04/12/2019 9:59:33 PM

Received by NSD/FARA Registration Unit 04/12/2019 9:59:33 PM

8. Describe fully the activities the registrant engages in or proposes to engage in on behalf of the above foreign principal.

- Organize a program of public relations and government relations meetings.
- Introduce the foreign principal and his team to the U.S. media.
- Facilitate media interviews, alongside meetings with think tank scholars and issue experts.
- Provide strategic U.S. media and government affairs counsel

9. Will the activities on behalf of the above foreign principal include political activities as defined in Section 1(e) of the Act and in the footnote below? Yes No

If yes, describe all such political activities indicating, among other things, the relations, interests or policies to be influenced together with the means to be employed to achieve this purpose.

EXECUTION

In accordance with 28 U.S.C. § 1746, the undersigned swears or affirms under penalty of perjury that he/she has read the information set forth in this Exhibit B to the registration statement and that he/she is familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her knowledge and belief.

Date of Exhibit B	Name and Title	Signature
4-12-19	MARIC DUFFY, EXEC. VICE PRESIDENT	<i>Maric Duffy</i>

Footnote: "Political activity," as defined in Section 1(e) of the Act, means any activity which 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.

Received by NSD/FARA Registration Unit 04/12/2019 9:59:33 PM

Andrii Telizhenko

380(63)59

Primary

@protonmail.com

Curriculum Vitae

PERSONAL INFORMATION

Kostiantyn Hennadiiovych Kulyk



Home address – [REDACTED] Kyiv, 01033 Ukraine

Business address – [REDACTED] Kyiv, 01011 Ukraine

+38 044 [REDACTED]
[REDACTED]@pki.gov.ua

Sex: Male | Date of birth: [REDACTED] | Nationality: Ukraine

WORK EXPERIENCE

April 2017 – Present

Prosecutor General's Office of Ukraine

- providing of the procedural guidance in criminal proceedings;
- the maintenance of public prosecution;
- international cooperation in the criminal proceedings, including the matters of mutual legal assistance and extradition.

August 2015 – April 2017

Military prosecutor of the antiterrorist operation forces

December 2014 – August 2015

Head of the Department for providing the activity of the military prosecutor offices at the ATO districts
Main Military Prosecutor's Office, Prosecutor General's Office of Ukraine

- organization and providing of the procedural guidance and the pre-trial investigation in criminal proceedings;
- the maintenance of public prosecution;
- representation of the interests of the citizens and state in the courts;
- supervision over observance of laws by the authorities carrying out detective operations, inquiries and pre-trial investigation.

March 1999 – December 2014

Different positions of the prosecutors and investigators at the prosecutor's offices of the Lugansk, Kharkiv, Kyiv, Mykolaiv regions and Prosecutor General's Office of Ukraine

- investigation and procedural guidance in criminal proceedings;
- representation of the interests of the citizens and state in the courts;
- the maintenance of public prosecution;
- supervision over observance of laws by the authorities carrying out detective operations, inquiries and pre-trial investigation;
- supervision of the observance of laws.

EDUCATION AND TRAINING

June 2009

Ph.D. in Law
Interregional Academy of Personnel Management (IAPM)

September 1994 – June 1995

Master
National Yaroslav Mudry Law Academy

Mother tongue(s): Ukrainian, Russian

viktor shokin



ALL

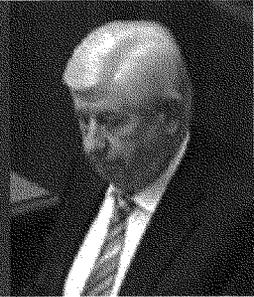
IMAGES

VIDEOS

NEWS

MAPS

Viktor Shokin
Prosecutor

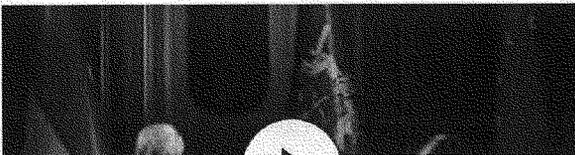


Viktor Mikolajovič Shokin is a former General Prosecutor of Ukraine. Wikipedia

Born: November 4, 1952 (age 66 years), Kyiv

VIDEOS FROM THE WEB

UkrStream.tv · Генеральна проку...



UkrStream.tv · Ге



it a demand by the United States, to whom is it addressed, and how does it go with the issue of interfering or not interfering with the affairs of a sovereign nation?

Under Secretary Hale: Well, Ambassador Yovanovitch represents the President of the United States here in Ukraine, and America stands behind her statements. And I don't see any value in my own elaboration on what they may or may not have meant. They meant what she said. As a visitor here from Washington, I perhaps can widen a little bit the question if you permit me. What we seek is what the Ukrainian people seek: the aspirations that were so clearly defined and expressed during the Revolution of Dignity. The Ukrainian people said then, and they say now, I believe, that they want to make a



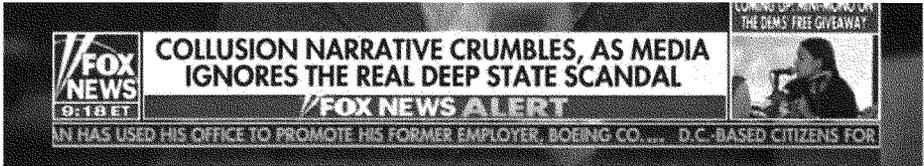
Laura Ingraham: "In May 2018, former Congressman Pete Sessions sent Secretary of State Pompeo an urgent letter imploring him to remove the U.S. Ambassador to Ukraine Marie Yovanovitch. ... She's reportedly demonstrated clear anti-Trump bias" <https://t.co/>

Time to clean house of all the anti-Trump, Obama holdovers serving as ambassadors. We need more people like @RichardGrenell and less of these Trump haters serving in the admin.
<https://t.co/u2uNrJ43QV>



Arthur Schwartz

twitter.com



Former federal prosecutor Joe diGenova: "The current United States ambassador Marie Yovanovitch has bad mouthed the President of the United States to Ukrainian officials and has told them not to listen or worry about Trump policy because he's

... [text obscured]

John Solomon

202-236- Mobile

@thehill.com

@solomonmediallc.com



Extraction Report

Apple iPhone

Participants

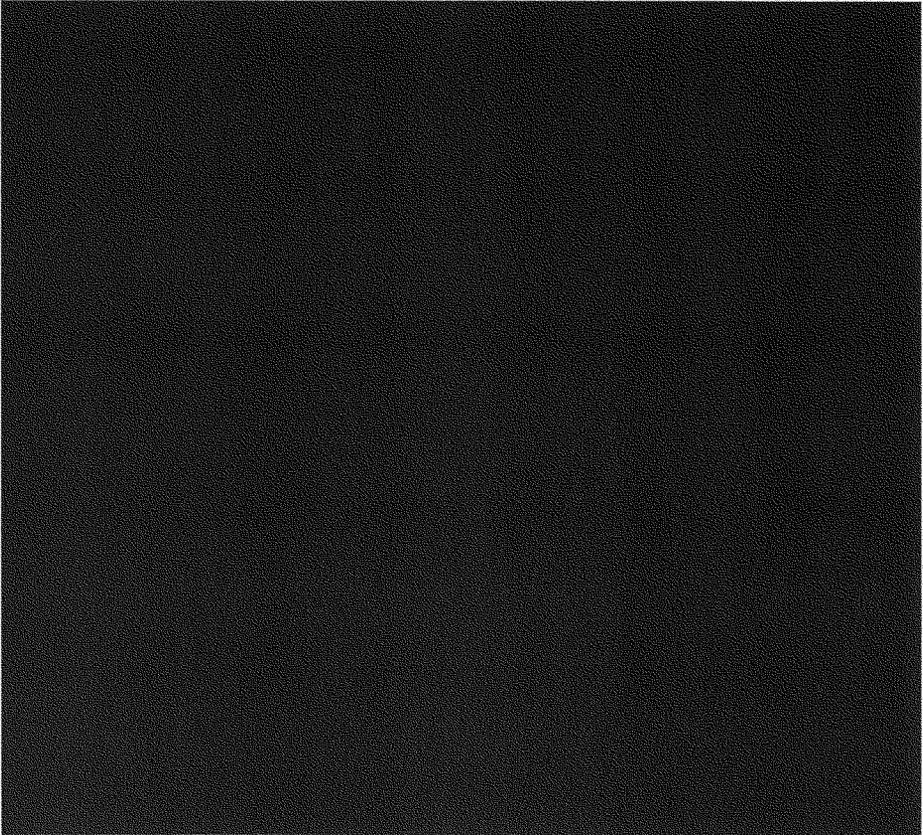


[Redacted] globalenergyproducers.com



+1202268 [Redacted]
Victoria Tansing

Conversation - Instant Messages (491)



[Redacted] globalenergyproducers.com
Status: Sent
Delivered: 2/9/2019 1:27:52 PM(UTC-5)
2/9/2019 1:27:51 PM(UTC-5)

[Redacted] globalenergyproducers.com
Just finished call you in 15
Status: Sent
Delivered: 2/9/2019 5:26:46 PM(UTC-5)
2/9/2019 5:26:44 PM(UTC-5)

+1202255 [Redacted] Victoria Tensing
Chris just called. We are set. Pls tell Rudy. Victoria
Status: Read
Read: 2/13/2019 3:46:18 PM(UTC-5)
2/13/2019 3:46:05 PM(UTC-5)

[Redacted] globalenergyproducers.com
Good
Status: Sent
Delivered: 2/13/2019 3:46:36 PM(UTC-5)
2/13/2019 3:46:25 PM(UTC-5)

[Redacted] globalenergyproducers.com
How is it going ?
Status: Sent
Delivered: 2/13/2019 8:44:37 PM(UTC-5)
2/13/2019 8:44:36 PM(UTC-5)

+1202255 [Redacted] Victoria Tensing
Fine. Dessert course now. He gave me his card. Why aren't you asleep?
Status: Read
Read: 2/13/2019 8:46:49 PM(UTC-5)
2/13/2019 8:46:48 PM(UTC-5)

[Redacted] globalenergyproducers.com
Going to sleep now. let's talk tomorrow
Status: Sent
Delivered: 2/13/2019 8:47:30 PM(UTC-5)
2/13/2019 8:47:29 PM(UTC-5)

+1202255 [Redacted] Victoria Tensing
Status: Read
Read: 2/13/2019 8:47:56 PM(UTC-5)
2/13/2019 8:47:56 PM(UTC-5)

globalenergyproducers.com
Btv is there a gentlemen by the name Gregory nemanrov there ?
Status: Sent
Delivered: 2/13/2019 8:48:08 PM(UTC-5)
2/13/2019 8:48:07 PM(UTC-5)

+1202255 Victoria Tensing
I will check.
Status: Read
Read: 2/13/2019 8:48:31 PM(UTC-5)
2/13/2019 8:49:27 PM(UTC-5)

globalenergyproducers.com
He is timashenkos right hand if he is there defiantly introduce yourself have fun
Good night
Status: Sent
Delivered: 2/13/2019 8:50:43 PM(UTC-5)
2/13/2019 8:50:48 PM(UTC-5)

+1202255 Victoria Tensing
Sitting one seat over. I am with Fred Fleitz.
Status: Read
Read: 2/13/2019 8:51:41 PM(UTC-5)
2/13/2019 8:57:07 PM(UTC-5)

+1202255 Victoria Tensing
Gregory is one seat over.
Status: Read
Read: 2/13/2019 8:51:41 PM(UTC-5)
2/13/2019 8:57:34 PM(UTC-5)

globalenergyproducers.com
make sure he knows you are with me
Status: Sent
Delivered: 2/13/2019 9:02:43 PM(UTC-5)
2/13/2019 9:02:43 PM(UTC-5)

+1202255 Victoria Tensing
I did already!!!
Status: Read
Read: 2/13/2019 9:03:25 PM(UTC-5)
2/13/2019 9:03:23 PM(UTC-5)

globalenergyproducers.com
Status: Sent
Delivered: 2/13/2019 9:03:31 PM(UTC-5)
2/13/2019 9:03:31 PM(UTC-5)

[redacted]@globalenergyproducers.com
Call me when your up I'll be in Ukraine
Status: Sent
Delivered: 2/13/2019 9:04:28 PM(UTC-5)
2/13/2019 9:04:28 PM(UTC-5)

[redacted]@globalenergyproducers.com
Now good night for real
Status: Sent
Delivered: 2/13/2019 9:04:40 PM(UTC-5)
2/13/2019 9:04:39 PM(UTC-5)

+1202256 [redacted] Victoria Tonsing
Should I tell him you are going there?
Status: Read
Read: 2/13/2019 9:05:43 PM(UTC-5)
2/13/2019 9:05:34 PM(UTC-5)

[redacted]@globalenergyproducers.com
He knows we are meeting in a couple of days but I would tell him that you might visit next time with me this will break the ice
Status: Sent
Delivered: 2/13/2019 9:07:58 PM(UTC-5)
2/13/2019 9:07:58 PM(UTC-5)

[redacted]@globalenergyproducers.com
What do you think ?
Status: Sent
Delivered: 2/13/2019 9:08:51 PM(UTC-5)
2/13/2019 9:08:51 PM(UTC-5)

[redacted]@globalenergyproducers.com
If you can step aside call me I'll fill you in
Status: Sent
Delivered: 2/13/2019 9:09:55 PM(UTC-5)
2/13/2019 9:09:54 PM(UTC-5)

+1202256 [redacted] Victoria Tonsing
I cannot
Status: Read
Read: 2/13/2019 9:10:44 PM(UTC-5)
2/13/2019 9:10:40 PM(UTC-5)

[redacted]@globalenergyproducers.com
K no worries I'll fill you in tomorrow but this was very good that you want now we know that Gregory is working with both of them it's good info to know while we are there thank you !
Status: Sent
Delivered: 2/13/2019 9:12:19 PM(UTC-5)
2/13/2019 9:12:18 PM(UTC-5)

+1202255 [redacted] Victoria Tensing

Welcome back. Good dinner last night. Chris was very welcoming.

How is Retainer Agreement coming? Our hands are pretty tied about doing much until we have it in place as we need it for FARA.

Status: Read

Read: 2/14/2019 12:11:19 PM(UTC-5)

2/14/2019 12:11:12 PM(UTC-5)

+1202255 [redacted] Victoria Tensing

Sent you copy of my nudge to Rudy. He started to answer (via the three dots flashing) but quit. Victoria

Status: Read

Read: 2/14/2019 12:12:41 PM(UTC-5)

2/14/2019 12:12:40 PM(UTC-5)

[redacted] globalenergyproducers.com

Status: Sent

Delivered: 2/14/2019 12:12:51 PM(UTC-5)

2/14/2019 12:12:51 PM(UTC-5)

+1202255 [redacted] Victoria Tensing

Not heard from Rudy. Your turn.

Status: Read

Read: 2/14/2019 4:53:10 PM(UTC-5)

2/14/2019 4:52:14 PM(UTC-5)

[redacted] globalenergyproducers.com

TI. Call him now

Status: Sent

Delivered: 2/14/2019 4:53:22 PM(UTC-5)

2/14/2019 4:53:22 PM(UTC-5)

[redacted] globalenergyproducers.com

Just spoke with him he's working on retainer

Status: Sent

Delivered: 2/14/2019 10:34:54 PM(UTC-5)

2/14/2019 10:34:54 PM(UTC-5)

[redacted] globalenergyproducers.com

Nudge him tomorrow about the Mrs A

Status: Sent

Delivered: 2/14/2019 10:35:15 PM(UTC-5)

2/14/2019 10:35:15 PM(UTC-5)

+1202255 [redacted] Victoria Tensing

He's been working on it for over a week. Does he have an ETA? He has not responded to me...

Status: Read

Read: 2/15/2019 7:23:29 AM(UTC-5)

2/15/2019 7:23:29 AM(UTC-5)

globalenergyproducers.com
He told me today
Status: Sent
Delivered: 2/15/2019 7:23:45 AM(UTC-5)
2/15/2019 7:23:45 AM(UTC-5)

globalenergyproducers.com
I will follow up with him later today
Status: Sent
Delivered: 2/15/2019 7:23:59 AM(UTC-5)
2/15/2019 7:23:59 AM(UTC-5)

+1202255 Victoria Tonsing
Ok. You're his client. You have more leverage.
Status: Read
Read: 2/15/2019 7:33:34 AM(UTC-5)
2/15/2019 7:37:46 AM(UTC-5)

globalenergyproducers.com
I'm on it
Status: Sent
Delivered: 2/15/2019 7:33:59 AM(UTC-5)
2/15/2019 7:33:52 AM(UTC-5)

+1202255 Victoria Tonsing
Can you talk? Victoria
Status: Read
Read: 2/15/2019 2:54:50 PM(UTC-5)
2/15/2019 2:54:18 PM(UTC-5)

globalenergyproducers.com
Yes Call me please
Status: Sent
Delivered: 2/15/2019 2:57:00 PM(UTC-5)
2/15/2019 2:57:00 PM(UTC-5)

+1202255 Victoria Tonsing
Talked to Rudy and told him all I told you re the process. Did not bring up Retainer as I figured you are on ground in need of it. What is status? I hope you are asleep now and will answer me in morning. Victoria
Status: Read
Read: 2/15/2019 7:36:24 PM(UTC-5)
2/15/2019 7:32:53 PM(UTC-5)

+1202255 Victoria Tonsing
What's happening? V
Status: Read
Read: 2/16/2019 10:56:37 AM(UTC-5)
2/16/2019 10:56:27 AM(UTC-5)

globalenergyproducers.com
Waiting to here from Rudy
Status: Sent
Delivered: 2/16/2019 10:59:30 AM(UTC-5)
2/16/2019 10:59:30 AM(UTC-5)

+1202255 [redacted] Victoria Tensing
Should I text him re status of retainer?
Status: Read
Read: 2/16/2019 11:01:49 AM(UTC-5)
2/16/2019 11:01:35 AM(UTC-5)

globalenergyproducers.com
Status: Sent
Delivered: 2/16/2019 11:02:01 AM(UTC-5)
2/16/2019 11:01:58 AM(UTC-5)

globalenergyproducers.com
Also really need to know status of madam A. While I'm here
Status: Sent
Delivered: 2/16/2019 11:02:48 AM(UTC-5)
2/16/2019 11:02:48 AM(UTC-5)

+1202255 [redacted] Victoria Tensing
That's for Rudy to get tonight.
Status: Read
Read: 2/16/2019 11:08:35 AM(UTC-5)
2/16/2019 11:08:32 AM(UTC-5)

globalenergyproducers.com
Status: Sent
Delivered: 2/16/2019 11:08:48 AM(UTC-5)
2/16/2019 11:08:48 AM(UTC-5)

+1202255 [redacted] Victoria Tensing
Rudy, what is status of Retainer? Victoria
Status: Read
Read: 2/16/2019 11:10:03 AM(UTC-5)
2/16/2019 11:10:00 AM(UTC-5)

+1202255 [redacted] Victoria Tensing
I'm heading for Florida. Lev meeting with our friend and going over retainer will get it to him today
Status: Read
Read: 2/16/2019 11:14:36 AM(UTC-5)
2/16/2019 11:14:32 AM(UTC-5)

[redacted]@globalenergyproducers.com
Status: Sent
Delivered: 2/16/2019 11:14:54 AM(UTC-5)
2/16/2019 11:14:04 AM(UTC-5)

+1202255 [redacted] Victoria Tansing
Did Rudy come through?
Status: Read
Read: 2/17/2019 6:20:11 AM(UTC-5)
2/17/2019 6:19:09 AM(UTC-5)

[redacted]@globalenergyproducers.com
Yes I got a draft
Status: Sent
Delivered: 2/17/2019 6:20:26 AM(UTC-5)
2/17/2019 6:20:26 AM(UTC-5)

+1202255 [redacted] Victoria Tansing
Did he meet with the guy re Amb?
Status: Read
Read: 2/17/2019 6:23:02 AM(UTC-5)
2/17/2019 6:22:55 AM(UTC-5)

[redacted]@globalenergyproducers.com
I am still waiting on that
Status: Sent
Delivered: 2/17/2019 6:23:25 AM(UTC-5)
2/17/2019 6:23:25 AM(UTC-5)

[redacted]@globalenergyproducers.com
Meeting with big guy in 4 hours
Status: Sent
Delivered: 2/17/2019 6:23:40 AM(UTC-5)
2/17/2019 6:23:40 AM(UTC-5)

+1202255 [redacted] Victoria Tansing
Status: Read
Read: 2/17/2019 6:24:25 AM(UTC-5)
2/17/2019 6:24:21 AM(UTC-5)

+1202255 [redacted] Victoria Tansing
Can you share draft with me?
Status: Read
Read: 2/17/2019 8:19:01 AM(UTC-5)
2/17/2019 8:18:57 AM(UTC-5)

+1202255 [redacted] Victoria Torsing

Can you talk?

Status: Read

Read: 2/17/2019 2:47:49 PM(UTC-5)

2/17/2019 11:24:38 AM(UTC-5)

[redacted] @babelenergyprod.licera.com

Just left meeting call you shortly

Status: Sent

Delivered: 2/17/2019 2:56:15 PM(UTC-5)

2/17/2019 2:56:15 PM(UTC-5)

+1202255 [redacted] Victoria Torsing

"Shortly" is a long time!!!

Status: Read

Read: 2/17/2019 5:56:41 PM(UTC-5)

2/17/2019 5:51:00 PM(UTC-5)

+1202255 [redacted] Victoria Torsing

"Shortly" is a long time!!!!

Status: Read

Read: 2/17/2019 5:56:41 PM(UTC-5)

2/17/2019 5:54:14 PM(UTC-5)

[redacted] @babelenergyprod.licera.com

Im trying it's not going thru

Status: Sent

Delivered: 2/17/2019 5:57:55 PM(UTC-5)

2/17/2019 5:57:55 PM(UTC-5)

[redacted] @babelenergyprod.licera.com

Can you call me

Status: Sent

Delivered: 2/17/2019 5:57:59 PM(UTC-5)

2/17/2019 5:57:58 PM(UTC-5)

+1202255 [redacted] Victoria Torsing

What happened at meeting? Lev needs to talk to you ASAP. I had to call him as he is having phone problem. Victoria

Status: Read

Read: 2/17/2019 6:19:10 PM(UTC-5)

2/17/2019 6:19:07 PM(UTC-5)

+1202255 [redacted] Victoria Torsing

Pls call Lev

Status: Read

Read: 2/17/2019 6:19:23 PM(UTC-5)

2/17/2019 6:19:20 PM(UTC-5)

globalenergyproducers.com
We just spoke all good thank you.
Status: Sent
Delivered: 2/17/2019 6:28:49 PM(UTC-5)
2/17/2019 6:28:49 PM(UTC-5)

+1202255 Victoria Tonsing
Was he successful re Amb.
Status: Read
Read: 2/17/2019 6:31:44 PM(UTC-5)
2/17/2019 6:31:41 PM(UTC-5)

globalenergyproducers.com
this week
Status: Sent
Delivered: 2/17/2019 6:31:56 PM(UTC-5)
2/17/2019 6:31:56 PM(UTC-5)

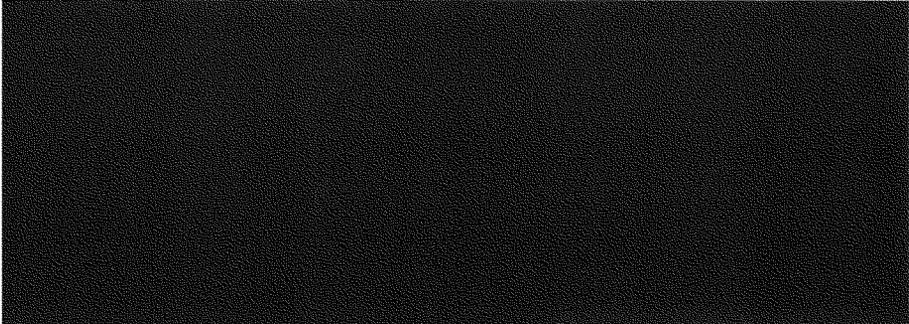
+1202255 Victoria Tonsing
Any update re Wednesday? Are you coming back tomorrow?
Status: Read
Read: 2/18/2019 6:22:49 PM(UTC-5)
2/18/2019 6:14:28 PM(UTC-5)

globalenergyproducers.com
Will know tomorrow
Status: Sent
Delivered: 2/18/2019 6:23:22 PM(UTC-5)
2/18/2019 6:23:21 PM(UTC-5)

+1202255 Victoria Tonsing
Just trying to organize the week.
Status: Read
Read: 2/18/2019 7:21:25 PM(UTC-5)
2/18/2019 7:19:42 PM(UTC-6)

+1202255 Victoria Tonsing
Any status update?
Status: Read
Read: 2/19/2019 10:33:13 AM(UTC-5)
2/19/2019 10:31:10 AM(UTC-5)

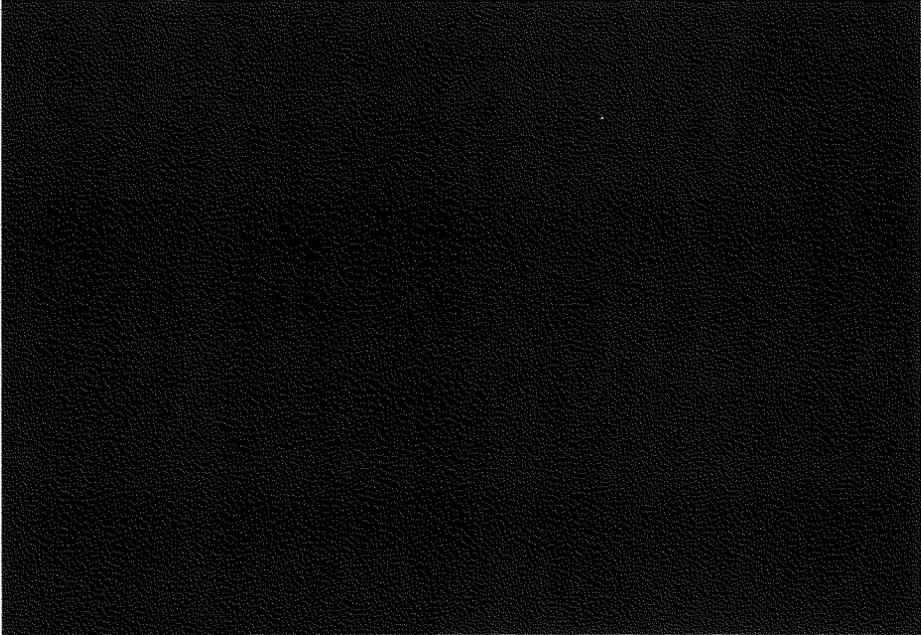
globalenergyproducers.com
Waiting for retainer to be sent over
Status: Sent
Delivered: 2/19/2019 10:33:59 AM(UTC-5)
2/19/2019 10:34:06 AM(UTC-5)



+1202255 [redacted] Victoria Tursing
POTUS stood us up and sent Ivanka to speak in his stead. Victoria
Status: Read
Read: 3/3/2019 12:08:43 PM(UTC-5)
3/3/2019 10:56:39 AM(UTC-5)

[redacted] @globalenergyproducers.com
That's what Rudy said :)
Status: Sent
Delivered: 3/3/2019 6:10:27 PM(UTC-5)
3/3/2019 6:09:21 PM(UTC-5)





+1202255 [redacted] Victoria Tonsing

Pfs call, Victoria

Status: Read

Read: 3/7/2019 9:26:02 AM(UTC-5)

3/7/2019 7:43:30 AM(UTC-5)

[redacted] @stakeenergyprotection.com

Rudy just got here we are in the lobby if you want to come a little earlier I think he has meeting with potus at 5

Status: Sent

Delivered: 3/7/2019 3:11:54 PM(UTC-5)

3/7/2019 3:11:53 PM(UTC-5)

+1202255 [redacted] Victoria Tonsing

We are in car. Should be there in 20 minutes.

Status: Read

Read: 3/7/2019 3:14:12 PM(UTC-5)

3/7/2019 3:14:05 PM(UTC-5)



+1202255 [redacted] Victoria Tensing

Attachments:



Size: 192875
 File name: IMG_1571.jpeg
 IMG_1571.jpeg

Status: Read
 Read: 3/8/2019 8:01:18 AM(UTC-5)
 3/8/2019 7:00:46 AM(UTC-5)

[redacted] @globalenergyproducers.com

Attachments:



Size: 1723280
 File name: IMG_6041.PNG
 IMG_6041.PNG

Status: Sent
 Delivered: 3/8/2019 9:16:04 AM(UTC-5)
 3/8/2019 9:16:02 AM(UTC-5)

[redacted] @globalenergyproducers.com

Good morning

Status: Sent
 Delivered: 3/8/2019 9:16:47 AM(UTC-5)
 3/8/2019 9:16:47 AM(UTC-5)

+1202255 [redacted] Victoria Tensing

Attachments:



Size: 287
 File name: John Solomon.vcf
 John Solomon.vcf

Status: Read
 Read: 3/8/2019 12:03:05 PM(UTC-5)
 3/8/2019 12:03:01 PM(UTC-5)

[redacted] @globalenergyproducers.com

Attachments:



Size: 158792
 File name: Image1.tif
 Image1.tif

Status: Sent
 Delivered: 3/8/2019 2:28:51 PM(UTC-5)
 3/8/2019 2:28:53 PM(UTC-5)

+1202254 [redacted] Victoria Tsoning

Lev pls explain what this is.

Status: Read

Read: 3/9/2019 2:30:24 PM(UTC-5)

3/9/2019 2:30:22 PM(UTC-5)

[redacted] @cbaleenergyproducers.com

It's q and a with haw in Ukraine saying that there not interfering but the ambassador is telling them who to fire or hire

Status: Sent

Delivered: 3/9/2019 2:30:30 PM(UTC-5)

3/9/2019 2:30:53 PM(UTC-5)

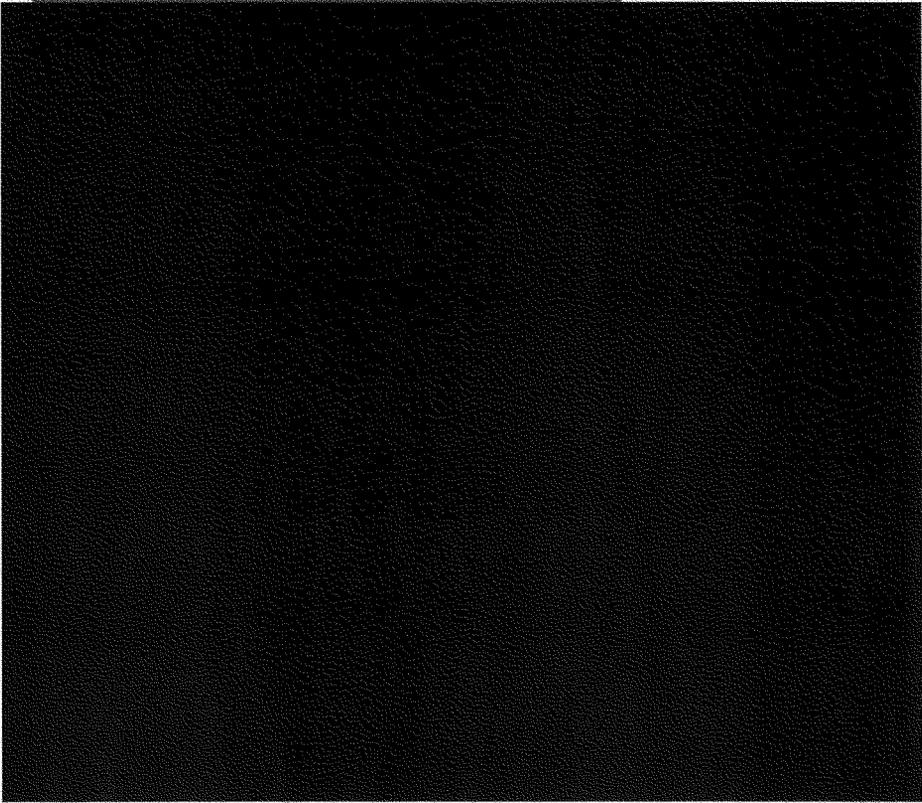
+1202254 [redacted] Victoria Tsoning

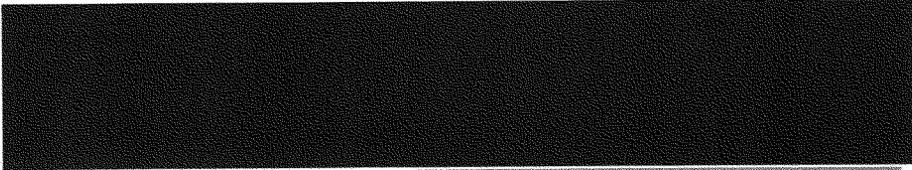
His response was audacious and condescending. It takes the US to tell Ukrainians what they want.

Status: Read

Read: 3/9/2019 2:45:55 PM(UTC-5)

3/9/2019 2:45:04 PM(UTC-5)





[redacted]@globalenergyproducers.com
I love you and your husband you are the best
Status: Sent
Delivered: 3/22/2019 10:58:56 PM(UTC-4)
3/22/2019 10:58:36 PM(UTC-4)

[redacted]@globalenergyproducers.com
Tell joe he was awesome my hero
Status: Sent
Delivered: 3/22/2019 10:58:56 PM(UTC-4)
3/22/2019 10:58:55 PM(UTC-4)

+1202255 [redacted] Victoria Tensing
We can really be great if we have a retainer signed.
Status: Read
Read: 3/22/2019 11:15:57 PM(UTC-4)
3/22/2019 11:15:52 PM(UTC-4)

[redacted]@globalenergyproducers.com
Agreed
Status: Sent
Delivered: 3/22/2019 11:19:03 PM(UTC-4)
3/22/2019 11:19:02 PM(UTC-4)

+1202255 [redacted] Victoria Tensing
Is the Wicket Witch gone?
Status: Read
Read: 3/23/2019 9:23:17 AM(UTC-4)
3/23/2019 7:02:53 AM(UTC-4)

+1202255 [redacted] Victoria Tensing
How come I'm not hearing from you?
Status: Read
Read: 3/23/2019 12:20:19 PM(UTC-4)
3/23/2019 12:20:11 PM(UTC-4)

 globalenergyproducers.com
 Attachments:

 Size: 893360
 File name: IMG_7108.jpg
 IMG_7108.jpg

 Size: 342068
 File name: IMG_7107.jpg
 IMG_7107.jpg

 Size: 761921
 File name: IMG_7106.jpg
 IMG_7106.jpg
 Status: Sent
 Delivered: 3/23/2019 4:48:51 PM(UTC-4)

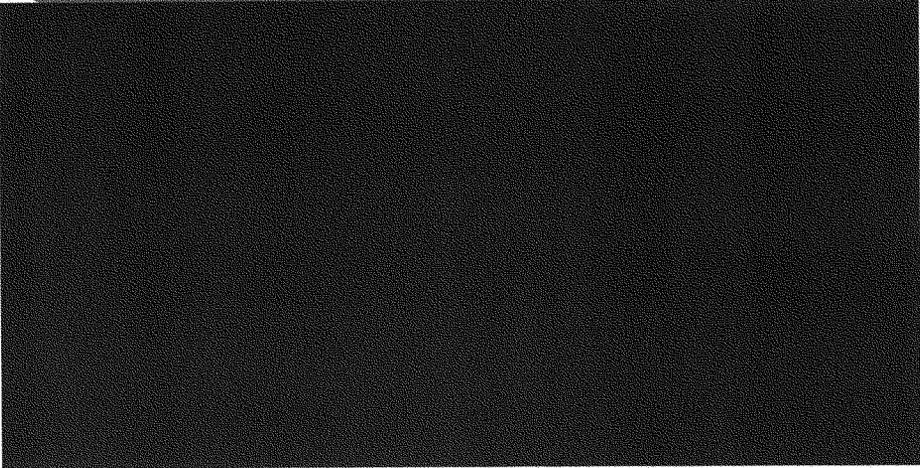
3/23/2019 4:49:47 PM(UTC-4)

 globalenergyproducers.com
 Also the wire and Breitbart are doing story's
 Status: Sent
 Delivered: 3/23/2019 4:49:04 PM(UTC-4)

3/23/2019 4:49:54 PM(UTC-4)

+1202256- Victoria Toransig
 And still no movement? Bravo to you guys...if we can do anything let us know.
 Status: Read
 Read: 3/23/2019 4:50:37 PM(UTC-4)

3/23/2019 4:50:34 PM(UTC-4)



+1202255 [redacted] Victoria Tansing
Pls call. Joe got cancelled. We are coming earlier. V
Status: Read
Read: 3/24/2019 6:33:44 PM(UTC-4)
3/24/2019 6:29:33 PM(UTC-4)

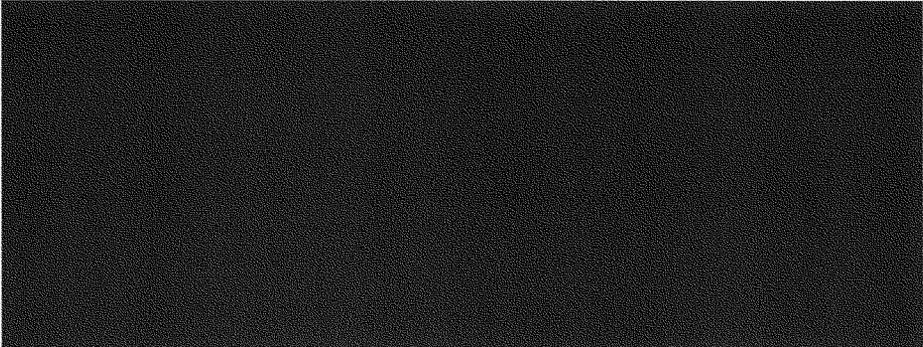
[redacted] @baleenergyproducers.com
With Rudy and jay can't talk will call you shortly
Status: Sent
Delivered: 3/24/2019 6:31:24 PM(UTC-4)
3/24/2019 6:30:24 PM(UTC-4)

[redacted] @baleenergyproducers.com
On our way to White House
Status: Sent
Delivered: 3/24/2019 6:36:44 PM(UTC-4)
3/24/2019 6:36:43 PM(UTC-4)

+1202255 [redacted] Victoria Tansing
Now Joe back on. How long at WH?
Status: Read
Read: 3/24/2019 6:39:24 PM(UTC-4)
3/24/2019 6:39:26 PM(UTC-4)

[redacted] @baleenergyproducers.com
Call you in 15.
Status: Sent
Delivered: 3/24/2019 6:39:44 PM(UTC-4)
3/24/2019 6:39:44 PM(UTC-4)

+1202255 [redacted] Victoria Tansing
Ok
Status: Read
Read: 3/24/2019 6:39:53 PM(UTC-4)
3/24/2019 6:39:51 PM(UTC-4)





+1202255 [redacted] Victoria Tensing
Are you still in Israel?
Status: Read
Read: 4/4/2019 9:30:22 AM(UTC-4)
4/4/2019 9:26:16 AM(UTC-4)

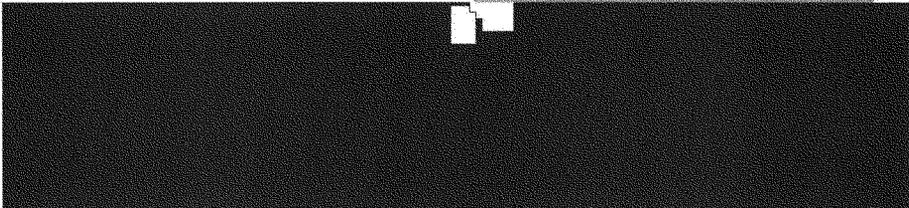
[redacted] globalenergyproducers.com
Yes
Status: Sent
Delivered: 4/4/2019 9:30:29 AM(UTC-4)
4/4/2019 9:30:28 AM(UTC-4)

+1202255 [redacted] Victoria Tensing
Is your trip related to anything we are doing?
Status: Read
Read: 4/4/2019 9:32:17 AM(UTC-4)
4/4/2019 9:32:07 AM(UTC-4)

[redacted] globalenergyproducers.com
Of course ?
Status: Sent
Delivered: 4/4/2019 9:32:30 AM(UTC-4)
4/4/2019 9:32:29 AM(UTC-4)

+1202255 [redacted] Victoria Tensing
When do you return?
Status: Read
Read: 4/4/2019 9:41:01 AM(UTC-4)
4/4/2019 9:33:33 AM(UTC-4)

[redacted] globalenergyproducers.com
End of week
Status: Sent
Delivered: 4/4/2019 9:41:15 AM(UTC-4)
4/4/2019 9:41:14 AM(UTC-4)





+1202255 [redacted] Victoria Tansing
 Pls send me the exact two titles with the name of the Deputy AG. Need to put on Retainer.
 Status: Read
 Read: 4/4/2019 7:36:06 PM(UTC-4) 4/4/2019 7:33:52 PM(UTC-4)

+1202255 [redacted] Victoria Tansing
 Can you talk? Victoria
 Status: Read
 Read: 4/6/2019 8:33:29 PM(UTC-4) 4/6/2019 8:33:17 PM(UTC-4)

[redacted] globalenergyproducers.com
 No email
 Status: Sent
 Delivered: 4/5/2019 8:49:15 PM(UTC-4) 4/5/2019 8:49:14 PM(UTC-4)

+1202255 [redacted] Victoria Tansing
 Sent again
 Status: Read
 Read: 4/6/2019 8:50:09 PM(UTC-4) 4/6/2019 8:50:06 PM(UTC-4)

[redacted] globalenergyproducers.com
 Just got it
 Status: Sent
 Delivered: 4/6/2019 8:50:15 PM(UTC-4) 4/6/2019 8:50:15 PM(UTC-4)

+1202255 [redacted] Victoria Tansing
 Did you reach Rudy?
 Status: Read
 Read: 4/6/2019 1:23:56 PM(UTC-4) 4/6/2019 1:23:52 PM(UTC-4)

+1202255 [redacted] Victoria Tansing
 Pls call Victoria
 Status: Read
 Read: 4/7/2019 11:09:15 AM(UTC-4) 4/7/2019 8:37:19 AM(UTC-4)

██████████@bakerenergyproducers.com

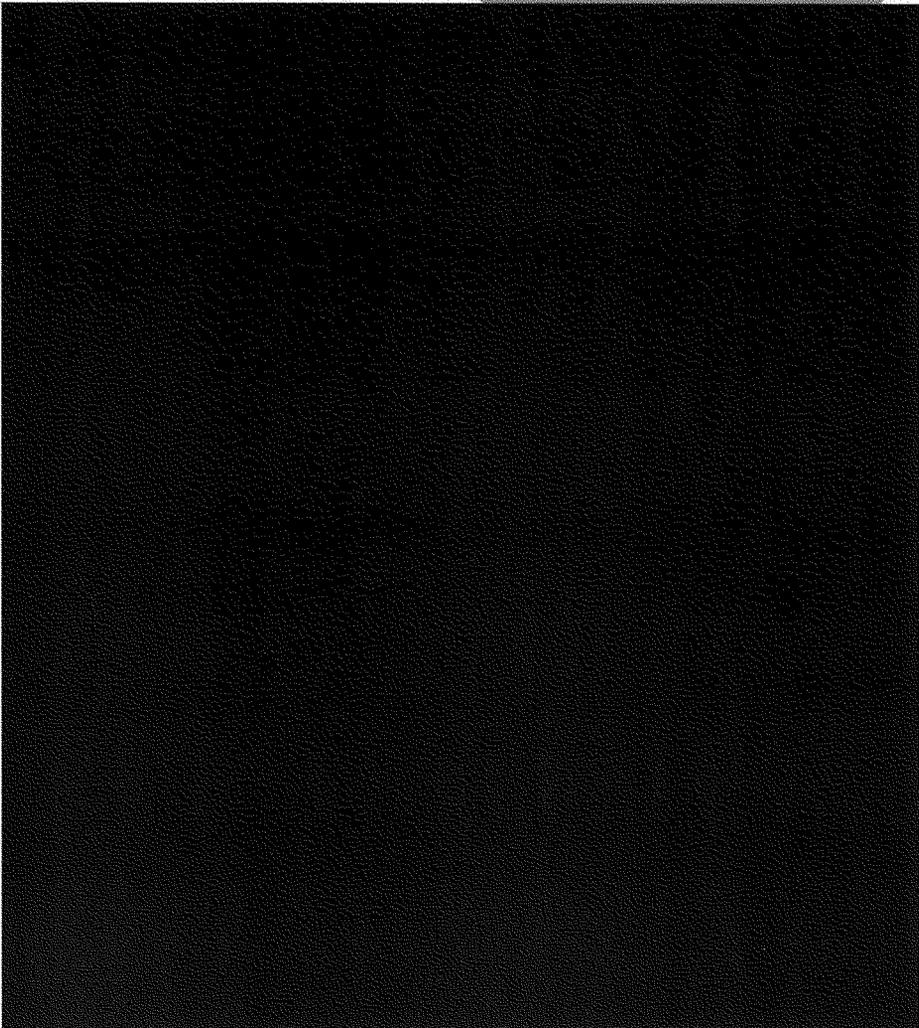
Attachments

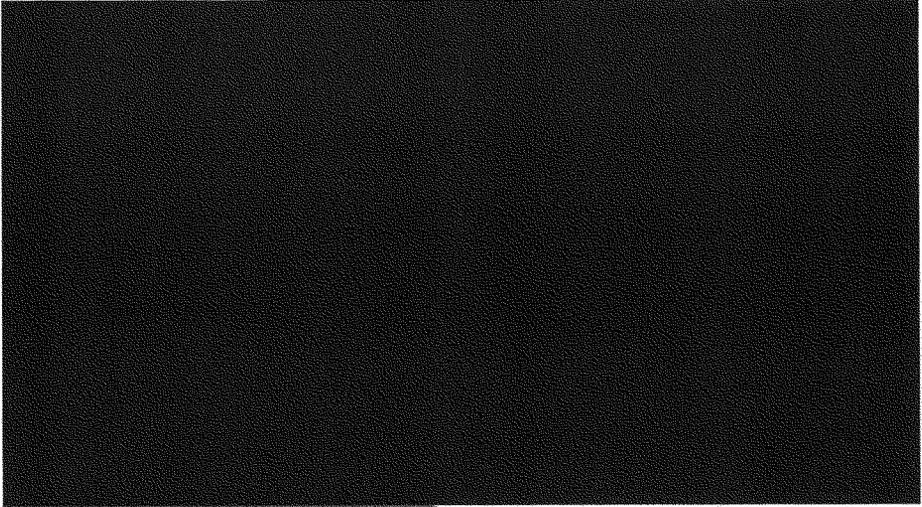


Size: 21413851
File name: IMG_7289.MP4
IMG_7289.MP4

Status: Sent
Delivered: 4/7/2019 12:16:36 PM (UTC-4)

4/7/2019 12:16:30 PM (UTC-4)





+1202255 [redacted] Victoria Torsing
Did you get name and address?
Status: Read
Read: 4/11/2019 2:33:08 PM(UTC-4)
4/11/2019 2:24:54 PM(UTC-4)

+1202255 [redacted] Victoria Torsing
Lev. Pls call. Victoria
Status: Read
Read: 4/12/2019 10:40:05 AM(UTC-4)
4/12/2019 10:40:05 AM(UTC-4)

[redacted] @job4energyprofessionals.com
Attachments:

Size: 75329
File name: 15d8a225-4527-4443-be92-46411d3f3212.JPG
Content-ID: 229-9226-4943-2e02-43411d3f3212.JPG
Status: Sent
Delivered: 4/12/2019 10:52:12 AM(UTC-4)
4/12/2019 10:52:09 AM(UTC-4)

+1202255 [redacted] Victoria Torsing
Received. Thx
Status: Read
Read: 4/12/2019 11:34:18 AM(UTC-4)
4/12/2019 11:31:16 AM(UTC-4)

globalenergyproducers.com
Sorry, I can't talk right now.
Status: Sent
Delivered: 4/12/2019 2:17:44 PM(UTC-4)
4/12/2019 2:17:44 PM(UTC-4)

+1202255 [redacted] Victoria Torsing
Is Rudy with you?
Status: Read
Read: 4/12/2019 2:22:09 PM(UTC-4)
4/12/2019 2:18:25 PM(UTC-4)

+1202255 [redacted] Victoria Torsing
Are u in Ukraine?
Status: Read
Read: 4/14/2019 6:46:04 PM(UTC-4)
4/14/2019 6:46:58 PM(UTC-4)

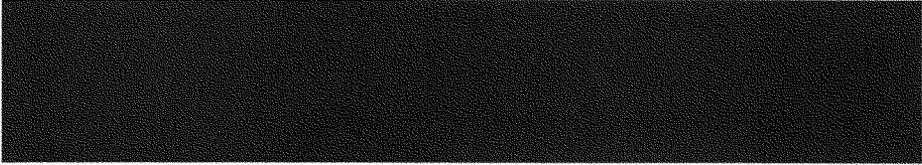
globalenergyproducers.com
Attachments:

Size: 302145
File name: image-1.jpg
image-1.jpg
Status: Sent
Delivered: 4/14/2019 6:56:07 PM(UTC-4)
4/14/2019 6:56:02 PM(UTC-4)

globalenergyproducers.com
The wording is perfect
Status: Sent
Delivered: 4/14/2019 7:15:59 PM(UTC-4)
4/14/2019 7:15:56 PM(UTC-4)

globalenergyproducers.com
I'm meeting him tomorrow at 5 pm our time it will be 10am dc time
Status: Sent
Delivered: 4/14/2019 7:16:32 PM(UTC-4)
4/14/2019 7:16:32 PM(UTC-4)

globalenergyproducers.com
If you can have retainer sent before would be great also if you can have it translated in Russian and copy in English if you can't translate Russian I'll have it done
Status: Sent
Delivered: 4/14/2019 7:18:02 PM(UTC-4)
4/14/2019 7:18:04 PM(UTC-4)



+1202251- Victoria Torising

The Client wants to know name of lobbyist.

Status: Read

Read: 4/24/2019 2:34:40 AM(UTC-4)

4/23/2019 8:15:39 PM(UTC-4)

globalenergyproducers.com

Signal

Status: Sent

Delivered: 4/24/2019 2:35:01 AM(UTC-4)

4/24/2019 2:34:59 AM(UTC-4)

globalenergyproducers.com

<https://signaldc.com/our-people/>

Attachments:



Size: 3269

File name: 3CCE24E6-9A56-44F7-AFE1-0CFB13E1E414.plugin?view=Attachment

3CCE24E6-9A56-44F7-AFE1-

0CFB13E1E414.plugin?view=Attachment



Size: 129434

File name: 522E10C9-02C0-4F09-9340-

7C052F77A177.plugin?view=Attachment

6235106-6302-C-41694349-

7C522F77A177.plugin?view=Attachment

Status: Sent

Delivered: 4/24/2019 3:35:29 AM(UTC-4)

4/24/2019 3:35:25 AM(UTC-4)

globalenergyproducers.com

Attachments:



Size: 200281

File name: 6931-Embriol AN 20190412-1.pdf

6931-Embriol AN 20190412-1.pdf

Status: Sent

Delivered: 4/24/2019 4:30:31 AM(UTC-4)

4/24/2019 4:30:29 AM(UTC-4)

+1202258 [redacted] Victoria Tansing

Did you reach Rudy?

Status: Read

Read: 4/24/2019 2:47:46 PM(UTC-4)

4/24/2019 2:42:20 PM(UTC-4)

[redacted] @globalenergyproducers.com

Waiting for him to call me

Status: Sent

Delivered: 4/24/2019 2:41:37 PM(UTC-4)

4/24/2019 2:48:27 PM(UTC-4)

+1202258 [redacted] Victoria Tansing

Can you pls bring me in so we can all three talk?

Status: Read

Read: 4/24/2019 2:54:41 PM(UTC-4)

4/24/2019 2:54:36 PM(UTC-4)

[redacted] @globalenergyproducers.com

Yes

Status: Sent

Delivered: 4/24/2019 2:54:50 PM(UTC-4)

4/24/2019 2:54:49 PM(UTC-4)

+1202258 [redacted] Victoria Tansing

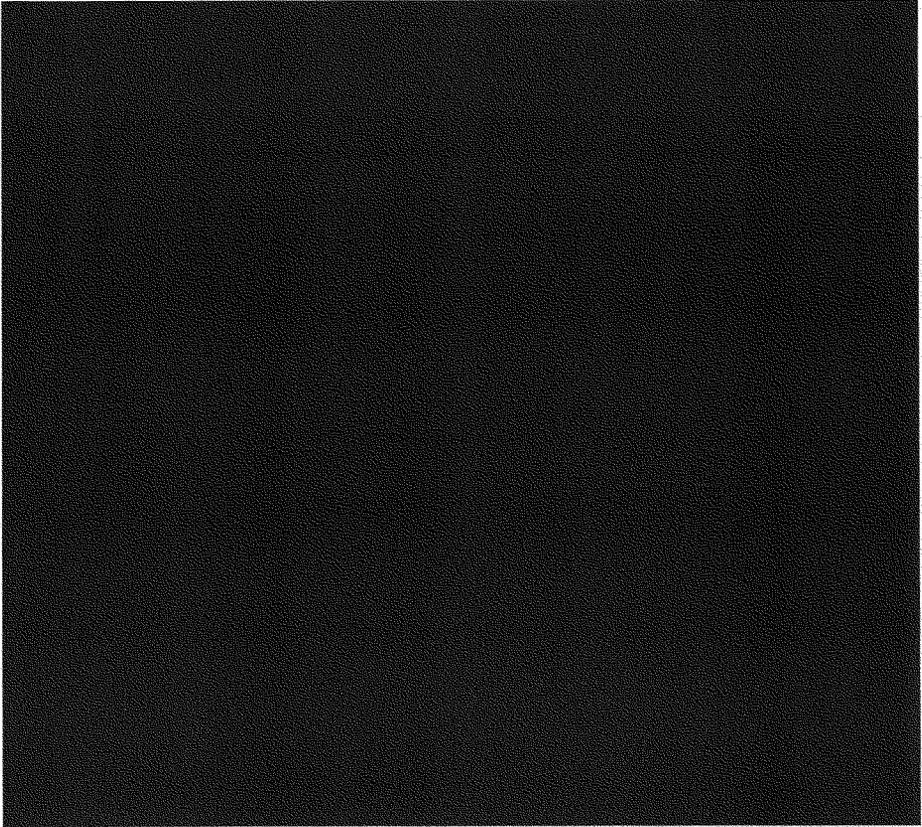
Thx

Status: Read

Read: 4/24/2019 2:57:59 PM(UTC-4)

4/24/2019 2:57:50 PM(UTC-4)





[Redacted]@balenergyproducers.com
Status: Sent
Delivered: 5/1/2019 7:05:43 PM(UTC-4)
5/1/2019 7:05:43 PM(UTC-4)

+1202295 [Redacted] Victoria Tensing
Did you and Rudy get Z squared away? Victoria
Status: Read
Read: 5/2/2019 9:24:47 PM(UTC-4)
5/2/2019 9:19:31 PM(UTC-4)

[Redacted]@balenergyproducers.com
Working on it
Status: Sent
Delivered: 5/2/2019 5:01:55 PM(UTC-4)
5/2/2019 5:24:58 PM(UTC-4)

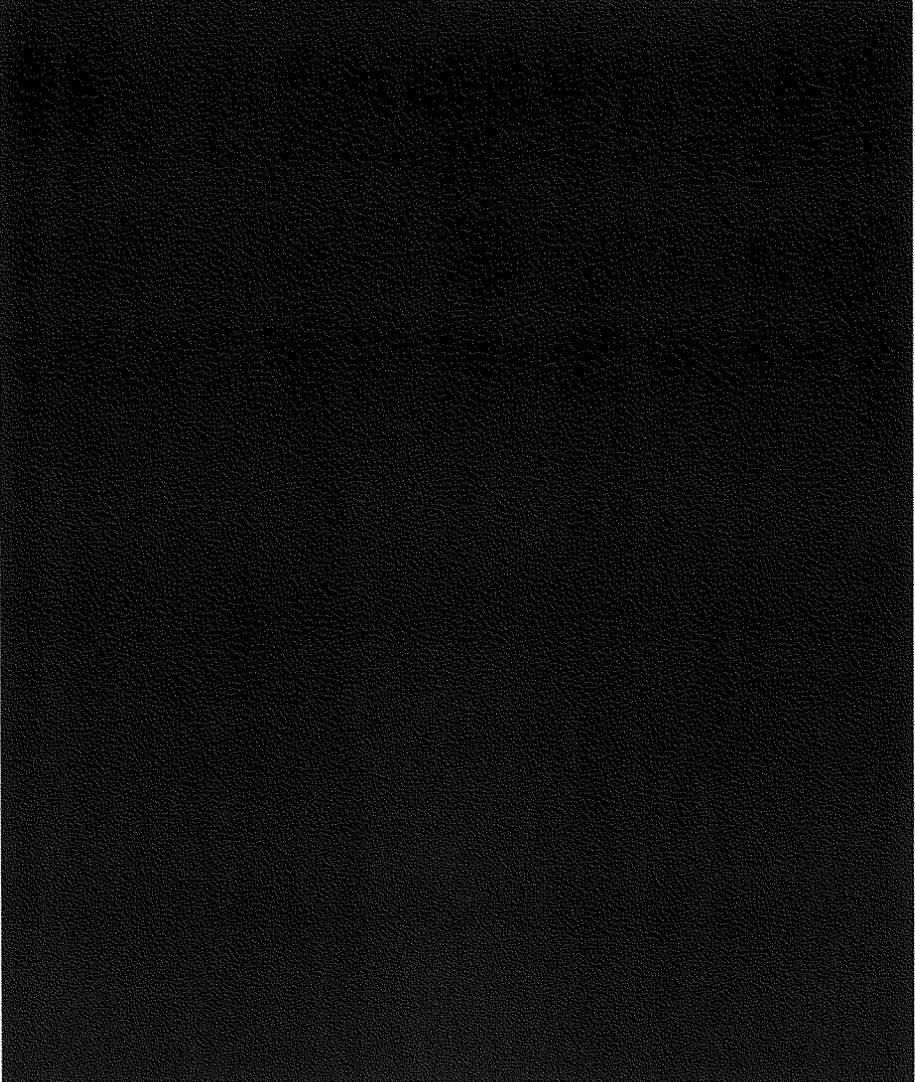
+1202256 [redacted] Victoria Tonzing

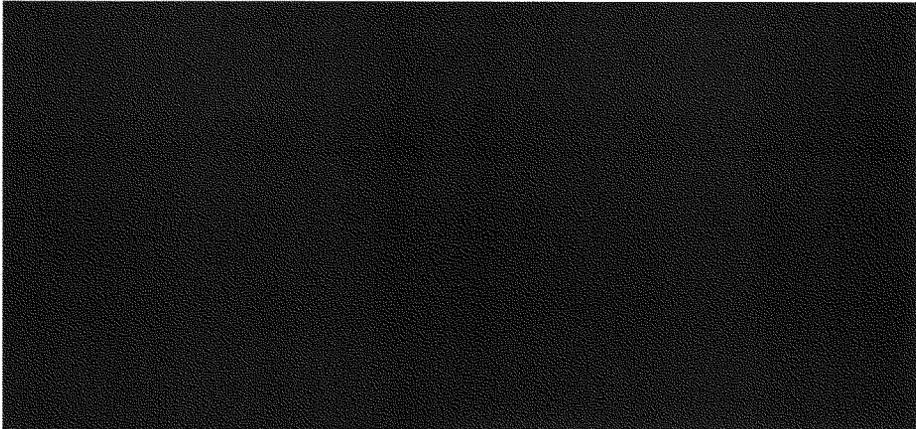
Ok let me know when fixed

Status: Read

Read: 5/2/2019 5:29:48 PM(UTC-4)

5/2/2019 5:29:44 PM(UTC-4)





+1202255 [redacted] Victoria Tonsing

Status: Read
Read: 5/10/2019 1:26:51 AM(UTC-4)

5/9/2019 10:03:51 PM(UTC-4)

+1202255 [redacted] Victoria Tonsing

Pls tell me name of client

Status: Read
Read: 5/10/2019 1:28:51 AM(UTC-4)

5/9/2019 10:03:51 PM(UTC-4)

+1202255 [redacted] Victoria Tonsing

What happened? I do not represent Lutsenko. Or anyone else at this moment.

Status: Read
Read: 5/10/2019 1:28:51 AM(UTC-4)

5/9/2019 11:08:00 PM(UTC-4)

[redacted] @globalenergyproducers.com

Good morning ?

Status: Sent
Delivered: 5/10/2019 2:00:24 AM(UTC-4)

5/10/2019 2:00:22 AM(UTC-4)

+1202255 [redacted] Victoria Tonsing

Maybe. Who is the person I am supposed to represent? Rudy told NYT I had been representing Lutsenko. I need to get retainer done so this is cleared up.

Status: Read
Read: 5/10/2019 6:12:12 AM(UTC-4)

5/10/2019 6:12:02 AM(UTC-4)

[redacted]@globalenergyproducers.com

I'm not aware of that but don't worry we will clear everything up once your here and will get retainer signed

Status: Sent

Delivered: 5/10/2019 6:13:14 AM(UTC-4)

5/10/2019 6:13:14 AM(UTC-4)

+1202255 [redacted] Victoria Tensing

See NYT story by Ken Vogel. Pls give me complete name so I can have office draft retainer.

Status: Read

Read: 5/10/2019 6:17:58 AM(UTC-4)

5/10/2019 6:17:52 AM(UTC-4)

[redacted]@globalenergyproducers.com

Will do

Status: Sent

Delivered: 5/10/2019 6:16:14 AM(UTC-4)

5/10/2019 6:16:14 AM(UTC-4)

+1202255 [redacted] Victoria Tensing

Do you have meeting for me with Andri?

Status: Read

Read: 5/10/2019 10:23:27 AM(UTC-4)

5/10/2019 10:23:17 AM(UTC-4)

[redacted]@globalenergyproducers.com

Andri who?

Status: Sent

Delivered: 5/10/2019 10:23:51 AM(UTC-4)

5/10/2019 10:23:50 AM(UTC-4)

+1202255 [redacted] Victoria Tensing

Telzhenko

Status: Read

Read: 5/10/2019 10:24:23 AM(UTC-4)

5/10/2019 10:24:20 AM(UTC-4)

[redacted]@globalenergyproducers.com

I didn't know you want to meet him

Status: Sent

Delivered: 5/10/2019 10:25:12 AM(UTC-4)

5/10/2019 10:25:12 AM(UTC-4)

+1202255 [redacted] Victoria Tensing

Both John Solomon and Mike Waller want me to.

Status: Read

Read: 5/10/2019 10:26:14 AM(UTC-4)

5/10/2019 10:26:13 AM(UTC-4)

██████████@globalenergyproducers.com
Ok let me work on it
Status: Sent
Delivered: 5/10/2019 10:26:27 AM(UTC-4)
5/10/2019 10:26:27 AM(UTC-4)

+1202256 ██████████ Victoria Tonsing
Thx
Status: Read
Read: 5/10/2019 10:26:43 AM(UTC-4)
5/10/2019 10:26:43 AM(UTC-4)

+1202256 ██████████ Victoria Tonsing
Sending you contact info
Status: Read
Read: 5/10/2019 10:27:02 AM(UTC-4)
5/10/2019 10:27:00 AM(UTC-4)

+1202256 ██████████ Victoria Tonsing
Attachments:

Size: 219
File name: Andy Tezhenko.vcf
Andy Tezhenko.vcf
Status: Read
Read: 5/10/2019 10:27:39 AM(UTC-4)
5/10/2019 10:27:35 AM(UTC-4)

██████████@globalenergyproducers.com
Got it
Status: Sent
Delivered: 5/10/2019 10:28:29 AM(UTC-4)
5/10/2019 10:28:27 AM(UTC-4)

+1202256 ██████████ Victoria Tonsing
Pls call. Rudy not going.
Status: Read
Read: 5/11/2019 2:51:47 AM(UTC-4)
5/10/2019 11:15:50 PM(UTC-4)

██████████@globalenergyproducers.com
Are you up
Status: Sent
Delivered: 5/11/2019 2:54:34 AM(UTC-4)
5/11/2019 2:54:33 AM(UTC-4)

[redacted]@globalenergyproducers.com
Please call me soon as your up thank you
Status: Sent
Delivered: 5/11/2019 3:04:19 AM(UTC-4)
5/11/2019 3:04:18 AM(UTC-4)

+1202256 [redacted] Victoria Tonsing
What's happening? V
Status: Read
Read: 5/11/2019 12:36:57 PM(UTC-4)
5/11/2019 12:31:40 PM(UTC-4)

[redacted]@globalenergyproducers.com
Call you in 10-20
Status: Sent
Delivered: 5/11/2019 12:37:24 PM(UTC-4)
5/11/2019 12:37:24 PM(UTC-4)

+1202256 [redacted] Victoria Tonsing
Ok
Status: Read
Read: 5/11/2019 12:37:55 PM(UTC-4)
5/11/2019 12:37:39 PM(UTC-4)

+1202256 [redacted] Victoria Tonsing
?????
Status: Read
Read: 5/11/2019 1:40:19 PM(UTC-4)
5/11/2019 1:39:59 PM(UTC-4)

+1202256 [redacted] Victoria Tonsing
I'm up. Ready to receive travel info. Victoria
Status: Read
Read: 5/12/2019 8:18:36 AM(UTC-4)
5/12/2019 8:18:19 AM(UTC-4)

[redacted]@globalenergyproducers.com
In meeting call you shortly
Status: Sent
Delivered: 5/12/2019 8:36:25 AM(UTC-4)
5/12/2019 8:36:27 AM(UTC-4)

+1202256 [redacted] Victoria Tonsing
Did you reach Deanna? I called her and left vm but have not heard back.
Status: Read
Read: 5/12/2019 12:49:11 PM(UTC-4)
5/12/2019 12:49:04 PM(UTC-4)

[Redacted]@globalenergyproducers.com

Yes she's working on it

Status: Sent

Delivered: 5/12/2019 12:49:27 PM(UTC-4)

5/12/2019 12:49:26 PM(UTC-4)

+1202255 [Redacted] Victoria Tensing

Ok

Status: Read

Read: 5/12/2019 12:49:36 PM(UTC-4)

5/12/2019 12:49:36 PM(UTC-4)

[Redacted]@globalenergyproducers.com

Can I call you later?

Status: Sent

Delivered: 5/12/2019 3:09:14 PM(UTC-4)

5/12/2019 3:09:13 PM(UTC-4)

+1202255 [Redacted] Victoria Tensing

I do not want to lose you to sleepy time until I know what's happening tomorrow. Is Deanna having a problem finding a flight? Not heard from her.

Status: Read

Read: 5/12/2019 3:11:07 PM(UTC-4)

5/12/2019 3:10:58 PM(UTC-4)

[Redacted]@globalenergyproducers.com

I haven't heard from her I'll call her when I get of meeting

Status: Sent

Delivered: 5/12/2019 3:11:49 PM(UTC-4)

5/12/2019 3:11:49 PM(UTC-4)

+1202255 [Redacted] Victoria Tensing

Ok. I was getting concerned.

Status: Read

Read: 5/12/2019 3:12:31 PM(UTC-4)

5/12/2019 3:12:13 PM(UTC-4)

+1202255 [Redacted] Victoria Tensing

Do I have a v

Status: Read

Read: 5/12/2019 5:05:11 PM(UTC-4)

5/12/2019 5:04:59 PM(UTC-4)

+1202255 [Redacted] Victoria Tensing

Pls communicate so I know what's going on.

Status: Read

Read: 5/13/2019 12:47:07 AM(UTC-4)

5/12/2019 5:49:26 PM(UTC-4)

+1202255 [redacted] Victoria Tensing

Pls call. I have no idea what's happening.

Status: Read

Read: 5/13/2019 4:06:35 AM(UTC-4)

5/13/2019 4:05:55 AM(UTC-4)

[redacted] globalenergyproducers.com

Can I call you in 30 in a meeting right now

Status: Sent

Delivered: 5/13/2019 4:07:25 AM(UTC-4)

5/13/2019 4:07:28 AM(UTC-4)

[redacted] globalenergyproducers.com

I don't know myself yet waiting to hear from president elect today

Status: Sent

Delivered: 5/13/2019 4:08:05 AM(UTC-4)

5/13/2019 4:08:04 AM(UTC-4)

+1202255 [redacted] Victoria Tensing

Is my trip cancelled?

Status: Read

Read: 5/13/2019 4:08:34 AM(UTC-4)

5/13/2019 4:08:30 AM(UTC-4)

[redacted] globalenergyproducers.com

So far we are on standby waiting to hear next couple of hours

Status: Sent

Delivered: 5/13/2019 4:09:35 AM(UTC-4)

5/13/2019 4:09:35 AM(UTC-4)

+1202255 [redacted] Victoria Tensing

Pls call as soon as you can. I cancelled numerous client meetings to do this. I need to get a handle on my schedule. I thought my trip was not related to the Rudy situation.

Status: Read

Read: 5/13/2019 4:12:39 AM(UTC-4)

5/13/2019 4:12:32 AM(UTC-4)

[redacted] globalenergyproducers.com

I'll call you right away.

Status: Sent

Delivered: 5/13/2019 4:12:56 AM(UTC-4)

5/13/2019 4:12:56 AM(UTC-4)

+1202255 [redacted] Victoria Tensing

I cannot find you on Signal. Do you have it?

Status: Read

Read: 5/13/2019 9:43:03 AM(UTC-4)

5/13/2019 9:43:44 AM(UTC-4)

globalenergyproducers.com
No I have what's up
Status: Sent
Delivered: 5/13/2019 9:44:09 AM(UTC-4)
5/13/2019 9:44:09 AM(UTC-4)

+1202255 [redacted] Victoria Tensing
So do I. Pls call on it. I have something to tell you and I cannot figure out how to call you on it.
Status: Read
Read: 5/13/2019 9:54:11 AM(UTC-4)
5/13/2019 9:53:53 AM(UTC-4)

globalenergyproducers.com
I will shortly
Status: Sent
Delivered: 5/13/2019 9:54:23 AM(UTC-4)
5/13/2019 9:54:23 AM(UTC-4)

+1202255 [redacted] Victoria Tensing
I sent your contact info to Waller, Victoria
Status: Read
Read: 5/13/2019 11:37:35 AM(UTC-4)
5/13/2019 11:35:24 AM(UTC-4)

globalenergyproducers.com
Status: Sent
Delivered: 5/13/2019 11:37:43 AM(UTC-4)
5/13/2019 11:37:42 AM(UTC-4)

+1202255 [redacted] Victoria Tensing
Decision?????
Status: Read
Read: 5/13/2019 4:12:08 PM(UTC-4)
5/13/2019 3:46:50 PM(UTC-4)

+1202255 [redacted] Victoria Tensing
Hey Lev. Pls give me a decision. Victoria
Status: Read
Read: 5/13/2019 4:24:30 PM(UTC-4)
5/13/2019 4:24:27 PM(UTC-4)

globalenergyproducers.com
I'm sorry my phone died just seeing this
Status: Sent
Delivered: 5/13/2019 4:24:57 PM(UTC-4)
5/13/2019 4:24:57 PM(UTC-4)

+1202254 [redacted] Victoria Tonsing

Decision pls

Status: Read

Read: 5/13/2019 4:25:42 PM(UTC-4)

5/13/2019 4:25:29 PM(UTC-4)

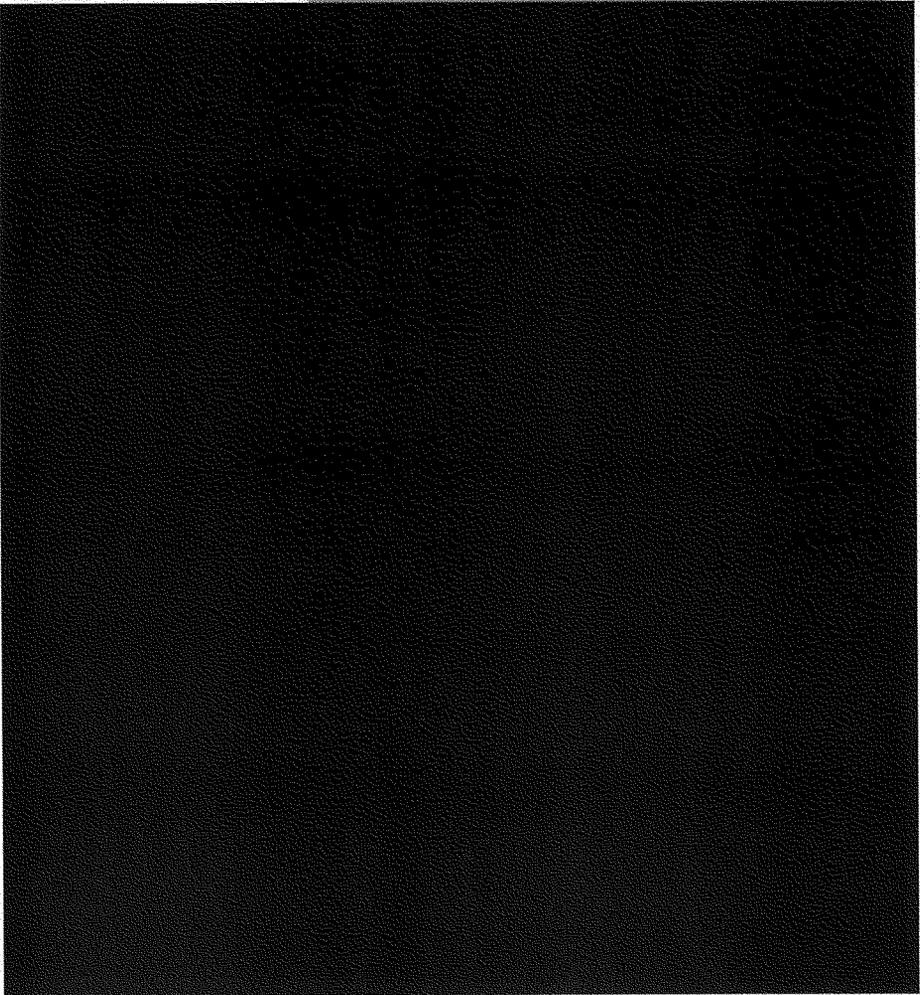
[redacted] @globalenergyproducers.com

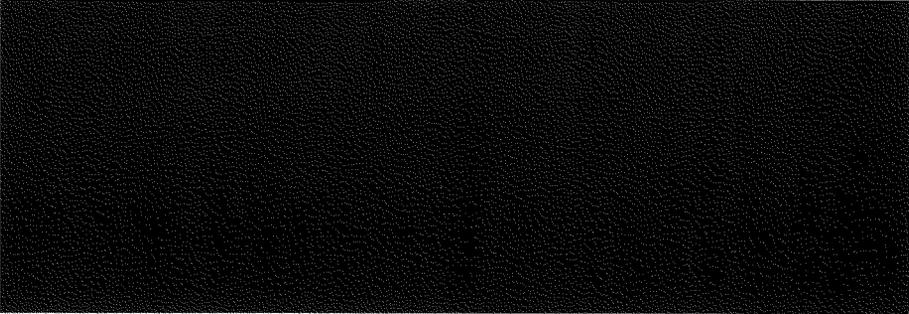
No go for now still no answer doesn't look good for now let's see what happened tomorrow

Status: Sent

Delivered: 5/13/2019 4:25:47 PM(UTC-4)

5/13/2019 4:28:47 PM(UTC-4)



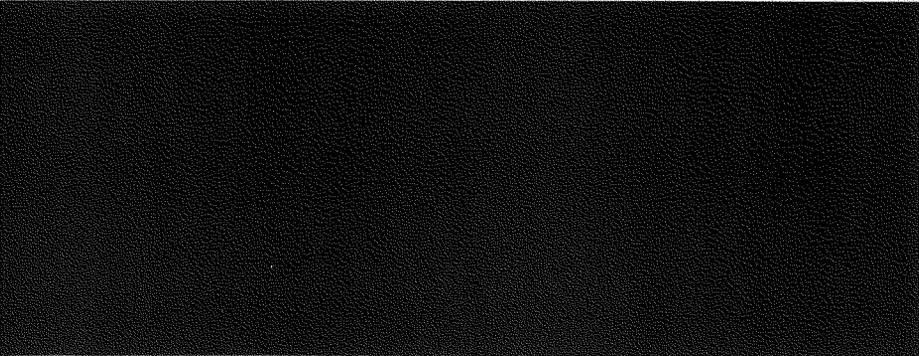


[Redacted] globalenergyproducers.com
Happy 4 th
Status: Sent
Delivered: 7/5/2019 9:19:31 AM(UTC-4)
7/5/2019 9:19:31 AM(UTC-4)

[Redacted] globalenergyproducers.com
Call me when you wake up I have good news
Status: Sent
Delivered: 7/5/2019 6:19:46 AM(UTC-4)
7/5/2019 6:19:46 AM(UTC-4)

+1202254 [Redacted] Victoria Toning
I am up. Pls call when you can.
Status: Read
Read: 7/5/2019 7:22:36 AM(UTC-4)
7/5/2019 7:22:08 AM(UTC-4)

[Redacted] globalenergyproducers.com
Call you shortly in meeting
Status: Sent
Delivered: 7/5/2019 7:28:19 AM(UTC-4)
7/5/2019 7:28:18 AM(UTC-4)





Extraction Report

Apple iPhone

Participants



[Redacted]@globalenergyproducers.com



+151685 [Redacted]
Igor Fruman*



[Redacted]@icloud.com

Conversation - Instant Messages (1)

[Redacted]@icloud.com

Attachments



Size: 7754
File name: Blank 14.docx
Blank 14.docx

Status: Read

Read: 2/16/2019 11:48:41 AM(UTC-5)

2/16/2019 11:48:33 AM(UTC-5)



Extraction Report

Apple iPhone

Participants



[Redacted] @globalenergyproducers.com



[Redacted] @icloud.com

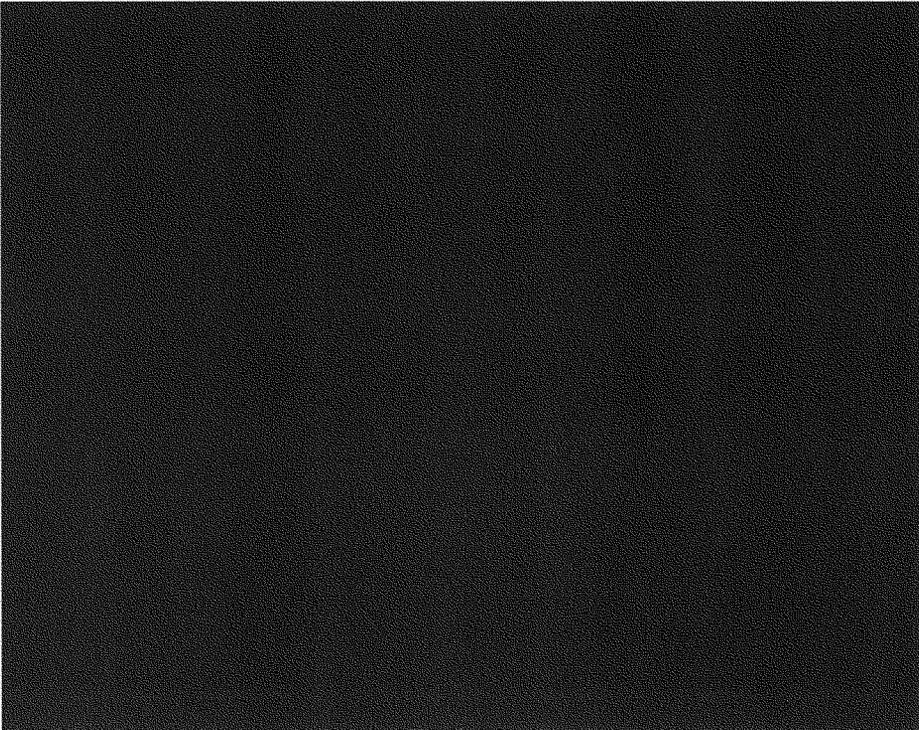


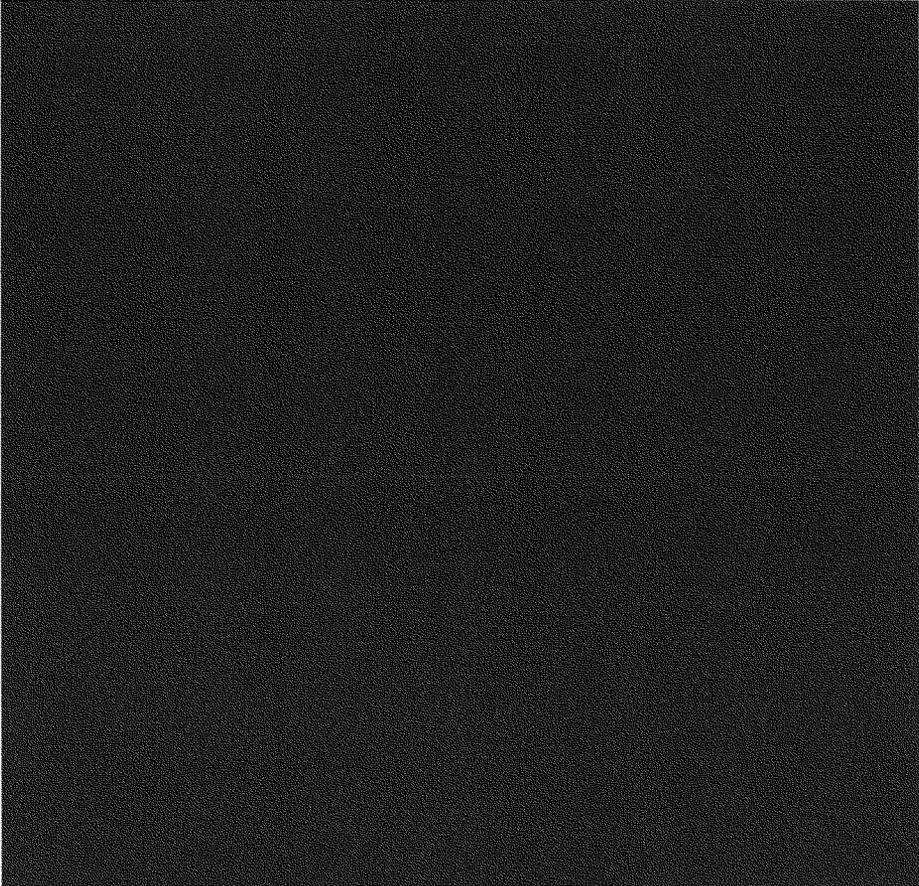
+151685 [Redacted]
Igor Frzman*



+191795 [Redacted]
Rudy Giuliani*

Conversation - Instant Messages (36)





+1917951 [redacted] Rudy Gaulani

I have a dinner with a lawyer from Ukraine on Thursday night. Where should I recommend we do it

Status: Read

Read: 7/31/2019 4:11:14 AM(UTC-4)

7/31/2019 4:11:33 AM(UTC-4)

[redacted] @alchemerproductions.com

Memo

Subject: N/A

7/31/2019 2:11:43 AM(UTC-4)

+1917951 Rudy Giuliani
No he is coming to Madrid
Status: Read
Read: 7/31/2019 4:12:35 AM(UTC-4)

7/31/2019 4:12:27 AM(UTC-4)

@globalenergyproducers.com
Oh even better we can have him come to the house
Status: Sent

7/31/2019 4:13:16 AM(UTC-4)

@globalenergyproducers.com
If you want I can make some reservations to restaurant instead
Status: Sent

7/31/2019 4:15:08 AM(UTC-4)

@globalenergyproducers.com
We can decide when you land
Status: Sent

7/31/2019 4:16:31 AM(UTC-4)

@cloud.com
I'm the real whistleblower- Giuliani's quixotic mission to help Trump in Ukraine
(via POLITICO for iOS)

Attachments:



Size: 0

Status: Read
Read: 9/28/2019 4:28:43 AM(UTC-4)

9/28/2019 3:40:53 AM(UTC-4)



Extraction Report

Apple iPhone

Participants



[Redacted]@globalenergyproducers.com



+1202256 [Redacted]
Victoria Tensing*



+1347224 [Redacted]
Rudy Giuliani*



+1917951 [Redacted]
Rudy Giuliani*

Conversation - Instant Messages (15)

+1202256 [Redacted] Victoria Tensing

Is there absolute commitment for HER to be gone this week?

Status: Read

Read: 2/10/2019 8:35:29 PM(UTC-5)

2/10/2019 8:35:19 PM(UTC-5)

+1917951 [Redacted] Rudy Giuliani

Yes not sure how absolute Will get a reading in morning and call you. Pompelli is now aware of it. Talked to him on Friday

Status: Read

Read: 2/10/2019 8:36:30 PM(UTC-5)

2/10/2019 8:36:33 PM(UTC-5)

+1202256 [Redacted] Victoria Tensing

Talk in the morning.

Status: Read

Read: 2/10/2019 8:37:25 PM(UTC-5)

2/10/2019 8:37:18 PM(UTC-5)

@globalenergyproducers.com
 Attachments:

 Size: 1495x119
 File name: IMG_7327.HEIC
 IMG_7327.HEIC
 Status: Sent
 4/15/2019 3:15:43 AM(UTC-4)

+1917911 Rudy Ouisan
 What paper is this?
 Status: Read
 Read: 4/15/2019 3:54:25 AM(UTC-4)
 4/15/2019 3:54:12 AM(UTC-4)

@globalenergyproducers.com
 Ukraine post
 Status: Sent
 4/15/2019 3:54:34 AM(UTC-4)

@globalenergyproducers.com
 This is with the help of our ambassador
 Status: Sent
 4/15/2019 3:55:12 AM(UTC-4)

+1202256 Victoria Tensing
 Is there a paper supporting us?
 Status: Read
 Read: 4/15/2019 6:17:54 AM(UTC-4)
 4/15/2019 6:17:43 AM(UTC-4)

@globalenergyproducers.com
 There a big tv station wants to do interview with Rudy
 Status: Sent
 4/15/2019 6:19:01 AM(UTC-4)

 @globalenergyoilreducers.com

<https://thehill.com/home/news/campaign/454133-ukrainian-officials-and-giuliani-are-sharing-back-channel-campaign>

Attachments



Size: 12881
 File name: C01422631-C725-4092-AA5C-4D4D58992706.plugin?PayloadsAttachment
 C01422631-C725-4092-AA5C-4D4D58992706.plugin?PayloadsAttachment



Size: 29426
 File name: 96FEA87D-8DE4-4D44-AC4C-80ADD5697106.plugin?PayloadsAttachment
 96FEA87D-8DE4-4D44-AC4C-80ADD5697106.plugin?PayloadsAttachment

Status: Sent

7/22/2019 12:36:50 PM(UTC-4)

+1917951  Rudy Giuliani

Liked <https://thehill.com/home/news/campaign/454133-ukrainian-officials-and-giuliani-are-sharing-back-channel-campaign>

Status: Read

Read: 7/22/2019 4:11:13 PM(UTC-4)

7/22/2019 4:07:50 PM(UTC-4)

+1347224  Rudy Giuliani

Once again case falls apart. Let's move on to who instructed Manafort to frame Papadopoulos? Did Weissmann try to suborn perjurious testimony from Firtash, Corst and Manafort among others? If Mueller didn't write report, as his disastrous testimony made clear, who did? Weissmann (ethically challenged) Rhee (Clinton Foundation) Quarles(\$35,000 to Hillary alone) or all of them which is who it is almost fighting with the truth, ethics and itself.

Status: Read

Read: 7/25/2019 1:24:46 AM(UTC-4)

7/24/2019 7:45:24 PM(UTC-4)

+1347224  Rudy Giuliani

Status: Unread

7/24/2019 7:45:25 PM(UTC-4)

+1347224  Rudy Giuliani

Status: Unread

7/24/2019 7:45:25 PM(UTC-4)

+1347224  Rudy Giuliani

This is like a Grade B horror movie with Nadler and Schiff the stars. Remember the hand keeps coming up and you have to bat it down 4 or 5 times. It's getting easier and may become a satirical comedy. I don't think Pelosi wasn't to be in the movie. Soon it will be The End and credits will appear. Note the names for possible parts in the Grade A movie which is already being filmed. Don't miss it.

Status: Read

Read: 7/22/2019 1:24:46 AM(UTC-4)

7/24/2019 8:25:23 PM(UTC-4)



Extraction Report

Apple iPhone

Participants



@globalenergyproducers.com



+1202261
Victoria Tensing*



+1202231
John Solomon*

Conversation - Instant Messages (22)

@globalenergyproducers.com

<https://112.international/politics/i-helped-hillary-her-victory-would-be-vantage-for-us-nabu-head-37623.htm>

Attachments



Size: 2062
File name: 26c41256-4e3c-48a2-8cfa-c2943c85ff6b.pluginPayloadAttachment
26c41256-4e3c-48a2-8cfa-c2943c85ff6b.pluginPayloadAttachment



Size: 8882
File name: 073a54dd-e2d1-4864-b048-130f910f44e0.pluginPayloadAttachment
073a54dd-e2d1-4864-b048-130f910f44e0.pluginPayloadAttachment

Status: Sent

3/14/2019 10:36:52 AM(UTC-4)

@globalenergyproducers.com

Attachments



Size: 53602
File name: 94cb96c3-5851-4894-a3e5-2a319c7ba162.JPG
94cb96c3-5851-4894-a3e5-2a319c7ba162.JPG

Status: Sent

3/21/2019 11:25:48 AM(UTC-4)

+1202255 [redacted] Victoria Tonsing

Identify pls

Status: Read

Read: 3/21/2019 11:25:55 AM(UTC-4)

3/21/2019 11:26:54 AM(UTC-4)

[redacted] @globalenergyproducers.com

This is interior minister Avakov and us ambassador today together after last night story it shows where she ran first and that her loyalty is with Tymoshenko

Status: Sent

3/21/2019 11:27:14 AM(UTC-4)

[redacted] @globalenergyproducers.com

Number one news in Ukraine today that the us ambassador put out statement saying that the general prosecutor of Ukraine is the prime example of corruption

Status: Sent

3/21/2019 11:29:11 AM(UTC-4)

+1202255 [redacted] Victoria Tonsing

Got it

Status: Read

Read: 3/21/2019 11:40:32 AM(UTC-4)

3/21/2019 11:40:32 AM(UTC-4)

[redacted] @globalenergyproducers.com

Rudy just got here call you shortly

Status: Sent

3/21/2019 11:50:36 AM(UTC-4)

[redacted] @globalenergyproducers.com

You want me to go on Fox news and talk about it? I would not mention any names if I did that. I would just say a client approached me six months back with allegations that FBI and US Ambassador in Ukraine were playing favorites. And reference Burisma getting free pass and alleged ties to "high level Obama administration officials". Maybe mention allegations about setting up Manafort. The media could connect the dots from there.

Status: Sent

3/21/2019 12:35:53 PM(UTC-4)

 @globalenergyproducers.com

https://en.wikipedia.org/wiki/Bud_Cummins

Attachments



Size: 10 Kb
 File name: FF1CAF89-35E8-456A-9291-4E9FE9F7FA37.pluginPayloadAttachment
 FF1CAF89-35E8-456A-9291-4E9FE9F7FA37.pluginPayloadAttachment



Size: 1 Kb
 File name: 9EE46A90-83DB-4088-8F7D-8651D9E3DA1.pluginPayloadAttachment
 9EE46A90-83DB-4088-8F7D-8651D9E3DA1.pluginPayloadAttachment

Status: Sent

3/21/2019 12:36:20 PM(UTC-4)

 @globalenergyproducers.com

<https://www.dailywire.com/news/45035/calls-grow-remove-obamas-us-ambassador-ukraine-ryan-saavedra>

Attachments



Size: 930 B
 File name: C408D40C-849E-4319-35E4-462F98BA009B.pluginPayloadAttachment
 C408D40C-849E-4319-35E4-462F98BA009B.pluginPayloadAttachment



Size: 591 Kb
 File name: 14CA1E9F-2FEA-45D8-8792-D96EDAB46DD1.pluginPayloadAttachment
 14CA1E9F-2FEA-45D8-8792-D96EDAB46DD1.pluginPayloadAttachment

Status: Sent

3/24/2019 12:24:52 PM(UTC-4)

 @globalenergyproducers.com

Attachments



Size: 3450 B
 File name: 8A0_7111.jpg
 8A0_7111.jpg

Status: Sent

3/24/2019 12:35:11 PM(UTC-4)

+1202226  John Solomon

Wow!!!

Status: Read

Read: 3/24/2019 12:29:33 PM(UTC-4)

3/24/2019 12:29:36 PM(UTC-4)

+1202255 [redacted] Victoria Tansing

I went to his tweet account and it was not there.

Status: Read

Read: 3/24/2019 2:12:02 PM(UTC-4)

3/24/2019 2:11:21 PM(UTC-4)

[redacted] @globalenergyproducers.com

It's there I just checked again

Status: Sent

3/24/2019 2:18:50 PM(UTC-4)

+1202255 [redacted] Victoria Tansing

I just found. Am retweeting

Status: Read

Read: 3/24/2019 2:51:07 PM(UTC-4)

3/24/2019 2:20:35 PM(UTC-4)

+1202236 [redacted] John Solomon

Nice

Status: Read

Read: 3/24/2019 3:36:54 PM(UTC-4)

3/24/2019 3:35:47 PM(UTC-4)

[redacted] @globalenergyproducers.com

Attachments:



Size: 22887d
File name: Image-1.jpg
Image: 1.jpg

Status: Sent

4/3/2019 8:19:21 AM(UTC-4)

+1202255 [redacted] Victoria Tansing

What... you are up so early!!!! We are in Palm Springs and up. Still on EDT. Schweizer really did nice job on Shannon last night re Biden.

Status: Read

Read: 4/3/2019 8:16:57 AM(UTC-4)

4/3/2019 8:15:49 AM(UTC-4)

[redacted] @globalenergyproducers.com

We are in Israel

Status: Sent

4/3/2019 8:16:18 AM(UTC-4)

+1202254 [redacted] Victoria Torning

But of course. I should have known.

NYT looks like it will do Biden story. The reporter asked Rudy whether he was working on a "Biden dossier."

Status: Read

Read: 4/3/2019 8:21:01 AM(UTC-4)

4/3/2019 8:29:58 AM(UTC-4)

[redacted] @globalenergyproducers.com

Rudy told me

Status: Sent

4/3/2019 8:21:22 AM(UTC-4)

[redacted] @globalenergyproducers.com

https://translate.googleusercontent.com/translate_c?depth=1&hl=pl&ny=1&ruif=translate.google.com&sl=ru&sp=nm14311en&u=https://theworldnews.net/ua/news/posol-saha-lovandovich-zavershaet-rabotu-v-ukraїni-sm&wid=17299_15700021_15700186_15700191_15700253_15700256_15700259&usg=ALkJrhfaVC_KiC6XZP2UMnQZHnWKLm

Attachments:



Size: 241/71

File name: 23DE6501-1329-424D-91B9-69D08899F424.pluginPayloadAttachment
23DE6501-1329-424D-91B9-69D08899F424.pluginPayloadAttachment



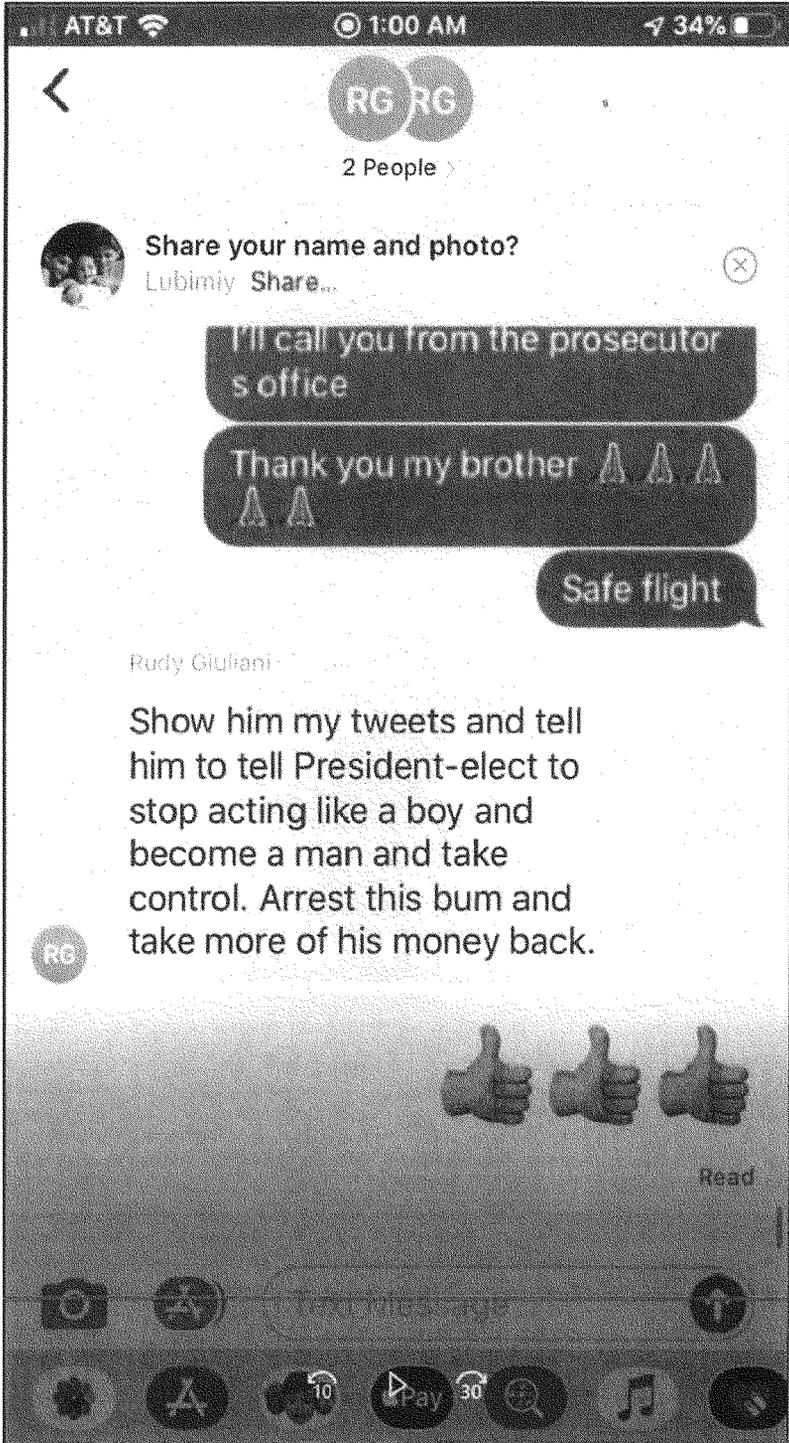
Size: 1045219

File name: 23922A14-AD9D-4961-96FD-30BC96C10F71.pluginPayloadAttachment
23922A14-AD9D-4961-96FD-30BC96C10F71.pluginPayloadAttachment

Status: Sent

5/9/2019 12:55:55 PM(UTC-4)

Case #	Case Name	Case Type	Case Status	Case Date	Case Time	Case Location	Case Description	Case Action	Case Assigned To	Case Assigned On	Case Assigned At	Case Assigned By	Case Assigned To	Case Assigned On	Case Assigned At	Case Assigned By	Case Assigned To	Case Assigned On	Case Assigned At	Case Assigned By
4	10/6/2019 2:27:07 PM(UTC+0)	10/6/2019 2:27:07 PM(UTC+0)	10/6/2019 2:27:07 PM(UTC+0)	10/6/2019 2:27:07 PM(UTC+0)	10/6/2019 2:27:07 PM(UTC+0)	10/6/2019 2:27:07 PM(UTC+0)	Hi Lev, Sorry for the double text message - I had the wrong number for Tiffany in that other text.	Read	Unknown	10/6/2019	10/6/2019 2:27:07 PM(UTC+0)	10/6/2019 4:07:37 PM(UTC+0)	No							
5	10/6/2019 2:27:07 PM(UTC+0)	10/6/2019 3:01:16 PM(UTC+0)	10/6/2019 3:01:16 PM(UTC+0)	10/6/2019 3:01:16 PM(UTC+0)	10/6/2019 3:01:16 PM(UTC+0)	10/6/2019 3:01:16 PM(UTC+0)	It's Alyssa from Hannity and my Executive Producer Tiffany. We just wanted to explain why we need to know ASAP if this will be Tues or Wed at 11:30am et. we need to book a studio for Mr. Shahan to go to in person for the interview. We are trying to go to his home if that's not working but 11:30am on those weeks for whichever day. We also need to book a translator - we want to get the best price for that. We are looking for a Russian translator. John Sabatone suggested. Please keep us posted on any of these answers as you can. We appreciate your help. Alyssa	Read	Unknown	10/6/2019	10/6/2019 3:01:16 PM(UTC+0)	10/6/2019 4:07:37 PM(UTC+0)	No							
6	10/6/2019 2:27:07 PM(UTC+0)	10/6/2019 6:31:36 PM(UTC+0)	10/6/2019 6:31:36 PM(UTC+0)	10/6/2019 6:31:36 PM(UTC+0)	10/6/2019 6:31:36 PM(UTC+0)	10/6/2019 6:31:36 PM(UTC+0)	I just got word this is the address of the studio in Vienna - will Bit work for Mr. Shahan? Please keep us posted. Vienna	Read	Unknown	10/6/2019	10/6/2019 6:31:36 PM(UTC+0)	10/6/2019 7:07:30 PM(UTC+0)	No							
7	10/6/2019 2:27:07 PM(UTC+0)	10/7/2019 12:04:35 PM(UTC+0)	Hi Lev, We just wanted to circle back and see if you had an update? We would really like to lock this in so we can confirm the studio and translator. Thank you for all of your help.	Read	Unknown	10/7/2019	10/7/2019 12:04:35 PM(UTC+0)	10/7/2019 4:41:30 PM(UTC+0)	No											
8	10/6/2019 2:27:07 PM(UTC+0)	10/7/2019 2:45:35 PM(UTC+0)	10/7/2019 2:45:35 PM(UTC+0)	10/7/2019 2:45:35 PM(UTC+0)	10/7/2019 2:45:35 PM(UTC+0)	10/7/2019 2:45:35 PM(UTC+0)	Sorry to bug. I just wanted to circle back and see if there has been any updates. Thank you.	Read	Unknown	10/7/2019	10/7/2019 2:45:35 PM(UTC+0)	10/7/2019 7:07:30 PM(UTC+0)	No							
9	10/6/2019 2:27:07 PM(UTC+0)	10/7/2019 2:46:25 PM(UTC+0)	10/7/2019 2:46:25 PM(UTC+0)	10/7/2019 2:46:25 PM(UTC+0)	10/7/2019 2:46:25 PM(UTC+0)	10/7/2019 2:46:25 PM(UTC+0)	Hi Lev - It's Alyssa from Hannity. Has Mr. Shahan worked for the interview? We would like to confirm. That would be 5:30pm in Vienna. Please let us know if we can confirm for Tues or Wed as soon as you can.	Read	Unknown	10/7/2019	10/7/2019 2:46:25 PM(UTC+0)	10/7/2019 7:06:02 PM(UTC+0)	No							
10	10/6/2019 2:27:07 PM(UTC+0)	10/7/2019 6:51:52 PM(UTC+0)	10/7/2019 6:51:52 PM(UTC+0)	10/7/2019 6:51:52 PM(UTC+0)	10/7/2019 6:51:52 PM(UTC+0)	10/7/2019 6:51:52 PM(UTC+0)	Hi Lev- Alyssa from Hannity at Fox here. Just tried to call you. Can we confirm with Mr. Shahan for tomorrow in West Thruway?	Read	Unknown	10/7/2019	10/7/2019 6:51:52 PM(UTC+0)	10/7/2019 7:07:30 PM(UTC+0)	No							
11	10/6/2019 2:27:07 PM(UTC+0)	10/7/2019 7:06:20 PM(UTC+0)	10/7/2019 7:06:20 PM(UTC+0)	10/7/2019 7:06:20 PM(UTC+0)	10/7/2019 7:06:20 PM(UTC+0)	10/7/2019 7:06:20 PM(UTC+0)	Let you know shortly waiting for confirmation.	Sent	Unknown	10/7/2019	10/7/2019 7:06:20 PM(UTC+0)	10/7/2019 7:07:30 PM(UTC+0)	No							
12	10/6/2019 2:27:07 PM(UTC+0)	10/7/2019 7:07:02 PM(UTC+0)	10/7/2019 7:07:02 PM(UTC+0)	10/7/2019 7:07:02 PM(UTC+0)	10/7/2019 7:07:02 PM(UTC+0)	10/7/2019 7:07:02 PM(UTC+0)	Oh thanks. It would be 11:30am at tomorrow or Wednesday at 5:30pm in Vienna. This is the studio. Vienna	Read	Unknown	10/7/2019	10/7/2019 7:07:02 PM(UTC+0)	10/7/2019 7:07:30 PM(UTC+0)	No							
13	10/6/2019 2:27:07 PM(UTC+0)	10/7/2019 7:07:31 PM(UTC+0)	10/7/2019 7:07:31 PM(UTC+0)	10/7/2019 7:07:31 PM(UTC+0)	10/7/2019 7:07:31 PM(UTC+0)	10/7/2019 7:07:31 PM(UTC+0)	Let us know which day and when it's confirmed. I have a Russian translator who hopefully speaks Ukrainian too so I need to confirm from once we get a day.	Read	Unknown	10/7/2019	10/7/2019 7:07:31 PM(UTC+0)	10/7/2019 7:07:30 PM(UTC+0)	No							



AT&T 1:00 AM 34%



RG RG

2 People



Share your name and photo?

Lubimiy Share...



I'll call you from the prosecutor's office

Thank you my brother ⚠️ ⚠️ ⚠️
⚠️ ⚠️

Safe flight

Rudy Giuliani

Show him my tweets and tell him to tell President-elect to stop acting like a boy and become a man and take control. Arrest this bum and take more of his money back.

RG



Read





2 People >

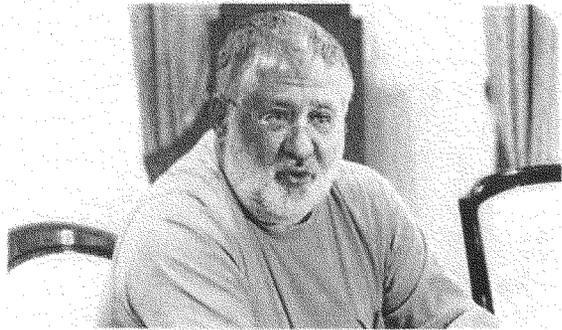


Share your name and photo?

Lubimily Share...



Sat, May 18, 10:03 AM



Exclusive: Billionaire Ukrainian Oligarch Ihor Kolomoisky Under Investigation by FBI

thedailybeast.com

Rudy Giuliani



Did you get them?

👍👍👍 got them I'll

I'll call you from the prosecutor's office





THE PRESIDENTIAL ADMINISTRATION OF UKRAINE

Andriy YERMAK

Assistant to the President of Ukraine

11, Bankova Str.
Kyiv, 01220, Ukraine

tel. +380 44 255 [REDACTED]
assistant: [REDACTED] @apu.gov.ua
[REDACTED] @apu.gov.ua

#	Party	Date	Time	Direction	Folder	Status	Message
806	From: To: +1202259 [REDACTED] Victoria Tonsing To: +1202841 [REDACTED] Joe De Geniva To: +1202236 [REDACTED] John Solomon	3/12/2019	3/12/2019 7:49:25 PM(UTC+0)	Outgoing	Sent	Sent	Also should have answers back from anti corruption prosecutor today
807	From: To: +1202259 [REDACTED] Victoria Tonsing To: +1202841 [REDACTED] Joe De Geniva To: +1202236 [REDACTED] John Solomon	3/12/2019	3/12/2019 7:44:19 PM(UTC+0)	Outgoing	Sent	Sent	Will have Shokin answers by the morning
991	From: +1310849 [REDACTED] Lubimiy To: +1917951 [REDACTED] Rudy Giuliani	1/14/2019	1/14/2019 5:17:25 PM(UTC+0)	Outgoing	Sent	Sent	Any news on the visa ?

* He'll confirm *
 At  can call

R THE RITZ-CARLTON
 VIENNA

Joe	Victoria	Lenny Davis
-----	----------	-------------

* Fish *
 toxic

* get deal done
 1-3 months

* (X) cut deal
 get or dismissed

* (X) get or dismissed

* ~~get deal~~ (not)
 get rid of Lenny Davis
 (nicely)

* get all info from case

* Zlochev

* Ukrain ledgers

SCHUBERTING 5-7, 1020 WIEN, ÖSTERREICH



THE RITZ-CARLTON

OPENING

1) Put together Package
 go to D.C. with
 package

2) do my "magic"
 and cut deal

3) Victoria/Joe
 Retained

100,000 - month / Begin
 with HERTRING 1-7, 1010 WIEN, OSTERREICH media
 Succession campaign



THE RITZ-CARLTON

VIENNA

* get Zelensky
to
Announce that
the Biden case
will be investigated

* start commun
with Zelensky
with act (Pinchuk
or
Kolomoisky)

SCHNEERTING 4-7, 1000 VIENNA, AUSTRIA

* Congress / Senate *

~~Report~~

THE RITZ-CARLTON
VIENNA

④ Hire Robert Stryk

Lobbyist

100,000
month

or

Brian Ballard

⑤ P.R. group

\$\$\$???

* Rudy *

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PETE SESSIONS
3340 EMBASSY DRIVE
DALLAS, TEXAS 75244

CHAIRMAN
COMMITTEE ON RULES

COMMITTEE ON
FINANCIAL SERVICES
309 LEAVELL



Congress of the United States
House of Representatives

2211 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4212
TELEPHONE: 202/226-2281
FAX: 202/226-2878

LAKEVIEW RESIDENCE
12027 ARCADE DRIVE
SUITE 750
DALLAS, TEXAS 75244-9876
TELEPHONE: 972/392-0888
FAX: 972/392-0875
www.PeteSessions.gov

May 9, 2018

PRIVATE

The Honorable Michael Pompeo
Secretary
United States Department of State
2201 C St NW
Washington, DC 20520-0099

Dear Secretary Pompeo:

I wanted to bring to your attention an interaction that I recently had with individuals regarding the current U.S. Ambassador to Ukraine.

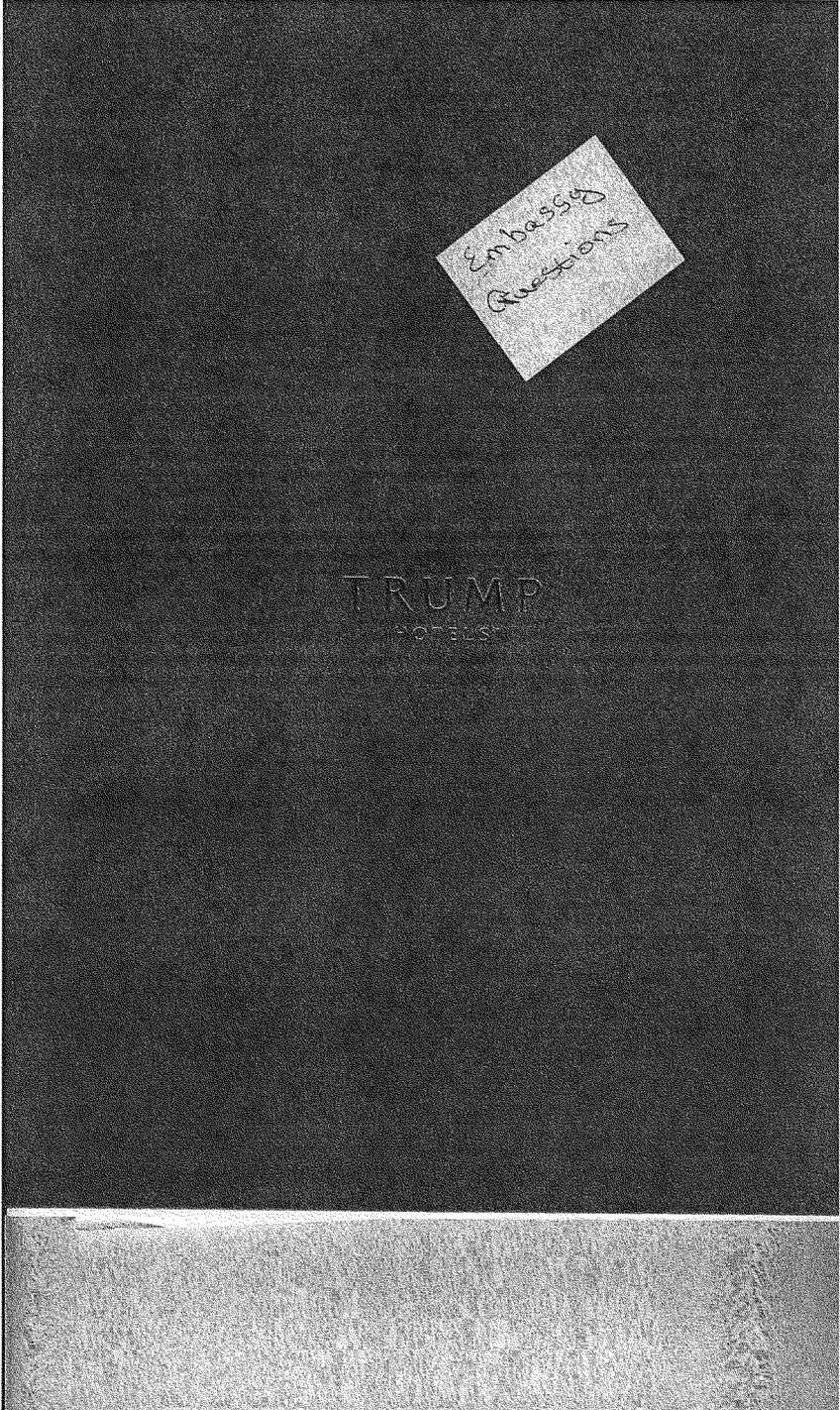
As you likely know, Marie Yovanovitch is the U.S. Ambassador to Ukraine. She previously served as Ambassador to the Republic of Armenia (2008-2011) and the Kyrgyz Republic (2005-2008). I have received notice of concrete evidence from close companions that Ambassador Yovanovitch has spoken privately and repeatedly about her disdain for the current Administration in a way that might call for the expulsion of Ms. Yovanovitch as U.S. Ambassador to Ukraine immediately.

I kindly ask you to consider terminating her ambassadorship and find a replacement as soon as possible. If you would like to discuss this matter further, I can be reached directly at 214.215. [REDACTED] or [REDACTED]@petesessions.com

Thank you for reviewing this matter.

Sincerely,

Pete Sessions
Member of Congress



January 25, 2019
 445 Park Avenue
 New York, NY 10022

Yuriy Lutsenko:

On January 25, 2019 Mr. Yuriy Lutsenko the current Prosecutor General of Ukraine was present at 445 Park Ave, New York, NY. He was present to speak about corruption in Ukraine. He was accompanied by Glib Zagoriy, Gyunduz Mamedov, Lev Parnas, Igor Fruman. Also present were Mayor Rudolph Giuliani and George Boyle.

Mr. Lutsenko stated that he is currently the Prosecutor General for Ukraine. He was the Minister of Interior from 2007 to 2010. He further stated that he was placed in jail for two and one half years as a political prisoner.

Mr. Lutsenko stated that his office has the following units under his purview:

1. Police Department
2. Fiscals
3. Secret Service
4. Investigative Department

Mr. Lutsenko stated that his office has recovered several billion dollars and has had two thousand six hundred thirty-seven verdicts for corruption. Mr. Lutsenko went on to explain that there is a unit called Specialized Anticorruption Prosecutors Office (SAP) which has under its purview National Anticorruption Bureau Ukraine (NABU) which investigates corruption cases that involved public figures from Mayors upward. He stated that the current U.S. Ambassador protects SAP and NABU. He feels they are good organizations but have terrible leadership. His office has absolutely no control over SAP or NABU and can't even ask what they are working on however they fall under his "control".

He further state that he believes Mr. Viktor Shokin the former Prosecutor General is honest.

Mr. Lutsenko went on to say that he began looking at the same case Mr. Shokin was looking at (mentioned above) and he believes Hunter Biden receives millions of dollars in compensation from Burisma. He produced a document from Latvia that showed several million dollars that were distributed out of Burisma's account. The record showed two (2) companies and four (4) individuals receiving approximately sixteen million dollars in disbursements as follows:

Companies:

1. Wirelogic Technology \$ 14,665,982
2. Digitex \$ 1,900,000

Individuals:

1. Aleksander Kwasnewski \$ 1,150,000

2. Alan Apter \$ 302,885
3. Devon Archer Amount not revealed by Latvia
4. Hunter Biden Amount not revealed by Latvia

Mr. Lutsenko feels that the total disbursements can as high as \$100,000,000.

Mr. Lutsenko stated that there was also a payment of \$ 900,000.00 to Rosemont Seneca Partners LLC for consulting fees. Hunter Biden is a partner in Rosemont Seneca Partners LLC along with Devon Archer and the dates of this transaction are approximately anywhere from January to December of 2015. According to Mr. Lutsenko the \$ 900,000.00 invoice was for services rendered for lobbying by Joe Biden.

The formation of SAP and was on or about October 2014. The formation of SAP and NABU was publicly announced, stating Mr. Shokin was not getting any results, showed no arrests, no proceedings against government officials. The U.S. Ambassador Geoffrey Pyatt recommended a special body to investigate high level corruption. Ambassador Pyatt gave a speech on September 25, 2015 in Odessa against the Prosecutor Generals' Office . On or around October of 2014 a law was passed creating NABU which was set up by Mr. George Kent who was the Deputy Chief to the Mission in Ukraine. Mr. Kent is currently the Deputy Assistant Secretary Bureau of European and Eurasian Affairs for the U.S. State Department.

Mr. Yuriy Lutsenko requested that we break for the day, and that he would meet again with everyone tomorrow.

End of Interview:

Shokin/Lutsenko Notes

January 23, 2019
445 Park Avenue
New York, NY 10022

Shokin:

On January 23, 2019 a telephone interview with Mr. Viktor Shokin the former General Prosecutor of Ukraine was conducted. Present in the New York location were: Rudolph Giuliani, Mr. Igor Fruman, Mr. Lev Parnas and Mr. George Boyle. The conversation was conducted through the use of two (2) interpreters one (1) in Ukraine and one (1) Lev Parnas in New York. The sum and substance of the conversation are as follows:

Mr. Shokin stated that he was appointed to the position of General Prosecutor of Ukraine from 2015 until April of 2016 when he was removed at the request of Mr. Joseph Biden the Vice President of the United States. Mr. Shokin was a Deputy Prosecutor prior to becoming the General Prosecutor. He became involved in a case against Mr. Mykola Zlochevsky the former Minister of Ecology and Natural Resources of Ukraine. The case was opened as a result of Mr. Zlochevsky giving himself/company permits to drill for gas and oil in Ukraine. Mr. Zlochevsky is also the owner of Burisma Holdings, which a corporation registered in Cyprus. Mr. Shokin stated that there are documents that list five (5) criminal cases in which Mr. Zlochevsky is listed, with the main case being for issuing illegal gas exploration permits. The following complaints are in the criminal case.

1. Mr. Zlochevsky was laundering money
2. Obtained assets by corrupt acts bribery
3. Mr. Zlochevsky removed approximately twenty three million U.S. dollars out of Ukraine without permission
4. While seated as the Minister he approved two addition entities to receive permits for gas exploration
5. Mr. Zlochevsky was the owner of two secret companies that were part of Burisma Holdings and gave those companies permits which made it possible for him to profit while he was the sitting Minister.

The above cases were closed after Mr. Zlochevsky was dismissed from the Ministry.

Mr. Shokin further stated that there were several Burisma board appointments were made in 2014 as follows:

1. Hunter Biden son of Vice President Joseph Biden
2. Joseph Blade former CIA employee assigned to Anti-Terrorist Unit
3. Alesksander Kwasnieski former President of Poland
4. Devon Archer roommate to the Christopher Heinz the step-son of Mr. John Kerry United States Secretary of State

Mr. Shokin stated that these appointments were made by Mr. Zlochevsky in order to protect himself.

Mr. Zlochevsky left Ukraine while the above mentioned cases were open.

Mr. Shokin stated that the investigations stopped out of fear of the United States. Mr. Shokin attempted to continue the investigations but on or around June or July of 2015 the U.S.

Ambassador Geoffrey R. Pyatt told him that the investigation has to be handled with white gloves, which according to Mr. Shokin, that implied do nothing. On or about September 2015 Mr. Pyatt gave a speech in Odessa where he stated that the cases were not investigated correctly and that Mr. Shokin may be corrupt.

Mr. Shokin stated that in 2014 Mr. Zlochevsky was in the UK and that the twenty three million dollars were frozen in the UK in the BNP Bank. Mr. Shokin stated that false documents were prepared and the money was released to Mr. Slochevsky before Mr. Shokin took office. That release of the money made Mr. Shokin look into the above cases again. Mr. Shokin stated that there were several articles written about bribes being taken during the investigation of the cases. The bribes were an effort to have the cases closed. On April of 2016 Mr. Shokin was dismissed as the General Prosecutor of Ukraine. In November of 2016 the cases were closed by the current Prosecutor General Yuriy Lutsenko.

Mr. Shokin further stated that on February of 2016 warrants were placed on the accounts of multiple people in Ukraine. There were requests for information on Hunter Biden to which nothing was received. It is believed that Hunter Biden receives a salary, commission plus one million dollars. There were no documents or information on Hunter Biden and Mr. Shokin stated he was warned to stop by Ambassador Geoffrey R. Pyatt. President of Ukraine Petro Poroshenko told Mr. Shokin not to investigate Burisma as it was not in the interest of Joe and/or Hunter Biden. Mr. Shokin was called into Mr. Poroshenko's office and told that the investigation into Burisma and the Managing Director where Hunter Biden is on the board, has caused Joe Biden to hold up one billion dollars in U.S. aid to Ukraine.

Mr. Shokin stated that on or around April of 2016 Mr. Petro Poroshenko called him and told him he had to be fired as the aid to the Ukraine was being withheld by Joe Biden. Mr. Biden told Mr. Poroshenko that he had evidence that Mr. Shokin was corrupt and needed to be fired. Mr. Shokin was dismissed in April of 2016 and the U.S. aid was delivered within one and one half months.

On a different point Mr. Shokin believes the current Ambassador Marie L. Yovanovitch denied his visa to travel to the U.S. Mr. Shokin stated that she is close to Mr. Biden. Mr. Shokin also stated that there were leaks by a person named Reshenko of the Ukrainian State Secret Service about the Manafort Black Book. Mr. Shokin stated that there is possible deceit in the Manafort Black Book.

End of interview:

From: Peter Schweizer <[REDACTED]@g-a-i.org>
 Date: March 25, 2019 at 2:42:40 PM EDT
 To: Victoria Toensing <[REDACTED]@digenovatoensing.com>
 Subject: RE: Bidens and Ukraine...

If Joseph Biden enters the race for U.S. president in 2020, he'll face renewed questions about his son Hunter's association with Ukraine's Burisma energy company during his eight years as U.S. vice president.

The allegations are resurfacing as Peter Schweizer, the president of the conservative non-profit think tank Government Accountability Institute, made sensational comments on American news channel Fox News on March 23.

Schweizer claimed that, according to financial records, Hunter Biden, is connected to a bank account in which \$3.1 million were deposited over a period of 14 months – a time period during which Joe Biden went to Ukraine several times as vice president.

It is not the first time that Biden's visits to Ukraine are being used against him.

Some had already criticized what they perceive as possible signs of corruption and even cynicism on Joe Biden's part – promoting anticorruption in Ukraine while simultaneously pushing for his son's interests in a faraway country.

Hunter Biden, a former Washington lobbyist, ended up sitting on the supervisory board of Burisma Holding, one of Ukraine's largest natural gas companies owned, at the same time that his father started to visit the country in order to support the EuroMaidan Revolution that drove President Viktor Yanukovich from power on Feb. 22, 2014.

The owner of Burisma Holding – Mykola Zlochevsky, a former ecology minister under Yanukovich – remains accused of money laundering and illegally issuing oil and gas licenses his own companies throughout 2010-2012.

The former minister owns 38 oil and gas extraction permits through 14 separate companies, which gives him big control over the Ukrainian market.

A criminal proceeding was opened in 2014 against Zlochevsky, but the Burisma Group announced in January 2017 that all judicial proceedings against him and his operating companies in Ukraine were closed.

Zlochevsky was also put under investigation in the United Kingdom, where a bank account under his name of \$23 million was temporarily frozen, until Ukrainian prosecutors refused to give the necessary documents for British authorities to continue the investigation, according to the New York Times.

A British judge ultimately decided to stop the inquiry and unfreeze the former minister's account due to a lack of evidence.

According to Schweizer, the latest financial findings about Hunter Biden constitute "a very troublesome issue" that "has all the markings of payoffs going to the Bidens."

Former U.S. Attorney Joe Digenova had no doubt while speaking on air, saying that this case "deserves a full-blown investigation into the conduct of the Biden family in Ukraine."

The Kyiv Post interviewed former U.S. Ambassador to Ukraine from 1998 to 2000 Steven Pifer, in September 2018, during the 15th edition of the Yalta European Strategy conference, and the subject came up.

Even though Hunter Biden's entrance to Burisma's supervisory board appears suspicious, Pifer said the former vice president "genuinely feels sympathy and support for Ukraine, so it was something he chose to engage in, whether or not his son was working (in Ukraine)."

Kate Bedingfield, a Biden spokeswoman, stressed to the New York Times in December 2015 that Hunter Biden's professional life was totally independent from his father's diplomatic mission.

Victoria Toensing

From: John Solomon
Sent: Wednesday, March 13, 2019 4:36 PM
To: Lev Parnas; Victoria Toensing; Joe diGenova
Subject: Timetable with supporting evidence - key developments in Burisma Holdings

Lev, Victoria, Joe:

Please see below, Need DOS help on Hunter Biden contacts.

Thanks

John

Key Events in Burisma Investigation

February 2014.

VP Joe Biden named by President Obama to be U.S. point man on Ukrainian crisis. Meets with President Viktor Yanukovich. Yanukovich ousted as president during Maiden uprising.

March 2014

New Ukrainian elections set for May and Petro Poroshenko emerges as top Western-friendly candidate for president.

April 2014:

Devon Archer, business partner of Hunter Biden, son of the VP, and John Heinz, stepson of Secretary Kerry, is named an independent director of Burisma Holdings. https://www.resumonk.com/kVYKE5CEpSiptxE_aGwqYQ

April 18, 2014:

Britain's Serious Fraud Office freezes \$23 million in assets kept in London by Burisma Holdings and its founder, Mykola Zlochevsky, on grounds it was fraudulently transferred from Ukraine.

April 24, 2014:

Joe Biden meets with candidate Poroshenko for the first time. <https://slate.com/news-and-politics/2014/04/petro-poroshenko-interview-ukrainian-presidential-candidate-discusses-putin-the-west-and-ukraine.html>

May 13, 2014

Hunter Biden appointed chief lawyer, and board member for Ukraine's largest natural gas company Burisma Holdings, which is run by Mykola Zlochevsky, a former Cabinet official for ousted president Yanukovich. <https://www.cnn.com/2014/05/13/bidens-son-joins-ukraine-gas-companys-board-of-directors.html>

May 20, 2014

David Leiter, former chief of staff to John Kerry, hired as DC lobbyist for Burisma Holdings, Senate lobbying records show. The firm is paid \$90,000 in 2014 to lobby Congress and the State Department. https://www.opensecrets.org/lobby/client_reports.php?id=F212407&year=2014 *John Kerry is Secretary*

May 25, 2014

Poroshenko wins the Ukraine presidential election

Aug. 20, 2014

Ukraine Prosecutor General Shokin's office opens criminal investigation of Burisma Holdings and Mykola Zlochevsky for alleged corrupt award of gas exploration permits and eventual looting of company, according to Ukrainian prosecutor general file. Hunter Biden identified as an American person of interest in the file.

December 16, 2014

Former deputy national security adviser Tony Blinken confirmed by Senate as Deputy Secretary of State under John Kerry.

Jan. 16, 2015

General Prosecutors office in Ukraine declares Burisma Holdings founder Zlochevsky a fugitive "wanted in Ukraine."

March 18, 2015

VP Biden call with President Poroshenko. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-6/>

April 15, 2015

VP Joe Biden speaks in Ukraine, praising the decision to appoint a new head of the NABU, the investigative arm of the Prosecutor General's office

May 26, 2015

Hunter Biden meets for breakfast with deputy secretary of state Tony Blinken regarding concerns in Ukraine about Burisma prosecution.

June 12, 2015

VP Biden calls President Poroshenko. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-8/>

July 15, 2015

VP Biden and Commerce Secretary Pritzker attend first ever US-Ukraine Chamber of Business meeting. <https://www.uschamber.com/first-annual-us-ukraine-business-forum>

July 24, 2015

VP Biden calls President Poroshenko, raises concerns about anti-corruption efforts in Ukraine. <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-10/>

Aug. 16, 2015

Devon Archer throws a \$10,000 a plate fund-raiser in New York for the Seed Global Health charity founded by Secretary of State Kerry's daughter, Dr. Vanessa Kerry.

Aug. 28, 2015

VP Biden calls President Poroshenko <https://ua.usembassy.gov/readout-vice-presidents-call-ukrainian-president-petro-poroshenko-082815/>

Sept. 29, 2015

VP Biden meets with President Poroshenko in Ukraine. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-ukrainian-president-petro-poroshenko/>

Nov. 5, 2015

Biden calls President Poroshenko. <https://ua.usembassy.gov/readout-vice-president-bidens-call-ukrainian-president-petro-poroshenko-110515/>

Dec. 7, 2015

12:46 ↗

 LTE  thedailybeast.com

“So that you understand, the Ukrainian embassy [in the U.S.] was working completely for Clinton’s headquarters,” Firtash claimed. “Our embassy in America was working completely for Clinton. So of course when Clinton lost and Trump won, then the Ukrainian president, the government, the lawmakers, all shaken up, rushed to America to show off [to Trump]. It’s very simple.”

VP Biden meets with President Poroshenko and demands the termination of Ukraine's General Prosecutor Shokin. Biden states the president must make "hard decisions" to eliminate "the cancer of corruption" in his country. <https://ua.usembassy.gov/remarks-vice-president-joe-biden-ukrainian-president-petro-poroshenko-bilateral-meeting/>

Dec. 9, 2015

Hunter Biden and business partner Devon Archer meet at State Department regarding Burisma Holdings prosecution.

Feb. 11, 18, 19, 2016

VP Biden holds series of phone calls with President Poroshenko to check on status of pending items from their December 2015 meeting. Removal of general prosecutor raised again. <https://ua.usembassy.gov/readout-vice-president-bidens-calls-prime-minister-arseniy-yatsenyuk-president-petro-poroshenko-ukraine-021916/>

March 15, 2016

1. Assistant Secretary of State Victoria Nuland demands Ukraine "appoint and confirm a new, clean Prosecutor General, who is committed to rebuilding the integrity of the PGO, and investigate, indict and successfully prosecute corruption and asset recovery cases – including locking up dirty personnel in the PGO itself." She offers no proof that special prosecutor's office is corrupt. <https://ua.usembassy.gov/ukrainian-reforms-two-years-maidan-revolution-russian-invasion/>

March 22, 2016

VP Joe Biden engages in phone call from Washington DC with Ukrainian president Poroshenko about U.S. loan guarantees. It is believed in this call that Biden renews his demands that the president fire Prosecutor General Shokin, who is overseeing the Burisma prosecution, but this time Biden warns Ukraine risk losing the next \$1 billion in U.S. loan guarantees. <https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-032216/>

March 29, 2016

Ukraine parliament fires Prosecutor General Shokin at urging of President Poroshenko. <https://www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html>

March 31, 2016

VP Joe Biden arrives in Ukraine and announces \$1 billion in loan guarantees, ending threat to withhold aid and force Ukraine into debt default, and also delivers \$239 million more in promised aid. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-president-petro-poroshenko-ukraine-033116/>

April 14, 2016

VP Biden calls President Poroshenko and "stressed the urgency of putting in place a new Prosecutor General who would bolster the agency's anti-corruption efforts. <https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-041416/>

May 12, 2016

Yuri Lutsenko named the new Prosecutor General of Ukraine, taking over investigations that include Burisma Holdings.

May 27, 2016

VP Biden holds phone call with President Poroshenko. <https://ua.usembassy.gov/readout-vice-president-bidens-call-president-petro-poroshenko-ukraine-052716/>

June 15, 2016

The Ukrainian investigative bureau NABU announces it has uncovered a massive fraud scheme involving Burisma Holdings. <https://www.pravda.com.ua/eng/news/2016/06/15/7111882/>

June 15, 2016

New Ukrainian prime minister Volodymyr Groysman meets in Washington DC with VP Joe Biden, Assistant Secretary of State Victoria Nuland and a representative of George Soros team.

Aug. 12, 2016

Phone call between VP Biden and President Poroshenko

Sept. 20, 2016

VP Biden meets President Poroshenko on sidelines of UN meeting. Confirms \$1 billion in loan guarantees has been made. <https://ua.usembassy.gov/readout-vice-president-bidens-meeting-president-petro-poroshenko-ukraine/>

Sept. 20, 2016

General Prosecutor's office eliminates "wanted" status of Burisma Holdings founder Zlochevsky in criminal case, ending his status as a fugitive.

Nov. 2, 2016

Prosecutor General's office in Ukraine closes down Burisma Holdings investigation without any formal charges.

Nov. 8, 2016

Donald Trump wins election to become 45th president of United States, ending eight years of Democratic control of the White House.

Dec. 15, 2016

VP Biden holds phone call with Ukraine president and prime minister, praises work of NABU, which prosecutor general's office says refused to investigate Burisma aggressively. <https://ua.usembassy.gov/readout-vice-president-bidens-calls-president-ukraine-petro-poroshenko-prime-minister-ukraine-volodymyr-groysman/>

Jan. 17-18, 2017

Biden makes final appearance in Ukraine with President Poroshenko. <https://ua.usembassy.gov/remarks-vice-president-joe-biden-joint-press-availability-ukrainian-president-petro-poroshenko/>

Jan. 25, 2018

Former VP Biden boasts at Council of Foreign Relations events in Washington DC that he strong armed Ukrainian president to fire the General Prosecutor, using loan guarantees as leverage. Does not mention his son's company was under investigation.

--
John Solomon
Executive Vice President
The Hill
202-236-[REDACTED]

Shokin/Lutsenko Notes

January 23, 2019
445 Park Avenue
New York, NY 10022

Shokin:

On January 23, 2019 a telephone interview with Mr. Viktor Shokin the former General Prosecutor of Ukraine was conducted. Present in the New York location were: Rudolph Giuliani, Mr. Igor Fruman, Mr. Lev Parnas and Mr. George Boyle. The conversation was conducted through the use of two (2) interpreters one (1) in Ukraine and one (1) Lev Parnas in New York. The sum and substance of the conversation are as follows:

Mr. Shokin stated that he was appointed to the position of General Prosecutor of Ukraine from 2015 until April of 2016 when he was removed at the request of Mr. Joseph Biden the Vice President of the United States. Mr. Shokin was a Deputy Prosecutor prior to becoming the General Prosecutor. He became involved in a case against Mr. Mykola Zlochevsky the former Minister of Ecology and Natural Resources of Ukraine. The case was opened as a result of Mr. Zlochevsky giving himself/company permits to drill for gas and oil in Ukraine. Mr. Zlochevsky is also the owner of Burisma Holdings, which a corporation registered in Cyprus. Mr. Shokin stated that there are documents that list five (5) criminal cases in which Mr. Zlochevsky is listed, with the main case being for issuing illegal gas exploration permits. The following complaints are in the criminal case.

1. Mr. Zlochevsky was laundering money
2. Obtained assets by corrupt acts bribery
3. Mr. Zlochevsky removed approximately twenty three million U.S. dollars out of Ukraine without permission
4. While seated as the Minister he approved two addition entities to receive permits for gas exploration
5. Mr. Zlochevsky was the owner of two secret companies that were part of Burisma Holdings and gave those companies permits which made it possible for him to profit while he was the sitting Minister.

The above cases were closed after Mr. Zlochevsky was dismissed from the Ministry.

Mr. Shokin further stated that there were several Burisma board appointments were made in 2014 as follows:

1. Hunter Biden son of Vice President Joseph Biden
2. Joseph Blade former CIA employee assigned to Anti-Terrorist Unit
3. Alesksander Kwasnieski former President of Poland
4. Devon Archer roommate to the Christopher Heinz the step-son of Mr. John Kerry United States Secretary of State

Mr. Shokin stated that these appointments were made by Mr. Zlochevsky in order to protect himself.

Mr. Zlochevsky left Ukraine while the above mentioned cases were open.

Mr. Shokin stated that the investigations stopped out of fear of the United States. Mr. Shokin attempted to continue the investigations but on or around June or July of 2015 the U.S. Ambassador Geoffrey R. Pyatt told him that the investigation has to be handled with white gloves, which according to Mr. Shokin, that implied do nothing. On or about September 2015 Mr. Pyatt gave a speech in Odessa where he stated that the cases were not investigated correctly and that Mr. Shokin may be corrupt.

Mr. Shokin stated that in 2014 Mr. Zlochevsky was in the UK and that the twenty three million dollars were frozen in the UK in the BNP Bank. Mr. Shokin stated that false documents were prepared and the money was released to Mr. Slochevsky before Mr. Shokin took office. That release of the money made Mr. Shokin look into the above cases again. Mr. Shokin stated that there were several articles written about bribes being taken during the investigation of the cases. The bribes were an effort to have the cases closed. On April of 2016 Mr. Shokin was dismissed as the General Prosecutor of Ukraine. In November of 2016 the cases were closed by the current Prosecutor General Yuriy Lutsenko.

Mr. Shokin further stated that on February of 2016 warrants were placed on the accounts of multiple people in Ukraine. There were requests for information on Hunter Biden to which nothing was received. It is believed that Hunter Biden receives a salary, commission plus one million dollars. There were no documents or information on Hunter Biden and Mr. Shokin stated he was warned to stop by Ambassador Geoffrey R. Pyatt. President of Ukraine Petro Poroshenko told Mr. Shokin not to investigate Burisma as it was not in the interest of Joe and/or Hunter Biden. Mr. Shokin was called into Mr. Poroshenko's office and told that the investigation into Burisma and the Managing Director where Hunter Biden is on the board, has caused Joe Biden to hold up one billion dollars in U.S. aid to Ukraine.

Mr. Shokin stated that on or around April of 2016 Mr. Petro Poroshenko called him and told him he had to be fired as the aid to the Ukraine was being withheld by Joe Biden. Mr. Biden told Mr. Poroshenko that he had evidence that Mr. Shokin was corrupt and needed to be fired. Mr. Shokin was dismissed in April of 2016 and the U.S. aid was delivered within one and one half months.

On a different point Mr. Shokin believes the current Ambassador Marie L. Yovanovitch denied his visa to travel to the U.S. Mr. Shokin stated that she is close to Mr. Biden. Mr. Shokin also stated that there were leaks by a person named Reshenko of the Ukrainian State Secret Service about the Manafort Black Book. Mr. Shokin stated that there is possible deceit in the Manafort Black Book.

End of interview:

January 25, 2019
 445 Park Avenue
 New York, NY 10022

Yuriy Lutsenko:

On January 25, 2019 Mr. Yuriy Lutsenko the current Prosecutor General of Ukraine was present at 445 Park Ave, New York, NY. He was present to speak about corruption in Ukraine. He was accompanied by Glib Zagoriy, Gyunduz Mamedov, Lev Parnas, Igor Fruman. Also present were Mayor Rudolph Giuliani and George Boyle.

Mr. Lutsenko stated that he is currently the Prosecutor General for Ukraine. He was the Minister of Interior from 2007 to 2010. He further stated that he was placed in jail for two and one half years as a political prisoner.

Mr. Lutsenko stated that his office has the following units under his purview:

1. Police Department
2. Fiscals
3. Secret Service
4. Investigative Department

Mr. Lutsenko stated that his office has recovered several billion dollars and has had two thousand six hundred thirty-seven verdicts for corruption. Mr. Lutsenko went on to explain that there is a unit called Specialized Anticorruption Prosecutors Office (SAP) which has under its purview National Anticorruption Bureau Ukraine (NABU) which investigates corruption cases that involved public figures from Mayors upward. He stated that the current U.S. Ambassador protects SAP and NABU. He feels they are good organizations but have terrible leadership. His office has absolutely no control over SAP or NABU and can't even ask what they are working on however they fall under his "control".

He further state that he believes Mr. Viktor Shokin the former Prosecutor General is honest.

Mr. Lutsenko went on to say that he began looking at the same case Mr. Shokin was looking at (mentioned above) and he believes Hunter Biden receives millions of dollars in compensation from Burisma. He produced a document from Latvia that showed several million dollars that were distributed out of Burisma's account. The record showed two (2) companies and four (4) individuals receiving approximately sixteen million dollars in disbursements as follows:

Companies:

1. Wirelogic Technology \$ 14,665,982
2. Digitex \$ 1,900,000

Individuals:

1. Aleksander Kwasnewski \$ 1,150,000

2. Alan Apter \$ 302,885
3. Devon Archer Amount not revealed by Latvia
4. Hunter Biden Amount not revealed by Latvia

Mr. Lutsenko feels that the total disbursements can as high as \$100,000,000.

Mr. Lutsenko stated that there was also a payment of \$ 900,000.00 to Rosemont Seneca Partners LLC for consulting fees. Hunter Biden is a partner in Rosemont Seneca Partners LLC along with Devon Archer and the dates of this transaction are approximately anywhere from January to December of 2015. According to Mr. Lutsenko the \$ 900,000.00 invoice was for services rendered for lobbying by Joe Biden.

The formation of SAP and was on or about October 2014. The formation of SAP and NABU was publicly announced, stating Mr. Shokin was not getting any results, showed no arrests, no proceedings against government officials. The U.S. Ambassador Geoffrey Pyatt recommended a special body to investigate high level corruption. Ambassador Pyatt gave a speech on September 25, 2015 in Odessa against the Prosecutor Generals' Office . On or around October of 2014 a law was passed creating NABU which was set up by Mr. George Kent who was the Deputy Chief to the Mission in Ukraine. Mr. Kent is currently the Deputy Assistant Secretary Bureau of European and Eurasian Affairs for the U.S. State Department.

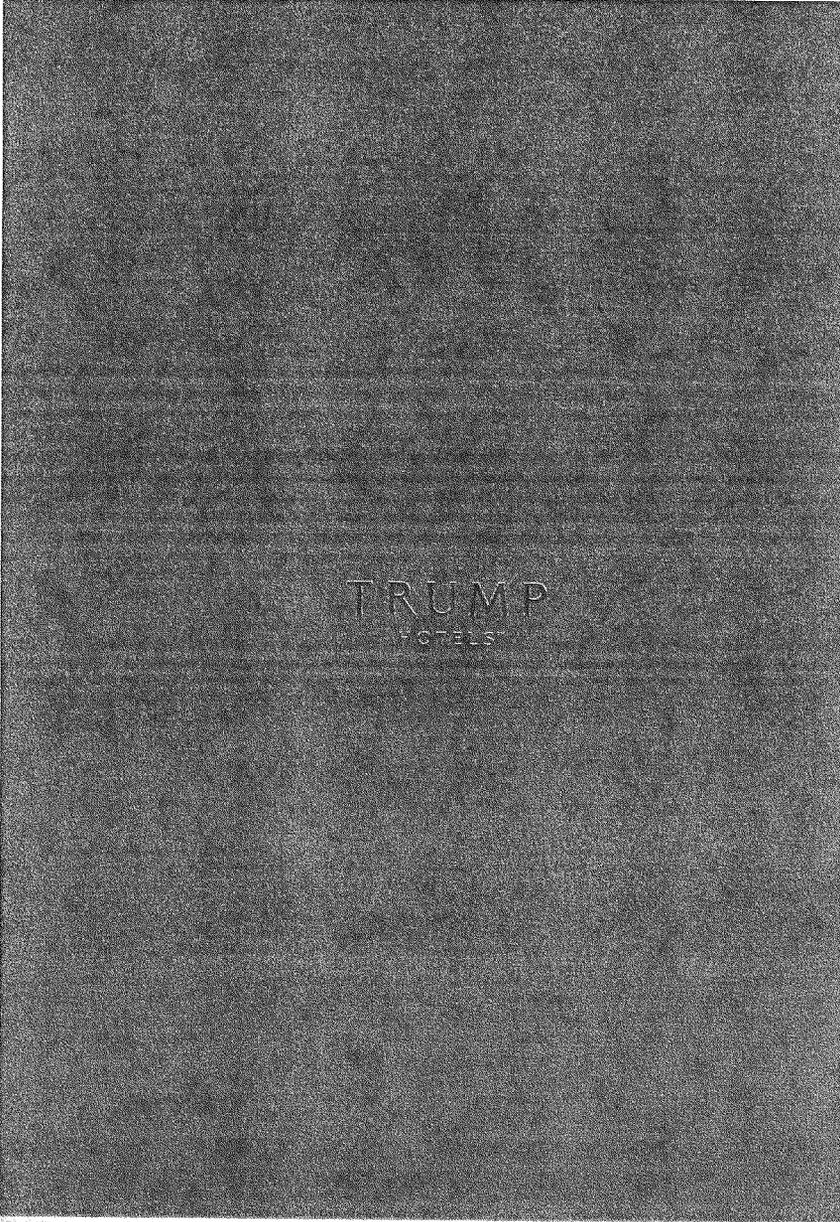
Mr. Yuriy Lutsenko requested that we break for the day, and that he would meet again with everyone tomorrow.

End of interview:

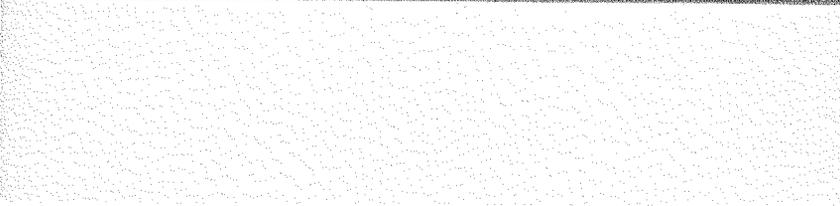
- ① Lutsenko ✓
- ② Shokin ✓
- ③ Timeline ✓
- ④ Schweitzer
- ⑤ John Solomon article today ✓
- ⑥ The no prosecution list ✓
- ⑦ George Kent Letter ✓
- ⑧ John Solomon March 20 ✓
- ⑨ Bank Records ✓
- ⑩ Swater Email ✓
- ⑪ Ambess questions ✓
- ⑫ Solomon Article ^{about} _{Pbc} List ✓

⑬

Salamon article election Intef.
2016 ✓



TRUMP
HOTELS





THE RITZ-CARLTON
VIENNA

1) we put package
together of evidence
from case

2) * we get in
contact with
Z.

3) we put plan
together about
U.S. election
Ukrain Medias



USAO_00073162



To Lev Parnas
With Best Wishes,


Congressman Pete Sessions (R-TX)



USAO_00073166



To Lev Parnas
With Best Wishes,

Congressman Pete Sessions (R-TX)