

UNITED STATES SENATE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

COMMITTEE ON FINANCE

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INTERVIEW OF: :

GEORGE P. KENT :

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Room SD-342 and via Webex
Dirksen Senate Office Building
Washington, D.C.
Friday, July 24, 2020
9:49 a.m.

INTERVIEW OF GEORGE P. KENT

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1 P R O C E E D I N G S

2 MR. FOLIO: All right. Well good morning, everyone.
3 This is a transcribed interview of George Kent, being
4 conducted by the Senate Committee on Homeland Security and
5 Governmental Affairs and the Senate Committee on Finance.
6 This interview was requested by Chairman Ron Johnson and
7 Chairman Charles Grassley, as part of the Committees'
8 investigation of whether there are any actual or apparent
9 conflicts of interest or any other wrongdoing with regard to
10 the Obama administration's Ukraine policy or Burisma
11 holdings, as well as related matters.

12 On April 30, 2020, Chairmen Grassley and Johnson
13 requested Mr. Kent's appearance for a voluntary transcribed
14 interview.

15 Mr. Kent, my name is Joseph Folio. I am the Chief
16 Counsel for the Homeland Security Committee. I am now going
17 to introduce additional members of Chairman Johnson's staff
18 in the room with me, and then I will ask staff for the other
19 members to introduce themselves.

20 Sitting with me is Scott Wittmann, Lydia Westlake,
21 Sarah Smerling, and Will Sacripanti. We are joined also
22 virtually by our colleague, Brian Downey. All those folks
23 are members of Chairman Johnson's staff.

24 I will now ask Chairman Grassley's staff to jump in.

25 MR. FLYNN-BROWN: Hi, Mr. Kent. My name is Josh Flynn-

1 Brown. I am Deputy Chief Investigative Counsel for Chairman
2 Grassley. I am also joined here by my colleague, Quinton
3 Brady.

4 MR. FOLIO: Now I will ask Zack--

5 MR. SCHRAM: Joe, we've lost your audio.

6 MR. FOLIO: Can you hear me now?

7 MR. SCHRAM: Yeah.

8 MR. FOLIO: Zack, do you want to go ahead and introduce
9 yourself and the rest of the staff?

10 MR. SCHRAM: I am Zack Schram, Chief Counsel for the
11 Ranking Member staff, Homeland Security Governmental Affairs
12 Committee. I am joined by Alan Kahn, our Deputy Chief
13 Counsel, Soumyalatha Dayananda, Senior Counsel, and Roy
14 Awabdeh, Senior Counsel.

15 Just a word of introduction for us. Mr. Kent, I just
16 want to make clear we appreciate you being here. This
17 investigation is not keeping with the nonpartisan traditions
18 and practices of our committees. As the Ranking Members
19 have said publicly, we believe this investigation advances
20 Russian disinformation and election interference efforts.
21 We should not facilitate foreign interference in our 2020
22 election.

23 I will note also that we are conducting this interview
24 remotely, because we are in the midst of a global pandemic
25 that has created an extraordinary public health crisis in

1 the United States. The Homeland Security and Governmental
2 Affairs Committee has jurisdiction over pandemic
3 preparedness and response. Ranking Member Peters believe
4 this investigation is a misuse of Committee resources that
5 does not advance the health, safety, or economic security of
6 Americans consistent with our Committee's mission.

7 Our participation today is not an endorsement of this
8 investigation. Minority staff have a right and a
9 responsibility to be here. We will do our best to ensure
10 that you are treated fairly, that the record is accurate and
11 complete, and that the national security interest of the
12 United States is protected.

13 MR. FOLIO: All right, Dan or Dave, would you like to
14 introduce staff from Ranking Member Wyden's office?

15 MR. GOSHORN: I'm Dan Goshorn. I'm Senior
16 Investigative Counsel for Senator Wyden on the Finance
17 Committee minority staff. I am joined today by our Chief
18 Investigator, Dave Berick, and two additional investigators
19 from the Finance minority staff, Josh Health and Michael
20 Osborn-Grosso. Thank you for being here.

21 MR. FOLIO: All right. Thank you. Just a quick word
22 in response to what Zack Schram read into the record. We
23 should probably submit prepared statements to make this more
24 efficient. But just for the record we have addressed all of
25 the points raised by Zack. Chairman Johnson as [inaudible--

1 audio difficulties] in one of his many hearings on the
2 pandemic and preparedness for the pandemic, as well as
3 [inaudible--audio difficulties].

4 Turning back to the interview, I am now going to
5 explain how the interview will proceed. The Federal Rules
6 of Civil Procedure do not apply to any of the--

7 MR. HARTMAN: Excuse me for one second. Joe?

8 MR. FOLIO: Yeah.

9 MR. HARTMANN: Is anybody from State on?

10 MR. JOHNSON: Cliff Johnson. Hi. This is Cliff
11 Johnson from State, and I've also got a colleague, Priya
12 Bhanu, who I think is listed as an attendee, but ideally
13 could also be included as a panelist. Thanks.

14 MR. HARTMAN: Thank you.

15 MR. FOLIO: Thanks for the reminder, Barry. And Barry,
16 I will have a spot for you when you need it to introduce
17 yourself.

18 MR. SCHRAM: Joe, I am still having trouble hearing
19 you. I'm sorry.

20 MR. FOLIO: Okay. I'll speak a little louder. Maybe
21 that's part of the problem?

22 MR. SCHRAM: The distance from the microphone?

23 MR. FOLIO: I'm not sure if it could be mine.

24 MR. HARTMAN: You're going in and out.

25 MR. KENT: Is anyone speaking?

1 MR. FOLIO: No.

2 MR. KENT: Oh.

3 MR. FOLIO: I think mine is as loud as it is able to
4 go.

5 MR. KENT: Mr. Folio, I don't think the folks can hear
6 you.

7 [Inaudible--audio difficulties.]

8 MR. KENT: I do.

9 MR. FOLIO: I just asked Will to take a look in the
10 system and see--can you hear me now, Mr. Kent?

11 MR. KENT: Now it's clear.

12 MR. FOLIO: Great. All right. We'll just walk you
13 through some of the introductory remarks about this
14 interview. Again, the Federal Rules of Civil Procedure do
15 not apply to any of the Committees' investigative activities
16 including transcribed interviews.

17 Mr. Kent, the way questioning will proceed is that we
18 will alternate between majority and minority staff, each
19 taking one-hour turns. The majority staff will begin.
20 We'll proceed for one hour, and then the minority staff will
21 have an hour to ask questions as well. And we will rotate
22 back and forth until there are no more questions.

23 We will also ask you, at the end of each hour, if you
24 would like to take a break.

25 During the interview we will do our best to limit the

1 number of people who are asking questions during any given
2 hour. That said, from time to time, individuals may have
3 follow-up or clarifying questions that may be helpful, so
4 you may hear from others around the table. We will ask
5 everyone to take their time to ensure that their camera
6 activates and that people can hear them and folks aren't
7 talking over one another.

8 Ms. Irene Gray is the reporter on the line as well.
9 She is going to treat a verbatim record of what we discuss
10 today. With that in mind, as I am sure you are familiar,
11 please respond to questions verbally, because Ms. Gray
12 cannot properly record nonverbal responses. Do you
13 understand that?

14 MR. KENT: I understand.

15 MR. FOLIO: We encourage witnesses that appear before
16 the Committee to freely consult with counsel. Do you have
17 counsel present with you today?

18 MR. KENT: I do.

19 MR. FOLIO: Would counsel please state their names for
20 the record?

21 MR. HARTMAN: This is Barry Hartman, K&L Gates.

22 MR. WRIGHT: This is Andy Wright with K&L Gates.

23 MR. FOLIO: Thank you.

24 MR. HARTMAN: Joe, just one thing, quickly. Because of
25 these audio problems, every time I take my computer off mute

1 we hear terrible echoes. And I was just going to ask you to
2 please make sure everybody speaks as loudly as possible,
3 because the audio situation is [inaudible--audio
4 difficulties.]

5 MR. KENT: When you talk, I will mute. Yeah. Well, if
6 I mute then I lose the sound feed. Yeah, the feed goes off
7 when I hit mute.

8 MR. HARTMAN: George tells me that when he mutes the
9 sound goes off and he can't hear.

10 Let's do our best. I just wanted to raise that.

11 MR. FOLIO: Thank you. We are going to be a well-oiled
12 machine in about 30 minutes. Just wait.

13 All right, Mr. Kent, we want your answers to our
14 questions to be the most complete and truthful as possible.
15 We are going to take our time. If you have any questions
16 about what we are asking or if you do not understand them we
17 are happy to clarify. Do you understand?

18 MR. KENT: I understand.

19 MR. FOLIO: This interview is unclassified, so if the
20 questions call for any information that you know to
21 implicate classified national security information please
22 state that for the record, as well as the reason you
23 understand it to be classified. And once you have
24 clarified, to the extent possible, please respond with as
25 much unclassified information as you are able to. And if we

1 need to have a classified session in one form or another
2 later, we can arrange for that. Do you understand?

3 MR. KENT: I understand.

4 MR. FOLIO: It is the Committee's practice to honor
5 valid common law privilege claims as an accommodation to a
6 witness. When those claims are made in good faith and
7 accompanied by a sufficient explanation so the Committees
8 can evaluate the claim. When deciding whether to honor a
9 privilege, the Committee will weigh its need for the
10 information against any legitimate basis for withholding it.

11 This interview today is occurring without prejudice to
12 any future discussion of the Committees, and we reserve the
13 right to request your participation in future interviews or
14 compel testimony.

15 Mr. Kent, if you need to take a break, other than the
16 breaks we will offer at the end of each hour, please let us
17 know.

18 Mr. Kent, you are required to answer questions before
19 Congress truthfully. Do you understand that?

20 MR. KENT: I understand.

21 MR. FOLIO: This also applies to questions posed by
22 congressional staff in an interview. Specifically, 18
23 U.S.C. Section 1001 makes it a crime to make any materially
24 false, fictitious, or fraudulent statements or
25 representations in the course of a congressional

1 investigation. This statute applies to your statements in
2 this interview. Do you understand that?

3 MR. KENT: I understand.

4 MR. FOLIO: Is there any reason that you are unable to
5 provide us today with truthful answers to our questions?

6 MR. KENT: None whatsoever.

7 MR. FOLIO: Thank you. Finally, we ask that you not
8 speak about what we discuss in this interview with anyone
9 else outside of who is in the room today in order to
10 preserve the integrity of our interview. We also ask that
11 you don't make any copies or photographs of exhibits that
12 you will be shown today. Do you understand and agree to
13 those terms?

14 MR. KENT: I understand.

15 MR. FOLIO: Do you have any questions before we begin?

16 MR. HARTMAN: Joe, one last thing. I understand that
17 we will get a copy of the transcript and you will provide an
18 errata sheet, which is particularly important, I think,
19 given our audio situation.

20 MR. FOLIO: Correct.

21 MR. HARTMAN: George, Mr. Kent, does have an opening
22 statement he would like to give at the appropriate time.

23 MR. FOLIO: Unless anyone objects I'm happy to let Mr.
24 Kent provide that statement now. Is that okay with you,
25 Zack?

1 MR. SCHRAM: Yes. Absolutely, Joe. I would just ask
2 also, with respect to advance review of the transcript that
3 the minority be included.

4 MR. FOLIO: Understood.

5 MR. KENT: Good, well again, good morning. My name is
6 George Kent, and I am Deputy Assistant Secretary of State
7 for Eastern Europe and the Caucasus. I am appearing here
8 voluntarily in connection with the State Department's
9 cooperation with the Committees.

10 As occurred last fall, I appear as a career nonpartisan
11 professional foreign service officer of more than 28 years'
12 experience, and a fact witness ready to answer all of your
13 questions about the events and individuals related to this
14 inquiry, to the best of my ability and recollection, subject
15 to the limits place on me by law in this process.

16 Relevant to some of the topics to be discussed today, I
17 was previously the Senior Anticorruption Coordinator for the
18 State Department's European Bureau from 2014 to 2015, and
19 the Deputy Chief of Mission of our Embassy in Kiev, Ukraine
20 from 2015 to 2018.

21 I would like to begin with some opening comments on
22 those issues that bring me before you today, centered around
23 U.S. foreign policy towards Ukraine and the issues raised in
24 the Committee letter of April 30, 2020.

25 U.S. efforts to counter corruption in Ukraine focus on

1 building institutional capacity so that the Ukrainian
2 government has the ability to go after corruption and
3 effectively investigate, prosecute, and judge alleged
4 criminal activities using appropriate institutional
5 mechanisms, that is, to create and follow the rule of law.
6 My exposure to the pervasive and longstanding problem of
7 corruption in Ukraine included a situation involving the NAG
8 company, Burisma. The primary concern of the U.S.
9 Government since 2014 was Burisma's owner, Mykola
10 Zlochevsky, whose frozen assets abroad we had attempt to
11 recover on Ukraine's behalf.

12 In early 2015, I raised questions with the Deputy
13 Prosecutor General about why the investigation of Mr.
14 Zlochevsky had been terminated, based on our belief that
15 prosecutors had accepted bribes to close the case. Later I
16 became aware that Hunter Biden was on the board of Burisma.

17 Soon after that, in a briefing call with the National
18 Security staff in the Office of the Vice President on other
19 matters, in February 2015, I raised my concern that Hunter
20 Biden's status as a board member could create the perception
21 of a conflict of interest. Let me be clear, however, I did
22 not witness any effort by any U.S. official to shield
23 Burisma from scrutiny. In fact, I, and other U.S.
24 officials, consistently advocated reconstituting a scuttled
25 investigation of Zlochevsky, Burisma's founder, as well as

1 holding the corrupt prosecutors who had closed the case to
2 account.

3 There have been recent efforts by Ukrainians to share
4 information and accusations about U.S. persons, programs,
5 and policies. We all need to be very careful in considering
6 those sources and their motivations. I, and many others,
7 believe some of these individuals are corrupt, some have a
8 track record of lying, and some are known to be advancing
9 Russia's agenda.

10 For the past six years since Ukraine's 2014 Revolution
11 of Dignity, there has been broad bipartisan support in both
12 Houses of Congress to the tune of more than \$4.3 billion of
13 appropriated assistance to support Ukraine as a free and
14 vibrant U.S. partner. That support in Congress has been
15 joined by U.S. officials in the Executive branch over two
16 administrations, one Democrat and one Republican, to support
17 Ukraine in its fight for the cause of freedom. This support
18 has also included its rebirth as a country free from Russian
19 dominion and the warped legacy of Soviet institutions and
20 post-Soviet behavior.

21 The battle against corruption and for the rule of law
22 has been waged nearly as fiercely as the fighting in the
23 trenches of Eastern Ukraine and is equally important if
24 Ukraine is to prosper. The United States has actively
25 support both efforts.

1 The United States has clear national interest at stake
2 in Ukraine, and the way we have defined our national
3 interests broadly in Europe for the past 75 years. U.S.
4 leadership furthered our sided policies in postwar Europe
5 like the Marshall Plan, the creation of NATO, the greatest
6 alliance in history, and the creation of a rules-based
7 international order. Europe's security and prosperity
8 contributed to our security and prosperity. In the same
9 way, Ukraine's security and prosperity contributes to our
10 security and prosperity.

11 Support of Ukraine's success also fits squarely into
12 our strategy for Central and Eastern Europe since the fall
13 of the Berlin Wall 31 years ago. A Europe truly whole,
14 free, and at peace, our strategic aim for the entirety of my
15 foreign service career, is not possible without a Ukraine
16 whole, free, and at peace, including Crimea and Donbass,
17 Ukrainian territories currently occupied by Russia.

18 The current administration's national security strategy
19 focuses on great power competition with rivals, such as
20 Russia and China, and the need to compete for positive
21 influence. This applies directly to our approach in
22 Ukraine. Ukraine has been on the front lines not just of
23 Russia's conventional war in eastern Ukraine since 2014, and
24 its broader campaign of malign influence, but of the greater
25 geopolitical challenges now facing the United States.

1 Looking back specifically as our programs and policies
2 from 2014 to 2016, and the specific questions posed in
3 Chairman Johnson's and Grassley's April 30th letter to
4 Secretary Pompeo, inviting me to appear for this transcribed
5 interview, I would highlight the centrality of the
6 anticorruption efforts that Ukrainian citizens demanded
7 after the 2014 Revolution of Dignity, and 27 years of grand
8 theft and nonaccountability for Ukrainians in office and
9 with access to state resources.

10 One of the first requests by the new Ukrainian
11 government in the spring of 2014, was to recover some of the
12 billions of stolen assets that had been laundered abroad by
13 members of the former Yanukovich regime, many of whom fled
14 to Moscow in 2014. In response, the U.S. Attorney General
15 worked with his Ukraine counterpart and the World Bank to
16 launch a stolen assets recovery, or StAR, initiative, in
17 London in May 2014.

18 The first asset recovery case worked trilaterally by
19 law enforcement officials from Ukraine, the United Kingdom,
20 and the United States involved \$23 million frozen in the
21 United Kingdom at the request of the UK Serious Fraud
22 Office, or SFO, assets of former Minister of Ecology Mykola
23 Zlochevsky. In his capacity as Minister of Ecology from
24 2010 to 2012, Zlochevsky ordered multiple licenses for
25 natural gas exploration to a number of shell companies

1 consolidated in Burisma holdings that he owned. Burisma is
2 currently the largest private producer of gas in Ukraine.
3 The gas sector has been one of, if not the primary source of
4 corruption for Ukraine's political elite, dating from
5 independence in the 1990s.

6 After six months of hard work by the FBI, the British
7 SFO, and Ukrainian law enforcement, the Ukrainian Prosecutor
8 General's Office unexpectedly closed the money-laundering
9 case against Zlochevsky in December 2014. Loches's lawyers
10 presented the letter to a UK judge, who ordered the funds
11 unfrozen before the SFO and FBI could react.

12 On February 3, 2015, while I was in Ukraine as Acting
13 Deputy Chief of Mission, I confronted the First Deputy
14 Prosecutor General, Anatoliy Danylenko, demanding to know
15 who had paid the bribe and how much it was. I also demanded
16 that the case against Zlochevsky be resumed.

17 Throughout 2015 and 2016, U.S. officials, particularly
18 those at the U.S. Embassy in Kiev, consistently pressed
19 Ukrainian officials to hold Zlochevsky to account and made
20 clear our negative view about Burisma.

21 There were other examples of the U.S. Government
22 raising questions about Zlochevsky and Burisma. Then
23 Ambassador Geoff Pyatt delivered a blistering public speech
24 in Odessa in September of 2015, when anticorruption efforts
25 seemed to lag, specifically citing the lack of action

1 against Zlochevsky.

2 In addition, in August of 2016, I learned that an
3 implementer of a USAID municipal energy foreign project had
4 signed a public-private partnership memorandum of
5 understanding with Loches's company, Burisma, to promote
6 clean energy through the awarding of prizes. I forced
7 suspension of the agreement, given Zlochevsky and Burisma's
8 reputation and the moral hazard of association.

9 Shortly after my February 2015 meeting at the
10 Prosecutor General's headquarters about the closure of the
11 case against Zlochevsky, I became aware that Hunter Biden
12 had joined the board of Burisma in 2014. As I testified in
13 the House soon after that, in a briefing call with the
14 National Security staff in the Office of the Vice President
15 on other issues, I raised my concern about Hunter Biden's
16 status as a board member of Burisma. Burisma's owner was a
17 poster child for corrupt behavior, and Hunter Biden's
18 position on the board could create the perception of a
19 conflict of interest at the time when Vice President Biden
20 was leading the policy charge, pushing President Poroshenko
21 and Prime Minister Yatsenyuk to take more decisive
22 anticorruption action.

23 As I testified last fall, however, at no time did I
24 witness any efforts by any U.S. official to shield Burisma
25 from scrutiny, and in fact, quite the opposite. I, and

1 other U.S. officials, consistently advocated reconstituting
2 the scuttled investigation of Zlochevsky, Burisma's founder,
3 as well as holding the corrupt prosecutors who had closed
4 the case against him to account. Ambassador Pyatt, the
5 Embassy's economic section, and I shared our concern
6 regarding Zlochevsky and Burisma's reputation and less-than-
7 stellar business practices widely, including with U.S.
8 officials in Washington, think tankers who follow Ukraine,
9 other American officials at the Embassy who did not have the
10 background awareness that we did, and publicly.

11 I am not aware of any occasion in which then Vice
12 President Biden raised Burisma with Ukrainian officials. I
13 am not aware of any wrongdoing by Hunter Biden or the other
14 international members of the Burisma board, which included
15 the former President of Poland, Aleksander Kwasniewski, and
16 Cofer Black, a long-time CIA official and one-time
17 counterterrorism coordination at the State Department during
18 the George W. Bush administration.

19 During the first week of September 2016, I met with
20 then Prosecutor General Yuriy Lutsenko, at his request.
21 Lutsenko wished to discuss his desire to travel to the
22 United States in late September 2016, and have high-level
23 meetings both with U.S. Government officials and with
24 persons working for the Clinton campaign. He said that the
25 trip had been proposed to him by Blue Star Strategies,

1 working with a former Department of Justice official then at
2 the law firm Cravath. I raised several concerns about the
3 proposed trip, including timing and interlocuters. I also
4 reiterated our view that his office should be prosecuting
5 Zlochevsky. Lutsenko changed his mind and delayed travel
6 plans until after the U.S. election.

7 On September 6, I took a call from someone I had never
8 talked to previously, Sally Painter, Chief Operating Officer
9 of Blue Star Strategies, regarding Lutsenko's proposed trip
10 to the United States. Ms. Painter accused me of ruining
11 Blue Star's business model and of damaging relations with
12 Lutsenko. I corrected her mischaracterization of my advice
13 to Lutsenko. I memorialized that communication and shared
14 it with Ambassador Yovanovitch and the State Department.

15 U.S. efforts to counter corruption in Ukraine have
16 focused on building institutional capacity so that the
17 Ukrainian government has the ability to go after corruption
18 and effectively investigate, prosecute, and judge alleged
19 criminal activities using appropriate institutional
20 mechanisms, that is, to create and follow the rule of law.

21 As I testified last fall, at the heart of the mandate
22 for change in Ukraine's Revolution of Dignity was a thirst
23 for justice, because there could not be dignity without
24 justice. Without a reformed judicial sector that delivers
25 justice with integrity for all, Ukrainian society will

1 remain unsettled. Foreign investors, including U.S.
2 companies, will not bring the investment needed to ensure
3 Ukraine's long-term prosperity.

4 Reform of the prosecutorial service, therefore, is and
5 remains a key to Ukraine's escape from its Soviet past,
6 since the General Prosecutor's Office, along with the
7 security services known by various names over the decades,
8 but most infamously as the KGB, were a key instrument of
9 state oppression against its citizens. Post-independence,
10 the prosecutorial system became more of a protection racket
11 and a self-enrichment mechanism. This is why the principal
12 promotion of the rule of law and institutional integrity has
13 been so necessary to our strategy for a successful Ukraine.

14 President Poroshenko knew Ukraine needed a reformed
15 General Prosecutor's Office. He dismissed his first general
16 prosecutor, Yarema, whose team had failed to bring a single
17 prosecution over a seven-month period, and which allegedly
18 took a bribe from Zlochevsky to close the case against him
19 and collapse our effort to recover the \$23 million frozen in
20 the United Kingdom.

21 In February 2015, Poroshenko appointed, in his place, a
22 long-time friend and former Deputy Prosecutor General,
23 Viktor Shokin, and asked us to help Shokin and his team
24 reform the General Prosecutor's Office, in the same way we
25 had launched, successfully, police reform with the patrol

1 police. As a result, we concentrated staff and resources
2 into this effort, focusing on a new Internal Affairs Unit to
3 investigate and take down corrupt prosecutors.

4 Unfortunately, Shokin scuttled what was to be the
5 proof-of-concept test case in the summer of 2015. The
6 Internal Affairs Unit arrested two prosecutors for extortion
7 and bribe-taking in what became known as the Diamond
8 Prosecutor Affair.

9 Rather than back the U.S.-supported anticorruption
10 investigators, however, Shokin undermined their efforts and
11 then destroyed the careers of everyone associated with the
12 case. Shokin demanded that everyone, even those in agencies
13 not under his prosecutorial purview, be dismissed. It was
14 our view that Shokin took these actions out of loyalty to
15 the prosecutor at the center of the scandal, who was his
16 former driver. President Poroshenko acquiesced.

17 The housecleaning shocked Ukrainian society.
18 Ukrainians we out into the streets. The calls for Shokin's
19 dismissal did not start with the U.S. Government. Rather,
20 they started in Ukrainian society, outraged at Shokin's
21 misconduct, and disappointed by Poroshenko's protection of a
22 prosecutor protecting corrupt friends and persecuting honest
23 anticorruption officials. By protecting Shokin for months,
24 in the face of subsequent popular discontent, President
25 Poroshenko suffered a steep drop in his levels of popular

1 support, from 55 percent initially to the low 20 percents,
2 never to recover.

3 For our part, the United States had a fiduciary
4 responsibility to the American taxpayer to account for our
5 resources wisely. The corrupt prosecutors under Yarema had
6 wasted our money and effort in killing the case against
7 Zlochevsky in December 2014, and we did not forget. Shokin
8 had wasted our money and effort in undermining the wider
9 prosecution project of prosecutorial reform, by declaring
10 war on all of those associated with the Diamond Prosecutor
11 case. We again took a stand on principle, and in defense of
12 anticorruption policies and programs that Ukraine needed to
13 succeed. If Ukraine were to succeed, Shokin had to go.

14 We joined the calls from Ukrainian society and then its
15 Parliament for Shokin's dismissal, not just rhetorically but
16 by using the leverage we had given, we had, given the
17 resources we brought to bear to support Ukraine.

18 The roiling controversy over Shokin came to a head in
19 late 2015. At that time, we were discussing conditionality
20 for the third of three \$1 billion sovereign loan guarantees
21 that we had extended to Ukraine--2014, 2015, and then 2016--
22 to allow Ukraine to borrow in the market and ensure
23 financial liquidity and stability.

24 There are, and always have been conditions placed on
25 sovereign loan guarantees for Ukraine. Conditions have

1 included anticorruption reforms as well as meeting larger
2 macroeconomic stability goals and social safety nets. The
3 International Monetary Fund does the same with its much
4 larger program of loans. Congress and the Executive branch
5 work together to put conditionality on some security
6 assistance in the Ukraine Security Assistance Initiative, or
7 USIAI, in the defense budget.

8 As I testified last fall, I cannot pinpoint who, in the
9 U.S. Government, first proposed adding Shokin's dismissal as
10 a condition for the third and final sovereign loan
11 guarantee, but I believe the recommendation came from the
12 U.S. Embassy in Kiev. Shokin's removal was discussed in the
13 interagency process in Washington, and ultimately conveyed
14 by Vice President Biden to President Poroshenko. Ukraine's
15 parliament the Verkhovna Rada, ultimately voted to dismiss
16 Shokin as Prosecutor General on March 29, 2016.

17 Since Shokin's dismissal, a number of Ukrainians have
18 participated in a disinformation campaign against U.S.
19 persons, policies, and programs that might distort the
20 Committees' consideration of the topics under inquiry. I am
21 also concerned that some of their activities could be
22 exploited to advance a Russian agenda.

23 As I testified in the House, in January 2019, I was
24 involved in discussions relating to a denial of visa for
25 Shokin, who sought to come to the United States to share his

1 accusations against U.S. officials and programs. His U.S.
2 visa had expired, however, and the U.S. Embassy declined to
3 issue another visa, given his record of corruption. The
4 State Department backed the Embassy in January 2019, when
5 Rudy Giuliani called the State Department and the White
6 House, seeking a visa for Shokin.

7 Later in 2019, Shokin also swore a false affidavit in
8 support of a corrupt Russian-affiliated gas oligarch, Dmytro
9 Firtash, in which Shokin misrepresented the basis for his
10 own removal from office.

11 Another Ukrainian, Andreii Derkach, has also been
12 advancing false allegations. Derkach is a member of the
13 Ukrainian Parliament who graduated from the KGB Academy in
14 Russia after the fall of the Soviet Union, and has been
15 known throughout his career to promote Moscow's interests in
16 Ukraine. Derkach claimed that there were billions of
17 dollars in unaccounted-for assistance from the United
18 States, and started attacking U.S. anticorruption programs,
19 implementation organizations, and U.S. Government officials
20 by name. Media outlets and bots controlled by Russian or
21 pro-Russian Ukrainians had been amplifying his messages in
22 Ukrainian, Russian, and English.

23 I am concerned that these unsubstantiated allegations
24 have also been amplified by some Americans. For example, in
25 a July 10th YouTube video, Rudy Giuliani broadcast a litany

1 of Derkach's allegations about the alleged misuse or
2 nonaccountability of U.S. assistance. He added those to the
3 bogus claims by former Prosecutor General Lutsenko about
4 U.S. prosecutorial assistance that were used in the 2019
5 campaign against then U.S. Ambassador Yovanovitch.

6 I raise these concluding issues out of respect for the
7 Committees' obligation to obtain reliable and credible
8 information necessary for sound and informed public policy
9 decision-making and to defend our democratic institutions.

10 Regarding my interview, I will do my best to answer all
11 of your questions today, but please note that these
12 questions will involve issues, conversations, and documents
13 that spanned a number of years. I may be limited by two
14 additional considerations. As Mr. Folio mentioned, first,
15 if I am asked a question today that I may believe implicates
16 classified information I will respectfully decline to answer
17 in this unclassified form. And second, consistent with my
18 House testimony, I am not prepared to discuss the
19 intelligence community.

20 And with that I stand ready to answer your questions.

21 MR. FOLIO: Mr. Kent, thank you for the opening
22 statement. For the minority's benefit I will start the
23 clock, and the majority will begin it's one-hour
24 questioning.

25 Mr. Kent, I just want to begin by emphasizing what you

1 said at the end of your opening statement, and what Chairman
2 Johnson has repeated several times, that the goal of this
3 inquiry, although other people are very quick to
4 characterize it, is to understand the facts and nothing
5 more, to understand what happened and did not happen, to
6 understand if there was any wrongdoing, or if there was not,
7 so people can get answers and we can move forward, and that
8 is precisely why we have asked for records from, among other
9 places, the State Department, the National Archives, and why
10 we were hoping to speak with current and former U.S.
11 administration officials like yourself.

12 So we very much thank you for being here today. You
13 have what we believe to be invaluable insight on these
14 issues and how they unfolded over the years.

15 One of the other things I'll just note for the record,
16 you know, part of the reason why we're here is because these
17 issues fall squarely within the jurisdiction of the Homeland
18 Security and Governmental Affairs Committee. People often
19 show off after they hear "homeland security," but the
20 governmental affairs part is important.

21 Senate Resolution 70 talks about what this Committee's
22 jurisdiction is, and if we could just quote from it briefly,
23 the jurisdiction includes, quote, "The Committee is
24 authorized to study or investigate the efficiency and
25 economy of operations of all branches of the government,

1 including the possible existence of fraud, corruption, or
2 unethical practices and conflicts of interest," and that's
3 precisely what brings us here today.

4 I noticed your prior statement in which you repeated
5 today that there cannot be dignity without justice, and you
6 also touched on but you've mentioned previously the
7 importance of having a principal promotion of the rule of
8 law and why it's important to institutional integrity and
9 necessary to the United States strategy of having a
10 successful Ukraine. And I think that is what our inquiry is
11 getting at. We do not believe that conflicts of interest
12 issues are black and white. That is why the law focuses on
13 appearances of conflicts of interest, to understand and try
14 and prevent conflicts that could undermine, even subtly, the
15 policy decisions that are so important to the United States
16 and its foreign partners, like Ukraine.

17 Mr. Kent, so I'm assuming in the course of your work on
18 Ukraine, which is quite extensive, that you've met Chairman
19 Johnson?

20 MR. KENT: I have.

21 MR. FOLIO: In what context have you met Chairman
22 Johnson?

23 MR. KENT: To the best of my recollection, I was at the
24 Embassy on at least one of his visits to Ukraine, and just--
25 and you probably have better details about when he was in

1 Ukraine. I was there from starting January 2015 through
2 August of 2018, with some breaks. And then I had a very
3 chance encounter walking of the National Security Council
4 with our Ambassador to Moldova, Dereck Hogan, and we just
5 stopped and shook his hand. But I think substantively, the
6 point of contact would have been during one of his visits,
7 presuming he visited between 2015 and 2018.

8 MR. FOLIO: Yeah, I think that's right, and, of course,
9 we do have that pretty detailed information. I think he
10 made seven trips to Ukraine since April of 2011, and in, I
11 think, the time period you identified he made three trips.

12 Of course, assuming you're aware that he is the
13 Chairman of the Senate Foreign Relations Subcommittee on
14 Europe and Regional Security Cooperation?

15 MR. KENT: Correct.

16 MR. FOLIO: And are you aware that in that capacity he
17 has held several hearings on Ukraine, Russia, and Russia's
18 disinformation efforts to undermine Ukraine and U.S. policy
19 towards Ukraine?

20 MR. KENT: Yes.

21 MR. FOLIO: Are you aware--I'm assuming you're
22 certainly aware of the policy issue, but just generally the
23 policy issue and Chairman Johnson's support during your time
24 working in Ukraine, for providing lethal defensive aid to
25 Ukraine?

1 MR. KENT: I am.

2 MR. FOLIO: Could you briefly describe the debate at
3 the time that you were there and the decision not to provide
4 it, and when that changed?

5 MR. KENT: As I recall, the question at issue was
6 whether provision of lethal assistance in the 2015-2016
7 period would be an escalatory step or a step of deterrence
8 from more Russian action, and that was the basis of the
9 policy debate.

10 MR. FOLIO: And at that time, was lethal defensive aid
11 provided?

12 MR. KENT: At the time, U.S. assistance was not used to
13 provide lethal aid. The State Department did issue export
14 licenses for sniper rifles that were procured commercially.
15 So it would be--it's actually correct to assert that U.S.
16 assistance, security assistance, was not used to provide
17 lethal assistance, but it would be accurate also to say that
18 the State Department licensed the commercial sale of lethal
19 equipment.

20 MR. FOLIO: And did that policy change over time?

21 MR. KENT: That policy changed in late 2017, after a
22 policy review by the new administration, current
23 administration.

24 MR. FOLIO: And that policy change allowed for the
25 provision of lethal defensive weaponry?

1 MR. KENT: That policy change allowed for us to use
2 U.S. security assistance to provide lethal defensive
3 equipment. Correct.

4 MR. FOLIO: And with regard to Members of Congress
5 visiting Ukraine during this time, are you aware of certain
6 Members of Congress being blacklisted by Russia for their
7 trips to and work with Ukraine?

8 MR. KENT: I am aware that there was at least one trip
9 when Russia declined to issue visas to Members of Congress,
10 yes.

11 MR. FOLIO: Are you aware that in 2019, that list was
12 expanded to include both Chairman Johnson and Senator
13 Murphy?

14 MR. KENT: I do recall reading that, yes.

15 MR. FOLIO: So I guess rounding out our conversation on
16 U.S.-Ukraine policy, in your opening statement you addressed
17 the time period that we're focused on, 2014 to 2016, there
18 were three rounds of U.S. loan guarantees. Can you explain
19 what role U.S. loan guarantees played in U.S.-Ukraine policy
20 and in Ukraine policy, in general, so how they used the
21 money?

22 MR. KENT: The former Ukrainian government under then
23 President Yanukovich looted the treasury. They left not
24 only the foreign reserves almost at zero, not able to cover
25 more than a couple of weeks of imports but also the treasury

1 that would be used to pay for salaries and government
2 activities. And so Ukraine was perilously on the edge of
3 default at the same time they were being invaded by the
4 Russian army. And their ability to go into the market and
5 secure financing was limited, given the state of finances.

6 So what is known as concessionary loans--that would
7 include the IMF package, that would include U.S. sovereign
8 loan guarantees--were critical to get Ukraine through those
9 early years until they could--the new government could
10 restore macroeconomic stability as well as prudent financial
11 management.

12 So that is why, in those first three years, 2014, 2015,
13 and 2016, the U.S. administration took the step to offer
14 sovereign loan guarantees to allow them to borrow in the
15 market at concessionary rates.

16 After that point, they recovered their own--because of
17 their own good macroeconomic policies, enough that they did
18 not need our concessionary support, loan support, and they
19 could then borrow in the markets directly.

20 MR. FOLIO: Was that after the loan guarantee in 2016,
21 that occurred?

22 MR. KENT: Right. So that--essentially, the new
23 government came in in 2014. In addition to the government
24 there was wholesale changeover in the leadership of the
25 National Bank, and so institutions started working the way

1 they should. Central Bank, National Bank cleaned up the
2 financial banking sector, which was in awful shape. They
3 targeted inflation, they targeted floating exchange rate,
4 and the Finance Ministry also had excellent managers of
5 finances. So the combination of a good stewardship of key
6 institutions allowed Ukraine then to move forward without
7 seeking additional concessionary loan support from the U.S.
8 Government.

9 MR. FOLIO: In your opening statement you mentioned
10 that as part of providing these loan guarantees the U.S.
11 would place conditions on--that they wanted to assure
12 themselves that we--we wanted to assure ourselves that it
13 was filled prior to giving the guarantee. Can you describe
14 the general thought behind the conditions and then provide
15 some examples or descriptions of the conditions that the
16 U.S. Government would evaluate before deciding to provide
17 those guarantees?

18 MR. KENT: The conditions to explain a little bit of
19 the mechanisms, at the time USAID had the lead on drafting
20 the language for the signing of loan guarantees. I believe
21 that function has now shifted to Development and Finance
22 Corporation that was stood up last year. But that's why
23 there was an interagency process between, you know, various
24 parts of the U.S. Government, the State Department having a
25 strong lead voice, but ultimately very closely working hand-

1 in-glove with USAID, because they were the ones, at the
2 time, in those years, that actually wrote and signed the
3 document.

4 We chose a series of issues that we felt were important
5 for Ukraine, and as I mentioned before, there was a--because
6 anticorruption issues were at the heart of what Ukraine
7 needed to address for them to be successful institutionally
8 and economically, there were a number of anticorruption
9 provisions that included issues like better governance at
10 the state-owned gas company, Naftogaz, which previously was
11 used as a corrupt mechanism. Up to 8 percent of the GDP was
12 lost through mismanagement of that one state-owned
13 enterprise. So cleaning that up was essentially a bonus of
14 8 percent of the entire economy.

15 One of--I can't remember which of the three years--one
16 of the requirements was to establish an investigate an OIG,
17 internal affairs investigator general at the Prosecutor
18 General's Office. That got into our disagreements, to put
19 it mildly, with Mr. Shokin. Some of them had to do with
20 macroeconomic competency and targeting, and others had to do
21 with social safety nets, because there was this massive
22 devaluation of the Ukrainian currency, the hryvnia, and that
23 hit the most vulnerable populations extremely hard, because
24 the devaluation went from essentially 8 hryvnas to the
25 dollar to over 30 to the dollar, so a four-times

1 devaluation. So their purchasing power shrunk greatly for
2 costs of items that were imported, and so there were real
3 concerns about the average Ukrainian.

4 So I would say social safety net issues, macroeconomic,
5 stewardship issues, policy issues, and anticorruption
6 measures including specific benchmarks for certain
7 institutions were the types of conditions in order to extend
8 the sovereign loan guarantee. And if you had--I know you--
9 I've read and heard that you've accessed or made requests
10 for archives, those interagency meetings are generally
11 memorialized with a statement of conclusions. I do not have
12 those before me. I don't have access to them at this point,
13 and so I can't tell you exactly which specific conditions
14 were in each of those three years. But those are the three
15 baskets, or four baskets of issues, and the Prosecutor
16 General's inspector general unit I can tell you was a
17 specific issue for one of the loan guarantees.

18 MR. FOLIO: And when you're comparing those three or
19 four baskets, how do they compare or stack up against each
20 other?

21 MR. KENT: Well, it wasn't--I mean, it was up to us to
22 set our priorities. So it was--we chose elements of each of
23 those general areas. So it was not either/or. It was, you
24 know, I would say--and again, I don't want to characterize
25 the specifics, but my guess would be roughly half a dozen

1 specific benchmarks for each of the sovereign loan
2 guarantees.

3 MR. FOLIO: And now when you say you were "setting up"
4 what the conditions were, can you tell us which agencies had
5 input in identifying, just establishing the conditions that
6 would be evaluated for loan guarantees, how that was
7 resolved interagency?

8 MR. KENT: I would say, in general, the key, lead
9 agency, there was discussion mainly between the State
10 Department, USAID, and the U.S. Embassy, since the Embassy
11 had the repository of knowledge of what was most important
12 in real time, and events were changing quite rapidly in
13 Ukraine at this point. The NSC has a statutory
14 responsibility for coordinating policy, and so certainly
15 when we would have been discussing these issues in the
16 interagency process, the NSC would have also had a voice.

17 But I would say, in general, USAID and State Department
18 and the Embassy had the most back-and-forth conversations
19 about this.

20 MR. FOLIO: And so I'm going to talk a little bit about
21 how the interagency work with the NSC, there were a variety
22 of public comments, and we can introduce a document for the
23 record, which I guess we will mark as Exhibit 1, a news
24 article, and it's entitled--Will, will you pull that up?--
25 it's a news article from April 2014, which we're showing

1 simply for the first sentence, which identifies, in April
2 2014, that Vice President Joe Biden had become the public
3 face of the administration's handling of Ukraine and working
4 to reassure Kiev and try to talk tough with Russia.

5 [Kent Exhibit No. 1 was marked
6 for identification.]

7 MR. FOLIO: Mr. Kent, we're happy to let you read the
8 whole news article if that would be helpful. It's only two
9 pages. But we just wanted to talk about high-level as to
10 the interagency and Vice President Biden's role. Let us
11 know what you need to do to answer the questions.

12 MR. HARTMAN: Joe, this is Barry. Just very quickly,
13 as you know we saw documents from the State Department and
14 we were given more documents last night by, I forget which
15 it was. And this is not a document he's seen before. You
16 know, Mr. Kent wants to answer and we want to be as helpful
17 as we can, and he'll read it. But, you know, it's a very
18 difficult situation to throw things at him and then ask him
19 questions about news articles. He'll read it but we're just
20 concerned about it. That's all.

21 MR. FOLIO: Understood, and again, the sole purpose for
22 which we are presenting this is just as an example, at least
23 the public perception of Vice President Biden's role in
24 being the "face" of the policy. So this is not something we
25 are diving in depth into.

1 MR. HARTMAN: I understand. The other problem is, of
2 course, when I look at it I can't scroll down to read the
3 rest of the article. How do we do that?

4 MR. FOLIO: Sorry. I should have flagged this. It's
5 not the most smooth, but if you just ask us to scroll down
6 we can do that for you.

7 MR. KENT: Okay. Well, if you're asking me just to
8 assess the first sentence, then I guess I don't need to read
9 the two pages. But, you know, what's your question again?

10 MR. FOLIO: My question is simply you said that the
11 agencies most focused on understanding, developing,
12 determining whether the conditions were met were State,
13 USAID, and the Embassy, and then you said there was some
14 coordination with the National Security Council. So I guess
15 I want to understand, my first question is, was the
16 interagency process to establish these conditions and
17 determine whether they were met run out of the National
18 Security Council?

19 MR. KENT: Well, that's a--oh, I would like to point
20 out that your questions were not coterminous. We were
21 talking about a sovereign loan guarantee process, and then
22 you're asking me to react to a sentence which says, "Vice
23 President Joe Biden had become the public face of the
24 administration's handling Ukraine, working to reassure Kiev
25 and to talk tough with Russia."

1 I would say yes, he was the public face because he
2 visited six times, but we were talking about a working-level
3 interagency process.

4 MR. FOLIO: Right. No, thank you. We just want to
5 understand the process.

6 MR. GOSHORN: Joe, sorry to interrupt. Joe, before you
7 move away, it sounds like you're about to move away from
8 this document. Did you identify what this is from? I
9 haven't seen it either. Where was this published?

10 MR. FOLIO: It's an article in the Washington Examiner.

11 MR. GOSHORN: Okay. Thank you.

12 MR. FOLIO: So, Mr. Kent, I want to understand. So as
13 far as--what types of issues would make it to the
14 interagency? Was it the establishment of the conditions
15 because it crossed agencies? Was it determination of
16 whether conditions had been met? Or was it only if there
17 were disagreements?

18 MR. KENT: I would say two things. First of all, I'm
19 on the record in my testimony last fall saying in the last
20 year of the administration President Obama had delegated
21 lead authority to try to resolve two issues, or take the
22 lead on two issues, Ukraine and Cyprus, to Vice President
23 Biden. So again, I think there should be no question that
24 Vice President Biden was the public face of our handling of
25 Ukraine policy.

1 In terms of the interagency conversation, I would just
2 say that--at the time, as Deputy Chief of Mission in the
3 Embassy in Ukraine, my responsibility was for carrying out
4 our policies and programs in Ukraine, and providing my
5 advice. I was not a participant of the interagency process
6 and the details. That's why we have a State Department.
7 There were some videoconferences, but just to be very clear,
8 I wasn't in my current position. My current position, I
9 have responsibility for engaging with other parts of the
10 U.S. Government in Washington on an as-needed daily basis.

11 But, you know, you've got me in a period of time where
12 I have addressed these issues in Washington, as a
13 policymaker, my current job, as well as being at an Embassy.
14 And so I cannot tell you specifically, because in the
15 majority of this time frame I was in Kiev, not Washington.

16 MR. FOLIO: So is it fair to say that you were sharing
17 your view with your agency, i.e., the Embassy, and then it
18 sounds like you were not regularly involved in the
19 interagency process to sort out issues at that level?

20 MR. KENT: I would say this, that the lead voice of the
21 Embassy in engaging interagency process was Ambassador Geoff
22 Pyatt, and he had a very active dialogue, including with
23 Senators Johnson and Murphy, and everyone else who came to
24 Ukraine, as well as administration officials. My job, as
25 the Deputy Chief of Mission, was to make the Embassy

1 enterprise run like a train, while he, the Ambassador, did
2 what Ambassadors are supposed to do. So, you know, it's a
3 delineation of responsibilities and who does what.

4 MR. FOLIO: Understood.

5 So I'd like to talk about your time as the Senior
6 Anticorruption Coordinator in the State Department's
7 European Bureau. I believe it was from 2014 to 2015. I
8 think you said it was during this time that you addressed
9 the role of Burisma in Ukraine society, and the U.S.
10 Government came to its view of Burisma. Can you just make
11 clear, when did the U.S. Government make its assessment
12 about Burisma and its potential involvement in the
13 corruption, and how did it come to that view?

14 MR. KENT: I'd like to correct your sort of
15 characterization of when I learned and what I did. My role
16 in Washington as the Senior Anticorruption Coordinator was
17 to work with several dozen U.S. Embassies across Europe and
18 Eastern Europe to form and build out anticorruption
19 strategies, country-specific strategies. The detail that I
20 later became aware of with Zlochevsky and Burisma really
21 started, or did start when I arrived in Kiev, first in an
22 acting capacity as Acting Deputy Chief of Mission, in
23 January of 2015, and our Department of Justice
24 representative at the Embassy asked for me to go in, as a
25 higher-ranking official, and ask why did the case against

1 Zlochevsky get turned down. And just like any good lawyer
2 and former Federal prosecutor, he gave me a brief, and
3 that's what I learned. So it was based on an assessment by
4 our law enforcement and justice officials at the Embassy.
5 For me that started January 2015.

6 MR. FOLIO: And that was just after the case had been--
7 the case in the United Kingdom against Burisma had been
8 dismissed.

9 MR. KENT: Right. And our issues was not the dismissal
10 of the case in the UK per se. I was going in to demand to
11 know answers why prosecutors in Ukraine had shut the money-
12 laundering case, and then the same day they shut the case,
13 the Prosecutor General's Office issued a letter to
14 Zlochevsky's lawyer, which was then presented to the British
15 judge before the UK and U.S. law enforcement community could
16 react.

17 So our focus, at the Embassy in Kiev, was on our
18 concerns that Ukrainian prosecutors had acted not only
19 against the interests of Ukraine but actually, then, we had
20 a fiduciary interest because we had spent hundreds of
21 thousands of dollars trying to set up mechanisms that would
22 allow Ukraine to recover stolen assets.

23 MR. FOLIO: So prior to this January 2015 meeting, what
24 awareness, if any, did you have of Burisma corruption in the
25 Ukraine?

1 MR. KENT: I do not believe that I was aware of the
2 specifics before I came to Kiev.

3 MR. FOLIO: You arrived in January 2015. The DOJ
4 representative provides you with what you described as a
5 brief, and that's where you started to learn the details
6 about Burisma and the possible corruption issues involving
7 them. Is that correct?

8 MR. KENT: Correct.

9 MR. FOLIO: When you were presented with that material,
10 what was your understanding of the U.S. position with regard
11 to Burisma? Was it a State Department position? A DOJ
12 position? And how well-considered was it?

13 MR. KENT: Our concern was about Mykola Zlochevsky, the
14 former minister who had awarded himself gas licenses and
15 then engaged in what we believed to be money-laundering.
16 Our focus was on the person.

17 MR. FOLIO: And the way you described it in your
18 statement was it seemed, from the U.S. Government's
19 perspective, that this person may have basically absconded
20 with money that rightfully belonged to the Ukrainian people,
21 and our efforts were focused on trying to return that.

22 MR. KENT: The Ukrainian government had made a general
23 request, help us recover billions of dollars of stolen
24 assets. Again, they were broke, the money had been stolen,
25 and so they asked for help. And so we established a

1 mechanism, and the first early harvest case, based on
2 information that the UK Serious Fraud Office already had in
3 hand, happened to be money in a bank account controlled by
4 Mykola Zlochevsky. So the case was against Zlochevsky, the
5 person.

6 MR. FOLIO: What U.S. agencies were focused on this
7 issue at the time, other than yourself? You said the DOJ
8 person. Were there other U.S. Government agencies that you
9 worked with at this time to understand and advance the U.S.
10 interest in the Burisma case?

11 MR. KENT: Again, to be specific, the case was against
12 Mykola Zlochevsky, who happens to be the owner of Burisma.
13 The FBI had the lead, as a law enforcement matter. FBI was
14 working with the Serious Fraud Office in the UK and
15 Ukrainian law enforcement. At overseas embassies, the FBI
16 is known as legal attaché. So there was a legal attaché,
17 FBI agent, and he had the lead. The Department of Justice
18 representative was from a program called OPDAT. That's
19 Overseas Prosecutorial Development and Advisory and
20 Training. And he was the individual who accompanied me to
21 the meeting at the Prosecutor General's Office in February
22 of 2015, to demand to know what had happened, why did they
23 close the case.

24 MR. FOLIO: And I think you said in your opening
25 statement that the case had been the product of six months

1 of hard work from the FBI. So when you appeared in January
2 2015, what was your understanding of the work that had gone
3 into the case up until that point in time?

4 MR. KENT: Our law enforcement team was confident that,
5 in working with UK and Ukrainian counterparts on this case,
6 had built an argument that there had been money-laundering.
7 And that's why when the case was shut peremptorily, in
8 December, as the holiday season was beginning, there was a
9 sense of "Why did you waste our time and money? Why did you
10 do this?"

11 And I should just be specifically. Normally, law
12 enforcement is law enforcement. It's unusual when diplomats
13 are brought in to follow up in diplomatic channels to figure
14 out what went wrong in a law enforcement case. The reason
15 why is because there was a presumption that there had been
16 political interference, and that then brought it into a
17 level of engagement that the Legat, the legal attaché FBI,
18 normally didn't do. And that's why they asked me, as number
19 two in the Embassy, to go in and raise it with the number
20 two prosecutor in the country.

21 MR. FOLIO: And I know we've touched on this, but
22 because it involves some moving parts I just want to make
23 sure the record is clear. So what was your understanding of
24 the status of the case against Mr. Zlochevsky written at the
25 time? What was that court waiting for?

1 MR. KENT: Again, I was working as a diplomat in
2 Ukraine. Our focus was what had gone wrong in Ukraine.
3 What I was told by our law enforcement and DOJ
4 representatives was based on the Ukrainian's Prosecutor
5 General's Office, closing the case against Zlochevsky, the
6 person, and then referring it back to the Ministry of
7 Interior and police to be re-examined as a case against the
8 ministry that he headed, that the letter to that effect, no
9 open criminal case against Zlochevsky, was used by his
10 lawyers, presented to the judge, and he then lifted the
11 freeze and the money was immediately transferred out of the
12 country.

13 So my focus was not on what happened to the UK other
14 than the fact that a letter from the Ukraine Prosecutor
15 General's Office had been provided to Zlochevsky's lawyers,
16 and that had gone to the UK judge. My focus was trying to
17 track down what had gone wrong in Ukraine and to try to
18 hold, on demand, that those that had presumably taken abroad
19 be held to account. Because that was the effort that we had
20 wasted six months, money, time, and effort to help Ukraine
21 on its established priority, which was to get millions if
22 not billions of dollars back that had been looted and stolen
23 by the previous government.

24 MR. FOLIO: We are going to ask Will to pull up a
25 document that we will enter as Exhibit 2. This is a

1 document, Mr. Kent, that we will probably address a few
2 different times today, but Exhibit 2 is a September 6, 2016,
3 email that you sent to Bridget Brink, Jorgan Andrews, and
4 Ambassador Yovanovitch, about your call with Ms. Painter at
5 Blue Star.

6 [Kent Exhibit No. 2 was marked
7 for identification.]

8 MR. FOLIO: I believe you're familiar with this. Let
9 us know if you would like to review the entire email, but I
10 just wanted to focus, at this moment, in particular, on the
11 paragraph on page--Bates number 346.

12 MR. HARTMAN: Thank you.

13 MR. SCHRAM: Just nothing that these records haven't
14 been identified in advance for--as far as, you know, for the
15 witness, but certainly not for the minority. So just give
16 us a moment to find it in our hard copy material as well.

17 Can you repeat the Bates number?

18 MR. FOLIO: We're looking at page 346, but I believe
19 the Bates begins at 345 and it goes until 347. It's a
20 three-page email from Mr. Kent.

21 MR. SCHRAM: And what's the date of that email?

22 MR. FOLIO: September 6, 2016.

23 MR. SCHRAM: Okay.

24 MR. FOLIO: And, Mr. Kent, if you want to get a head
25 start we are going to ask you to focus on page 346,

1 specifically the paragraph at the bottom that you have
2 described as Footnote 2.

3 [Pause.]

4 MR. FOLIO: So, Mr. Kent, in this paragraph you wrote,
5 quote, "Zlochevsky was viewed as corrupt not just in Ukraine
6 but by the USG/FBI, that he almost certainly had paid a
7 bribe to the PGO office, Yarema team, to have them close a
8 case against Zlochevsky in December of 2014, and issue a
9 letter to that effect, as Zlochevsky's lawyer, who flipped
10 it to a UK judge who unfroze assets that the FBI and MI5 had
11 spent months trying to make a case for asset repatriation.
12 The first, and so far only possible case in an effort we
13 collectively had spent hundreds of thousands of dollars."

14 So, Mr. Kent, is this email a representation of what
15 you've just described to us, with regard to your work at the
16 U.S. Embassy in Ukraine on Burisma, and the corruption case
17 there, and the related case in the United Kingdom?

18 MR. KENT: Yes. I would just--you know, in my email I
19 had misidentified which British agency. The agency is the
20 Serious Fraud Office, SFO, as opposed to MI5, which is the
21 domestic equivalent of FBI. So they had a separate
22 anticorruption agency. So my email--this particular email
23 misidentifies the UK partner to the FBI in the case.

24 MR. FOLIO: And what officials in the Ukraine viewed
25 Mr. Zlochevsky as corrupt?

1 MR. KENT: To be honest, I cannot answer that question,
2 because specifically about this case, again, the FBI was
3 working with its partners. I came in, handed the brief,
4 delivered the stern request, and questioned the Deputy
5 Prosecutor General. But the FBI has a number of, I would
6 say, partners, and I don't know which one, which law
7 enforcement entity was working this particular case.

8 MR. FOLIO: And so based on this email, are there any
9 other reasons that we haven't already talked about that you
10 would like to explain, or are able to explain how the U.S.
11 Government came to its position about Mr. Zlochevsky, his
12 involvement in corruption?

13 MR. KENT: The only other element that I would mention,
14 since you have it in the documents that you requested from
15 the State Department, was there is a series of documents
16 internal to the Embassy discussing the company's reputation
17 and its business practices, in which members of our economic
18 section confirmed, as I mentioned in my opening statements,
19 about Burisma's reputation in the business. But that was
20 continuing contemporaneously until 2016.

21 MR. FOLIO: Now I'm going to ask Will to pull up a
22 document we're going to mark as Exhibit 3.

23 [Kent Exhibit No. 3 was marked
24 for identification.]

25 MR. FOLIO: This is an email--I'm sorry. This is an

1 email chain, the most recent of which was November 22, 2016.

2 The Bates numbering is 479 through 481.

3 Mr. Kent, we're going to turn to the bottom of page--
4 we'll show you 481, the end of the email, but it's just a
5 signature block, and then we'll ask Will to stop at the
6 bottom of page 480.

7 [Pause.]

8 MR. HARTMAN: I'm sorry. Josh or Joe, you faded out
9 for a moment. What did you want him to direct his attention
10 to?

11 MR. FOLIO: I just wanted to show him here at the
12 bottom of the email chain, specifically this is an email
13 from Geysa Gonzalez to Jorgan Andrews, and the subject line
14 is "Meeting Request from Ambassador Herbst."

15 MR. HARTMAN: Okay. Thank you.

16 MR. FOLIO: And the email request is that "Ambassador
17 Herbst was wondering if you might have some time to meet
18 tomorrow to chat about Ukraine in general, but also Mr.
19 Mykola Zlochevsky, who owns Burisma, one of Ukraine's most
20 significant natural gas producers."

21 Mr. Kent, who is Mr. John Herbst, Ambassador Herbst?

22 MR. KENT: John Herbst was Ambassador to Ukraine from
23 2003 to 2006. I worked for him from 2004 to 2006, when I
24 was at the Embassy in Kiev the first time. After he
25 retired, I can't remember which year he joined the Atlantic

1 Council, and currently heads its Eurasia program.

2 MR. FOLIO: Will, if you could please scroll up.

3 You're not copied on that original email, the email to the
4 recipients who were redacted. Mr. Andrews asks, "What do we
5 know about Burisma, Zlochevsky? Should I accept this
6 meeting or beg off?"

7 The email gets forwarded two more times--one, two,
8 three--four more times, and then eventually it involves you,
9 and you're made aware of the request of Ambassador Herbst to
10 chat about Ukraine and Mr. Zlochevsky.

11 At the top, the final email, "Meet with Herbst to talk
12 about Zlochevsky, okay. Meet with Zlochevsky, no, not under
13 any circumstances.

14 Why did you direct Mr. Andrews and others not to meet
15 with Mr. Zlochevsky under any circumstances?

16 MR. KENT: If I can go back to the bottom of the email
17 chain, this exchange was predicated on, I would say, unclear
18 grammar in the original request. Scroll up one more screen.

19 You have additional--there is additional clarity. I
20 don't know what the number of the email, but as part of this
21 cluster of emails. What Ms. Gonzalez, who I suspect may
22 have been an intern or an associate, she should have--to be
23 clear, I would have--to chat about Ukraine in general but
24 also about Zlochevsky. One of the subsequent emails
25 contemporaneous to that time indicate that he doesn't have a

1 visa to come to the United States, and that it was just a
2 matter of Herbst wanting to talk about Ukraine in general,
3 and about Zlochevsky. But when I answered, it was not clear
4 to any of us, based on the back-and-forth, if this was a
5 request for a meeting with Herbst or a meeting with
6 Zlochevsky. So I was just trying to be very clear. You can
7 always talk to former Ambassador Herbst. Don't talk to
8 Zlochevsky. And you saw the other--the third line I wrote.

9 MR. FOLIO: That third email seems to be a quote from a
10 New York Times article that relays many of the concerns that
11 we've discussed about Burisma, its involvement in the London
12 case, and the freezing of \$23 million.

13 MR. KENT: And it refers to the speech that I mentioned
14 in my opening comments, that Ambassador Pyatt made in Odessa
15 in 2015.

16 MR. FOLIO: Yes. Sorry. One second, please.

17 [Pause.]

18 MR. FOLIO: So, Mr. Kent, in the email that includes
19 the quoting of The New York Times article, in the record it
20 says "Ambassador Pyatt's speech." The paragraph beginning,
21 the title that then here it talks about the refusal by the
22 Ukrainian Prosecutor General's Office to cooperate was the
23 target of the stinging attack by the American Ambassador to
24 Ukraine, Geoffrey R. Pyatt, who called out Burisma's owner
25 by name in his speech.

1 What was the failure to cooperate by the Ukrainian
2 Prosecutor General's Office?

3 MR. KENT: I'm going to talk about facts, not what some
4 unnamed U.S.--or, sorry--New York Times journalist may or
5 may not have written. I mean, that's what they wrote but I
6 don't know who the writer is.

7 The Prosecutor General's Office, at the time of the
8 speech, was led by Viktor Shokin, who had disrupted the
9 Diamond Prosecutors case against his former driver and his
10 former secretary, who was the wife of the former driver, and
11 destroyed and fired everybody who had been stood up to find
12 corrupt prosecutors. And so the lack of cooperation, in a
13 speech delivered in September of 2015, was squarely about
14 Viktor Shokin, and as one of the examples of their inability
15 to do what Ukraine needed, Ambassador Pyatt also raised the
16 case of Zlochevsky.

17 MR. FOLIO: At the top of the email, I know you said
18 there was some confusion about what Ambassador Herbst's
19 request was. But even if there was a misunderstanding, why
20 was it your position that no one should meet with Mr.
21 Zlochevsky under any circumstances?

22 MR. KENT: He was a corrupt Ukrainian oligarch, and I,
23 frankly, don't see the policy interest in having U.S.
24 officials meet with corrupt businessmen.

25 Our time is valuable, and we're dealing with a lot of

1 policy issues, a lot of program issues, and just because
2 someone wants to talk to us doesn't mean that we have to or
3 should talk to them. And so since it seemed to be a lack of
4 clarity on the part of some officials in Washington about
5 what the company and the businessman represented, I was
6 trying to offer very clear advice.

7 MR. FOLIO: Sure. And at the same time, the U.S. is
8 also advocating an anticorruption position. So would it be
9 inconsistent for the United States to be advocating for that
10 position and then, at the same time, meeting with officials
11 who are suspected of corruption?

12 MR. KENT: That is the basis of my advice.

13 MR. FOLIO: One more document, the U.S. Government's
14 general perception of Burisma around this time. We're going
15 to it as Exhibit 4, and pull it up.

16 [Kent Exhibit No. 4 was marked
17 for identification.]

18 MR. FOLIO: The Bates numbers on this page are 1205
19 through 1207--I'm sorry, 1208.

20 And, Mr. Kent, this is the draft of a briefing
21 checklist for Ambassador Yovanovitch's meeting with Karen
22 Tramontano from Blue Star Strategies. If you turn to the
23 last page, there's just a block that says it was approved by
24 you, Deputy Chief of Mission Kent. That means you approved
25 this memo that went out to the Ambassador?

1 MR. KENT: That's one of the joys of being a Deputy.
2 The paper goes through you to the boss, and so yes, it would
3 have been drafted and cleared in other parts of the Embassy
4 and then come to me before being passed to the Ambassador,
5 before for a meeting.

6 MR. FOLIO: Could we just focus for a second on the
7 bottom of page 1206.

8 MR. SCHRAM: Joe, can you just give us a moment to find
9 a hard copy?

10 MR. FOLIO: Sure, Zack.

11 MR. SCHRAM: Could you repeat the date of the memo,
12 please?

13 MR. FOLIO: The memo is dated December 8, 2016. It is
14 attached to an email chain, the latest in time of which is
15 December 6, 2016.

16 MR. SCHRAM: Got it. Thank you.

17 MR. FOLIO: So, Mr. Kent, the bottom of that page, the
18 second bullet point reads, in part, "We have extensive
19 concerns about corruption in Ukraine and we believe that Mr.
20 Zlochevsky is an example. If you would like to clear his
21 name he should return to the Ukraine to face the charges
22 against him."

23 I think we've addressed this. You've explained to us
24 previously your understanding of why Mr. Zlochevsky was an
25 example of the extensive concerns about corruption in the

1 Ukraine. Is there anything you haven't explained to us, as
2 to the basis for that opinion?

3 MR. KENT: Nothing. No additional information that I
4 can think of.

5 MR. FOLIO: How well-known was this opinion in the
6 Embassy at the time?

7 MR. KENT: Which opinion?

8 MR. FOLIO: The opinion that Mr. Zlochevsky, that there
9 were extensive concerns about corruption in Ukraine and Mr.
10 Zlochevsky was an example of that concern?

11 MR. KENT: I would say after we suspended the
12 cooperative agreement that a part--an implementer of USAID
13 had had with Mr. Zlochevsky's company, Burisma, they were
14 more widely known than they had been before. So by this
15 point, and keep in mind, you know, we just shifted forward
16 ahead a year, it's a different corrupt prosecutor, Lutsenko,
17 it's a different ambassador, Yovanovitch instead of Pyatt.
18 The economic section officials who knew the business
19 community the best were the same, and some of the USAID and
20 other folks may have shifted.

21 But I would say at this point, we're now talking
22 December 16, that knowledge was sufficiently known at the
23 Embassy.

24 MR. FOLIO: Now, Mr. Kent, to the specific USAID
25 program that we've talked about, and I will ask Will to pull

1 up what we'll mark as Exhibit 5.

2 [Kent Exhibit No. 5 was marked
3 for identification.]

4 MR. FOLIO: Exhibit 5 is Bates numbered 357 through
5 364. It is a series of emails attached to the end of the
6 emails, a memorandum of understanding between Burisma and
7 the Municipal Energy Reform Project. And we're going to
8 take these in parts, but I'd like to focus on the emails to
9 begin.

10 Looking at page 358, it actually begins with an email,
11 and I'm not sure the source, if it's a listserv, but it's
12 some sort of email with the subject line, Addressing FBI
13 American grants go to Yanukovich's, quote/unquote, and
14 against the Ukrainian Army. And this is sent I think
15 broadly, but you respond, in the middle of page 358, on July
16 27, 2016, and you describe it as "a nasty smear."

17 MR. SCHRAM: Joe, same request. Can you give us a
18 moment to pull up the hard copy?

19 MR. FOLIO: Sure. Let us know when you're ready, Zack.

20 MR. SCHRAM: Even if these have been identified as soon
21 as this morning it would have given us an opportunity to be
22 able to follow along.

23 MR. FOLIO: Sorry about that.

24 MR. GOSHORN: Joe, can you repeat the Bates number of
25 the document you're looking at here?

1 MR. FOLIO: The Bates page is 357, the last three
2 numbers.

3 MR. GOSHORN: All right. Thank you.

4 [Pause.]

5 MR. GOSHORN: Okay, Joe.

6 MR. FOLIO: Mr. Kent, it's a forward of something
7 written by a person named Tetiana Chornovol, that you are
8 responding to. Who is Tetiana Chornovol?

9 MR. KENT: She, before the Revolution of Dignity, was a
10 journalist. She was beaten up by Yanukovich's goons
11 December of 2013. That made her name and reputation. She
12 became a member of Parliament in the elections in 2014. Her
13 husband volunteered and was killed on the front fighting the
14 Russians, and as you can see from my comment, she was then
15 reputed to have become the partner of one of the corrupt
16 figures in the party of Prime Minister Yatsenyuk.

17 So other journalists did not consider her a good
18 investigative journalist. That's how her reputation was
19 made. So that's the background of those different
20 particular word clusters.

21 So she was--but as a--she was, as a former journalist,
22 and as MP, she was essentially going on the attack against
23 U.S., in part because she was the lover of a very corrupt
24 politician, and we were pressuring him as well. And so this
25 was a sort of tit-for-tat attack that she smeared a number

1 of people. She went against, you know, young reformers,
2 that's your optimists. Kasko was one of the reformers'
3 deputy prosecutor generals that we worked with under Shokin,
4 that was then fired by Shokin, and then when I say
5 potentially the USAID, because she made the, oh, by the way,
6 whatever is in the text, alleging that there was
7 cooperation.

8 And so if you go--yeah, so on page 360, at the end,
9 look at the coincidence of coincidence, the website of Burisma
10 Holdings, the partner of a list of events of the Ukrainian
11 Office of USAID, and she said--so that was my question to
12 the then Acting USAID Mission Director in country. Per our
13 background, did Burisma ever cosponsor a USAID activity, as
14 alleged, because that was news to me. So that's why I asked
15 the question to the U.S. Government official who was--he was
16 normally the deputy in the mission, and in summer transition
17 season the new mission director had not yet arrived.

18 MR. FOLIO: Why were you concerned about that?

19 MR. KENT: Well, if someone makes an allegation about
20 U.S. programs, I want to know, from the inside, whether
21 there's any truth to it.

22 MR. FOLIO: And just on the face of the allegation, if
23 a USAID program was linked to Burisma, is that something
24 that would at least initially draw your concern?

25 MR. KENT: That's why I asked the question, and you

1 have the series of emails. That's what happened after.

2 MR. FOLIO: So at the end of that forward, when you
3 asked the question, you also wrote, to remind someone who
4 joined the Burisma team is Hunter Biden. Zlochevsky is the
5 corrupt ex-Minister of Ecology whose frozen assets were
6 released by GPO perfidy in December 2014.

7 Why did you include that in your foreword?

8 MR. KENT: This was a summer transition. I wanted
9 people who might be responding to my inquiry to understand
10 the context of the inquiry.

11 MR. FOLIO: Why did you flag the fact that Hunter Biden
12 is part of the Burisma team?

13 MR. KENT: I was giving people what I felt were
14 relevant details of why the U.S. should care about the
15 allegation of a person, an MP, Tetiana Chornovol, who
16 oftentimes attacked us.

17 MR. FOLIO: So I understand the concern that USAID may
18 be partnering with a company that, as we just discussed at
19 length, that the U.S. Embassy and others view as corrupt.
20 But what's the significance of flagging for your team during
21 the transition period that Hunter Biden is part of the
22 Burisma team? Why does that matter?

23 MR. KENT: I was providing context, details, because I
24 had more awareness of dynamics with this company than other
25 people did. As I mentioned in my opening statement, the

1 economics section, Ambassador Pyatt and I, and at this point
2 we're in the last--actually, Ambassador Pyatt would have
3 left. I was probably the chargé when I wrote this email.
4 We had more detailed knowledge than others in the Embassy
5 did. And so I was just sharing knowledge.

6 MR. FOLIO: What effect did Hunter Biden have on the
7 balance that you just described?

8 MR. KENT: Zero. Nothing.

9 MR. FOLIO: They why did you flag Hunter Biden as
10 opposed to any other prominent board member of Burisma?

11 MR. KENT: I put that information out there as context.
12 At the same time I asked if it was true and made sure that
13 there was no cooperation with Burisma.

14 MR. FOLIO: Right. No, I understand, and I'm not
15 trying to be tricky here. I just want to understand that it
16 seems, from your including this in the email, that this was
17 at least significant enough that you wanted to make sure
18 that your new team and staff were aware of the situation, I
19 think as anyone would want their staff to be aware of all
20 the facts. Right?

21 MR. KENT: I'm somebody whose philosophy is to share
22 information so that other people are fully informed, and
23 that's what I was doing. Nothing more.

24 MR. FOLIO: I think the initial response from your
25 colleagues was that there was no cooperation, but then your

1 colleagues corrected, turning back to page 357, the top
2 email on 12 August 2016. And in that first paragraph your
3 colleagues write, "I was just informed today that we have
4 been working with Burisma through our Municipal Energy
5 Reform Program since October of 2014," and they attached the
6 MOU.

7 So what was your understanding of the collaboration
8 between the Municipal Energy Reform Program, also known as
9 MERP, and Burisma?

10 MR. KENT: Based on not just the MOU but then,
11 subsequently, I think there are other additional emails on
12 this issue, it became clear that in 2015 there had been some
13 sort of prize contest where a grant, or awards had been
14 given to people who came up with the best ideas for
15 promoting clean energy, and that in 2016, they were on the
16 verge of running and announcing a second round of this
17 contest in September 2016.

18 So on two occasions, 2015 and 2016, they were running
19 contests, basically PR contests, for coming up with the best
20 ideas for promoting clean energy.

21 MR. FOLIO: So at the end of that email, from the
22 redacted sender, the sender wrote, "I imagined you'd like to
23 discuss this further, so please advise and I'll set this
24 up."

25 From your perspective, why do you think that person was

1 imagining or guessing that this is something you would want
2 to discuss with them?

3 MR. KENT: Based on my initial question, since I raised
4 it and said, "Did they ever co-sponsor an activity?" and
5 initially he said he didn't think so and then he said, "Oh,
6 well maybe they did," he understood the context. I wouldn't
7 have asked the question if I wasn't then interested in
8 having a further conversation, which we subsequently did.

9 MR. FOLIO: Right. So was this the initiation, or the
10 initial recognition of we have a partnership here that we
11 want to make sure we understand whether or not it makes
12 sense they continue?

13 MR. KENT: If you notice, he sent the email at 4:47 on
14 a Friday afternoon, and so at that point, in August, in the
15 summertime, not a time to be calling interagency meetings.
16 So if you continue on in the sequence of emails you'll see
17 the next day, a Saturday, in the middle of August, there was
18 additional commentary. And I wrote, "To respond on Monday,"
19 not to be a hard boss who is asking people to be working on
20 a Saturday in the middle of August. And then we had the
21 meeting at the beginning of the next work week.

22 MR. FOLIO: I think our time for the majority
23 questioning is just about over. I just want to look to my
24 colleagues to see if they had any questions.

25 MR. HARTMAN: Jon?

1 MR. FOLIO: I think we're okay on--

2 MR. HARTMAN: Jon?

3 MR. FOLIO: --so we're concluding.

4 MR. HARTMAN: This is Barry. Is possible to just take
5 a break? Among other things we're spilling off the server
6 and we have to reconnect.

7 MR. FOLIO: A perfect time for a break. Zack, assuming
8 you're going to initiate? It's 11:24 on my clock. What
9 times would you like us to be back?

10 MR. SCHRAM: Five minutes? 11:30?

11 MR. FOLIO: Barry, is that enough time for you?

12 MR. HARTMAN: Well, we'll try to make it enough time.

13 MR. SCHRAM: Let's call it 10.

14 MR. HARTMAN: We'll try to make it enough time. I
15 mean, I need to find an IT person to see if we can get
16 connected back up again.

17 MR. SCHRAM: Let's call it 10 minutes and we'll be back
18 at 11:35.

19 MR. HARTMAN: Okay. And I'll ask your IT person to
20 stay on if they can.

21 MR. SCHRAM: Thank you.

22 MR. FOLIO: All right. Thank you.

23 [Recess.]

24 MR. SCHRAM: Mr. Kent, thank you again for your time
25 and your testimony. We very much appreciate the service

1 that you have performed for this country over your
2 distinguished career and for the sacrifices that you make.

3 One question, it would be helpful to have a written
4 copy of your statement that we could refer to during this
5 interview, if that's available and if there are no
6 objections. Is that something your lawyers could send to
7 counsel?

8 MR. HARTMAN: I don't know if you can hear me. It was
9 a rough-written statement. If we can clean it up a little
10 bit we'll be happy to share it.

11 MR. SCHRAM: Okay.

12 MR. HARTMAN: Since we didn't have a lot of time.

13 MR. SCHRAM: So I'll note that the majority's
14 characterization of the scope of this investigation at the
15 beginning of this interview was--included a few more
16 conjunctions than the scope as defined in the letter, which--
17 -the April 30, 2020 letter, that has led to your testimony.
18 So I just want to repeat what the scope of the investigation
19 was, according to the letter that has led to your testimony.

20 The letter says, "As we explained to you"--it's to
21 Secretary Pompeo--"as we explained to you in our letter of
22 6/20/19, The Committee on Homeland Security and Governmental
23 Affairs and the Committee on Finance continue to examine
24 potential conflicts of interest relating to the Obama
25 administration's policy decisions with respect to Ukraine

1 and Burisma Holdings."

2 Mr. Kent, was the foreign policy that Vice President
3 Biden pursued in Ukraine intended to advance the interests
4 of the United States of America?

5 MR. KENT: It was.

6 MR. SCHRAM: Are narratives that suggest otherwise
7 false?

8 MR. KENT: As I've testified, I know of no facts to
9 support those claims.

10 MR. SCHRAM: Did a conflict of interest influence Obama
11 administration policy decisions with respect to Ukraine and
12 Burisma Holdings?

13 MR. KENT: In my view, no.

14 MR. SCHRAM: Was the foreign policy pursued by Vice
15 President Biden in Ukraine corrupt?

16 MR. KENT: The foreign policy that Vice President Biden
17 helped advance was to counter corruption.

18 MR. SCHRAM: Did Vice President Biden alter United
19 States Government foreign policy concerning Ukraine to
20 assist his son?

21 MR. KENT: I have no evidence to suggest that, no.

22 MR. SCHRAM: As you have previously testified to, did
23 you witness any efforts by any U.S. official to shield
24 Burisma from scrutiny?

25 MR. KENT: As I said in my opening statement and

1 repeated, no.

2 MR. SCHRAM: Was the U.S. Government position
3 advocating for the removal of Prosecutor General Shokin part
4 of an effort to stop an investigation into Burisma?

5 MR. KENT: No.

6 MR. SCHRAM: At the time that the Obama administration,
7 including Vice President Biden, was pushing for the removal
8 of Prosecutor General Shokin, was there an active
9 investigation into Burisma?

10 MR. KENT: Investigation by whom?

11 MR. SCHRAM: By the Prosecutor General's Office.

12 MR. KENT: Well, as I testified last fall, I did not
13 and do not have awareness of all the cases that may or may
14 not be opened by Prosecutors General in Ukraine. I don't
15 have the basis to answer that question definitively.

16 MR. SCHRAM: Were you aware of any?

17 MR. KENT: I was not aware of any serious effort to
18 prosecute Zlochevsky after the case that led to the freezing
19 of his assets was dismissed. However, I was aware that a
20 case that was opened under Prosecutor General Lutsenko was
21 settled as a back tax case rather than a money-laundering
22 case, and payment was made and Zlochevsky was allowed to
23 return to the country, and I testified to that last fall.

24 MR. SCHRAM: And so what is the implication of that,
25 with respect to the Shokin-led Prosecutor General's Office

1 and its efforts to prosecute corruption with respect to
2 Burisma or Zlochevsky?

3 MR. KENT: Well, again, there is, unfortunately, a
4 series of corrupt, ineffective Prosecutors General, and just
5 to be very clear about the timeline, in January/February
6 2015, when, allegedly, the case against him for money-
7 laundering was closed, the Prosecutor General was Yarema.
8 The next Prosecutor General, from February 10, 2016, to
9 March 29--sorry--February 10, 2015, to March 29, 2016, was
10 Shokin. Yuri Lutsenko was Prosecutor General later that
11 spring in 2016 until 2019, and there was a case, under
12 Lutsenko, that was opened and then shut, and was downgraded.
13 I don't know what the original cause was, case. We didn't
14 see. It's a Ukrainian Prosecutor General's case. But it
15 was settled as a failure to pay taxes. So fine paid, and at
16 that point, then, Zlochevsky returned to Ukraine from his
17 residence in Monaco, where he had been for several years.

18 So your question specifically was that middle period,
19 and I don't have information to be able to give you an
20 accurate answer. I have more information under Yarema and
21 under Lutsenko. I can assess that Viktor Shokin did not
22 seriously advance any case of corruption against any known
23 corrupt individual during his tenure.

24 MR. SCHRAM: With respect to Shokin, was it your view,
25 at the time, that his removal would increase or decrease the

1 likelihood that Burisma or Zlochevsky would be investigated
2 for corruption?

3 MR. KENT: That was not a factor that we were
4 considering, because we were considering the case, the issue
5 of prosecutorial reform, systemic reform. That principally
6 was our focus, because he had wasted hundreds of thousands
7 of U.S. tax dollars by destroying the capacity that we had
8 helped stand up to go after corrupt prosecutors. So we were
9 considering the merits of Shokin as corrupt prosecutor who
10 was preventing reform.

11 MR. SCHRAM: So it was your view at the time that
12 removing Shokin would advance the reform effort that the
13 United States Government was pursuing.

14 MR. KENT: That was the position of the United States
15 Government.

16 MR. SCHRAM: So was the policy advocating for the
17 dismissal of Prosecutor General Shokin formulated by Vice
18 President Biden in an effort to assist his son?

19 MR. KENT: No.

20 MR. SCHRAM: You spoke about this in your opening, but
21 if you might expand on it. Whose idea was it to condition
22 foreign aid, in part, on the removal of Prosecutor General
23 Shokin?

24 MR. KENT: To the best of my recollection, because
25 again we're talking about discussions that would have

1 happened four and a half years ago, and I've not been shown
2 any documents to refresh my memory, it would have been a
3 suggestion from the U.S. Embassy in Kiev to Washington,
4 discussed in Washington among those involved in Ukraine
5 policy, and then a suggestion made that it be part of what
6 Vice President Biden said to President Poroshenko.

7 MR. SCHRAM: Mr. Kent, you testified at a 10-hour
8 deposition and a day-long impeachment inquiry about this
9 topic and related matters. Is anything that you have said
10 today different or new?

11 MR. KENT: Some of the conversations we had in the last
12 hour referenced documents, emails that I either wrote or
13 received, that I did not address in my 10 hours of
14 testimony, to the best of recollection of what exactly is on
15 355 pages of text.

16 MR. SCHRAM: But it's fair to say that the general--is
17 it fair to say that your general views on how policy towards
18 Ukraine during the relevant time period was developed and
19 advanced and executed remain the same?

20 MR. KENT: Yes, they remain the same.

21 MR. SCHRAM: Are you aware of any credible new
22 information concerning Joe Biden's role in Ukraine policy
23 that has emerged since you testified before the House?

24 MR. KENT: No, I am not.

25 MR. SCHRAM: You spoke, in the last hour, about the

1 importance of evaluating the value of our diplomats' time
2 with respect to who they meet with and how they spend that
3 time, and I regret that we are using your time to rehash
4 topics that you have already covered.

5 Is it in the national interest of the United States to
6 promote the false narrative that the Obama administration
7 policy in Ukraine was corrupt?

8 MR. KENT: I'm going to decline to answer that. That
9 doesn't touch on U.S. foreign policy. That's my job. I'm a
10 non--to be clear, as I said in the beginning, I'm a
11 nonpartisan career public servant.

12 MR. SCHRAM: Let me try to rephrase that. So you are a
13 nonpartisan career public servant, which we fully respect,
14 and you spoke in your opening about the interests of
15 Ukrainians, some of whom you said are corrupt, lying, and/or
16 advancing Russian disinformation efforts.

17 So you've also testified today that the narrative that
18 the Obama administration policy in Ukraine was corrupt, that
19 that narrative is false. So just, in general, with respect
20 to promoting that false narrative, is that not a foreign
21 policy matter? Doesn't that affect the national interest
22 with respect to U.S. priorities in Ukraine?

23 MR. KENT: Well, what I would say is this, that--and I
24 can tie it back to the document that we were just discussing
25 before the break--there are a number of Ukrainians who have

1 attacked a number of American officials and programs and
2 policies, for a variety of reasons. And so it is in our
3 national interest to push back against false narratives and
4 disinformation.

5 MR. SCHRAM: Including the false narrative and the
6 disinformation that Joe Biden changed U.S. policy in Ukraine
7 to benefit his son?

8 MR. KENT: Based on my knowledge of working on Ukraine,
9 I do not know of any fact to support that position.

10 MR. SCHRAM: Can you speak to the origins of that
11 narrative?

12 MR. KENT: I cannot. I have not made that accusation,
13 and to the best of my knowledge it did not originate in
14 Ukraine, where I was during those activities.

15 MR. SCHRAM: Can you elaborate on why, to the best of
16 your knowledge, it didn't originate in Ukraine?

17 MR. KENT: Well, at the time I was in Ukraine,
18 monitoring the Ukrainian media, and I did not see that
19 narrative emerge, to the best of my recollection. Again,
20 you know, we just looked at a document and I was asked about
21 my reaction. There was an MP. She was the lover of a very
22 corrupt politician that we were putting pressure on, and she
23 made accusations against our programming and our activities,
24 not just having to do with Burisma but also about defense
25 industry, because her lover was engaged in corrupt schemes

1 in the defense industry, and we were putting a lot of money
2 into defense.

3 So when, you know, even if I think they're liars or
4 corrupt or acting in Russia's behalf, when people make
5 accusations about our programming I am going to ask our team
6 to make sure that there's no basis for making that
7 assertion. And so, you know, that was my job in Ukraine, to
8 counter Ukrainian and Russian disinformation about our
9 programs and our policies.

10 MR. SCHRAM: So you mentioned Russian disinformation
11 with respect to our programs and our policies. Can you
12 expand on that? What is the purpose--what is the motive
13 behind Russian disinformation with respect to our programs
14 and policies in Ukraine?

15 MR. KENT: I believe Russia wants Ukraine as a project
16 to fail, and I believe that President Putin and many of his
17 circle don't accept Ukraine as an independent nation,
18 separate from a greater Russia. And, therefore, they seek
19 to divide Ukraine as a country, to turn it against each
20 other. They seek to delegitimize Ukrainian individuals and
21 organizations that want to lead Ukraine in a more pro-
22 Western orientation, and they will come after the U.S. and
23 try to discredit our programs and our Ukrainian partners.

24 And as an example, in the era of COVID, Senator Lugar,
25 working with Senator Sam Nunn, set up the Lugar program

1 countering weapons of mass destruction. There are these so-
2 called Lugar Labs in Georgia and Ukraine and other
3 countries, and the Russians have been alleging that COVID
4 was created and distributed from the so-called Lugar Labs,
5 including the one in Ukraine. So that is a strand of
6 Russian disinformation targeting the population of Ukraine
7 but also intended to discredit our efforts, and, in fact,
8 our wise investment over the last 15 years in helping other
9 countries be prepared to counter biological threats. And,
10 in fact, they're being used in countries like Ukraine and
11 Georgia to help counter COVID.

12 MR. SCHRAM: Can you talk about how Russia uses proxies
13 in Ukraine to advance its disinformation efforts?

14 MR. KENT: The main Russian proxy in Ukraine is a
15 politician named Viktor Medvedchuk. He spent five years in
16 Russia between 2014 and 2019. Putin is the godfather of his
17 daughter. The former Prime Minister of Russia, Dmitri
18 Medvedev, Medvedev's wife is the godmother of Medvedchuk's
19 daughter. Medvedchuk was a KGB lawyer in the 1970s. He
20 sent his client--a famous Ukrainian poet named Vasyl Stus,
21 actually asked the judge to send his client to the Gulag,
22 where Stus became the last known political prisoner,
23 dissident, to die on a hunger strike during Mikhail
24 Gorbachev's period.

25 So that's what we're talking about, somebody who was a

1 KGB asset in the '70s. While he was in Russia for five
2 years he was given access to a lot of credit. He's bought
3 up a swath of the Ukrainian media environment, and returned
4 last year and is now an active politician and elected member
5 of Parliament. So he is the main agent of Russia's
6 influence within Ukraine.

7 There is an entire gas lobby, so-called gas lobby, I
8 referenced earlier as the sort of original sin of the
9 Ukrainian political class, who got rich based on trading
10 Russian gas. The most famous of those members of gas lobby
11 is Dmytro Firtash. He is currently fighting extradition
12 from Austria. He was indicted in a court in Chicago in
13 2014, and he is hopefully on his last round of appeals. I
14 reference that because Viktor Shokin filed the false
15 affidavits, swore a false affidavit last year.

16 We have then, most currently, Andrei Derkach, who is a
17 member of Parliament, that I mentioned in my opening
18 statement, and he's made a series of allegations over the
19 last year about U.S. programs, policies, and persons.

20 MR. SCHRAM: And what leads you to believe that that's
21 based on, or part of Russian disinformation, with respect to
22 Mr. Derkach's efforts?

23 MR. KENT: I will decline to answer that question in
24 this context, and suggest that those people who have
25 intelligence or security clearances can ask for a briefing.

1 I will say that I've made my comments that I made
2 earlier based on reading information available on the
3 internet.

4 MR. SCHRAM: Okay. We'll go over this in some detail
5 later, but are you aware that the Ranking Members have been
6 repeatedly requesting defensive briefings on these matters
7 since December?

8 MR. KENT: I believe my counsel was given a copy of a
9 letter either this morning or late last night. Before then
10 I was not aware, no.

11 MR. SCHRAM: And that as of today, the Members have not
12 been briefed on that subject.

13 MR. KENT: I'm not a member of the intelligence
14 community so I have nothing to say to that.

15 MR. SCHRAM: Okay. Who is Andrii Telizhenko?

16 MR. KENT: He is a young Ukrainian. To the best of my
17 knowledge I have met him twice. He worked for the
18 Prosecutor General in early 2015, so the first time I met
19 him was in the Office of the Prosecutor General in that
20 meeting that I referenced. And he then was assigned to the
21 Ukrainian Embassy for roughly, I don't know, less than a
22 year, and I believe I met him at a diplomatic reception in
23 the basement of the Ukrainian Embassy here in Washington.

24 And after he went back to Ukraine he continued to work
25 for several either current or former, at that point,

1 prosecutors, and eventually became a friend with the former
2 mayor of New York.

3 MR. SCHRAM: I'm sorry. I missed the last part of that
4 testimony. He became a friend--oh, of the--

5 MR. KENT: He appears in a number of the former mayor
6 of New York's videos, Mr. Giuliani's videos.

7 MR. SCHRAM: Understood. You said when he worked for
8 the Prosecutor General's Office, when you met him initially
9 in Ukraine, which Prosecutor General was it at that time?

10 MR. KENT: He was an assistant to the top Prosecutor
11 General, Yarema. That was 2014-2015.

12 MR. SCHRAM: Do you have reason to believe that we
13 should be skeptical of his public claims with respect to
14 America's programs and policies in Ukraine?

15 MR. KENT: I do.

16 MR. SCHRAM: Why?

17 MR. KENT: I believe that he has a track record of
18 misrepresenting facts.

19 MR. SCHRAM: Can you elaborate?

20 MR. KENT: Well, a number of examples. I will give
21 one. In late May of this year, he went on national TV on a
22 Friday evening talk show on the country's top-rated TV
23 channel and claimed that I controlled Ukraine by talking to
24 the Deputy Prime Minister several times a week--sorry, the
25 Deputy Foreign Minister several times a week. And he named

1 the individual, Deputy Foreign Minister Yenin, whom I have
2 spoken to exactly once in the last two years. That is a
3 non-truth.

4 MR. SCHRAM: In your testimony you spoke of some
5 Ukrainians--some Ukrainian actors being corrupt, some being
6 liars, and some advancing Russian disinformation. Which
7 category does Mr. Telizhenko fit into?

8 MR. KENT: I would put him in the category of liar.

9 MR. SCHRAM: Do you have reason to believe he falls
10 into any of the other categories?

11 MR. KENT: I would stick to him as a liar.

12 MR. SCHRAM: And what are the purpose of his lies?

13 MR. KENT: You would have to ask him.

14 I will say that, specifically, he did try to meet with
15 me when he came back to Ukraine after leaving the Embassy,
16 and our political section recommended against. They met him
17 at their level and they found him unreliable, dubious
18 honesty, and they said that the leadership of the Embassy
19 should not be exposed and engaged to people like that. So I
20 took the good advice of the political section and I did not
21 meet with him again in Ukraine.

22 MR. SCHRAM: Are you familiar with the public reporting
23 that Mr. Telizhenko has amplified disinformation theories
24 such as Ukraine interfering in the 2016 election?

25 MR. KENT: I am familiar that he has made such

1 allegations, yes.

2 MR. SCHRAM: And that he has made the allegation that
3 Hunter Biden's position on Burisma impacted U.S. foreign
4 policy?

5 MR. KENT: I'm not aware of every allegation he has
6 made, but as I said, since I assessed him to be a liar a
7 number of years ago I generally discount what he says.

8 MR. SCHRAM: Are you aware that after Mr. Telizhenko
9 began promoting his conspiracy theory about Ukraine election
10 interference that he met with Chairman Johnson on or about
11 July 15, 2019?

12 MR. KENT: I'm not aware of that.

13 MR. SCHRAM: Are you aware that days after the
14 announcement of the impeachment inquiry, Chairmen Johnson
15 and Grassley wrote a letter to Attorney General Barr
16 regarding, quote, "brazen efforts by the Democratic National
17 Committee and Hillary Clinton campaign to use the government
18 of Ukraine to undermine the Trump campaign," and that letter
19 relied on Andrii Telizhenko as the source?

20 MR. KENT: I'm not aware of that. I have not read that
21 letter.

22 MR. SCHRAM: Let's--Roy, do you have presenter
23 authorities?

24 MR. AWABDEH: Yes.

25 MR. SCHRAM: So let's mark that letter as Exhibit A.

1 [Kent Exhibit A was marked for
2 identification.]

3 MR. SCHRAM: Mr. Kent, please take as much time as you
4 would like to review it.

5 MR. HARTMAN: I'm sorry. Is this the letter that was
6 sent last night?

7 MR. SCHRAM: Yes.

8 MR. HARTMAN: I'm sorry. Tell us the date of that one
9 again.

10 MR. SCHRAM: September 27, 2019. And majority staff
11 should have been provided to you as well, I believe, in
12 previous communication.

13 MR. HARTMAN: Are you calling this Exhibit 6 or Exhibit
14 A?

15 MR. SCHRAM: Exhibit A.

16 MR. HARTMAN: Thank you.

17 [Pause.]

18 MR. SCHRAM: Please just let me know when you've had a
19 moment to review it.

20 [Pause.]

21 MR. KENT: It's a long letter with a lot to unpack. Do
22 you have a specific question?

23 MR. SCHRAM: Sure. You'll note that the block quote in
24 that letter is from Mr. Telizhenko, and that the Chairman
25 relied on that quote, alleging brazen efforts by the

1 Democratic National Committee and Hillary Clinton campaign
2 to use the government of Ukraine. You've testified that Mr.
3 Telizhenko is a liar. I'll just ask the question directly.
4 Did the government of Ukraine work with the Democratic Party
5 to interfere in the 2016 election?

6 MR. KENT: I have no knowledge and information to
7 suggest that the government of Ukraine worked with a
8 campaign, no.

9 MR. SCHRAM: Is it in the Russian interest to promote
10 that narrative?

11 MR. KENT: It is in the Russian interest to distract us
12 from their ow actions, yes.

13 MR. SCHRAM: Can you elaborate?

14 MR. KENT: Well, I think I would, at this point,
15 reference what Fiona Hill testified to, because she was the
16 National Intelligence Officer for Russia and was in much
17 better position to do so. And what she said in her
18 testimony, and I quote, "The Russians thrive on
19 misinformation and disinformation, and I want to say that's
20 that I, Fiona Hill, went into the administration when asked
21 by General Flynn, we are in perils of democracy because
22 other people are interfering here. The Russians were who
23 attacked us in 2016, and now they're writing the script for
24 others to do the same," end quote.

25 MR. SCHRAM: And in your view, is Mr. Telizhenko

1 reading from that script?

2 MR. KENT: I have no knowledge or information to
3 suggest that he is carrying out a plan from Moscow.

4 MR. SCHRAM: His statement block-quoted in the letter
5 from the Chairmen, is that not consistent with the
6 disinformation that you just quoted Ms. Hill raising concern
7 about?

8 MR. KENT: It may be consistent but that doesn't mean
9 that it is directed.

10 MR. SCHRAM: Sure. My question is not limited to
11 whether or not it is directed, but certainly advocating the
12 same message as Mr. Telizhenko has here, advocating it to
13 Members of the U.S. Senate, where it has then been block-
14 quoted and put into a letter to the Attorney General, that's
15 certainly an amplification of that message, whether or not
16 it is directed. Correct?

17 MR. KENT: I would repeat my admonition and advice to
18 members of the Committee that I made in my opening
19 statement, that we should be very careful about relying on
20 any information coming from Ukrainians who are seeking to
21 attack or provide information about U.S. persons, programs,
22 and policies.

23 MR. SCHRAM: Understood.

24 This letter also says, quote, "new information,"
25 unquote, has surfaced that raises question, quote, "conflict

1 with Biden's narrative," unquote, that his actions in
2 Ukraine had nothing to do with his son's connection to
3 Burisma. Roy, if you don't mind scrolling to that place in
4 the letter.

5 [Pause.]

6 MR. SCHRAM: It's on the bottom of page 3.

7 So just, yeah, directing your attention to the last
8 full paragraph, "The article also reports that Ukrainian
9 prosecutors have unsuccessfully been trying to get
10 information to Justice Department officials since the summer
11 of 2018, possibly including 'hundreds of pages of never-
12 released memos and documents... [that] conflict with Biden's
13 narrative' that his actions in Ukraine had nothing to do
14 with his son's connections to Burisma."

15 Are you aware of any new information that raises
16 questions with respect to the conduct of Vice President
17 Biden in advancing the foreign policy of the United States
18 with respect to Ukraine?

19 MR. KENT: I am not aware of any such information.

20 MR. SCHRAM: Should we be concerned that promoting that
21 narrative without merit could amplify Russian disinformation
22 efforts aimed at impacting the 2020 presidential election?

23 MR. KENT: Since we don't know if such information
24 exists or what the alleged information is, I would not
25 comment on that. I would just say that I note that the

1 article being described is by John Solomon, and John Solomon
2 participated in a campaign of lies and smears in the spring
3 of 2019, that was used as a predicate trigger to dismiss our
4 ambassador, Ambassador Yovanovitch. So I think Mr.
5 Solomon's credibility on the topic of Ukraine is very low,
6 and, in fact, the articles that were written in The Hill,
7 The Hill did an investigation and distanced themselves from
8 his reporting and removed it from their website.

9 MR. SCHRAM: Do you have a view with respect to the
10 purpose of Solomon's reporting?

11 MR. KENT: I do not.

12 MR. SCHRAM: Only of its consequence. Do you have a
13 view of its consequence?

14 MR. KENT: When I have read his reportings about
15 Ukraine I have seen lack of facts and assertions that are
16 not backed up by facts.

17 MR. SCHRAM: And did Solomon's reporting, along with
18 the statements of Mr. Telizhenko that the Chairmen have
19 relied on to both amplify the narrative that Ukraine
20 interfered in the 2016 election and that the policy pursued
21 by Vice President Biden in Ukraine was corrupt?

22 MR. KENT: I would not recommend anybody rely on the
23 views of Telizhenko and Solomon to make an assessment about
24 our policy or actions in Ukraine.

25 MR. SCHRAM: I'd like to turn your attention to another

1 letter, written by the Chairmen. I'd like to mark it as
2 Exhibit B. It is a November 6, 2019, letter to Secretary
3 Pompeo, that requests the release of documents related to
4 Hunter Biden and Burisma.

5 [Kent Exhibit B was marked for
6 identification.]

7 MR. SCHRAM: I have provided a copy of that letter to
8 your counsel. Please take as long as you want to
9 familiarize yourself with it.

10 [Pause.]

11 MR. HARTMAN: Zack, I assume you understand it's a
12 five-page, single-spaced letter. It's going to take a
13 little time to digest it.

14 MR. SCHRAM: Sure. Take your time.

15 [Pause.]

16 MR. SCHRAM: Mr. Kent, I bring this one to your
17 attention just to help establish the timeline. I won't ask
18 you direct questions about the contents, so keep that in
19 mind as you review it.

20 [Pause.]

21 MR. SCHRAM: So the point is just to show you that this
22 is a letter in early November, again advancing the theory
23 that the Vice President's actions in Ukraine were corrupt,
24 was followed by a letter on November 21, 2019, that I'll
25 mark as Exhibit C, which has also been provided to your

1 counsel.

2 [Kent Exhibit C was marked for
3 identification.]

4 MR. KENT: So no question about the November 6th letter
5 you're just bringing--

6 MR. SCHRAM: No question about the content. I just
7 want you to have the full context as we move forward.

8 So with respect to this letter, Mr. Kent, I will again
9 ask you about the sources of the information relied on to
10 advance the narrative that you testified today for which
11 there is no evidence to support. The second full paragraph
12 starts with the words "According to Andrii Telizhenko," and
13 you've testified extensively with respect to his credibility
14 and that he is a liar. And the vast majority of the
15 articles relied on in the footnotes of this letter, if you
16 turn your attention to the first footnote, who is the author
17 of the article that this letter relies on?

18 MR. KENT: The articles by John Solomon in The Hill.

19 MR. SCHRAM: So this is another example of the letters
20 that, from the basis of this investigation relying on
21 information from Andrii Telizhenko, who you testified is a
22 known liar, and relying almost entirely on the reporting of
23 John Solomon, which you have also just testified to as a
24 known liar and his reporting has been discredited.

25 MR. KENT: I think the way I--I did not call Solomon a

1 liar. What I said was his articles were fact-free and made
2 assertions that were not backed by facts.

3 MR. SCHRAM: Understood.

4 MR. KENT: The other thing is that while I may know,
5 based on, you know, character assessments by a number of
6 people, they may be making assertions about incidents,
7 alleged incidents about which I don't have independent and
8 specific knowledge.

9 MR. SCHRAM: Understood.

10 Mr. Kent, are you aware that the first subpoena sought
11 in this matter was a subpoena of Andrii Telizhenko?

12 MR. KENT: I read in the media this spring an account,
13 a claim that he had been subpoenaed, but that doesn't mean
14 he was subpoenaed. I read a media account this spring
15 related to that issue, yes.

16 MR. SCHRAM: Are you aware that this--that the Chairmen
17 scheduled a vote to authorize a subpoena of Andrii
18 Telizhenko?

19 MR. KENT: I was not aware of that. No, sir.

20 MR. SCHRAM: Joe, I'll stop here.

21 MR. GOSHORN: Zack, this is Dan. I would like to ask
22 two follow-up questions if I may. Is that okay? Are we
23 good on time?

24 MR. SCHRAM: Of course. Yeah, we're good on time.

25 MR. GOSHORN: Mr. Kent, just to remind you, my name is

1 Dan Goshorn. I work with the minority staff of the Finance
2 Committee. And I just wanted to put a little finer point on
3 two questions, some questions Zack asked you at the
4 beginning of the round. So he asked you whether there was
5 any indication of--I forget exactly how he said it--of
6 corrupt influence on Ukraine policy by Vice President Biden,
7 and I wanted to ask something a little more specific.

8 Is there any indication that the event that led to the
9 dismissal of charges against Zlochevsky in 2014, was the
10 result of corrupt efforts by Biden or the U.S. Government?

11 MR. KENT: None whatsoever.

12 MR. GOSHORN: You said you spoke to Ukrainian
13 prosecutors about the case in January 2015 or early 2015?

14 MR. KENT: February 2015, yes.

15 MR. GOSHORN: February 2015. Did they indicate that
16 the dismissal of charges was at the direction of Vice
17 President Biden or the U.S. Government?

18 MR. KENT: No, they did not.

19 MR. GOSHORN: Okay. That's all I have. Thank you.

20 MR. FOLIO: Mr. Kent, this is Joe Folio. So I think it
21 was just a little under an hour with the minority. Would
22 you like us to take a five-minute break at this point in
23 time, or would you like the majority to start?

24 MR. KENT: So I would ask--it's now 12:25 by my watch.
25 That was a brisk 45-minute session. Lunch? What's your

1 plans? I mean, if we're--this is generally when I usually
2 have lunch, but I don't know. Obviously there are 20 people
3 on the screen here. So what's your game plan for the day?

4 MR. FOLIO: Unless others object I think now is a fine
5 time to have lunch.

6 MR. KENT: Okay. What time would you then propose we
7 make sure we're back online?

8 MR. FOLIO: I don't know if folks are wandering out.
9 Is noon too soon? Is 1:00 too soon? Perhaps we should say
10 1:15? We'll start back at 1:15?

11 MR. KENT: One, 1:15, whichever. Give us the time.

12 MR. HARTMAN: Give us the time.

13 MR. GOSHORN: Let's say 1:15.

14 MR. FOLIO: Okay. One o'clock it is.

15 MR. GOSHORN: No. 1:15.

16 MR. KENT: If we start at 1 we end earlier. I'm in
17 favor of ending early. So 1 works for me, but there are 20
18 people online.

19 MR. HARTMAN: We'll be back at 1 but we'll see everyone
20 else at 1:15.

21 MR. SACRIPANTI: Although I hesitate to do it I'm
22 inclined to think we may sign off and sign back on, because
23 I'm not sure if the mic-muting mechanisms are--

24 MR. FOLIO: Will is strongly advising against that.

25 MR. HARTMAN: All right. We'll go to another room.

1 MR. FOLIO: All right. Thank you. See you in a bit.

2 [Recess.]

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1 MR. KENT: No.

2 MR. FOLIO: Do you know Elisabeth Zentos, a State
3 Department employee who was on detail to National Security
4 Council staff?

5 MR. KENT: I do know her, yes.

6 MR. FOLIO: Were you aware that she attended at least
7 one meeting at the White House with Andrii Telizhenko?

8 MR. KENT: I read so in the media, yes.

9 MR. FOLIO: Are you aware that she met Mr. Telizhenko
10 for coffee or drinks at least a half a dozen times outside
11 of the White House?

12 MR. KENT: I--we're probably talking about a period of
13 time when I was at--if you want to give me the time frame--
14 how about this. When was this? Because I presume I may
15 have been in Kiev as opposed to Washington, but the answer
16 is no.

17 MR. FOLIO: And with regard to the letter from Chairman
18 Johnson and Chairman Grassley, that the minority displayed
19 for you, I would first like to point out that what Mr.
20 Schram was reading into the record was not Chairman Grassley
21 or Chairman Johnson talking about their interactions with
22 Mr. Telizhenko but rather referring to reporting that quoted
23 Mr. Telizhenko. And similar to that, I'd like to enter into
24 the record what we will identify as Exhibit 6, and I will
25 ask Will to put this on the screen.

1 [Kent Exhibit No. 6 was marked
2 for identification.]

3 MR. FOLIO: This is a Politico article written by
4 Kenneth Vogel and David Stern on January 11, 2017. The
5 title of the article is "Ukrainian efforts to sabotage Trump
6 backfire." Before we turn to the article, Mr. Kent, my
7 question for you is, were you aware that Mr. Telizhenko had
8 contact while he was at the Ukrainian Embassy with a DNC
9 contractor by the name of Alexandra Chalupa?

10 MR. KENT: Steve Castor, the minority counsel, asked me
11 extensive questions about this article. The answer is I was
12 not aware--I was not aware of his claims and I don't know
13 what--as I've said, Telizhenko is a documented liar. Just
14 because he claims something doesn't mean it's true. But I
15 was not aware that he claimed that he had met with her, no.

16 MR. FOLIO: I'm going to ask Will to please scroll to
17 the second page of this article, third paragraph, beginning
18 "A Ukrainian."

19 MR. HARTMAN: If I can just, just for one second, I'm
20 trying to find a copy of this article in what you've given
21 us, and maybe I'm missing it.

22 MR. FOLIO: I can email you. One second.

23 [Pause.]

24 MR. FOLIO: I'd just like to highlight a few parts of
25 this article, and then one question for you at the end, Mr.

1 Kent.

2 So if you can scroll up please, Will.

3 So that first paragraph at the top reads, on page 2 of
4 the article, "A Ukrainian-American operative who was
5 consulting for the Democratic National Committee met with
6 top officials in the Ukrainian Embassy in Washington in an
7 effort to expose ties between Trump, top campaign aide Paul
8 Manafort and Russia, according to people with direct
9 knowledge of the situation."

10 Will, will you please just scroll down to the fourth
11 page, the paragraph beginning "Manafort's work."

12 This paragraph reads, "Manafort's work for Yanukovich
13 caught the attention of a veteran Democratic operative named
14 Alexandra Chalupa, who had worked in the White House Office
15 of Public Liaison during the Clinton administration.
16 Chalupa went on to work as a staffer, then as a consultant
17 for the Democratic National Committee. The DNC paid her
18 \$412,000 from 2004 to June of 2016, according to Federal
19 Election Commission records, though she was also paid by
20 other clients during this time, including Democratic
21 campaigns and the DNC's arm for engaging expatriate
22 Democrats around the world."

23 Will, if you will please scroll to the fifth page, the
24 paragraph beginning "She said."

25 "She said she shared her concern with Ukraine's

1 ambassador to the U.S., Valeriy Chaly, and one of his top
2 aides, Oksana Shulyar, during a March 2016 meeting at the
3 Ukrainian Embassy."

4 Skipping down, the article continues, "That all started
5 to change four days after Chalupa's meeting at the Embassy,
6 when nit was reported that Trump had in fact hired Manafort,
7 suggesting that Chalupa may have been on to something. She
8 quickly found herself in high demand. The day after
9 Manafort's hiring was revealed, she briefed the DNC's
10 communications staff on Manafort, Trump, and their ties to
11 Russia, according to an operative familiar with the
12 situation.

13 "A former DNC staffer described the exchange as a 'an
14 informal conversation,' saying 'briefing' makes it sound way
15 too formal,' and adding, 'We were not directing nor driving
16 her work on this.' Yet, the former DNC staffer and the
17 operative familiar with the situation agreed with the DNC's
18 encouragement, Chalupa asked Embassy staff to try to arrange
19 an interview in which Poroshenko might discuss Manafort's
20 ties to Yanukovych.

21 "While the embassy declined that request, officials
22 there became 'helpful' in Chalupa's efforts, she said,
23 explaining that she traded information and leads with them.
24 'If I asked a question, they would provide guidance, or if
25 there was someone I needed to follow up with.' But she

1 stressed, 'There were no documents given, nothing like
2 that.'"

3 Mr. Kent, I'll just first note that these are not
4 statements of Andrii Telizhenko. These are statements of
5 Ms. Chalupa. Some might actually call them admissions. Do
6 you find it odd that an employee of the Democratic National
7 Committee is knocking on foreign embassy doors during a
8 presidential election, asking for help?

9 MR. KENT: I'm going to decline to answer that
10 question. It is irrelevant to the purpose of our
11 conversation here. And I have no position to make any
12 judgment on it whatsoever.

13 MR. FOLIO: Scroll down to page 7 please, Will, the
14 paragraph beginning, "Chalupa confirmed."

15 I'll just read this paragraph. "Chalupa confirmed
16 that, a week after Manafort's hiring was announced, she
17 discussed the possibility of a congressional investigation
18 with a foreign policy legislative assistant in the office of
19 Rep. Marcy Kaptur, who co-chairs the Congressional Ukrainian
20 Caucus. But, Chalupa said, 'It didn't go anywhere.'

21 "Asked about the effort, the Kaptur legislative
22 assistant called it a 'touchy subject' in an internal email
23 to colleagues that was accidentally forwarded to Politico."

24 Page 8, Will, please, the paragraph beginning, "In the
25 email."

1 "In the email, which was sent in early May to then-DNC
2 communications director Luis Miranda, Chalupa noted that she
3 had extended an invitation to the Library of Congress forum
4 to veteran Washington investigative reporter Michael
5 Isikoff. Two days before the event, he had published a
6 story for Yahoo News revealing the unraveling of a \$26
7 million deal with Manafort and a Russian oligarch related to
8 a telecommunications venture in Ukraine. And Chalupa wrote
9 in the email she'd been 'working with for the past few
10 weeks' with Isikoff 'and connected him to the Ukrainians' at
11 the event."

12 To the next paragraph, Chalupa says she "further
13 indicated in her hacked May email to the DNC that she had
14 additional sensitive information about Manafort that she
15 intended to share 'offline' with Miranda and DNCN research
16 director Lauren Dillon, including 'a big Trump component you
17 and Lauren need to be aware of that will hit in the next few
18 weeks and something I'm working on you should be aware of.'"

19 Mr. Kent, so just to recap, with regard to Mr.
20 Telizhenko, he had contact with DNC operatives who were
21 actively seeking foreign assistance in the 2016 election.
22 He had meetings at the White House, had several off-campus
23 meetings with National Security Council staff, and he worked
24 for 13 months for Democratic consulting firm, Blue Star
25 Strategies, that was lobbying the U.S. Government at the

1 highest levels. And I think you said you were unaware of
2 all three, and I just want to make sure that's correct;
3 right?

4 MR. KENT: I was aware that he was working at the
5 Ukrainian Embassy. I met him in the basement, as I
6 testified. I was not aware of his activities prior to his
7 return to Ukraine, when he did seek to meet with me, and on
8 the advice of our political section I declined to do so.

9 MR. FOLIO: Okay. I'm going to turn the questioning
10 over to my colleague, Scott Wittman, who is going to address
11 the USAID program, market program, with you. Thank you.

12 MR. WITTMANN: Hi, Mr. Kent. My name is Scott
13 Wittmann. Thank you for your time today.

14 Let's go to Exhibit 7. The Bates numbers for this
15 exhibit are 472 to 478.

16 [Kent Exhibit No. 7 was marked
17 for identification.]

18 MR. WITTMANN: And, Mr. Kent, just let me know whenever
19 you're ready.

20 MR. KENT: I have the document in front of me.

21 MR. WITTMANN: I'm sorry. I'm just working on my audio
22 over here. Did you say that you're ready?

23 MR. KENT: I have the document in front of me, yes.

24 MR. WITTMANN: Okay. On Bates 473, please Will, you
25 respond to an earlier email chain that we talked about

1 previously. This is August 13, 2016. You changed the
2 subject line of the previous email to read "USAID
3 Cooperation with Burisma (Cornovol allegations) - should we
4 have a policy of avoiding cooperation with the morally
5 compromised?"

6 Did you view the U.S. cooperation with Burisma as
7 "cooperation with the morally compromised"?

8 MR. KENT: I changed the subject line in two respects.
9 Again, this was a Saturday morning, sorry, afternoon, so I
10 said non response until Monday. And then I was asking a
11 question to multiple members of multiple sections in the
12 Embassy, as a matter of principle about our engagement. And
13 if you read through, I reference a series of companies,
14 media properties, talk about their ownership, and lay out
15 some of the issues that we, as what's known as a country
16 team--whether that's the public affairs section that deals
17 with media, our USAID section, our law enforcements section,
18 our FBI representative, our DOJ representative--there are a
19 wide range of individuals that--it's a difficult issue in
20 countries where media ownership is oftentimes by oligarchs
21 or companies don't necessarily have a clear beneficial owner
22 known to everyone.

23 And so I wanted to introduce this topic for discussion
24 at our next staff meeting, which occurred the next week. So
25 I introduced the subject in a question that was not

1 specifically related to Burisma, because we had an
2 allegation that we had not yet sorted. And then if you
3 notice, I seek counsel from parts of the Embassy that, at
4 that point, would have had perhaps more direct knowledge. I
5 ask our economic section specifically how, in the past, how
6 had we treated Burisma. And then the wider collective to
7 talk about how we dealt with companies that were owned by
8 known corrupt individuals. I gave a citation from my
9 experience in Thailand prior.

10 MR. WITTMANN: Understood. At the time you sent this
11 email, before you received those responses, did you view
12 U.S. cooperation with Burisma as cooperation with the
13 morally compromised?

14 MR. KENT: As soon as I learned of the connection, in
15 my own mind I was planning on eventually reaching where we
16 reached after four or five days of deliberation, which is to
17 end the cooperation. That said, as a leader of a team, it's
18 better--and actually wise--to seek everybody's input before
19 a final decision. So that is why I asked for people's views
20 and why we waited until a meeting where we could discuss it
21 I person, when the decision to suspend the program was
22 taken.

23 MR. WITTMANN: You wrote, quote, "The proliferation of
24 Ukrainian companies clearly, and not so clearly,
25 owned/controlled by odious oligarchs or those who outright

1 stole assets and absconded, like Zlochevsky, is likely a
2 long one." What did you mean by "odious oligarchs"?

3 MR. KENT: That is, in shorthand, alliteratively
4 describing the economic power, political structure of
5 Ukraine for much of the last three decades. People who
6 enrich themselves largely by stealing state assets or
7 monetizing access to cash flows controlled by state
8 enterprises. Those are the so-called oligarchs. And many
9 of them then left. Like Zlochevsky at the time, to the best
10 of my knowledge, was in Monaco. The list of such people is
11 quite long in Ukraine, and so that was what I meant by that.

12 MR. WITTMANN: Sure. And just to be clear, did you
13 consider Mr. Zlochevsky an odious oligarch?

14 MR. KENT: I did.

15 MR. WITTMANN: And was he one of those examples who
16 outright stole assets and absconded?

17 MR. KENT: Well, he awarded himself gas exploration
18 licenses when he was the minister controlling the issuance
19 of those licenses. He was engaged in what we decided,
20 determined, was money-laundering, and he left to Monaco. So
21 that's the abscond.

22 MR. WITTMANN: Understood. In the email you also
23 wrote, "There is, however, a moral hazard associated with
24 publicly associating/promoting our assistance projects with
25 companies/individuals seen in Ukrainian society as

1 corrupt/compromised." Did you believe there was a moral
2 hazard if the U.S. collaborated with Burisma?

3 MR. KENT: I did, and ultimately, as I testified, and
4 also as, I think, other emails show, that was the primary
5 concern I had with any sort of public-private partnership.
6 And promoting clean energy, which is part of the U.S. policy
7 agenda in Ukraine, there was a moral hazard association.

8 MR. WITTMANN: In this email you also wrote, quote,
9 "For ECON, how have we traditionally treated/engaged
10 Burisma, given the Zlochevsky connection, but also perhaps
11 U.S. involvement beyond Hunter Biden," end quote. What is
12 ECON?

13 MR. KENT: Economic section of the Embassy.

14 MR. WITTMANN: Okay. And did ECON or any of your
15 colleagues respond to this question?

16 MR. KENT: I believe there are other emails that were
17 provided to the Committees that include responses subsequent
18 to 3:26 on Saturday, August 15th.

19 MR. WITTMANN: You mentioned that you had continued
20 conversations about this topic. Was ECON involved in those
21 conversations?

22 MR. KENT: They were, and as I said in my opening
23 statement, those that had an understanding of the concerns
24 about Burisma and Zlochevsky, including Ambassador Pyatt,
25 the economic section and I, and we shared our concerns with

1 others, including people in the Embassy who may not have
2 known the background, and as this whole exchange goes, in
3 August 2016, the summer of 2016, what I and the ECON section
4 knew was not widely shared by managers at USAID initially
5 until we shared our concerns.

6 MR. WITTMANN: I want to turn it over to my colleague,
7 Brian Downey. Mr. Downey, is your mic on?

8 MR. DOWNEY: Yeah. Thanks, Scott. Mr. Kent, following
9 up on Mr. Wittmann's questions on the MERP, is this the
10 program that you eventually shut down or scuttled?

11 MR. KENT: To be clear, I shut down the public-private
12 partnership awarding of clean energy-related prizes. The
13 Municipal Energy Reform Project, which is a--was a USAID
14 energy-related project, that continued. But the minor
15 public-private partnership awarding process, in conjunction
16 with Burisma, that ended.

17 MR. DOWNEY: So on either of those two issues, on the
18 public-private award issue and the MERP, that, as you just
19 said continued, did you raise any of these concerns outside
20 of Embassy Kiev?

21 MR. KENT: To my mind there was no need to. Honestly,
22 I don't know the answer of whether that internal Embassy
23 communication was sent back to Washington. Given the large
24 amount of assistance that was going to Ukraine, when you
25 have, get down to program implementation, that is an issue

1 largely done at the Embassy country team level.

2 MR. DOWNEY: Understood. Was there any discussion from
3 your desk or ECON or anyone in Kiev that concerns that are
4 put forth by yourself and others on the USAID and the
5 public-private rewards program, that these two issues maybe
6 should be sent to the State Department Inspector General's
7 Office or the USAID's Inspector General's Office for review?

8 MR. KENT: We made an executive decision to end a
9 program that had not been initiated by USAID but by an
10 implementer who was implementing a program, a sectoral
11 program. They had wide latitude to move forward on the ways
12 and activities to achieve the purposes of the program
13 itself, but when USAID management, mission management in
14 Kiev and the Embassy leadership, were made aware of a
15 specific element of the activity, there was enough directed
16 authority within the USAID mission that they were able to
17 tell the implementer, "Shut this down. This isn't going to
18 happen," and that was the end of it.

19 MR. DOWNEY: You're speaking about the public-private
20 rewards, or MERP?

21 MR. KENT: I'm talking about the public-private
22 rewards, which I think, according to this email, involved a
23 total prize of \$7,500 in awards that were being provided by
24 Burisma. It did not involve, I think somewhere here it
25 says, U.S. Government resources. We felt that we ended an

1 issue to avoid the potential of moral hazard for the Embassy
2 and USAID.

3 MR. DOWNEY: So specifically on the MERP issue,
4 yourself and others at the Embassy at Kiev did not raise
5 concerns with the Inspector General for the State Department
6 nor the Inspector General for the USAID?

7 MR. KENT: I don't see--I'm not sure what the grounds
8 of your questioning are. There was no conduct by a member
9 of USAID or the State Department involved.

10 MR. DOWNEY: But the party that was involved in the MOU
11 was Burisma, no?

12 MR. KENT: The two parties to the MOU were Burisma and
13 the implementer. That's the USAID word for contractor,
14 something research associate. So that explains why the
15 acting Mission Director, initially when I asked the
16 question, was not aware of any activity, and when he
17 probably sent an information request to all the
18 implementers, then he learned that there was one activity.

19 MR. DOWNEY: Understood. Scott, I'll send it back to
20 you. Thank you.

21 MR. WITTMANN: Thank you, Mr. Downey. I'm going to
22 turn it over now to Josh.

23 MR. FLYNN-BROWN: Mr. Kent, can you hear me okay?

24 MR. KENT: I can.

25 MR. FLYNN-BROWN: Great. So just a couple of quick

1 follow-up questions here. I just to be clear about your
2 testimony today. Do you agree that Burisma has a reputation
3 for engaging in corrupt activity?

4 MR. KENT: I think that--to be clear, my knowledge was
5 that Mykola Zlochevsky was a minister engaged in corrupt
6 activity as minister. Burisma had a reputation for not
7 being a clean corporate player in the gas sector.

8 MR. FLYNN-BROWN: So you would agree that its owner has
9 a reputation for engaging in corrupt activity, Burisma's
10 owner?

11 MR. KENT: That is what I have testified to, yes.

12 MR. FLYNN-BROWN: Thank you. Hunter Biden had no
13 particular expertise in Ukraine prior to working on
14 Burisma's board. He had no particular expertise in natural
15 gas. Yet he was paid approximately \$80,000 a month to be on
16 the board. He was paid that sum while his father was the
17 public face of the Obama administration's Ukraine policy and
18 when Burisma was under investigation.

19 In light of Burisma and its owner's reputation for
20 corruption, and the fact this company was under
21 investigation by Ukrainian authorities at the time Biden was
22 on the board--Hunter Biden was on the board--do you agree
23 that it appears Burisma hired Hunter Biden in an attempt to
24 inoculate them from political and legal risk?

25 MR. KENT: I have no information to suggest that, and

1 as I testified under oath last fall, that's a question you
2 would need to ask Mr. Zlochevsky, why they hired people.

3 MR. FLYNN-BROWN: If you were advising Hunter Biden,
4 would you have advised him against becoming a board member
5 for Burisma while his father was involved in the Obama
6 administration's Ukraine policy?

7 MR. KENT: I would have advised any American not to get
8 on the board of Zlochevsky's company.

9 MR. FLYNN-BROWN: Do you view his board membership as
10 creating a potential conflict of interest in light of his
11 father's role with Ukraine policy?

12 MR. KENT: I have testified that it would create the
13 perception of a conflict of interest, yes.

14 MR. FLYNN-BROWN: And Mr. Kent, are you aware of any
15 other corrupt activities relating to Zlochevsky's companies
16 other than Burisma, or is your knowledge based simply
17 squared with Burisma?

18 MR. KENT: As I have testified and just said several
19 minutes ago, our focus was on his corrupt acts as minister
20 when he abused the office to award national gas exploration
21 contracts to companies that he controlled through shell
22 companies.

23 MR. FLYNN-BROWN: Did the company Brociti Investments,
24 B as in bravo-r-o-c-i-t-I, ever come up?

25 MR. KENT: This is when I have to say that I was an

1 executive in the Embassy. I was not the energy officer and
2 I do not have a chart of all the shell companies that may
3 have been part of Burisma Holdings. So I cannot answer that
4 question.

5 MR. WITTMANN: Thank you, Josh. We are going to turn
6 to Exhibit 8. This is Bates numbers 505 to 508.

7 [Kent Exhibit No. 8 was marked
8 for identification.]

9 MR. WITTMANN: And whenever you're ready, Mr. Kent.

10 MR. KENT: I have it in front of me.

11 MR. WITTMANN: Okay. Specifically on page number 506--
12 Will, if you don't mind?--this is an email dated August 31,
13 2016. In this email chain, you asked your colleagues with
14 regards to potentially co-branding USAID and Burisma how
15 much, quote, "'know your partner' due diligence was done
16 before this public-private partnership was launched in the
17 spring? Zlochevsky as a corrupt mal actor was a 2014 story;
18 his control of Burisma and the very sticky wicket of the
19 Hunter Biden connection on Burisma's board was circulating
20 in 2015."

21 Mr. Kent, why did you ask your colleague about the
22 extent to which they did due diligence regarding Burisma
23 before the launch of a partnership?

24 MR. KENT: I think as has been clear from my testimony
25 I didn't think the U.S. Government should have anything to

1 do with Zlochevsky or Burisma. So having reached that
2 conclusion in February of 2015, a year and a half later I
3 was dealing with a part of the Embassy that had not
4 seemingly been aware of concerns. And so I was asking them
5 again, without forming a snap judgment, whether they had
6 done any review before moving forward with the project.

7 MR. WITTMANN: To what extent had they done review?

8 MR. KENT: I think this gets into how we administer
9 programs, keeping in mind we had hundreds of millions of
10 dollars of assistance, and, you know, on any given day if
11 dozens at least multiple events happening. We're talking
12 about one specific USAID program, not their only program.
13 It was something that was being implemented by a contractor,
14 which had reached an agreement to do some sort of public-
15 private partnership with a Ukrainian company.

16 So then my question was to the USAID direct hire
17 managers whether, when this event, whenever it was, which I
18 didn't know exactly when they might have started it, had
19 anyone on the USAID staff done due diligence. That was my
20 question to them.

21 MR. WITTMANN: Do you recall if they had done--did they
22 tell you whether or not they had conducted due diligence?

23 MR. KENT: Looking at date timestamp, I sent this email
24 at 10 p.m., which gives you an indication of the sort of
25 hours that we did. My substantive emails oftentimes went to

1 staff past midnight. You won't be shocked to learn that I
2 oftentimes did not get any reponses until our in-face, face-
3 to-face morning meeting the next day.

4 So this particular exchange, the responses came from
5 the economic section the next morning at 7:00, and then the
6 top email you see that I sent was reference before the
7 morning meeting, that if I didn't raise it I asked a
8 colleague to make sure that we raised it so that the meeting
9 would not conclude without us having had the conversation
10 and the decision being made.

11 MR. WITTMANN: Okay. Going back to that same email on
12 Bates 506, why was Hunter Biden's connection on Burisma's
13 board a, quote, "very stickit wicket"--I'm sorry, a "very
14 sticky wicket"?

15 MR. KENT: I think all U.S. Government officials need
16 to be aware of all the factors involved in an issue. This
17 was an issue that I felt needed to be shut down, but I also
18 wanted people to be aware. Even as we were going to shut
19 down something, that there was the possibility of names
20 being shared.

21 You have other emails indicating that the Embassy's
22 economic section had heard that Burisma, the word going
23 around town, was saying they had a relationship with the
24 Embassy, and I just wanted to make sure everyone understood
25 names that might be tossed around by people but that we were

1 moving forward with the decision that was appropriate.

2 MR. WITTMANN: What made Hunter Biden's role on the
3 board something that you needed to flag for your colleagues,
4 and describe it as a "very sticky wicket"?

5 MR. KENT: As I've testified, and as I alerted the
6 staff of the Office of the Vice President in February 2015,
7 my concern had been that there could be the perception of a
8 possible conflict of interest.

9 MR. WITTMANN: So that concern was raised in February
10 2015. This is now August 2016. You still have that
11 concern?

12 MR. KENT: Well, that is why I was raising it with
13 people working for USAID who evidently did not have a
14 situational awareness of this--the reputation of Burisma.
15 And I was--again, I'm an info sharer. I think people need
16 to know everything that they're dealing with. And this was
17 still moving to within 12 hours of a decision to pull the
18 plug on the program.

19 MR. WITTMANN: Was there a reason why you only
20 mentioned Hunter Biden's connection on the board and not
21 other board members in this email, for the situational
22 awareness of your colleagues?

23 MR. KENT: At the time, at this point, in August of
24 2016, the one American that I was aware of that was on the
25 board was Hunter Biden. I believe at the time I wouldn't

1 have been aware that Aleksander Kwasniewski, the former
2 President of Poland, was on the board, but he's a Pole.

3 MR. WITTMANN: When did you become aware of Cofer Black
4 joining Burisma's board?

5 MR. KENT: I believe he joined in 2017, but I couldn't
6 be certain of that.

7 MR. WITTMANN: Did the fact that Hunter Biden's father
8 was Vice President at the time factor into your decision to
9 raise this particular point to your colleagues, calling
10 Hunter Biden's connection on the board a "very sticky
11 wicket"?

12 MR. KENT: What are you trying to ask me? I was within
13 12 hours of shutting down the program. Hunter Biden's
14 position on the board had zero impact on the proper
15 decisions from the U.S. Embassy. I'm not clear on what
16 question you're trying to ask.

17 MR. WITTMANN: The question is the fact that Hunter
18 Biden's father was Vice President at the time, did that
19 factor into your decision to raise the point to your
20 colleagues, in, you know, as you mentioned, open sharing,
21 trying to get as much information and situational awareness
22 out on the table, did that factor into the fact that you
23 flagged for your colleagues that Hunter Biden had a
24 connection to Burisma's board and that that was a "very
25 sticky wicket"?

1 MR. KENT: Hunter Biden was on the board but that was
2 irrelevant to the decision that the U.S. Embassy needed to
3 take, which was to break any relationship between a USAID
4 clean energy promotion program and Burisma.

5 MR. WITTMANN: In that same email, you asked ECON
6 whether there would be a, quote, "guilt by association risk
7 with public partnering with Burisma." What did you mean by
8 "guilt by association"?

9 MR. KENT: As I mentioned before, it was the economic
10 section that had shared the Ukrainian business community,
11 and particularly those working in energy, still felt that
12 Burisma was not a clean player in the section, and for the
13 Embassy to partner with a company with that reputation would
14 potentially undermine the perceptions of the integrity of
15 our promotion of certain principles and policies.

16 MR. WITTMANN: In that same email you wrote, quote,
17 "There is always the Washington Post test of foreign service
18 decision-making, as in would we want an article on the front
19 page of The Washington Post (and in this the Kiev Post, and
20 on Facebook page of"--and my apologies of I mispronounce
21 these names--"of Sergiy Leschenko and Mustafa Nayyem)
22 commenting about this public private partnership with
23 Burisma, the link to Hunter Biden, and the link to
24 Zlochevsky, who almost certainly paid off the PGO in
25 December 2014 (I had the then First deputy Prosecutor

1 General Danylenko tell me the bribe was \$7 million) to have
2 the case against him closed and his \$23 million in assets
3 frozen in the UK unfrozen?"

4 Were you concerned about a potential story about a
5 partnership with Burisma that would touch on the issues you
6 listed, including the link to Hunter Biden and Zlochevsky?

7 MR. KENT: No, but it's known as "The Washington Post
8 sniff test." They tell us that in our first week of the
9 foreign service, and it's a guide, if you have any question
10 about what something you're going to do makes sense, if your
11 own moral compass has some wiggle room, thinking about what
12 you would do if it was written about on the front page of
13 The Washington Post is a good way to remind you of whether
14 it would make sense or not. That whole paragraph is a
15 rhetorical question.

16 MR. WITTMANN: Understood. So what was the concern
17 about a potential article? What specifically were you
18 concerned that an article would say, that wouldn't pass that
19 test, or that would potentially make you feel like this
20 isn't going to pass the test?

21 MR. KENT: At this point I've already made the decision
22 that we're going to shut this down, but I'm asking the other
23 elements of the Embassy to weigh in, in case there are other
24 views. In the next paragraph it says "PA"--that's public
25 affairs. So I brought in USAID, which oversees the

1 management of the program; the economic section, which is
2 responsible for contacts to business and has their ears to
3 the ground; public affairs section, which is responsible for
4 public messaging; and our legal and law enforcement
5 community, which was involved in trying to return the frozen
6 assets. So this was a whole-of-country team, whole-of-U.S.
7 Government discussion, at least giving people the
8 opportunity to weigh in before the next morning, when I was
9 going to shut down the program.

10 MR. WITTMANN: Understood, and this might go into what
11 you just said. But from your perspective, would a U.S.
12 partnership with Burisma pass The Washington Post test of
13 foreign policy decision-making?

14 MR. KENT: It didn't pass my sniff test and that's why
15 I shut it down.

16 MR. WITTMANN: On 505, Bates number 505 of this same
17 document, or this same record, in further discussions about
18 the potential partnership between MERP and Burisma, on
19 September 1, 2016, your colleague wrote, quote, "USG
20 cooperation on the project would make us look bad," end
21 quote.

22 Why would U.S. cooperation on the project with Burisma
23 make us look bad?

24 MR. KENT: This is the moral hazard argument I have
25 described, "moral hazard" being my term. The term of the

1 offer would just look bad.

2 MR. WITTMANN: Your colleague also wrote, "not to
3 mention the MPs on the Energy Committee and others would
4 wonder how we speak about anticorruption but work with those
5 that were associated with corrupt practices."

6 Why would this have been a problem for U.S.
7 anticorruption measures in Ukraine, this potential
8 association?

9 MR. KENT: As I have said several times in the last 10
10 minutes, Burisma did not have a good reputation among those
11 working in the energy sector. We were promoting not just
12 clean energy from a technical perspective but
13 anticorruption, clean corporate business practices. And if
14 we were going to walk the walk, we needed to model that
15 behavior we were advocating.

16 MR. WITTMANN: In that same September 1, 2016, email
17 chain, one of your colleagues wrote that, quote, "There is a
18 clear link between the company and its primary owner.
19 Zlochevsky is working very hard to clean up and 'Westernize'
20 his image by hiring D.C. lobbyists and stacking the board
21 with prominent people. From the rumors that we hear in the
22 energy sector there is no sense that Burisma has changed how
23 it conducts its business. We have also heard that they have
24 used the U.S. Embassy name to try to influence business
25 transactions. Hard to prove but certainly concerning."

1 Did you agree with this individual's assertion that
2 Zlochevsky was trying to clean up his image by stacking
3 Burisma's board with prominent people?

4 MR. KENT: I took on board his overall advice, which
5 you didn't read his last sentence: "I fall on the side of
6 not having anything to do with a company to avoid
7 undermining our broader efforts to promote transparency and
8 anticorruption."

9 MR. WITTMANN: Yes.

10 MR. KENT: So that, again, that's--this is the--his
11 counsel fell in line with my own assessments, and that's why
12 I responded, "Thanks." And if hadn't raised it the next
13 morning or later that morning that he should, you know,
14 bring it up and I would follow through.

15 MR. WITTMANN: Gotcha. With this specific part of this
16 counsel relating to the assertion that Zlochevsky was trying
17 to clean up his image by stacking the board with prominent
18 people, did you, at the time, agree with that?

19 MR. KENT: Well, as I said, at the time I knew that
20 Hunter Biden and the former President of Poland was on the
21 board. I would count President Kwasniewski as someone with
22 prominent name recognition, yes.

23 MR. WITTMANN: How did having those individuals on
24 Burisma's board assist Zlochevsky and his company?

25 MR. KENT: You would have to ask him. It's obviously

1 made no difference in how the U.S. Government and the U.S.
2 Embassy addressed the issues related to both the company and
3 the owner.

4 MR. WITTMANN: I'm going to turn it over to Josh.

5 MR. FLYNN-BROWN: Regarding your answer there, I mean,
6 do you have any opinion on that, given your expertise with
7 being in Ukraine? I mean, what kind of effect it would have
8 on the ground and in political circles, with respect to them
9 being on the board?

10 MR. KENT: What do you mean?

11 MR. FLYNN-BROWN: Well, you have politically connected
12 individuals. I'm wondering if you have, based on your
13 expertise, being in Ukraine, in the field, would them being
14 on the board have any effect on the politics within that
15 country or even in the United States?

16 MR. KENT: I can only speak to what I know, and that
17 was how the U.S. Embassy looked at both owner and company,
18 and I think I've been quite explicit, repeatedly, about
19 that, especially in the last half hour.

20 MR. WITTMANN: Thank you, Josh. Going back to this
21 email, how did you evaluate your colleague's assessment
22 that, quote, "There is no sense that Burisma has changed how
23 it conducts business"?

24 MR. KENT: Well, again, I'm not the energy sector
25 expert, was not at the Embassy, nor was I even the economics

1 counsel--head of the whole economics--but this was the
2 assessment and advice of those whose job it was to have that
3 more granular knowledge. And so I relied on the assessment
4 of the Embassy staff who were the experts in the matter.

5 MR. WITTMANN: What about the suggestion that Burisma,
6 quote, "used the U.S. Embassy name to try and influence
7 business transactions." Were you aware of this?

8 MR. KENT: I had not heard that, but that, in fact, was
9 one of the driving factors that, when I learned of this
10 program I shut it down.

11 MR. WITTMANN: Did you--were you provided more
12 information and details about how--about this allegation?

13 MR. KENT: What do you mean?

14 MR. WITTMANN: Well, you said this was--that that fact
15 was one of the reasons that led to you wanting to take the
16 program down. I'm just wondering if you were given more
17 information about the suggestion that Burisma used the U.S.
18 Embassy name.

19 MR. KENT: No. I mean, this is an email--I'm just
20 looking at the timing. It was--he was writing the email
21 half an hour before the morning meeting started. So again,
22 I had already made up my mind we were going to shut it down,
23 so this is not a matter of me reading this email that was
24 sent at 7:46 a.m. before an 8:15 morning meeting that I
25 would change my view. I agreed with the advice, and we then

1 moved forward with the decision.

2 MR. WITTMANN: So just so I understand, other than
3 what's in this email, were there any other discussions about
4 instances where Burisma was using the U.S. Embassy name to
5 try to influence business transactions?

6 MR. KENT: Well, the only connection was this program.
7 Based on the article that we were talking about half an hour
8 ago, the allegations from the member of Parliament, she
9 claimed that there was a reference on the Burisma website,
10 and that when she raised it they removed it from the
11 website. So that, we've got in the documents that they, I
12 guess, had posted something on the website specifically
13 about this public-private partnership, and that's the
14 program that I shut down.

15 So I did not--as far as I know, that's what I had asked
16 the initial question, that's what started this entire email
17 exchange. I was asking all parts of the Embassy, where
18 there any contacts, where there any programs? It turned out
19 there was one and we shut it down.

20 MR. WITTMANN: Besides that article and this email,
21 were there any other--did you have any other information or
22 received any other briefings about Burisma using the U.S.
23 Embassy name to try to influence business transactions?

24 MR. KENT: I did not have any additional information,
25 and again, given our position on Burisma and Zlochevsky it

1 was hard to believe that people would take that at face
2 value.

3 MR. WITTMANN: Okay. At the top of this email, on
4 September 1, 2016, you wrote, "My intent is to pull the plug
5 on this program so no further harm is done." This, to
6 confirm, was this referencing to end the partnership when
7 you said "pulling the plug"?

8 MR. KENT: The public-private contest with awards being
9 given for good ideas on clean energy. Correct.

10 MR. WITTMANN: What was the harm that you made
11 reference to? You said "no further harm done." Were you
12 referencing harm that had been done?

13 MR. KENT: I think the--I meant by the association that
14 the previous year, as it turned out, in 2015, there had been
15 a set of awards given by this program implementer, that had
16 been funded by Burisma. They were planning another set of
17 awards, a second set of awards in mid-September, so two
18 weeks after this discussion. We pulled the plug and there
19 was no second. So there had been something that was done in
20 2015, that none of us were aware of. When it became--when
21 we were made aware of those facts, and that there was a plan
22 for a second round of awards, that had been announced, we
23 pulled the plug and it just did not happen.

24 MR. WITTMANN: And when you said that the events that
25 occurred in 2015 "none of us were aware of it," do you mean

1 that you weren't aware of it, or that other people at the
2 Embassy weren't aware of it? I mean, people must have had
3 awareness of it. Correct?

4 MR. KENT: Well, I'm not making an assertion of every
5 individual who was in the chain of command. When I asked
6 the initial question, going back to the same emails that
7 we've been looking at the last half hour, the initial answer
8 by the acting head of the USAID mission was he was not aware
9 of any connection between USAID programs and Burisma. He
10 then came back to me and said, "It turns out there is one."

11 So his first email shows that he, as a manager, did
12 not--was not aware that there had been any connection, even
13 though a year prior there had been this award ceremony.
14 Again, a blip in a line of hundreds of actions being done,
15 but we were targeting in on this one issue, again to avoid
16 any hint of moral hazard.

17 MR. WITTMANN: So this email was sent on September 1,
18 2016. When did you, as you said, pull the plug on the
19 partnership? When did that actually occur?

20 MR. KENT: We had a staff meeting that morning and I
21 made very clear, if you will, what the military calls
22 "commander intent" that this needed to stop. And at this
23 point we had a new Mission Director at USAID who had just
24 arrived, and so she carried that decision, so-called front
25 office decision, forward, and they cancelled the award

1 ceremony.

2 MR. WITTMANN: When you issued the order to pull the
3 plug, did you receive any pushback from anybody in your
4 office or any other office?

5 MR. KENT: I think one of the other documents that's
6 been provided to the Committee indicates that there was one
7 USAID official who thought that cancelling an announced
8 ceremony and contest carried a potential cost, and maybe it
9 would be good if we just didn't do it in the future. And I
10 disagreed and said, no, we're going to pull the plug now.

11 MR. WITTMANN: At the staff meeting, when you made the
12 announcement, did you receive any pushback, or did anyone
13 else raise concerns?

14 MR. KENT: No.

15 MR. WITTMANN: Understood.

16 I'd like to turn it back over to Mr. Downey.

17 MR. DOWNEY: Mr. Kent, you've met with Vice President
18 Biden's staff on Ukraine issues. Correct?

19 MR. KENT: I'm trying to think. Almost all of our
20 communication was over sort of secure coms when I was at the
21 Embassy in Kiev. I am not actually sure if and when we
22 would have met in person.

23 So I communicated but I'm actually--I was not present
24 when Vice President Biden came in a visit in December of
25 2015. Ambassador Pyatt allowed me to go home for

1 Thanksgiving. My family was still in the U.S. So I was not
2 in country when Biden and his staff visited, so my contact
3 and exchanges with his staff would have been done by email
4 and telephone.

5 MR. DOWNEY: So you raised concerns to the Vice
6 President's staff. I think you said that earlier in this
7 interview. Is that correct?

8 MR. KENT: That's correct. That was a phone call in
9 February 2015.

10 MR. DOWNEY: Do you know what day on February it
11 occurred?

12 MR. KENT: I do not know.

13 MR. DOWNEY: Can you be more specific on what you
14 raised concerns about?

15 MR. KENT: As I testified both last fall and I
16 mentioned earlier today, it came subsequent to my meeting on
17 February 3rd. I departed country back to the United States
18 on February 14th, so it would have been in that period of
19 time. It was a conversation in the Ambassador's office, and
20 I suspect somebody from the Vice President's staff called
21 out to ask a question to the Ambassador. He was not there,
22 so I walked across the hall and I answered the phone and
23 answered the question about some other issue. And since I
24 had somebody who worked for the Vice President, whose name
25 honestly I cannot remember because it was not scheduled and

1 they weren't looking to talk to me, I said, "By the way,
2 since I have you on the phone, I've got an issue that I
3 would like to raise with you." And so that was the context,
4 in a conversation that happened somewhere between February
5 4th and February 14th, 2015.

6 MR. DOWNEY: So what did you raise to this Vice
7 President's staffer? What issues?

8 MR. KENT: I said that I had learned that Hunter Biden
9 had been appointed to a board of this company, that I had
10 just raised U.S. concerns about the owner of the company,
11 who we believed had been engaged in money-laundering, and,
12 as I've testified, I thought that created the perception of
13 a possible conflict of interest.

14 MR. DOWNEY: On this phone call with the Vice
15 President's staffer, this occurred in February 2015.
16 Correct?

17 MR. KENT: Correct.

18 MR. DOWNEY: When did you learn about the alleged bribe
19 that Yarema's PGO took?

20 MR. KENT: I arrived in Kiev in mid to late January.
21 At that point there had been no contact at a high level
22 between the Embassy staff and the Prosecutor General's
23 Office, subsequent to us learning the money-laundering case
24 against Zlochevsky had been closed. And so the Department
25 of Justice resident legal advisor asked if I would request a

1 meeting at a high level to raise this issue. And that is
2 what Ambassadors and Deputy Chiefs of Mission do.

3 So we--he could not get a meeting so we requested and
4 got and got an appointment with the First Deputy Prosecutor
5 General, number two prosecutor in the country at the time,
6 Anatoliy Danylenko.

7 MR. DOWNEY: So my question is, did you tell the
8 staffer for Vice President Biden about the alleged bribe to
9 Yarema connected to Zlochevsky?

10 MR. KENT: I can't remember--to be perfectly honest, I
11 don't remember who I spoke to. I don't know why he or she
12 called out to talk to Ambassador Pyatt, and I don't know
13 what else I may have told them and all the context. I'm
14 sure I gave context for why I was raising it and how I
15 learned it. But the bottom line was, I said I believe that
16 this creates the perception of a potential conflict of
17 interest, given Vice President Biden's role and his very
18 strong advocacy for anticorruption action, and that I
19 thought that someone needed to talk to Hunter Biden, and he
20 should be stepped down from the board of Burisma.

21 MR. DOWNEY: As you--I don't want to mischaracterize
22 your testimony, Mr. Kent, but you did tell us, I believe
23 that you have the--you overshare things, which always is the
24 good and bad, depending on what the issue is. But something
25 about Yarema's office accepting a bribe connected to

1 Zlochevsky, I would just assume, talking with you for how
2 many hours now, that you may, probably would bring that up
3 with people higher up the food chain our government. That
4 information, and that allegation seems to be fairly serious.

5 MR. KENT: Well, it is serious, and I had the second-
6 highest Deputy--Prosecutor General in the country. When I
7 asked the question, "How much was the bribe and who took
8 it?" he laughed and said, "That's exactly what President
9 Poroshenko asked us last week." And I said, "So what did
10 you tell the President?" and he said, "Seven million dollars
11 and last May, before we came into office." And I said,
12 "Nice try, but the letter that someone--some prosecutor in
13 your office wrote was signed in late December, six months
14 after you all came into office."

15 Now this is a conversation on February 3rd. Within the
16 week, the entire team was dismissed, and on February 10th,
17 President Poroshenko appointed Viktor Shokin as Prosecutor
18 General. So I was speaking to somebody who, within a week,
19 was out of office, and so was Yarema, and so was Yarema's
20 special assistant, Andre Telizhenko.

21 MR. DOWNEY: Understood. I know our time is ending
22 here so real quick, Mr. Kent, as soon as you learned about
23 this allegation of the \$7 million Yarema bribe, did you
24 report that to your resident legal advisor and, in essence,
25 the Federal Bureau of Investigation?

1 MR. KENT: The resident legal advisor was in the
2 meeting with me and was the note-taker.

3 MR. DOWNEY: Do you know if the resident legal advisor
4 got that information to the FBI after your meeting?

5 MR. KENT: Yes.

6 MR. DOWNEY: Thank you.

7 MR. KENT: Are we getting close to our break, maybe?
8 It's been an hour.

9 MR. FOLIO: I think this is the end of our hour so it's
10 a perfect time for a break. My watch says 2:17. Should we
11 take 8 minutes and be back at 2:25? Does that work for
12 everyone?

13 MR. KENT: Sure.

14 MR. FOLIO: Zach, good for you?

15 MR. SCHRAM: Yes.

16 [Recess.]

17 MR. SCHRAM: Mr. Kent, are you ready?

18 MR. KENT: I am ready.

19 MR. SCHRAM: Mr. Kent, we have just spent a significant
20 amount of time, or the majority has, but a significant
21 amount of time delving into what you described as a
22 perception of a possible conflict of interest. And the
23 Committees spent a rather significant amount of resources
24 and taxpayer money during a pandemic to investigate, again,
25 a perception of a potential conflict of interest, not to

1 mention the resources, sir, that you have incurred, both
2 with respect to your time and your money. I'm sure
3 testifying before Congress was not your favorite part of
4 your portfolio, something you unfortunately had to do a lot
5 of lately.

6 And not to belabor it, but this keeps coming up, you
7 testified in the last hour that Hunter Biden's role on the
8 board had zero impact on the decision of the Embassy, and
9 that Hunter Biden's role was irrelevant. And you know that
10 because you were one of the decision-makers. Correct?

11 MR. KENT: That's correct.

12 MR. SCHRAM: And you advised the Embassy on the
13 decisions with respect to America's policy in Ukraine. You
14 executed the decisions with respect to America's foreign
15 policy in the Ukraine. You advised the Ambassador, and you
16 worked with the Vice President's Office as well on those
17 decisions.

18 MR. KENT: That's correct.

19 MR. SCHRAM: And again, on that basis, you know, for a
20 fact, that Hunter Biden's role on the board had zero impact
21 on the decisions of the Embassy.

22 MR. KENT: To the best of my experience and knowledge
23 that is correct.

24 MR. SCHRAM: Over the last hour, the majority tried to
25 use evidence that you shut down a public-private partnership

1 with Burisma as evidence of--they tried to use the fact that
2 you shut down the public-private partnership with Burisma as
3 some kind of evidence of corruption. Not just corruption of
4 Burisma but the majority is trying to impute that corruption
5 to Hunter Biden and to the Vice President. And they have
6 portrayed your shutting it down as reflecting something
7 nefarious about the Vice President.

8 But you were working in the foreign service as a part
9 of the Obama administration, a career foreign service
10 official--officer, rather. As part of the Obama
11 administration, you were working for an Ambassador who was
12 appointed by the President, and working on foreign policy,
13 as you've testified, that involved the Vice President's
14 Office, and you shut down that program, the public-private
15 partnership with Burisma. Correct?

16 MR. KENT: Correct. We made that decision, as we were
17 just discussing, at the beginning of September 2016.

18 MR. SCHRAM: And remind me, what was the value of
19 Burisma's contribution to that program?

20 MR. KENT: I believe one of the emails indicates the
21 prizes that they had proposed for the two years totaled
22 \$7,500.

23 MR. SCHRAM: So over \$7,500. You intervened and shut
24 it down because you didn't want the U.S. mission in Ukraine,
25 or United States generally, to be associated with Burisma.

1 MR. KENT: Correct.

2 MR. SCHRAM: You acted with integrity to prevent the
3 perception of official favor for Burisma.

4 MR. KENT: I acted to prevent the perception that the
5 U.S. Government had anything to do with Burisma.

6 MR. SCHRAM: This is a clear demonstration of your
7 integrity and of the integrity of our foreign service and of
8 the integrity of the Obama foreign policy--Obama
9 administration foreign policy.

10 Now one concern of the Ranking Members, and it's
11 regrettable that you've been drawn into this, is that this
12 is transparently a partisan political attack on the
13 Democratic candidate for President just months before an
14 election. And I regret that you, a distinguished,
15 nonpartisan foreign service officer, has to sit through it.

16 But the concern of the Ranking Members is not just that
17 this is playing politics, but it's that this has put the
18 Committee in a position of advancing a Russian
19 disinformation effort that is part of an attack on the
20 integrity of our election, and it is one that advances
21 Russian interests, in Ukraine and in Europe, against the
22 national security interests of the United States.

23 And I'm not asking for you to comment on that. Just
24 expressing that I regret that you've been drawn into it.

25 But to that point, I would like to refer you now to

1 letters that were provided to your counsel last night, and
2 that were provided to the majority previously. And I
3 believe we are on Exhibit D. Marking as Exhibit D, a letter
4 from Ranking Members Peters, Wyden, and Feinstein to
5 Chairman Graham, Johnson, and Grassley.

6 [Kent Exhibit D was marked for
7 identification.]

8 MR. SCHRAM: I'll give you a moment, Roy, to pull it
9 up, and, Mr. Kent, to review it.

10 MR. KENT: December 17, 2019?

11 MR. SCHRAM: Correct. And in the second full
12 paragraph, the Ranking Members write, "Allegations of
13 Ukrainian interference in the 2016 election are part of a
14 Russian disinformation campaign. Dr. Fiona Hill, the former
15 head of Russia and Ukraine policy for the National Security
16 Council and formerly the top analyst for Russia at the
17 National Intelligence Council, testified to Congress, with
18 regard to these allegations: 'This is a fictional narrative
19 that is being perpetrated and propagated by the Russian
20 security services themselves.'

21 "And Assistant Secretary of State George Kent testified
22 that there is no evidence 'whatsoever' of wrongdoing by Vice
23 President Biden. Consequently, we do not see a basis for an
24 investigation by three major Senate Committees into these
25 discredited allegations and believe that doing so could

1 advance the Russian disinformation and election interference
2 efforts. We should not facilitate foreign interference in
3 our 2020 election."

4 Marking as Exhibit E, a letter dated February 27, 2020,
5 also provided to your counsel and previously to the
6 majority, from Ranking Members Peters to Chairman Johnson.

7 [Kent Exhibit E was marked for
8 identification.]

9 MR. SCHRAM: This letter was written in response to the
10 Chairman's notice of a subpoena of Andrii Telizhenko, who
11 you testified as being a known liar, and Senator Peters
12 wrote, "I warned when this investigation began that '[w]e
13 should not facilitate foreign interference in our 2020
14 election.' I remain concerned that the United States Senate
15 and this Committee could be used to further disinformation
16 efforts by Russian or other actors. Because these efforts
17 pose a threat to our national security, I have asked for the
18 Committee to receive defensive briefings, specifically
19 regarding Mr. Telizhenko, from relevant intelligence
20 community and law enforcement officials, to ensure the
21 Senate is not allowed to advance any disinformation
22 campaigns."

23 Marking as Exhibit F, a letter of March 17, 2020, from
24 Ranking Member Peters to Chairman Johnson, with respect to
25 another subpoena by Senator Johnson, for the same

1 information sought in the aborted attempt to subpoena Andrii
2 Telizhenko, this time of Blue Star Strategies.

3 [Kent Exhibit F was marked for
4 identification.]

5 MR. SCHRAM: And in the second full paragraph, Ranking
6 Member Peters writes, "The subpoena request is inappropriate
7 for a number of reasons: you have not fully pursued
8 voluntary production of these records; you have not
9 scheduled the intelligence briefings you agreed to; you risk
10 continuing to amplify foreign election interference efforts;
11 and your own public comments acknowledge that your
12 investigation is at least partially targeted at influencing
13 voters, 'if I were a Democrat primary voter, I'd want these
14 questions satisfactorily answered before I cast my final
15 vote.'"

16 I will note that the questions in this case have been
17 satisfactorily answered, by you today, by you in your
18 previous testimony, by the public record, and by the
19 documents in the Committee's possession.

20 Marking as Exhibit G, a letter from Ranking Members
21 Peters and Wyden to Chairmen Johnson and Grassley, on July
22 16, 2020.

23 [Kent Exhibit G was marked for
24 identification.]

25 MR. SCHRAM: This is now roughly seven months after the

1 first--the Ranking Members formally raised concerns about
2 the disinformation effort. It is also months after the
3 original staff-level and then member-level requests for
4 briefings on these matters.

5 The first paragraph states, "We reiterate our request
6 for a briefing from Members of our Committees from the
7 Federal Bureau of Investigation's Foreign Influence Task
8 Force and relevant Intelligence Community members related to
9 your ongoing investigation. Two weeks ago, The Washington
10 Post reported that 'a Ukrainian lawmaker who was once
11 affiliated with a pro-Russian political party and has with
12 Giuliani released 10 edited snippets of what appeared to be
13 Joe Biden's official vice presidential phone calls in 2016,
14 with Petro Poroshenko.'" The Post reported that this
15 lawmaker 'studied under the KGB in Moscow in the early
16 1990s' and that these efforts suggest a new push by foreign
17 forces to sway American voters in the run-up to the 2020
18 election.'"

19 Mr. Kent, although it doesn't name him, can you tell by
20 the description who is referred to in that paragraph?

21 MR. KENT: The released snippets of conversation were
22 released at a series of press conferences in May, June, and
23 July, led by Andrii Derkach, and flanked by a corrupt former
24 deputy prosecutor named Konstantyn Kulyk.

25 MR. SCHRAM: With respect to the May press conference

1 you just referenced, are you aware that it occurred on May
2 19th?

3 MR. KENT: May 19th, May 20th. I would have probably
4 said the 20th, but if you have reason to believe it was the
5 19th, I accept that.

6 MR. SCHRAM: In fact, it was hours before the
7 Committee's markup of the Blue Star subpoena. The tapes
8 were released hours before the Committee was called to vote
9 on advancing a subpoena for unauthorizing a subpoena tied to
10 the very allegations related to the information sought from
11 Blue Star Strategies and promoted by Mr. Derkach and Mr.
12 Telizhenko and others.

13 Mr. Kent, one more letter I'd like to bring to your
14 attention. So among the documents in the Committee's
15 possession and the documents that the majority have referred
16 to in the development of its investigation, are documents
17 from the Executive Office of the President during the Obama
18 administration. Now those documents were requested by the
19 Chairman from the Archivist of the United States, but they
20 had not been scheduled for release, so they required the
21 consent of the former Obama administration for their
22 release.

23 Marking as Exhibit, I believe we're on H, a March 13,
24 2020, letter from Anita Decker Breckenridge, records
25 representative to President Obama.

1 [Kent Exhibit H was marked for
2 identification.]

3 MR. SCHRAM: And drawing your attention to the third
4 full paragraph. The letter states, "President Obama has
5 consistently supported the nonpartisan administration of
6 presidential records and the commitment to transparency core
7 to NARA's mission. However, the current request is not a
8 proper use of the limited NARA exceptions. It arises out of
9 efforts by some, actively supported by Russia, to shift the
10 blame for Russian interference in the 2016 election to
11 Ukraine," and it refers, again, to Ms. Hill--or Dr. Hill's,
12 I believe, testimony, quote, "'Based on the questions I have
13 heard, some of you on this committee appear to believe that
14 Russia and its security services did not conduct a campaign
15 against our country and that, perhaps, somehow, for some
16 reason, Ukraine did. This is a fictional narrative that is
17 being perpetrated and propagated by the Russian security
18 services themselves.'"

19 It goes on, referencing David Hale testimony before the
20 Senate Foreign Relations Committee on December 3, 2019,
21 quote, "I have seen no credible evidence about these
22 allegations of Ukraine."

23 The final paragraph of the letter, in its decision to
24 permit this Committee to have access to the records, states,
25 "Nevertheless, in the interest of countering the

1 misinformation campaign underlying this request, we are
2 prepared on this occasion to provide the Committees access
3 to the records responsive to this request. In doing so, we
4 emphasize that abuse of the special access process strikes
5 at the heart of presidential confidentiality interests and
6 undermines the statutory framework and norms that govern
7 access to presidential records."

8 Mr. Kent, based on everything that we've discussed so
9 far concerning the sources of information behind some of the
10 requests, particularly Mr. Telizhenko, and the concerns
11 raised by the Ranking Members with respect to
12 disinformation, do you think that a briefing from the FBI's
13 Foreign Influence Task Force and the relevant members of the
14 intelligence community would be helpful for members of the
15 Committee to understand the relevant national security
16 risks?

17 MR. KENT: I do have to say, I'm very respectful of
18 congressional prerogatives to obtain information. I'm here
19 voluntary because I recognize oversight responsibilities.
20 But I'm not here to critique how members conduct their
21 inquiries. I will leave that to the two parties, the
22 majority and the minority, to discuss. I'm here as a fact
23 witness, so I will stay on that point of view.

24 MR. SCHRAM: Very diplomatic. As not just a fact
25 witness, you're also an expert witness. Is that correct?

1 You're an expert on Ukraine and Russia's disinformation
2 efforts in the region.

3 MR. KENT: I think many people would say that I have
4 deep experience in those areas, yes.

5 MR. SCHRAM: So based on your knowledge of Russian
6 disinformation efforts in the region, would it be prudent,
7 for anyone pursuing these issues, to obtain the relevant
8 information and to receive briefings from the experts in the
9 administration, in this administration, with respect to
10 foreign influence?

11 MR. KENT: Again, I can testify to policy and to the
12 facts as I have known them. As I suggested in my opening
13 comments, certain issues related to the intelligence
14 community should be addressed in other venues.

15 MR. SCHRAM: The letter marked as Exhibit I--pardon me,
16 is it G, the July 16th? Yes--refers to The Post's
17 reporting. So I'd like to enter that article that it refers
18 to into the record. This is a July 1, 2020, article in The
19 Washington Post, entitled "Hunt for Biden tapes in Ukraine
20 by Trump allies revives prospect of foreign interference."
21 And again, this was provided to your counsel in advance of
22 the interview and to the majority.

23 And it's a long article and we won't read the whole
24 thing. Just very quickly, on page 2 of the PDF, the second
25 paragraph--that's the paragraph that was cited in the

1 letter, as you said it refers to Mr. Derkach.

2 On the following page, page 3, the last paragraph--and
3 you mentioned former Mayor Giuliani and part of his efforts.
4 That paragraph states, "Both Giuliani and Lev Parnas, a
5 Ukrainian American businessman who served as his fixer in
6 Ukraine, confirmed that they sought tapes of Biden last
7 year. Giuliani said he received assistance in his pursuit
8 from a source within the State Department, who he claimed
9 pointed him to the dates of certain conversations between
10 Biden and Poroshenko by accessing an official U.S.
11 Government archive."

12 Mr. Kent, you are currently an official at the State
13 Department. Is that an appropriate action by a State
14 Department employee, to access a U.S. official government
15 archive to provide information to outside parties, in this
16 case a personal representative of the President and a
17 Ukrainian American businessman?

18 MR. KENT: I would say that when I read that in The
19 Washington Post it raised my eyebrows. I have no knowledge
20 that that actually occurred. I've talked about Ukrainians
21 who don't always tell the truth. I will just say that I
22 don't know that that happened, but I would say that that
23 would be a matter for diplomatic security to investigate in
24 the State Department. But I have no basis to judge whether
25 it happened. I certainly would not have provided that

1 information.

2 MR. SCHRAM: Understood. If true, why would that be
3 something that would be a matter for diplomatic security to
4 investigate?

5 MR. KENT: It's the responsibility of diplomatic
6 security, in terms of inappropriate provision of information
7 in government hands.

8 MR. SCHRAM: And as described, you would regard it as
9 inappropriate provision of government information.

10 MR. KENT: I have no factual basis to assert that it
11 actually happened. What we have is a claim by somebody who
12 I testified publicly last year was engaged in smear campaign
13 full of lies against our then-Ambassador.

14 MR. SCHRAM: Moving on, on page 9 of the PDF--on page 9
15 we learn of a number of Ukrainians who have come in this
16 investigation. We've spoken already of Derkach. The second
17 paragraph says, "In addition to Derkach"--but I'll start
18 above that for context.

19 "Ukrainians with a variety of competing political and
20 personal agendas have claimed to be releasing or publicizing
21 the Biden taps, moves critics say align with both Russia's
22 and Trump's interests.

23 "In addition to Derkach, they include former Ukrainian
24 prosecutor Konstantyn Kulyk"--and who is Mr. Kulyk?

25 MR. KENT: He is what I referred to as a corrupt former

1 deputy prosecutor who appear before Derkach during the press
2 conferences. That was he, Konstiantyn Kulyk, known to be
3 associated and under control of Kolomoyskyi, a billionaire
4 corrupt oligarch.

5 MR. SCHRAM: The paragraph continues, "former Ukrainian
6 diplomat Andrii Telizhenko," who we have spoken about at
7 length, "and the Ukrainian gas tycoon and former lawmaker
8 Oleksandr Onyshchenko, who have all interacted with Giuliani
9 or his associates. Some have promised more leaks are coming
10 to help Trump later in the year."

11 Who is Mr. Onyshchenko?

12 MR. KENT: Oleksandr Onyshchenko, aka Kadyrov, which
13 was his birth name, is a former lawmaker, and his father ran
14 the jail system in Soviet Uzbekistan, brutally. He
15 allegedly also had roots in the KGB system, as Derkach did,
16 and was a classic Ukrainian politician/businessman, and he
17 eventually fled Ukraine. And I would suggest, as you pursue
18 intelligence briefings, that you ask about Onyshchenko,
19 including--along with Derkach.

20 MR. SCHRAM: Thank you. I'm being reminded to enter
21 this as an exhibit. If I haven't already said so, this will
22 be Exhibit H--I. I am being corrected. I, Exhibit I.

23 [Kent Exhibit I was marked for
24 identification.]

25 MR. SCHRAM: Continuing with the article, "'This summer

1 there will be more release of conversations, with full
2 transcripts,' said Telizhenko, who said he speaks regularly
3 with Giuliani in between aiding various Ukrainian tycoons,
4 some of them with Russian interests. Telizhenko said he is
5 working independently from Derkach, noting, 'I am going to
6 release everything all together when the time is right.'

7 "Onyshchenko told The Post that the tapes that have
8 been released are his, part of a cache he said he obtained
9 from Poroshenko aides."

10 And I pause there to ask your view on the meaning and
11 implication of recordings between an American Vice President
12 and a Ukrainian President being released illicitly.

13 MR. KENT: I do not know the provenance of the selected
14 recordings that have been released. I would say that, to
15 the best of my knowledge from having received Britain
16 summaries, that they would track with conversations that did
17 happen between Vice President Biden and then-President
18 Poroshenko.

19 I will say that I have warned an advisor to President
20 Zelensky, because President Zelensky himself said, in his
21 May 21st press conference, that they understood that more
22 tapes would be coming out, that even if the tapes released
23 so far seemed to comport in the era of deep fakes that we
24 all needed to be very careful in listening to breaking
25 alleged tape recordings that they actually represented

1 actual conversations.

2 I would also say that Onyshchenko was an aide to
3 Poroshenko for several years. When he left, allegedly he
4 had been taping conversations in Poroshenko's office for a
5 long time, and some congressional delegations--I don't know
6 if this happened to Senator Johnson or not--but for over a
7 year no one was allowed to wear a watch into Poroshenko's
8 office. And the same place where we had to drop off cell
9 phones, we had to take off watches. And so we were telling
10 people that they needed to leave their watches in the
11 Embassy cars, and, in fact, one time Will Hurd, the
12 Congressman from Texas who is a former CIA officer, he
13 collected all the Congressmen's offices and ran back down to
14 the car so no one left their watch in the box under the
15 control of the Ukrainian presidential staff.

16 And the reason, for over a year everyone was forced to
17 take their watches off is because allegedly there had been
18 tapes--Onyshchenko allegedly had made tapes wearing a luxury
19 watch that had a taping capability of conversations that
20 Poroshenko had made.

21 So that's just a little bit of background about taping.
22 I would not dispute the fact that Onyshchenko may have had
23 access to conversations with Poroshenko, and he was known to
24 be a go-between between Poroshenko and Ukrainian politicians
25 for several years before they had a falling out and he fled

1 the country.

2 MR. SCHRAM: Is releasing tapes of high-level
3 conversations, in this case between a Vice President and a
4 President, for lack of a better word, is that kosher? Is
5 that an ordinary part of the diplomatic process?

6 MR. KENT: In my experience, both sides generally try
7 to release a statement or summary of the conversation, but
8 it's highly unusual to have tapes released of the actual
9 conversation.

10 MR. SCHRAM: Do you think that represents malign
11 efforts?

12 MR. KENT: I think the general assessment is that it
13 was done with an intent to embarrass.

14 MR. SCHRAM: And to embarrass whom and for what--and
15 toward what end?

16 MR. KENT: I think the campaigns, both last year,
17 spearheaded by former Prosecutor General Lutsenko and this
18 year, led by people like Derkach, Kulyk, and Onyshchenko
19 have multiple targets, both Ukrainian and American.

20 MR. SCHRAM: And is one of those targets former Vice
21 President Biden?

22 MR. KENT: That would apparently be the case, but I
23 would add also that in the Ukrainian context the primary
24 target recipient is probably Zelensky, but the target is
25 Poroshenko.

1 MR. SCHRAM: Understood. Continuing in the article,
2 "Onyshchenko told The Post that the tapes that have been
3 released are his, part of a cache he said he obtained from
4 Poroshenko aides.

5 "He told the Russian state news service Sputnik in late
6 May that his lawyers and Giuliani's team had 'exchanged
7 hundreds of emails,' and that he has handed over materials
8 about Biden, which he said Trump's allies will make use of
9 in the fall.

10 "'because of the coronavirus, they are waiting,'
11 Onyshchenko told Sputnik. 'But in September, closer to the
12 elections, they will begin to use them more.' He told The
13 Post the materials"--I will pause here to save Joe the
14 effort to intervene, that I am not reading this as a comment
15 on what the Committee has or has not done, only reporting
16 about what Onyshchenko claims.

17 Joe?

18 MR. FOLIO: Yeah. Thanks for that clarification, Zack,
19 and when this came up previously, we just made that point
20 because we thought it was unfair to read something into the
21 record where we had told the minority in confidence what the
22 answer was. I think we--our press release is now public,
23 and because of this news and people running with it, we sort
24 of made clear that we never requested or received that
25 information. So that's not in the record. Thank you.

1 MR. SCHRAM: "'But in September, closer to the
2 elections, they will begin to use them more.' He told The
3 Post the materials were being given to the Republican-led
4 Senate Homeland Security Committee, which is pursuing an
5 inquiry into Biden's activities in Ukraine."

6 Mr. Kent, with respect to Andrii Derkach, I'd like to
7 turn your attention to a document that he released, and
8 given your descriptions of him, I think I want to be clear
9 that by introducing this into the record we are in no way
10 endorsing it but rather trying to expose it.

11 This is a chart. We will mark it as Exhibit J, if I
12 can do the alphabet successfully.

13 [Kent Exhibit J was marked for
14 identification.]

15 MR. SCHRAM: It's been provided to your counsel and
16 provided to the majority this morning.

17 It is extremely--

18 MR. KENT: I saw it when he released it in June,
19 because I'm on it.

20 MR. SCHRAM: That's a perfect segue. Can you tell us a
21 bit about its release and what your impressions were?

22 MR. KENT: I think--I believe this was June--I don't
23 know if it was the 22nd, 23rd, whenever his conference was.
24 He held a press conference in Ukraine, flanked by
25 Konstantyn Kulyk, the aforementioned corrupt former deputy

1 prosecutor who is allied with oligarch Kolomoyskyi. And it
2 is Andrii Derkach's delusional chart of how, I will say
3 informally, Joe Biden, George Soros, and George Kent control
4 Ukraine. And I only say that with partial sarcasm, because
5 the chart is very difficult to read, but if you see, up on
6 the upper left-hand corner, he lists his line-up of alleged
7 Ukrainian heroes, accusers of international corruption in
8 Ukraine. And it starts with himself, Andrii Derkach. I'm
9 not sure who the second person is. I don't have a version
10 blown up.

11 MR. SCHRAM: We'll zoom in for you.

12 MR. KENT: The second person, oh, Alexander Debinski.
13 He fits in my category of liars. He is an experienced
14 journalist working for Kolomoyskyi, the corrupt oligarch.
15 He, along with Telizhenko, on national TV claimed I control
16 Ukraine by talking to the deputy foreign minister several
17 times a week. That's absurd because there's no foreign
18 ministry in the world that controls the country.

19 The next person is Viktor Shokin--we talked about him--
20 Yuri Lutsenko, Konstantyn Kulyk--we talked about him--
21 Telizhenko; Nalyvaichenko, former head of the Security
22 Service; Volodymyr Boiko, who I think is just a blogger; and
23 then Andriy Artemenko, another corrupt former MP who had his
24 citizenship stripped, his Canadian citizenship. He changed
25 his name to Andy Victor Kuchma, and he filed a FERA

1 representation form representing Andrii Derkach's interests
2 here in the United States on July 8.

3 MR. SCHRAM: So pausing there for a moment, so I
4 understand this correctly, this is, in Derkach's view,
5 representing who he sees to be the good guys in Ukraine, the
6 people who are actually pursuing corruption. Is that a
7 fair, if somewhat juvenile, interpretation?

8 MR. KENT: That would be an interpretation of this
9 piece of disinformation, yes.

10 MR. SCHRAM: But you disagree with that assessment.
11 Why?

12 MR. KENT: Well, what you have on the screen there are
13 a bunch of combination, as I describe, people who lie,
14 people who are corrupt, people who advance Russia's
15 interests, and some who do all three.

16 MR. SCHRAM: Switching to the other side of this
17 document, well, pausing first in the middle, you mentioned
18 the conspiracy theory that it's all just controlled by Vice
19 President Biden and George Soros, this part of the chart,
20 and then on the right side of the chart, in this green box,
21 is Derkach's view of good guys, "Accusers of International
22 Corruption in the USA." I'm not going to ask you to read
23 this or go through it, but I will just point out that the
24 first photograph is Rudy Giuliani, the second is Bill Barr,
25 the third is Secretary of State Pompeo, and in the middle we

1 have the three chairmen leading this investigation, Chairman
2 Graham, Chairman Johnson, and Chairman Grassley. To be more
3 accurate, the specific investigation that you are testifying
4 in response to is just led by Johnson and Grassley. Graham
5 has his own and different investigations.

6 Where do you appear in this chart?

7 MR. KENT: I'm in the center as the coordinator or as
8 the Ukrainian-Russian term "curator" of the U.S.
9 Government's efforts to reform the Prosecutor General's
10 Office and carry out U.S. policy in Ukraine.

11 MR. SCHRAM: And why would Mr. Derkach depict you in
12 this fashion?

13 MR. KENT: It goes back to my role as the Senior
14 Anticorruption Coordinator, my role in advancing
15 anticorruption activities and rule-of-law programming. And
16 just to point out, there are five local Ukrainian members of
17 our staff of the Embassy in Ukraine two rows below me, and
18 those are the local Ukrainian employees of the Embassy who'd
19 worked directly with Ukrainian law enforcement and Ukrainian
20 justice sector entities to forward reform policies. So in
21 addition to three Ambassadors, me and a retired FBI agent,
22 they've listed and named, with photos, five Ukrainians who
23 work at our Embassy, promoting systemic institutional
24 reform.

25 MR. KENT: The second blue column is entitled "Shokin's

1 Legal Cases." Can you help us understand what's depicted in
2 this column?

3 MR. GOSHORN: Zack, this is Dan. I'm sorry to
4 interrupt. Mr. Kent, when you pointed out that there were
5 five Ukrainian nationals who worked at the Embassy, depicted
6 on the chart, do you think their depiction on this chart,
7 you know, endangers them?

8 MR. KENT: I was--the first email I wrote after I saw
9 this chart was actually to them, expressing concern and
10 asking how they were feeling about having somebody who was a
11 member of Parliament and a known advancer of Russia's
12 interests put their photos and names out in the public
13 domain. Two of their names had been outed by Derkach in a
14 press conference late last year, either in October or
15 November, so it was not new for two of them. This was the
16 first time that they had pictures associated with that.

17 Their spirits were high and they said they were, you
18 know, in a way, honored to be called out by a corrupted jerk
19 like that, and they were continuing to fight to make Ukraine
20 a better country.

21 MR. GOSHORN: But you reached out to them because you
22 were concerned that they were listed on this document. Is
23 that correct?

24 MR. KENT: Correct. I mean, I think for high-ranking
25 U.S. officials who are taking on corrupt influences, as I

1 testified last year, it's not a surprise when corrupt
2 foreigners come after us, because we're going to after
3 undermining their interests. It's different for, in this
4 case, nationals who work for us to get called out by name.
5 We have diplomatic immunity. They have to go back to their
6 homes every night.

7 And I would point out one of the names in that box,
8 next to Karen Greenaway, the retired FBI agent, it says
9 "Members of the board at Shabunin's AntAC. Shabunin is the
10 Director of the Anticorruption Center of Ukraine, and his
11 house was torched by arson the other night, two nights ago.
12 Fortunately, he was staying at his mother's or mother-in-
13 law's. But he has two young kids, and someone actually
14 burned his house down.

15 So the events of this week, if you look at the
16 headlines from Ukraine yesterday, they were dominated by an
17 arson attack against his house. President Zelensky actually
18 issued a long Facebook message about this dangerous signal
19 that was sent.

20 So Ukrainians who take on corrupt interests do bring
21 risk to themselves and their families. So that's why I was
22 concerned that Derkach was putting the names and faces of
23 our local Ukrainian employees at our embassy.

24 MR. GOSHORN: Thank you for that.

25 MR. SCHRAM: Returning to the chart, Mr. Kent, can you

1 just--can you help us understand what it alleges? So the
2 first column is Burisma. Why don't you just start there and
3 very briefly just go through the columns.

4 MR. KENT: Okay. Several caveats here. What you're
5 asking me to interpret is a master chart of disinformation
6 and malign influence. So it doesn't mean anything on this
7 chart is real. And going back to your original, or your
8 previous quote from the article in The Washington Post of
9 what Onyshchenko said, the master, if you will, craft of
10 creating disinformation is you take certain information that
11 may be true, fact that people know are true, and then you
12 sprinkle in the disinformation. So that's the approach.

13 So the people on this chart are true, they exist, but
14 any assertion of their roles or what they do could well be
15 false, mixed in with the truth. And so what this is is
16 click-bait for people who are looking for information to
17 fill in conspiracy theories.

18 So with that context, the first column, Burisma. We've
19 been talking about that, and it lists some of the people we
20 talked about, other people we didn't. The guy, Andriy
21 Kicha, I think may have been arrested this month for trying
22 to try to give another bribe to close another case against
23 Zlochevsky. So that's the first chart.

24 The second chart, "Shokin's Legal Cases." He wasn't
25 fired at Biden's request. He was dismissed by the RADA, but

1 in any case we've talked through the thought process. What
2 the U.S. did was threaten to withhold a sovereign loan
3 guarantee.

4 MR. SCHRAM: So I understand this column, in this case
5 Derkach is alleging that Shokin--and correct me if I'm
6 wrong, please--Shokin was actively pursuing corruption,
7 including corruption at Burisma, including corruption tied
8 to Hunter Biden, and that he was fired at Vice President
9 Biden's request. That's what Derkach is--

10 MR. KENT: I don't--yeah, I honestly--I--well, I won't
11 say exactly how I became aware of this. Should I tell him
12 or no?

13 MR. HARTMAN: Can we just take a quick--want to hold on
14 for a minute?

15 MR. KENT: Yeah.

16 [Pause.]

17 MR. KENT: I'm back. Yeah, so I learned of this
18 because of a social media Facebook post of a high school
19 classmate of mine, and I just followed the links and found
20 the case.

21 So again, just because Andrii Derkach put it on a piece
22 of paper or on a chart, that's difficult to read on Google
23 Docs, doesn't mean that it actually is true. So what he's
24 tried to do is create a chart with lots of lines of effort,
25 with alleged facts, some of which may be true, most of which

1 probably are not, to try to convince people that there's
2 something there there, when there's nothing there, or
3 there's very little there.

4 So that, you know, so it says "Shokin's Cases." Again,
5 you've got Andrii Derkach asserting that Shokin had cases
6 open. There are lots of, quote/unquote "investigations"
7 that get opened in Ukraine. Oftentimes they're used to
8 extort money from people to have them shut down again.
9 That's why I assessed prosecutorial service as a protection
10 racket and a self-enrichment device.

11 So I honestly don't know if there was ever a legitimate
12 case. There may have been a case opened but I have no
13 knowledge, no facts to assess.

14 So that's--you know, again, I don't think I should go
15 through the individual tics because all this is is spaghetti
16 up on the wall to see what will stick. That's a second
17 point of effort.

18 MR. SCHRAM: And let's talk about some of the other
19 individuals depicted here. This chart depicts Amos
20 Hochstein. Who is Mr. Hochstein?

21 MR. KENT: Mr. Hochstein, in the Obama administration,
22 at least the second term, was the Assistant Secretary for
23 Energy in the State Department.

24 MR. SCHRAM: And why has he been included by Mr.
25 Derkach?

1 MR. KENT: Honestly, I can't--again, I have assessed
2 the whole chart as a master work in disinformation by Mr.
3 Derkach. I honestly don't know why Mr. Derkach would
4 include him, although I think it's well-known that
5 Hochstein, maybe in the past, worked for Biden. They
6 certainly have an association.

7 But there's NABU. That's the National Anticorruption
8 Bureau. The next column is "Reforming the Prosecutor's
9 Office." The next column is "International Technical
10 Assistance," and, you know, as I testified in my opening
11 statement, \$4.3 billion of appropriated assistance. Looks
12 like Derkach may have picked and chosen a number of
13 programs. Whether those are actual programs, actual
14 amounts, or actual implementers, you know, that would have
15 to be investigated. I don't know.

16 The next column, "Natfogaz," that is the state-owned
17 gas company. When I referred to an 8 percent GDP gap loss
18 through corruption, that was that company, Naftogaz. So I
19 think most experts would say--are people there? I've just
20 lost much of the pictures.

21 MR. SCHRAM: We're here.

22 MR. KENT: Okay. So after the Revolution of Dignity,
23 probably the two greatest anticorruption achievements were
24 having a competent, honest national bank, central bank,
25 cleaning up the corrupt banks, and getting competent

1 management at Naftogaz and closing an 8 percent GDP hole.
2 And just by making it break even, they basically saved 8
3 percent of their GDP reducing theft.

4 The next one, "Domestic Government Loan Bonds," I
5 honestly couldn't give you any more detail on that except
6 there always are schemes--no, that's financial markets,
7 people looking to short the market or make money off bond
8 trading.

9 And then the last three columns, it looks like it says
10 "International Corruption." I'm not sure what that is.
11 You'd have to zoom in and see what the allegation is. I'm
12 sure it's nothing actual. Then there's the "Poroshenko
13 Tapes." That gets into what he has been releasing in drips
14 and drabs. And then the last box says "Supervisory Boards,"
15 and, you know, the chart I have printed out doesn't have
16 high enough resolution to show what's there, but there may
17 be allegations that certain people are on certain boards.

18 So that's the chart, and again, I think if you look
19 down the other layers, what Derkach has done in the last,
20 starting late last fall, or around the time of the
21 impeachment hearings, he starting having press conferences,
22 filing legal complaints, which is his right as a member of
23 Parliament, and opening up alleged investigations, or
24 demanding that courts and law enforcement open up
25 investigations on programs and decisions related to these

1 lines of efforts. And I think what he has done is
2 memorialize, in the lower parts of each column, what he has
3 done, and suggested if people want more information they can
4 click and find all the false additional disinformation that
5 he's put on--he sort of populated on the Web in the last 8
6 or 10 months.

7 So this has been a long-term disinformation,
8 misinformation effort on the part of Mr. Derkach and his
9 associates.

10 MR. SCHRAM: You called it disinformation. You called
11 it misinformation. Would you also call it conspiracy
12 theory?

13 MR. KENT: I'm not going to--I've used the terms that I
14 feel comfortable with in how we work as diplomats. I will
15 leave the legalese to the lawyers.

16 MR. SCHRAM: Fair enough. So we were just discussing
17 Mr. Hochstein, and you'll note that he's included in this
18 chart. Are you aware that he is also a witness to this
19 investigation, that the majority has called him as a witness
20 to this investigation?

21 MR. KENT: One of the letters that either the majority
22 or minority entered into evidence in this hearing mentioned
23 his name. That was the first time I read his name
24 associated with this inquiry was today.

25 MR. SCHRAM: You'll see Victoria Nuland is on this

1 chart. Do you know who Ms. Nuland is?

2 MR. KENT: She was the former Assistant Secretary of
3 the European Bureau, and so I, through several layers, I've
4 reported to her during the time of her job as Assistant
5 Secretary, yes.

6 MR. SCHRAM: And are you aware that at the Chairman's
7 initiation, and on a party line vote, the Committee has
8 authorized a subpoena for the testimony of Ms. Nuland
9 related to allegations of corruption with respect to Burisma
10 and Vice President Biden?

11 MR. KENT: That's the first I've heard of that,
12 although in the same document that was introduced this
13 morning that mentioned Hochstein also had her name listed.
14 So this is all new to me. I had not been aware of that
15 before this morning.

16 MR. SCHRAM: And you've seen that Ambassador Pyatt is
17 also on this chart?

18 MR. KENT: Yes. I worked for him for a year and a half
19 in Kiev. He is now our Ambassador to Greece.

20 MR. SCHRAM: And you are aware that Ambassador Pyatt
21 has also been asked to testify by the majority with respect
22 to this investigation?

23 MR. KENT: His name was on the letter of April 30th,
24 that our congressional liaison provided to me.

25 MR. SCHRAM: In the last hour with the majority you

1 spent some time talking about the moral hazard of
2 association. Would you regard it as a moral hazard to
3 associate with Mr. Derkach?

4 MR. KENT: I would advise everyone to steer clear of
5 Mr. Derkach, yes.

6 MR. SCHRAM: Would that include steering clear of his
7 allegations?

8 MR. KENT: Yes.

9 MR. SCHRAM: Would you regard it as a moral hazard to
10 associated with Mr. Telizhenko?

11 MR. KENT: Yes.

12 MR. SCHRAM: Would you advise that everyone steer clear
13 of Mr. Telizhenko?

14 MR. KENT: I would.

15 MR. SCHRAM: And would that include his allegations?

16 MR. KENT: Again, based on my personal experience and
17 seeing what he says and does, I don't think he is a reliable
18 witness or interlocutor.

19 MR. SCHRAM: Would you regard it as a moral hazard to
20 associate with Mr. Onyshchenko?

21 MR. KENT: I definitely would, yes.

22 MR. SCHRAM: And would you regard it as a moral hazard
23 to advance his allegations?

24 MR. KENT: I would simply say anything he says cannot
25 be considered credible and has to be considered as having

1 other motives.

2 MR. SCHRAM: Would advancing the allegations of Mr.
3 Telizhenko, Mr. Derkach, Mr. Onyshchenko be in the United
4 States' national interest?

5 MR. KENT: As I mentioned in my opening statement, I
6 think all of us who take an oath to protect and defend the
7 Constitution of the United States need to be very careful in
8 how we treat any information or allegations that come from
9 any of these individuals.

10 MR. SCHRAM: With that I'd like to ask Dan Goshorn if
11 he has any questions.

12 MR. GOSHORN: Yeah. I just wanted to ask one follow-up
13 about that chart. You don't need to pull it back up, I
14 don't think. But just to summarize, would you say that
15 Derkach--that his reason for creating that chart and making
16 it public, was it to fight corruption in Ukraine or to
17 advance his own corrupt interests?

18 MR. KENT: I do not want to try to get into the mind of
19 Mr. Derkach. I would just say that I wouldn't treat this as
20 a serious document, and I would treat it for what I believe
21 it to be is a part of his campaign to try to influence
22 perceptions of people inside Ukraine as well as in the
23 United States.

24 MR. GOSHORN: Thank you. I've lost track of time.
25 Where are we?

1 MR. SCHRAM: A few more minutes.

2 MR. GOSHORN: A few more? Okay.

3 MR. FOLIO: One more minute.

4 MR. GOSHORN: One more minute. Well, I have one more
5 question. Just like in a hearing I'll ask a long question,
6 and since I start before it ends.

7 So this morning you were asked about the provision of
8 lethal aid to Ukraine, and can you, I guess, explain your
9 understanding of the United States' position? And what I'm
10 interested in knowing, in particular, about the provision of
11 lethal aid to Ukraine is what was the position of our allies
12 in Europe about whether that was appropriate at the time?

13 MR. KENT: I believe that Angela Merkel is on the
14 record as having thought that provision of lethal aid was a
15 bad idea. I also think the Secretary of State, the
16 Secretary of Defense, the Chairman of Joint Chiefs under the
17 Obama administration testified, when asked before Congress,
18 their personal opinion that we should provide lethal aid.
19 It was the position of the National Security Advisor, Susan
20 Rice, and President Barack Obama that we should not.

21 I, along with most people that I know of in the State
22 Department, were in favor of lethal aid during the previous
23 administration, and endorsed the decision in the current
24 administration to provide it.

25 MR. GOSHORN: Okay. Thank you. That's it for me, Joe.

1 MR. FOLIO: Great. Mr. Kent, we've been going for an
2 hour. It's 3:25. Would you like to take a brief break?

3 MR. KENT: I'm actually okay now. Let me ask my two
4 colleagues here. I would say at this point I'm ready to
5 power through. I may have to ask for a bathroom break
6 before we get to the end of the hour, but at this point I
7 would say let's keep on going.

8 MR. FOLIO: Okay. Hearing no other objections, we will
9 do that.

10 So I'm going to hand the proverbial microphone back to
11 Mr. Wittmann. I just wanted to clarify a few points.
12 First, we in the majority had not seen that chart until it
13 was provided by the minority this morning, but I will note
14 given the minority's stated concerns about disinformation it
15 is curious that they have now formally entered it into a
16 congressional record, along with numerous press reports and
17 statements, numerous Ukrainians'. I think that Mr. Kent has
18 questioned their veracity. So I think there's only one part
19 of this investigation that's entering what people have
20 described as disinformation into the record.

21 With regard to Mr. Telizhenko, I'm not sure if you're
22 aware, Mr. Kent, but Chairman Johnson sought to subpoena Mr.
23 Telizhenko's records only for the 13 months that he was
24 working for Blue Star Strategies, which we thought, and
25 Chairman Johnson thought was extraordinarily interesting

1 that he was working for that company that had contacts at
2 the highest levels of the Obama administration for 13
3 months. But there was not bipartisan support for
4 understanding what he was doing there, and, in fact, there's
5 been much resistance to understanding what he did for that
6 firm without any clear explanation.

7 On the--continuing the subpoena process, so for Ms.
8 Victoria Nuland, the Committee has not authorized a subpoena
9 for Ms. Nuland or for anyone else with regard to the Ukraine
10 investigation. I think Mr. Schram misspoke. The Committee
11 has authorized a subpoena with regard to Ms. Nuland for the
12 Russia investigation, specifically with regard to her
13 involvement in the State Department accepting information
14 from Christopher Steel and others that were advanced as part
15 of the FBI investigation, Crossfire Hurricane.

16 And finally, with regard to the briefings that you were
17 asked about, for the record, the Committee has received
18 FBI's final guidance as to its position on what we should and
19 should not be doing in this investigation, and the minority
20 knows exactly where the requests for a member briefing
21 stand.

22 And given all of that, we look forward to returning the
23 conversation, Mr. Kent, to your emails and your policy
24 decisions, and--

25 MR. SCHRAM: Sorry, Joe. I'm not sure I understood

1 you. You said the FBI has given us their final guidance?

2 MR. FOLIO: So, I mean, I just didn't want to make that
3 public and I don't want to make it public in the record.
4 But there was a request as to particular individuals,
5 whether or not the Committee should receive documents, which
6 have talked to them, and the FBI gave its answer to the
7 Committee during the staff briefing. And then you and I,
8 Zack, have both followed up with the FBI, as well as members
9 of the intelligence community, and requested additional
10 briefing, and I think it's clear to us what those answers
11 are and where they stand.

12 But again--

13 MR. SCHRAM: I guess I don't agree to the last part,
14 but neither--I don't agree that it's either final nor clear.
15 But I agree we don't have to have this conversation on the
16 record.

17 MR. FOLIO: And I'm going to turn it back over to Mr.
18 Wittmann, who will return to your emails, Mr. Kent. Thank
19 you.

20 MR. WITTMANN: Hi, Mr. Kent. We're going to go to
21 Exhibit 9, and actually I'm going to switch my mic over.

22 MR. KENT: Can you give us a Bates number?

23 MR. WITTMANN: Happy to do that. It is Bates numbers
24 369 to 376, and this is a long email chain, and my questions
25 about this record are only going to be on Bates number 373.

1 And just let me know whenever you're ready, Mr. Kent.

2 [Kent Exhibit No. 9 was marked
3 for identification.]

4 MR. KENT: I have 373 in front of me.

5 MR. WITTMANN: Okay. On August 29, 2016, you emailed
6 John Herbst and William Taylor, a message that included a
7 schedule regarding Mr. Yarema's visit to Washington, D.C.,
8 in September 2016. That schedule is on 374, Bates number
9 374. And the center of that schedule that you forwarded is-
10 -the center of the schedule is Mr. Andii Telizhenko.

11 In your email you wrote about Mr. Yarema and the
12 closing of the case against Mr. Zlochevsky. According to
13 your email, you called it, quote, "a gross miscarriage of
14 justice that undermined months of U.S. assistance," end
15 quote. In that email you also mentioned that Mr.
16 Zlochevsky, quote, "put Hunter Biden on the board of his
17 energy company," end quote, and that quote appears on 374,
18 at the top.

19 Mr. Kent, why did you mention that Mr. Zlochevsky put
20 Hunter Biden on Burisma's board, in this email to Mr. Herbst
21 and Mr. Taylor?

22 MR. KENT: Well, again, this is, I think, the third or
23 fourth time I have been asked the question. I tend to want
24 to, when I have a conversation with people to make sure that
25 they are aware of all the facts, and this was obviously a

1 fact in play with this set of issues. So it's the same
2 question and the same answer, perhaps slightly different
3 worded, that--that's one of the angles of the Zlochevsky
4 Burisma cluster that those of us who were representing U.S.
5 Government interests were dealing with in 2015-2016.

6 MR. WITTMANN: You noted, and rightly so, that we've
7 asked the question multiple times, but only because the
8 point has been raised different times in these emails. So
9 that's why we just want to keep asking you every time.

10 MR. KENT: Well, as I said in my opening statement,
11 those of us who knew the issue well at the Embassy--
12 Ambassador Pyatt, the economic section, and I--essentially
13 engaged in what ended up being a two-year campaign of
14 education of people in Washington, in the think tank
15 community, and when I mentioned that in my opening statement
16 this is what I was specifically referring to, Taylor and
17 Herbst, representing USIP and the Atlantic Council. The
18 rest of the Embassy, we went through that last time with
19 USAID, who was not aware of it, and then publicly that was
20 in reference to Ambassador Pyatt's blistering speech in
21 Odessa in September 2015, when he called out both Shokin and
22 mentioned the lack of activity against Zlochevsky.

23 MR. WITTMANN: Understood. And in just a few more
24 questions we're going to talk about that speech very
25 shortly. But before we get there, in February 2015, Viktor

1 Shokin became the Prosecutor General following Yarema. Is
2 that correct?

3 MR. KENT: Correct. I think I said February 10th, to
4 the best of my knowledge.

5 MR. WITTMANN: Okay. What was your perspective of Mr.
6 Shokin at the beginning of his tenure at the Prosecutor
7 General's Office?

8 MR. KENT: Initially we didn't know that much about
9 him. His previous tenure as Deputy Prosecutor General was
10 quite early. I think it may have been through the 2002-ish
11 period. I arrived first in Ukraine in 2004, for my first
12 tour, so I was not there when he was in office. But I
13 immediately Ukrainians what they thought, and I would say
14 that the response was mixed. It wasn't overwhelmingly
15 negative. They said that he had a very close association
16 with Poroshenko, which was, in some ways important, trust in
17 the President. He had potentially possibly been helpful in
18 early stages of the investigation of the murder of the
19 country's leading journalist in 2000, Georgiy Gongadze.

20 And so that was the potential positive, and then the
21 rest was going to be proven in action once he was in office.

22 MR. WITTMANN: Okay. During Shokin's tenure at the
23 PGO, were you ever made aware of individuals in the
24 Prosecutor General's Office accepting bribes?

25 MR. KENT: Well, as I've testified, I, and many other

1 people who have spent time, considered the whole
2 prosecutorial system a protection racket and self-enrichment
3 mechanism. When I went into the Prosecutor General's Office
4 for the first time, on February 3, 2015, the Embassy car was
5 directed to go into the underground parking garage, because
6 there was no public parking on--we would've had to park
7 illegally in front of the Prosecutor General's Office, which
8 obviously is not something you want to do, for appearance
9 purposes.

10 I was impressed, would be a diplomatic word, at the
11 late-model SUVs, I would say the starting price \$100,000 and
12 up, cars being driven by Prosecutors General whose salaries,
13 nominally, were only \$1,000 or 2 a month. So I think it was
14 a widespread assumption and the cars that they were driving
15 were a confirmation that Prosecutors General were living
16 well beyond their means of a public sector salary.

17 MR. WITTMANN: Were you aware of whether Mr. Zlochevsky
18 attempted to bribe, or bribed, individuals in Mr. Shokin's
19 office?

20 MR. KENT: The previous set of Prosecutors General, and
21 keeping in mind that I had a conversation a week before
22 Shokin became Prosecutor General, I had the second-highest
23 ranking prosecutor in the country claim to me that
24 Zlochevsky or his agents had paid a bribe of \$7 million. To
25 be honest, the period when we're working with Shokin, at the

1 request of President Poroshenko, was to try to replicate
2 institutional reform, and what Poroshenko did was he brought
3 in a Georgian, David Sakvarelidze, who had been a Deputy
4 Prosecutor General in Georgia, I believe, as a second
5 reformer to another named Vitaly Kasco. And those were the
6 two people that our Department of Justice and FBI elements
7 of the Embassy worked with to do what Poroshenko asked us to
8 do, which is help reform the prosecutorial service under
9 Shokin.

10 So that was the agenda. That was the request. And
11 that was our main focus starting probably in March through
12 the summer.

13 MR. WITTMANN: So given all of those efforts, were you
14 ever made aware of anyone under Shokin's--in Shokin's
15 office, under his leadership, specifically accepting bribes
16 from Mr. Zlochevsky?

17 MR. KENT: I had no knowledge, nor was that a focus of
18 our efforts with Shokin's team, and ultimately had nothing
19 to do with the reasons why we backed his removal.

20 MR. WITTMANN: So just to be clear, under Mr. Yarema's
21 tenure you were made aware of people in the PGO accepting
22 bribes from Mr. Zlochevsky, but under Mr. Shokin's tenure
23 you had no knowledge or information that individuals that
24 were working for him, for Mr. Shokin, accepted bribes from
25 Mr. Zlochevsky?

1 MR. KENT: What I'm aware of is that U.S. officials
2 pressed Ukrainian officials to reopen the case and fix the
3 mistake, including prosecuting the corrupt prosecutors that
4 shut down the case, based on both the presumption, the
5 suspension, and the acknowledgement of the second-highest
6 ranking prosecutor in the country that a bribe had been paid
7 to shut the case against Zlochevsky.

8 So we pressed that point, but that wasn't the focus of
9 our systemic reform efforts that we were asked to help by
10 the President of Ukraine, Poroshenko, nor was it related to
11 why we became disenchanted with Shokin.

12 MR. WITTMANN: Did anyone in Shokin's office, during or
13 after Mr. Shokin's time as Prosecutor General, ever inform
14 you that anyone in that office had accepted a bribe from Mr.
15 Zlochevsky?

16 MR. KENT: Mr. Shokin did not like us. He did not want
17 to meet with us. And I only saw him in person once, and
18 that was unexpected and unplanned. So he tried to avoid us
19 like the plague, and particularly after he destroyed the
20 Diamond Prosecutors case and essentially put another six
21 months of U.S. Government effort to waste.

22 MR. WITTMANN: Just so I'm clear, is it fair to say
23 that the answer to that question is no, that no one under
24 Shokin, or Shokin himself, ever informed you of anyone in
25 that office accepting a bribe from Mr. Zlochevsky?

1 MR. KENT: Well, I would say that I think I mentioned
2 before that we later heard from somebody in the Prosecutor
3 General's Office. I cannot say exactly when that was. It
4 could have been during the time that Shokin was the
5 Prosecutor General, but would not have been from Shokin or
6 one of his allies. Of the individuals, the prosecutors who
7 allegedly shut the case against Zlochevsky in December 2014,
8 that would have happened prior to Shokin coming into office.
9 It would not have been about a bribe that Zlochevsky
10 allegedly paid to a prosecutor when Shokin was Prosecutor
11 General.

12 MR. WITTMANN: Understood. For the people that had
13 allegedly accepted that bribe, those individuals in the
14 PGO's office, whatever happened to those people? Were they
15 dismissed? Did they remain on staff?

16 MR. KENT: There was a new institution stood up, based
17 on Ukrainian law, called the National Bureau of
18 Investigation, that took over the investigatory role of the
19 prosecutorial service, and unlike other new law enforcement
20 entities that had a transparent competition process, the two
21 individuals, as head of the Economic Crimes Unit in the
22 Prosecutor General's Office, Roman Truba and a woman named
23 Olha Varchenko were appointed the new heads of that
24 organization. And because of their association with
25 shutting the case against Zlochevsky, the FBI and the

1 Embassy refused to have anything to do with them, nor would
2 we train and help support the development of that entity.

3 MR. WITTMANN: Was that entity contained within the PGO
4 or was that separate?

5 MR. KENT: It was a separate new organization.

6 MR. WITTMANN: So would it be fair to say that the
7 individuals that were associated with accepting the bribe
8 were no longer in the PGO's office?

9 MR. KENT: That's correct. I honestly do not know the
10 date when the State Bureau of Investigation was stood up.
11 They did not owe allegiance to either Yarema or to Shokin.
12 They had different lines of authority, in terms of political
13 cover.

14 MR. WITTMANN: Okay. I want to turn to the speech that
15 Ambassador Pyatt made that you had previously referenced, on
16 September 24, 2015. It sounds like you're familiar with
17 this speech, given that you've referenced it already. What
18 was the purpose of Ambassador Pyatt giving this speech?

19 MR. KENT: I will a couple of things. One, I wasn't in
20 country when he gave the speech. I did a one-month study of
21 Ukrainian. But when I arrived in October, a month later, it
22 was still reverberating. It probably is the single most, if
23 you will, in terms of a speech that made an impact and took
24 notice.

25 Because we--this was in the context it was after the

1 Diamond Prosecutor Affair, and it was after the failure of
2 action all throughout 2016 to advance the cause of
3 anticorruption systemic reform, or in cases. And so I don't
4 remember--it was in Odessa, so it wasn't in Kiev. It was
5 some sort of forum. Pyatt was invited to speak and the
6 decision was made to discuss the theme of the failure of
7 anticorruption action.

8 And so that is why it is a touchstone speech, because
9 normally, I would say in diplomatic practice, you advocate
10 privately and not shame publicly. But in certain occasions,
11 after extensive effort, sometimes the private cajoling then
12 becomes a public message. And so Ambassador Pyatt and the
13 Embassy team decided that was the moment. Enough was at
14 risk that we wanted to go public and to raise our concerns.
15 So it wasn't just Ukrainian officials but the entire country
16 heard how concerned we were.

17 MR. WITTMANN: And was this speech vetted by other
18 senior officials at the State Department?

19 MR. KENT: Speeches by Ambassadors in country are the
20 prerogative of the Ambassador. Normally when Ambassadors
21 seek to place op-eds or talk to international media--CNN,
22 Fox News--those requests would go through the State
23 Department Press Office. But Ambassadors speaking in
24 country to an in-country forum, that's his prerogative as
25 the President's personal representative in country to make

1 that decision.

2 MR. WITTMANN: Do you know if this speech was vetted by
3 Vice President Biden's office?

4 MR. KENT: I cannot answer that question, but I would
5 say that would not be normal.

6 MR. WITTMANN: Okay. You mentioned that this speech
7 touched on concerns about the anticorruption agenda in
8 Ukraine. Was one of the goals of this speech to criticize
9 Mr. Shokin?

10 MR. KENT: That arguably was one of the main thrusts of
11 the speech, yes, because we had identified him as a--as I
12 mentioned in my opening remarks--as a chief impediment to a
13 critical goal, and we had a fiduciary responsibility, having
14 spent hundreds of thousands of dollars that were then
15 wasted, and because the success of Ukraine was in our
16 success, that a corrupt Prosecutor General who was not just
17 preventing progress in his own organization but was going
18 after people in other organizations, that this was
19 containing the damage.

20 MR. WITTMANN: The speech, based on public reporting--
21 we don't have a copy of it in front of us--but just based on
22 public reporting, the speech appears to talk about the
23 Zlochevsky case and the results of what happened because of
24 the situation in the Prosecutor General's Office. Is that
25 your recollection of what Ambassador Pyatt spoke about in

1 the speech?

2 MR. KENT: Yes, with the caveat that this was a speech
3 delivered in September of 2016. I read it in October of
4 2016, and haven't actually read it now for close to four
5 years.

6 MR. WITTMANN: Understood. Would you say that the goal
7 of this speech, another goal of this speech was to put Mr.
8 Shokin on notice to take action to take on corruption inside
9 and outside of the PGO's office?

10 MR. KENT: I think to be honest, at this point we had
11 written him off. We were putting Poroshenko on notice and
12 calling Shokin out publicly.

13 MR. WITTMANN: And just for the record, the speech was
14 in September 2015. Correct?

15 MR. KENT: Correct.

16 MR. WITTMANN: Okay. I'd like to turn to Exhibit 10.

17 [Kent Exhibit No. 10 was
18 marked for identification.]

19 MR. WITTMANN: Mr. Kent, this is an article regarding a
20 news report indicating, on February 2, 2016, that Prosecutor
21 General Shokin's office had filed a petition to seize
22 property belonging to Mr. Zlochevsky. At this time, were
23 you aware of the actions taken by Mr. Shokin's office
24 against Mr. Zlochevsky?

25 MR. HARTMAN: Just one second. I'm not sure we have

1 that document.

2 MR. KENT: It's on the screen for me.

3 MR. HARTMAN: It's on the screen but I don't think we
4 have a copy. Is that correct?

5 MR. WITTMANN: Mr. Folio just emailed the document.

6 MR. HARTMAN: Well, I guess there's too many pages and
7 I think Mr. Kent should probably have a chance to at least
8 take a look at the entire thing. Unless the question
9 doesn't require it, in which case I suppose you can ask.

10 MR. WITTMANN: So the text on the document is only on
11 the first page, and I think the first paragraph that's on
12 the screen will probably be our substance at first.

13 MR. HARTMAN: Go ahead with your question.

14 MR. WITTMANN: Sure.

15 MR. HARTMAN: Go ahead with your question.

16 MR. WITTMANN: Sure. At the time, on February 2016,
17 Mr. Kent, were you aware of the actions taken by Mr.
18 Shokin's office against Mr. Zlochevsky?

19 MR. KENT: I was not. I went back to Washington from
20 Thanksgiving Day until March 23rd, to do another three and a
21 half months of Ukrainian training. So I was here at
22 Arlington studying Ukrainian in February. So no, I was not
23 aware of this particular action, based on what I'm reading
24 right now is a wire service report, which has claim of the
25 Prosecutor General's Office.

1 MR. WITTMANN: Were you--when did you become aware of
2 the actions of Mr. Shokin's office against Mr. Zlochevsky?

3 MR. KENT: I mean, you're showing me a document which
4 is--the headline says the court seizes the property. Then
5 the text says it's being seized according to the Prosecutor
6 General's Office. What I will say is that, you know, this
7 is a--I believe Mr. Shokin may have been on sick leave at
8 this particular moment, because he only came back to the
9 office for several weeks in March of 2016, and then he was
10 dismissed at the end of March.

11 So again, I'm reading this as a claim of the Ukrainian
12 authorities.

13 MR. HARTMAN: Can we just take a break for one second?

14 MR. WITTMANN: Sure.

15 MR. HARTMAN: Can we break for one second?

16 MR. WITTMANN: Go ahead and take the break.

17 [Pause.]

18 MR. HARTMAN: Hi. So I'm sorry for that delay.

19 Obviously we want to sit here quietly and let you ask
20 whatever you need to ask to do your job, and we do not want
21 to interfere with that. But, you know, to put up a thing
22 that he hasn't seen and ask him about the factual basis for
23 it is just not a particularly reliable way. We haven't
24 talked to him about it. We don't know what it is. We don't
25 know whether he even heard of these circumstances even

1 occurring. So we just want to be careful about that. We
2 don't want to stop you. It's really problematic to ask
3 about facts in an article that he's never seen before, that
4 he doesn't know anything about, and sort of ramble about it.

5 MR. GOSHORN: Scott?

6 MR. HARTMAN: It's a concern of ours. We don't want to
7 mislead you. We don't want to give bad information. But I
8 just want to express that concern.

9 MR. GOSHORN: Scott Wittmann, are you back?

10 MR. KENT: And to summarize, I was not in Ukraine in
11 February. I was studying Ukrainian in Arlington, Virginia,
12 and was not aware of this claim by the Prosecutor's Office
13 in February of 2016, at the time.

14 MR. GOSHORN: So just--I want to raise a point about
15 this article you raised. This is the subject of a
16 Washington Post Fact Checker story. It was rated four
17 Pinocchios for those who keep track of such a thing.

18 The raid actually took place in 2015, in February of
19 2015, and there was a kind of complex legal maneuvering
20 going on in Ukraine, which I don't understand where the raid
21 occurred, and then it was unwound and then reinstated. And
22 I believe this article that you just posted, Scott, refers
23 to the reinstatement but not the actual raid on Zlochevsky's
24 assets.

25 MR. HARTMAN: I can't--you know, we're here with Mr.

1 Kent and he's trying to help you out, and it's just a very
2 awkward situation when she's shown that. And I'm not saying
3 if it's true or not true.

4 MR. GOSHORN: I'm happy to circulate a link to the Fact
5 Checker story I'm discussing. Maybe I have my facts wrong,
6 but that's my understanding. I'm happy to circulate that to
7 everybody right now.

8 MR. DOWNEY: So, Mr. Kent, this is Brian Downey. So
9 your time in Ukraine or outside of Ukraine, back in
10 Arlington, you're not aware of Viktor Shokin's office ever
11 conducting a raid on Mr. Zlochevsky?

12 MR. KENT: I have no factual basis based on information
13 or my personal experience to make an assessment of that
14 claim or question.

15 MR. DOWNEY: And Mr. Goshorn's point about The
16 Washington Post article saying that the raid, if it did
17 occur, may have occurred February of 2015, in February of
18 2015, who was the Prosecutor General of Ukraine?

19 MR. KENT: Well, it was Yarema until February 9th, and
20 it started, on February 10th, being named Viktor Shokin.

21 MR. DOWNEY: Would it be common for you, as DCM, to
22 come back after your training in March of 2016, to not know
23 that a raid might have occurred on Mr. Zlochevsky by the
24 PGO's office?

25 MR. KENT: The presumption behind that question is that

1 the U.S. Government knows everything that happens everywhere
2 in the world. That's just not true. That's Hollywood. So
3 no, I do not--I mean, it's a country of 40 million people
4 that was in a war with Russia, and the answer is no, the
5 U.S. Ambassador and the DCM do not know what 25,000
6 prosecutors and 180,000 police officer are doing on a daily
7 basis in Ukraine.

8 MR. DOWNEY: Did anyone within the PGO, Mr. Lutsenko,
9 who succeeded Mr. Shokin, ever describe to you that the
10 PGO's office raided Mr. Zlochevsky's property in prior
11 years?

12 MR. KENT: What Mr. Lutsenko claimed, and did, was
13 settle the charges against Zlochevsky, downgrade it from
14 money-laundering to nonpayment of taxes, and accept a
15 settlement and a payment that allowed Mr. Zlochevsky to
16 return to Ukraine after that payment was made.

17 MR. DOWNEY: And during that time under Mr. Lutsenko,
18 we, the U.S. Government, had, I think, Mr. Vitvitsky
19 embedded in the PGO's office. Did he ever brief you that
20 any type of raid occurred on Mr. Zlochevsky's property?

21 MR. KENT: Mr. Vitvitsky, former New Jersey prosecutor
22 who also served as a resident legal advisor in Ukraine from
23 2007 to 2009, was a capacity-building advisor for Lutsenko
24 in late 2016 and late 2017. We kept up a dialogue both by
25 email and meetings. I believe one of his emails to me is

1 part of the records collection. I do not recall him ever
2 raising that issue with me, no. But I'm not ruling out that
3 we had a conversation. I do not recall any such
4 conversation.

5 MR. DOWNEY: Scott?

6 MR. WITTMANN: Thank you. What, if any, knowledge or
7 information did you have about actions Mr. Shokin may have
8 taken against Mr. Zlochevsky?

9 MR. KENT: We had a lot of knowledge of the actions
10 that Mr. Shokin took and things that he didn't take. Among
11 the things that he did was in destroying the internal
12 inspection unit that was supported with U.S. taxpayer
13 dollars. He wiretapped illegally the houses of the
14 individuals. His agents threatened to plant drugs on them.
15 They threatened the parents of those individuals. He fired
16 them. He transferred them. He threatened civil society
17 members. He forced the resignation of members of other
18 organizations. He appointed his first ex-wife's relatives
19 as prosecutors in regional positions known to be corrupt.
20 He prevented the prosecution of his former driver in the
21 infamous Diamond Prosecutor case. That's what we knew Mr.
22 Shokin did.

23 What he didn't do was prosecute members of the old
24 order who had stolen money from Ukraine. He did not
25 prosecute the police who shot the demonstrators, the

1 Heavenly 100 on Maidan and Berkut. And so, as I testified
2 last fall, he protected the corrupt, he disrupted
3 prosecutions of those who had committed crimes, and he
4 persecuted those who were fighting corruption. So that was
5 our summary assessment of the one-year tenure of Mr. Shokin
6 as Prosecutor General of the country.

7 MR. WITTMANN: And what was your summary assessment of
8 actions that Mr. Shokin's office took against Mr.
9 Zlochevsky?

10 MR. KENT: As I've said, I was not aware of actions
11 that he took against Mr. Zlochevsky.

12 MR. WITTMANN: During your time as DCM, could you
13 describe the change in position of the view of Mr. Shokin,
14 from when he became Prosecutor General until when he was
15 dismissed?

16 MR. KENT: Right. So when he came in, in February, we
17 were asked by President Poroshenko to work with him and a
18 staff, and specifically, as I mentioned, with this new
19 Deputy Prosecutor General, David Sakvarelydze, to stand up
20 an internal affairs unit to go after corruption inside the
21 Prosecutor General's service. So it was delegated
22 authority, you know, Shokin was the main man. He told us,
23 actually, he didn't have time to meet with us because he was
24 busy preparing cases against the policemen who had shot the
25 protestors on the Maidan, a case that he never brought to

1 court.

2 So he delegated to us to meet with these two Deputy
3 Prosecutor Generals, Sakvarelydze and Kasco. They set up
4 the Internal Affairs Unit. The first two cases, proof of
5 concept case, there was one that was known as the Poltava
6 case and the other was the Diamond Prosecutors Affair. I
7 think Mr. Shokin must have been on leave at the time of the
8 first case, Poltava. It was a raid against a corrupt
9 prosecutor. It was done with legal wiretap authorities. '

10 There are so many corrupt prosecutors that when the
11 unit moved in they were talking to the then-Acting, a guy
12 named Hulser, to inform him. He then called out to Poltava
13 to warn the corrupt judge about the prosecutor. But there
14 were so many of them that he warned the wrong corrupt
15 prosecutor.

16 So that case went forward, and then almost immediately,
17 perhaps the next week, the so-called Diamond Prosecutor case
18 went forward. And so in that period of June-July, our first
19 two test cases, having spent three months hiring, training
20 up, finding test cases, by the end of July the relationship
21 had soured and it went downhill from there.

22 And that's when the society protests started. That's
23 when we were having difficult discussions about what would
24 come next on the internal inspectorate unit, because it was
25 set up informally but there needed to be a formal change

1 regulation, signed by Shokin, to establish the new unit, and
2 he was resisting doing so. We had a former resident legal
3 advisor who was an inspector within the Department of
4 Justice, Rob Storch, come out, and he worked on a draft
5 regulation that were asking Shokin to sign. Shokin refused
6 to sign that.

7 And so that was the difficult relations that we had
8 with Shokin in his final months.

9 MR. WITTMANN: So just to track, just to make sure I
10 understand, this is June-July 2015, and now are we getting
11 closer to the fall, around the time that Ambassador Pyatt
12 gave his speech in 2016?

13 MR. KENT: The honeymoon ended in the summer over the
14 Poltava and Diamond Prosecutor cases, and then it was
15 September when Ambassador Pyatt gave his public speech.

16 MR. WITTMANN: Understood. Thank you.

17 MR. DOWNEY: Hey Scott, real quick.

18 MR. WITTMANN: Sure.

19 MR. DOWNEY: Mr. Kent, I think you mentioned Rob
20 Storch. Could you just repeat what he did, or his
21 involvement?

22 MR. KENT: He had served at the same time as Bohdan
23 Vitvitsky. We signed what's known as a threshold agreement
24 of the Millennial Challenge Corporation. They weren't,
25 because of the corruption, in the system, assessed in the

1 system under the Millennium Challenge Corporation's scoring.
2 They weren't eligible for a compact, but there's something
3 called a threshold program which usually tries to help get a
4 country to the point when they're eligible for a big
5 compact. It oftentimes focuses on anticorruption. And we
6 used some of those resources to bring two prosecutors to
7 advise the government of Ukraine on changes to get them
8 qualified. And the two prosecutors, I was not in Ukraine at
9 that point but in 2007-2009, the two were Bohdan Vitvitsky
10 and Rob Storch.

11 So he had worked in Ukraine for two years. He knew the
12 system well. He, at the time, was at the Department of
13 Justice in an inspector general capacity, and so it was--he
14 knew the country well and he knew the topic well, and so he
15 was a perfect expert to come in and try to help the
16 Ukrainians as he had done for two years, a decade earlier,
17 to improve their legislation. So that was why,
18 specifically, we reached back to him to help.

19 MR. DOWNEY: Thank you.

20 MR. WITTMANN: Thank you, Brian.

21 Vice President Biden publicly claimed that he
22 threatened to withhold \$1 billion in U.S. loan guarantees
23 unless Ukraine President Poroshenko fired Viktor Shokin.
24 Did the U.S. Government officially link \$1 billion of loan
25 guarantees to the termination of Mr. Shokin?

1 MR. KENT: The message was conveyed, and I testified to
2 this last fall, that in addition to the other conditions
3 that we had discussed for the next and third loan guarantee
4 that dismissal of Shokin as a Prosecutor General would be
5 required before we would move forward with the sovereign
6 loan guarantee, correct.

7 MR. WITTMANN: And for the record, could you please--so
8 a couple of things. First, when did Vice President Biden
9 make this claim to Mr. Poroshenko?

10 MR. KENT: I believe, but I'm not entirely sure, that
11 it was during his visit in December of 2015.

12 MR. WITTMANN: Okay. And for the record, could you
13 please state the specific reasons as to why the United
14 States Government officially linked the \$1 billion of loan
15 guarantees with one of the conditions being the firing of
16 Mr. Shokin?

17 MR. KENT: I believe I covered that at length in my
18 opening statement. We had been asked by the President of
19 Ukraine, Poroshenko, to help reform the prosecutor's
20 service. The prosecutorial service is key to the post-
21 Soviet institutional structure that Ukraine and other
22 countries inherited, where state authorities were used to
23 oppress the people rather than serve the people. The KGB
24 and the prosecutorial services were the two key instruments,
25 and if those two institutions are not reformed, these

1 countries will not succeed. So this was both at the request
2 of the President and in our analytical assessment what
3 Ukraine needed to succeed.

4 We proceed at the request of the Ukrainian President,
5 and our efforts were stymied by Shokin, and not only did he
6 prevent reform, he went after reformers, and in so doing
7 undermined U.S. resources and efforts.

8 MR. WITTMANN: Whose idea was it to link the loan
9 guarantees to the firing of Mr. Shokin?

10 MR. KENT: As I said in my opening statement, and
11 repeated, as well as in my testimony last fall, to the best
12 of my knowledge this was an idea that started at the
13 Embassy, because we knew the situation on the ground the
14 best. We raised it with Washington, it was discussed in the
15 interagency, and then it was presented to the Office of the
16 Vice President ahead of his trip as something he should
17 raise with President Poroshenko.

18 MR. WITTMANN: And when you say that the idea started
19 at the Embassy, where in the Embassy did it start?

20 MR. KENT: Well, I think, again, going back to
21 Ambassador Pyatt's September speech, even if we had people
22 writing a draft of that speech, Ambassador Pyatt very much
23 agreed and honed that position. So that was the position of
24 the Ambassador. It was the position of the country team.
25 There was no disagreement among all those who were working,

1 whether it was our operational law enforcement
2 representative; the Legat, FBI'; the capacity-building
3 representative of the Department of Justice, so-called
4 resident legal advisor; the capacity-building program under
5 the State Department known as INL, International Narcotics
6 and Law Enforcement; or the front, the Deputy Chief of
7 Mission and the Ambassador.

8 MR. WITTMANN: So would you say that Ambassador Pyatt
9 was the starting point for wanting to make this connection
10 between the loan guarantee and Mr. Shokin?

11 MR. KENT: The Ambassador was the head of the country
12 team and it would be his voice that would be conveyed in
13 interagency discussions in Washington.

14 MR. WITTMANN: And who did this information go to in
15 the Vice President's Office?

16 MR. KENT: To be honest, I do not know the full
17 structure of who was staffing the Vice President at this
18 particular moment in time, which was late 2015, so I cannot
19 tell you for certain. I think the starting point for any
20 U.S. Embassy is actually the State Department, and that
21 would be the European Bureau, that at the time was headed by
22 Assistant Secretary Victoria Nuland. The Deputy Assistant
23 Secretary in charge of policy towards Ukraine, my
24 predecessor, was Bridget Brink. And so those would be the
25 policymakers working closely with U.S. Embassy on our policy

1 toward Ukraine, and then engaging the people who work at
2 both the National Security Council and the Office of Vice
3 President. And I will say, having sat in Washington, as
4 well as having served in Ukraine, generally the State
5 Department asks embassies to go through the State Department
6 rather than having direct engagement.

7 MR. WITTMANN: And just so I have an understanding of
8 the time frame of when this information was conveyed, do you
9 know at what point in time the information went from the
10 Embassy to the State Department to the Vice President's
11 office?

12 MR. KENT: Our view about Viktor Shokin's role in being
13 a hurdle to reform and sort of wasting our programming
14 certainly were well known. We would have conveyed them back
15 to Washington. We obviously did so. The Ambassador did so
16 in September in a public speech.

17 I think the issue of gathering information and
18 recommendations for the Vice President's eventual visit is a
19 process that everyone who has staffed a principal is
20 probably well aware. And so the Vice President's staff
21 would reach out, work with the National Security Council.
22 They would reach out to all agencies for suggestions,
23 including to the State Department but not exclusively, and
24 then information and suggestions would be fed through the
25 process, to determine the paperwork for a visit.

1 MR. WITTMANN: Mr. Downey, do you have questions?

2 MR. DOWNEY: Yes. Mr. Kent, so as you're describing
3 the to Mr. Wittmann the process by which the Embassy in Kiev
4 decided that Shokin was a hurdle to reform, how did you
5 know, or how did the Embassy discuss, well, if we get rid of
6 Shokin we don't know who we're dealing with next, who would
7 take that post. They could be worse than Shokin. They
8 could be worse than Yarema.

9 So can you walk us through how--I mean, that doesn't
10 seem like a light decision to think that we should remove
11 Shokin when they could put in someone--the Ukrainians could
12 put in someone that's 10 times more corrupt, right? So
13 could you walk us through that process of how--I mean,
14 you're kind of dealing with a bad hand here. How do you
15 decide if it's time for Shokin and we're going to take a
16 chance with the next guy in the chair?

17 MR. KENT: Well, to be clear, we didn't remove Shokin.
18 The Ukrainian Parliament voted to remove him, because in
19 their constitutional process that's--they appoint, and it's
20 nominated by their President but it's appointed by a vote,
21 similar to our approval process in the Senate, and then
22 removed, unlike our process, removed by another vote by
23 their Parliament.

24 The issue was that we were not going to spend
25 additional U.S. taxpayer dollars, having seen our previous

1 taxpayer dollars wasted by Viktor Shokin. And so the issue
2 was, we took a stand for the integrity of our programs and
3 our fiduciary responsibility for prudent use of U.S.
4 taxpayer dollars.

5 Now, the question is a fair one, and it was raised by
6 some people, including the then Prime Minister of Ukraine.
7 But that's--our responsibility is not to determine who is
8 the next Prosecutor General. It is to state the principles
9 and basis on which we are prepared to work with Ukrainian
10 officials in a whole host of areas. That includes
11 prosecutorial reform. It included customs reform. And
12 Ambassadors Pyatt and Yovanovitch, and I, willingly shut
13 down U.S. programs when there wasn't political will to go
14 forward.

15 When, later on, Lutsenko stopped reforming, we shut
16 down our prosecutorial systems program entirely, which, in
17 part, led to him claiming, "Where's the money?" as he did
18 last year.

19 When the customs system was being run by a corrupt head
20 of customs named Roman Nasirov, we returned \$2 million to
21 the U.S. Treasury, and that's very unusual for any of you
22 who have dealt with embassies in the Executive branch, to
23 return money to the U.S. Treasury. Because we wanted to
24 send a signal to people in Washington as well as to the
25 Ukrainians that in any particular area, if they were not

1 willing to do what the country needed, and we had agreed upon
2 would be the purpose of the program, that we would do our
3 fiduciary responsible to the American taxpayer and end a
4 program.

5 So those were the terms of our willingness to
6 cooperate. Who was going to be appointed by Poroshenko,
7 that's his prerogative, constitutionally, in Ukraine, to
8 appoint a Prosecutor General. And so his choice, after
9 Shokin was dismissed, was Yuriy Lutsenko, a politician
10 without a law degree or any experience. He had been
11 Minister of Interior. We had worked with him as a
12 politician. But that was a decision that Poroshenko made
13 because he wanted somebody that he, quote/unquote, "could
14 trust."

15 MR. WITTMANN: Thank you. If Mr. Shokin was not
16 dismissed, would the United States have withheld \$1 billion
17 in U.S. loan guarantees?

18 MR. KENT: We made clear that in the absence of the
19 dismissal of Shokin that we would not be prepared to extend
20 another loan guarantee. That's correct.

21 MR. FOLIO: Hi, Mr. Kent. I'm going to jump back in
22 here. We're going to switch topics, but I have one last
23 question on this last line of questioning before I do. We
24 discussed--you discussed Ambassador Pyatt's September of
25 2015 speech, during which, among other topics, he criticized

1 Mr. Zlochevsky. Did Vice President Biden ever publicly
2 criticize Mr. Zlochevsky?

3 MR. KENT: I honestly--Presidents and Vice Presidents
4 give a lot of public remarks. I can't answer that question.
5 I don't know.

6 MR. FOLIO: Hypothetically, would Vice President Biden
7 have been in a position to have criticized Mr. Zlochevsky?

8 MR. KENT: I'm here as a fact witness and I don't want
9 to answer a hypothetical. Honestly, I can't. I just don't
10 know.

11 MR. FOLIO: I guess from your perspective as DCM in
12 Ukraine, we've seen lots of emails where you've described,
13 you know, issues with the anticorruption message. How would
14 a message from Vice President Biden criticizing Mr.
15 Zlochevsky have been received, in light of the fact that his
16 son was sitting on Mr. Zlochevsky's company's board?

17 MR. KENT: Again, you're asking me to answer a
18 hypothetical. I'm happy to answer any fact-based question
19 about what happened, or involvement, but I honestly don't--I
20 don't see the purpose in asking a hypothetical. Again, my
21 concerns were clear.

22 MR. FOLIO: I'd like to enter what we'll mark--
23 actually, before we do that, switching gears a little bit,
24 are you familiar with the U.S. consulting firm, Blue Star
25 Strategies?

1 MR. KENT: I became aware of it in 2016.

2 MR. FOLIO: And when did you first become aware of Blue
3 Star Strategies?

4 MR. KENT: I received a call from--I will say that
5 having read the documents that were provided to the
6 Committee, I was copied on an email in November 2015. But
7 my focus was not on the mention of Blue Star Strategies. So
8 the--at the time, the first time it was who they were was
9 raised to me was by our former Assistant Secretary for
10 European Affairs, Dan Fried, who reached out to me in the
11 summer of 2016, asking if I would be willing to talk to a
12 former colleague who had worked on Central Europe with him,
13 Sally Painter. And so that was the first time the name
14 registered with me.

15 MR. FOLIO: And we have that email. I'll ask Will to
16 pull it up and we'll mark it as Exhibit 11.

17 [Kent Exhibit No. 11 was
18 marked for identification.]

19 MR. KENT: Do you have a document number for us?

20 MR. FOLIO: Bates number 12460. Mr. Kent, that email
21 from Ms. Painter to yourself, is that the connection through
22 Dan Fried that you were just referencing?

23 MR. KENT: Hold on a second. Okay, 1246 for me is a
24 reference to a document by Taras Kuzio. Could you give us
25 maybe another document, at the bottom of the page,

1 reference? That doesn't work with us.

2 MR. FOLIO: 12460. 1-2-4-6-0.

3 MR. KENT: 1-2-4-6-0? Do we have that many documents?

4 MR. FOLIO: Pages.

5 MR. KENT: To be honest, my documents don't go that
6 high. The highest one I have is 4761, unless someone--maybe
7 else--

8 [Simultaneous discussion.]

9 MR. FOLIO: If you wouldn't mind taking a lot at the
10 screen, I just wanted to--this seems to be the email you
11 were referencing. If you're able to just review it on the
12 screen and let us know if that's right.

13 MR. KENT: So I don't have an email address that starts
14 GPKent, so she sent an email to a non-functional email
15 address. I've never seen this.

16 MR. FOLIO: Okay.

17 MR. KENT: My email is KentGP@state.gov, and it's quite
18 possible that she miswrote my email address, and therefore I
19 never received it.

20 MR. FOLIO: Understood. Let me move to another
21 document we will enter as Exhibit 12. The Bates numbers for
22 this document are 1256 through 1258.

23 [Kent Exhibit No. 12 was
24 marked for identification.]

25 MR. KENT: We have that.

1 MR. FOLIO: If we could start at the bottom, please,
2 Will, page 1258. This is an email chain that you added to
3 later, but the initial email is from Mr. Bohdan Vitvitsky,
4 and I think you described him previously as an OPDAT U.S.
5 Department of Justice prosecutor, working in Ukraine. Is
6 that correct?

7 MR. SCHRAM: Joe, can you give us a moment to locate it
8 as well?

9 MR. FOLIO: Sure.

10 MR. HARTMAN: And just so we're here on the record, the
11 last thing that you presented, the last one, I think you
12 called it Exhibit 11--

13 MR. FOLIO: Correct.

14 MR. HARTMAN: --the one that we--that has the wrong
15 email address on it, I believe.

16 MR. KENT: We don't have it.

17 MR. HARTMAN: We don't have that at all. I guess if
18 you want to make it part of the record you can, but we
19 don't--we haven't seen it, we don't know what it is. And
20 maybe we don't need it--

21 MR. FOLIO: Sounds like it was a missed connection,
22 which I think will actually be addressed in the near future.

23 MR. SCHRAM: Joe, we can't see the Bates number on this
24 one.

25 MR. FOLIO: It is 1256 through 1258.

1 MR. HARTMAN: 1256?

2 MR. KENT: If I can just clarify the question, the last
3 question that was raised, Bohdan Vitvitsky was a New Jersey
4 prosecutor who came to the Ukraine for two years, 2007 to
5 2009, on a threshold program. In 2016, he was brought back
6 as an advisor to Lutsenko on a contract via IDLO. IDLO is
7 the International Development of Law Association. It is a
8 UN-affiliated organization based in Rome, and it was one of
9 our justice sector program implementers. And so they
10 contracted for his advisory services, and so he was back in
11 Ukraine.

12 So former Department of Justice 2007 to 2009, brought
13 back 10 years later as an advisor via IDLO.

14 MR. FOLIO: So in this email, I'd like to focus you on
15 the second paragraph. And it is informing the recipient,
16 which is not you yet. But he says that--Mr. Lutsenko said
17 that he had been--

18 MR. HARTMAN: Is somebody talking?

19 MR. FOLIO: I'm sorry?

20 MR. HARTMAN: You faded out on us, I think.

21 MR. FOLIO: Oh, I'm sorry. So the second paragraph of
22 the email is Mr. Lutsenko recounting a conversation he had
23 with--

24 MR. KENT: We can't hear you.

25 MR. HARTMAN: Again, Joe, you're fading out on us.

1 Sorry.

2 MR. FOLIO: I'd just ask to focus your attention on the
3 second paragraph of the email. Mr. Vitvitsky is recounting
4 his conversation with Mr. Lutsenko. And in that second
5 paragraph, Mr. Vitvitsky writes that Lutsenko said "he had
6 been invited yesterday by people from D.C. to come there to
7 meet some Hillary people and some official people. I was
8 rather taken aback by our lack of coordination. The two
9 people about whom he was referring are Karen Tramontano and
10 John Buretta (I'm translating from Ukrainian, so spellings
11 might not be 100% accurate). My Q, question, is, what the
12 blazes? Does our right hand speak with our left hand?"

13 So, Mr. Kent, you were eventually forwarded this email.
14 What did you understand Mr. Vitvitsky's concern to be?

15 MR. KENT: I believe there are--let me see if it's this
16 email chain or a different one. Ah, so later on, if you
17 move on page 1257, and again, the email chain is in reverse
18 chronological order, Vitvitsky offers his comment that
19 "Respectfully, meetings with Department of Justice brass
20 need to be a bennie"--meaning a benefit--"that we guard very
21 jealously."

22 So without being able to put words in Bohdan's mouth,
23 because he's not here, he thought--what I think is what he
24 thought, is that he thought that there was an effort to
25 reach out and offer this meeting. What actually was the

1 case was that a lawyer for Cravath, which represents
2 Zlochevsky in the United States, John Buretta being the
3 former DOJ official, he, along with Karen Tramontano, the
4 CEO of Blue Star Strategies, had come in and had a meeting
5 with Lutsenko to talk about a possible visit to the United
6 States. The U.S. Government was not offering anything.

7 Now, separate from that, there is an email--let's see.
8 Somewhere, because I read the email, it said the State
9 Department provided, that I was a record-keeper for, there
10 is a reference, and it doesn't look like it's in this
11 particular email, but that our resident legal advisor, who
12 was the capacity-building advisor representing DOJ, OPDAT--
13 that's the Jeff on page 1256--he heard from Bruce Swartz,
14 the DAG for international cooperation, that John Buretta had
15 reached out.

16 So it wasn't left hand, right hand of the U.S.
17 Government, it was a former DOJ official working for a
18 private law firm that had reached out to the Department of
19 Justice, asking a willingness to meet. And so it wasn't a
20 matter of lack of coordination. It was a private law firm
21 trying to get a meeting for a foreign official without the
22 request having gone through either the U.S. Embassy in Kiev
23 or the Ukrainian Embassy in Washington. And I immediately
24 reached out in one of the other emails, not this one, I
25 guess, related to the DCM and the Ukrainian Embassy in Kiev,

1 Oksana Shulyar, and she confirmed that they had not heard
2 from Lutsenko's office about this meeting.

3 MR. FOLIO: From your perspective, is that a problem
4 that private individuals were attempting to schedule
5 meetings outside of the channels of the State Department and
6 the Embassy?

7 MR. KENT: My advice to Lutsenko--and it talks about a
8 meeting, which I eventually had--is that government-to-
9 government meetings should be arranged by embassies, the
10 Ukrainian Embassy and our Embassy in Kiev. What government
11 officials want to do outside of official meetings is their
12 business. But if he wants to meet with a Department of
13 Justice official, he should be asking our Embassy--we have a
14 representative at the Embassy--and he should send a message
15 to their Embassy in Washington to reach out here, rather
16 than working with a third party to meet with the U.S.
17 Government.

18 MR. FOLIO: And why is that, or would you prefer that?

19 MR. KENT: That's what the purpose of government
20 representations abroad are. I mean, the U.S. Government
21 pays money for officials to work overseas. The Ukrainian
22 government has an Embassy to do the same thing. That's the
23 purpose and function of those embassies, to promote
24 government-to-government contacts and relations.

25 MR. FOLIO: When Mr. Vitvitsky wrote that "this is a

1 bennie that we guard very jealously," I think you explained
2 what you thought him to mean. But did you share in that
3 view, that setting up a meeting between the Prosecutor
4 General and high-ranking Department of Justice officials is
5 something that U.S. Government, in general, should, quote
6 "guard very jealously"?

7 MR. KENT: It was the considered opinion of those who
8 are on that email, which include me, the Department of
9 Justice resident legal advisor, the FBI representative, and
10 the head of our capacity-building element, the INL chief,
11 that Lutsenko had not done enough in terms of advancing
12 reform to justify meeting with the Attorney General.

13 MR. FOLIO: So from Lutsenko's perspective, or how
14 you're viewing Lutsenko's perspective, is this a valuable
15 thing for him to have, a meeting with the Attorney General
16 or high-ranking officials in the Department of Justice?

17 MR. KENT: I think all foreign officials like to have
18 meetings with their U.S. counterparts, because it increases
19 their standing at home.

20 MR. FOLIO: Were meetings like this one of the ways
21 that you attempted to maintain leverage over foreign
22 partners?

23 MR. KENT: Yes, and the other issue I would say is that
24 it doesn't mean that we were preventing or recommending
25 against a trip per se, but given the level of reform and

1 action that Lutsenko had carried out to date, Bruce Swartz
2 is as high an official at the Department of Justice that any
3 of us at the Embassy would have recommended Lutsenko
4 meeting.

5 MR. FOLIO: And when you say "given his reform to
6 date," do you mean a lack thereof?

7 MR. KENT: Lack thereof, yes.

8 MR. FOLIO: You responded, in between these emails,
9 "Oof. Blue Star again." What did you mean when you wrote
10 "oof"?

11 MR. KENT: Well, I think at this point Blue Star
12 started coming up frequently, and we've got multiple email
13 lines, and I can't remember exactly which other element came
14 up. But this is an email from the 31st of August, and we're
15 getting close to the September 6th conversation I had with
16 Sally Painter.

17 MR. FOLIO: Right. We'll get to that next. I just
18 think at this point in time, you know, what your perspective
19 is, you know, DCM, U.S. Embassy in Ukraine, and you see this
20 private third party trying to arrange high-level meetings
21 without your awareness.

22 MR. KENT: Right. I think at that point I was aware
23 that Blue Star Strategies had a relationship that was
24 unclear to me with Zlochevsky.

25 MR. FOLIO: Was that frustrating to you?

1 MR. KENT: My understanding is that if somebody wants
2 to represent somebody on a contractual basis and meets the
3 legal norms in their countries, that's a matter of private
4 business and enterprise. I, as a U.S. Government official,
5 have a fiduciary responsibility for our programming as well
6 as an oversight and appropriate relationship with whom U.S.
7 Government officials, who reported to me at the Embassy,
8 would engage. So--

9 MR. FOLIO: Were you frustrated that this private third
10 party was going--basically cutting you all out of the loop?

11 MR. KENT: It wasn't a matter of frustration. I mean,
12 I will say that there is a long history of Ukrainian
13 politicians and parties engaging lobbyists to gain access,
14 and, in fact, some of the other documents that the State
15 Department provided include three from an academic named
16 Taras Kuzio, who maps the long record of Ukrainians, parties
17 and individuals, who have entered into relationships with
18 lobbyists in the U.S.

19 MR. FOLIO: Does that complicate your work as the
20 representative of the United States Government in the
21 Embassy, in trying to ensure conditions and achieve other
22 policy goals?

23 MR. KENT: I think it's a reality. You know, there's
24 the version of international relations people learn in grad
25 school and then there's the reality. And I think the

1 reality is not just in Ukraine that you have these agents of
2 influence. I also served in Thailand, and Thaksin
3 Shinawatra, the Prime Minister, he also engaged in private
4 channels, non-U.S. Government channels, to try to send
5 messages to Washington.

6 So I would say that's how governments and prime
7 ministers the world over work. And so people who reach a
8 certain level understand that.

9 MR. FOLIO: Does that make your job easier or harder?

10 MR. KENT: It depends. Sometimes it does make it
11 easier and sometimes it makes it harder.

12 MR. FOLIO: How about here?

13 MR. KENT: Well, I mean, again, my message to Lutsenko
14 when I met him one-on-one was, you want to meet with U.S.
15 Government officials? Come to us. Go to your Embassy.
16 What you do outside of meeting with U.S. Government
17 officials, that's your time, your business. That's
18 oftentimes how it's run.

19 MR. FOLIO: Will, if we could please scroll up to page
20 1257?

21 In your FYI paragraph, you wrote, "I SMSed Lutsenko
22 last night--"

23 MR. SCHRAM: Joe, we can't hear you unless you're
24 facing straight at your microphone.

25 MR. FOLIO: In that paragraph you wrote, "I SMSed

1 Lutsenko last night after consults with Jeff and Johannes to
2 ask what was up with the trip, was it true he was using a
3 third-hand rather than working through the Ukrainian Embassy
4 and our Embassy, which was the proper path in my view. I
5 also (as agreed with Jeff) Facebook messaged"--Facebook
6 messaged--"The Ukrainian Washington Embassy DCM."

7 So, Mr. Kent, does that email response reflect what you
8 just told us, how you responded to Mr. Lutsenko [inaudible--
9 audio difficulties] parties?

10 MR. KENT: Right. So, yes. So Jeff and Johannes, that
11 the DOJ resident legal advisor and the FBI Legat.

12 MR. FOLIO: So from the perspective of Prosecutor
13 General Lutsenko, what would be his view of Blue Star
14 facilitating these meetings with U.S. officials?

15 MR. KENT: You're asking me to answer for somebody, a
16 Ukrainian official.

17 MR. FOLIO: I'm asking your perspective as the DCM, as
18 to, you know, you've expressed opinions that you'd prefer
19 that he would go directly through you. You saw Mr.
20 Vitvitsky's line that this was a "bennie that the U.S.
21 Government should guard jealously." So I'm just wondering,
22 based on your experience in these situations, but
23 specifically in the Ukrainian government, would Mr. Lutsenko
24 view Blue Star favorably for providing him this access that
25 he has not received, and your opinion has not earned, at

1 this point in time?

2 MR. KENT: Again, as I said in my opening statement, my
3 comments, and in this conversation I guess we're getting to,
4 with Lutsenko, I raised issues of timing and interlocuters
5 with him. But, you know, people are, again, big boys and
6 girls, and sometimes they--you give them the best advice and
7 then they make their own decisions.

8 MR. FOLIO: I'm going to ask Will if he can please pull
9 up what we previously marked as Exhibit 2. This was 345
10 through 347. This was the September 2016 email Mr. Kent
11 sent internally after his phone call with Sally Painter from
12 Blue Star.

13 So, Mr. Kent, this is email that you sent then was to
14 Bridget Brink, Jorgan Andrews, and copies to Ambassador
15 Yovanovitch. The subject line is "Bullying, threatening
16 call by Blue Star's Sally Painter (re Lutsenko)."

17 Why did you send this email to these particular
18 individuals?

19 MR. KENT: Well, Bridget Brink was my predecessor in
20 the current job I have, Deputy Assistant Secretary
21 responsible for policy in Georgia and Ukraine. Jorgan
22 Andrews was the Office Director of Eastern Europe, another
23 senior official, and then, obviously, the Ambassador being
24 copied.

25 Generally, as I started with my opening statement,

1 there is bipartisan consensus about our policy towards
2 Ukraine and the need to be helpful. This was a very
3 contentious, accusatory conversation, and I just thought
4 given the nature of the conversation it was important to
5 inform the officials in Washington that worked directly on
6 Ukraine that that conversation did happen.

7 MR. FOLIO: If we can scroll up please, Will, to page
8 345. So the second paragraph, Mr. Kent, you wrote, "Painter
9 adopted a hostile, aggressive tone from the outside, and was
10 rude and accusatory throughout."

11 MR. KENT: That should have been "outset," is what I
12 meant. That could have been an auto-correct.

13 MR. FOLIO: I should have auto-corrected for you.
14 sorry. "It was unlike any conversation I have had in my 24+
15 years in the foreign service, and completely inappropriate
16 on her part. She ended the conversation by saying that she
17 would take it up the 'The Under Secretary.' (No further
18 information)"

19 Why was this phone call so unlike any conversation you
20 had in your entire foreign service career?

21 MR. KENT: I had never talked to her, and there was no
22 effort to start with an introduction. It was just a bull
23 rush of accusations that were not factually based. It's an
24 odd way to start a relationship. That's how I would put it.

25 MR. FOLIO: And of what was Ms. Painter accusing you?

1 MR. KENT: Of ruining their business model.

2 MR. FOLIO: And how did you allegedly do that?

3 MR. KENT: She was not completely clear, but it had to
4 do with Lutsenko's check.

5 MR. FOLIO: So looking at that first paragraph, you
6 wrote, "Nearly simultaneous her boss, Karen Tramontano,
7 called on the other line asking to talk to the Ambassador,"
8 who you noted then is out for the rest of the day. What did
9 you take it to be on the phone call that was, you said,
10 highly accusatory, and then Ms. Painter's colleague was, at
11 the same time, trying to reach the Ambassador? How did you
12 interpret that?

13 MR. KENT: Walking up the ladder. So--

14 MR. FOLIO: At the same time?

15 MR. KENT: As it turned out, yeah, that's why we
16 oftentimes don't give out our direct lines, and certainly
17 these are people that we--I had not ever talked to. So they
18 called in and got patched into our secretaries. I was in
19 the office, Ambassador Yovanovitch was not, so I took the
20 call from Painter.

21 MR. FOLIO: Around this time, did Karen Tramontano
22 connect with Ambassador Yovanovitch?

23 MR. KENT: I'm not aware that they had a conversation
24 that day. Honestly, I don't know. They obviously
25 eventually did have a meeting--this is 6 September, so three

1 months later in December, as a document that we discussed
2 earlier indicated. They may well have connected later that
3 week. I just don't remember.

4 MR. FOLIO: You wrote in the email that Ms. Painter
5 accused you of damaging, quote, "her firm's reputation to
6 Lutsenko and allegedly told them, Lutsenko, not to have
7 anything to do with them"--Blue Star--"(for the record: I
8 did not tell him that. Full stop.)"

9 MR. KENT: Right.

10 MR. FOLIO: What did you put--did you clarify with Ms.
11 Painter exactly what you said with Mr. Lutsenko?

12 MR. KENT: As the email indicates, after she ranted for
13 at least five minutes, I didn't hang up on her but I told
14 her I would have every right to do so, and offered her a
15 chance to reset and start the conversation that she should
16 have started with, since we had never talked to each other.
17 And then when she demanded to know exactly what I told
18 Lutsenko, I told her that was a privileged conversation
19 between two governments and I wasn't about to share the
20 contents, but that she had mischaracterized what I had told
21 Lutsenko.

22 MR. FOLIO: I think before you said it wasn't clear,
23 but is Ms. Painter referring to the conversation we looked
24 at a minute ago, when you found out that people were trying
25 to arrange a meeting for Lutsenko with the Department of

1 Justice and you became aware of that?

2 MR. KENT: Yes. I mean, I had--you know, the previous
3 email, I believe, mentioned that Lutsenko had asked to see
4 me one-on-one. So we had a meeting, and then several days
5 later this conversation occurred.

6 MR. FOLIO: And I think you testified earlier that Mr.
7 Lutsenko, after your conversation, ended up postponing his
8 trip until after the election. Correct?

9 MR. KENT: That's correct.

10 MR. FOLIO: So do you think that's what Ms. Painter was
11 referring to?

12 MR. KENT: She was referring to the fact that from--I
13 could gather from her comments that there had been a
14 communication with Lutsenko, and he said he was not coming
15 to the United States.

16 MR. FOLIO: In that longer paragraph that begins "I
17 wasn't able"--if you could scroll down a little bit, Will,
18 please--you wrote that Ms. Painter made a reference to,
19 quote, "'not representing Nikolai in the U.S.' (I presume
20 this is Zlochevsky), 'because he has legal representation in
21 the U.S. or Burisma.'"

22 What did you understand that to mean, that she was not
23 representing him in the U.S.?

24 MR. KENT: I understood this to mean that she did not
25 have an obligation to register as a fair agent.

1 MR. FOLIO: Foreign agent's registration?

2 MR. KENT: Correct.

3 MR. FOLIO: You went on to write that "she had
4 represented Yushchenko's interests in the U.S. for five
5 years, and knew what was legal and what was not, and when it
6 was required to register." Who is Yuschenko?

7 MR. KENT: He was the President of Ukraine from 2005 to
8 2010.

9 MR. FOLIO: She also mentioned that "she was on the
10 board of the Atlantic Council, and on a pro bono basis had
11 been happy to arrange something with John Herbst (i.e., for
12 Lutsenko to speak), and that they also had offered a private
13 dinner for Lutsenko that she and her partner, Tramontano,
14 would have hosted for Lutsenko at no cost, to invite various
15 people, important people, including Melanne Veveer, who was
16 by the way close to former Secretary Clinton."

17 So why was Ms. Painter telling you all this?

18 MR. KENT: Namedropping is something that lobbyists
19 oftentimes engage in.

20 MR. FOLIO: What did you make of her telling that part
21 of the trip was for Mr. Lutsenko to meet with people who
22 were close to former Secretary Clinton?

23 MR. KENT: Well, Melanne Veveer is a Ukrainian
24 American, and so she is somebody who is interested in
25 Ukraine relations. But I believe this conversation I had

1 came a week after Bohdan Vitvitsky had heard directly from
2 Lutsenko that he was interested in going to the U.S., had
3 been invited to go to the U.S. to talk to Clinton's people
4 and U.S. Government officials. And that came after he,
5 Lutsenko, had a meeting with Karen Tramontano, and John
6 Buretta of the law firm Cravath.

7 MR. FOLIO: And this, of course, was when Ms. Clinton
8 was running for President.

9 MR. KENT: This conversation, yes, was happening in
10 September of 2016.

11 MR. FOLIO: So in addition to offering meetings with
12 high-ranking Justice officials that Mr. Lutsenko is not
13 getting through the Embassy, they also appeared to be
14 offering meetings with high-ranking people close to then
15 candidate Clinton. Correct?

16 MR. KENT: That is what she was suggesting, yes.

17 MR. FOLIO: And from your perspective, again,
18 recognizing that you deal with Prosecutor General Lutsenko,
19 you have your own requests of him, policies that you're
20 seeking to pursue in coordination with him. How did you
21 view this private third party offering not only government
22 meetings but meetings with presidential candidates at the
23 time?

24 MR. KENT: Well, again, my role as a U.S. Government
25 official, if a foreign government official wants to come to

1 the United States, in terms of meeting government officials,
2 it's better to go through embassies. I asked Lutsenko what
3 else did he want to do, and he said, "I'd like to talk to
4 think tanks." And I said, "Well, the week, sir, that you're
5 planning to go is the week of the U.N. General Assembly, and
6 all the main think tanks are not going to be in Washington.
7 They'll be up in New York, so there will be no one to see
8 and host you and give you a platform to talk to opinion
9 makers in Washington."

10 I said, "What else do you want to do?" He says, "Oh,
11 what I really want to do is meet John Podesta, because he's
12 running the campaign and he might be the next chief of
13 staff." And I said, "Well, maybe it's better to wait until
14 after the election."

15 MR. FOLIO: If we could scroll down to page 346
16 [inaudible--audio difficulties.]

17 MR. SCHRAM: Joe, let me just interject. I believe
18 you're over the hour. Do you have a sense of how much
19 longer you're going this round?

20 MR. FOLIO: So I can ask one more question. We have,
21 well, we have a handful of questions about this email, and
22 then a little bit longer. So we're happy to--maybe if I can
23 ask one more question, we can take a break, and then hand it
24 back to you, Zack?

25 MR. SCHRAM: We're in no rush to cut you off, if you're

1 interested in finishing this line of questioning so that
2 it's easier for the witness to follow in one thread, if it's
3 a reasonable amount of overage.

4 MR. FOLIO: I prefer to finish this email and then we
5 can transition.

6 MR. SCHRAM: Does that work for the witness?

7 MR. KENT: That's fine. I mean, I avoided the bathroom
8 break an hour and 20 minutes ago. I'll need one in the next
9 5 to 10 minutes.

10 MR. FOLIO: That's a good call.

11 During the phone call with Ms. Painter, did you ever
12 discuss Mr. Zlochevsky and his links to corruption?

13 MR. KENT: The topic of the conversation was about
14 Lutsenko. It was--Painter was the one who raised, and
15 didn't even use the name Zlochevsky, she used the Russian
16 version of his first name, Nikolai. We refer to him as
17 Mykola. That's the Ukrainian version. So I didn't respond
18 to that, because my focus was the Prosecutor General. That
19 was actually what the initial part of her request/accusation
20 was about. So no, she put it in the conversation and I did
21 not respond to that. I focused on Lutsenko.

22 MR. FOLIO: During the phone call, did Ms. Painter ever
23 raise Hunter Biden's role on Burisma's board?

24 MR. KENT: To the best of my knowledge she did not, and
25 as you've seen, I've been actually quite scrupulous in

1 mentioning Hunter Biden in a number of emails. So if she
2 had mentioned his name I suspect I would have noted that
3 down.

4 MR. FOLIO: You noted that Ms. Painter said that,
5 quote, "you would have to answer if you, I, damaged the
6 reputation of her company." What did you understand her to
7 be conveying to you with that statement?

8 MR. KENT: That's a bully boy rush, and she--this was
9 an initial call. She was trying to catch me off-guard, and
10 I think I've got a documented record of when bullies try to
11 run over me I push back hard.

12 MR. FOLIO: So can you focus on Footnote 2 at the
13 bottom of page 346 please?

14 In Footnote 2 you wrote that "When Dan Fried called me
15 in the summer, asking if I would be willing to talk to
16 Painter, the subject was Zlochevsky, and allegedly the bad
17 reputational deal he was getting. I warned Dan this was a
18 sticky wicket, that Zlochevsky was viewed as corrupt, not
19 just in Ukraine but by the USG/FBI, that he almost certainly
20 had paid a bribe to the PGO office (Yarema team) to have
21 them close a case against Zlochevsky in December 2014 and
22 issue a letter to that effect to Zlochevsky's lawyer, who
23 flipped it to a UK judge, who unfroze the assets that the
24 FBI and"--I think you corrected it, SFO=="had spent months
25 trying to make a case for asset repatriation, the first and

1 so far only possible case in an effort we collectively have
2 spent hundreds of thousands of dollars.

3 "Furthermore, the presence of Hunter Biden on the
4 Burisma board was very awkward for all U.S. officials
5 pushing an anticorruption agenda in Ukraine. Dan then said,
6 'Sally's apparently been asked to gather information in an
7 attempt to convince Hunter to sever the relationship.'

8 Mr. Kent, when you wrote that "the presence of Hunter
9 Biden on the Burisma board was very awkward for all U.S.
10 officials pushing an anticorruption agenda in Ukraine," what
11 did you mean by that?

12 MR. KENT: I meant that people who talk the talk need
13 to walk the walk, and for the U.S. Government, collectively,
14 when we talk about the need to have high standards of
15 integrity, again, as I've said, the presence of him on the
16 board created the perception of a potential conflict of
17 interest. And so, you know, whether it's in media or
18 governmental programs, perceptions matter oftentimes as much
19 as reality, and so that was my best assessment, which I
20 repeated, not just I but Ambassador Pyatt and the economic
21 section, to whomever we talked to--think-tankers like Dan
22 Fried, U.S. Government in Washington, other parts of the
23 U.S. Embassy, and mentioning publicly.

24 MR. FOLIO: And you mentioned it a little earlier, but
25 that's a theme that we've seen is that through of course of

1 several emails over several months you are repeatedly
2 reminding people of Mr. Hunter Biden's position on the board
3 and that people should be aware of it as they're making
4 policy decisions such as ending the USAID MERP relationship
5 with Burisma, or lobbyists trying to arrange meetings with
6 U.S. officials. So it seems like this is something you're
7 asking your staff to account for, or at least be prepared to
8 address if pushed on it. Right?

9 MR. KENT: For me it's preparing everybody for "what
10 about-ism," because we're pushing what's right, and we do
11 what's right, and we have to be prepared for people who are
12 critics, are opponents, to say, "Well, what about? What
13 about Hunter Biden?"

14 So there was no time, as I've testified, that the U.S.
15 Government, the U.S. Embassy ever made a decision about
16 Zlochevsky or Burisma where we took the presence of a
17 private citizen on the board into account. We made the
18 decision on the merits. But others might think otherwise.
19 And so everyone needed to be aware of what we were dealing
20 with as we made the right decisions.

21 MR. FOLIO: Right. And we understand you've said that
22 several times. I think what we're noticing, when we've
23 talked about how valuable your time is and the time of your
24 colleagues is that the time that you all spend thinking
25 about that issue, anticipating that issue, and protecting

1 against the "what about-ism" that you mentioned.

2 So did any Ukrainian officials ever raise that with
3 you, the "what about-ism," "What about Hunter Biden?" in
4 response to you trying to advance the anticorruption agenda?

5 MR. KENT: I cannot recall anybody raising Hunter
6 Biden. We've talked earlier about somebody who became a
7 critic of U.S. positions and programs, Tetiana Chornovol,
8 who raised the Burisma-USAID connection. And so that is an
9 example of why it's better--it was better not to have any
10 question or reason for others to criticize us.

11 MR. FOLIO: Are you aware of anyone else at the U.S.
12 Embassy receiving "what about-isms" with regard to Hunter
13 Biden as they were trying to advance the U.S. anticorruption
14 agenda in Ukraine?

15 MR. KENT: I am not aware.

16 MR. FOLIO: You mentioned that you raised the issue in
17 early 2015, when you became aware of it, with the Vice
18 President's staff. Did you raise Hunter Biden's board
19 position at any other time while you were at the Embassy in
20 Ukraine?

21 MR. KENT: Not with other officials. Again, I
22 registered my concern directly with the Office of the Vice
23 President. This was not an issue of policy. It was an
24 issue of a relative. And again, it was not an issue of a
25 mistake or something that involved U.S. policy or U.S.

1 programs. It involved perceptions.

2 MR. FOLIO: Did any other U.S. officials raise concern
3 about Hunter Biden's position on the board of Burisma?

4 MR. KENT: Honestly, I cannot--I can say what I raised,
5 but I don't know.

6 MR. FOLIO: How did you interpret Dan Fried telling you
7 that, he wrote in Footnote 2, "Sally's apparently been asked
8 to gather information in an attempt to convince Hunter to
9 sever the relationship"?

10 MR. KENT: I interpreted that as what Sally Painter had
11 told Dan Fried.

12 MR. FOLIO: That part of the purpose she was reaching
13 out was to--I guess I'm just trying to understand if she is
14 representing the interests of the firm, and we've seen
15 documents that her position is the firm is not corrupt. I'm
16 trying to square that with what Dan Fried told you, that
17 she's trying to convince Hunter to step down.

18 MR. KENT: As I said, it is what it is. You know, I
19 wrote I heard from Dan, which I understood to be what Sally
20 told Dan. I've had one conversation with Sally Painter.
21 This memorialized it. I have been in her presence maybe
22 three, four, maybe five times at other group events that
23 were organized by other organizations that we both happened
24 to attend. But this was the only time that we had a
25 conversation. It was unscheduled. She reached out to me.

1 I have not sought any other further contact, nor has she or
2 Ms. Tramontano reached out to me to have a second
3 conversation.

4 MR. FOLIO: Just one second, please.

5 [Pause.]

6 MR. FOLIO: Just two more questions, Mr. Kent, and then
7 we'll take a break. So I just wanted to be sure we
8 understood about the sentence when you said that "Hunter
9 Biden's position on the Burisma board was very awkward for
10 all U.S. officials pushing an anticorruption agenda in
11 Ukraine." Did you mean all officials at the U.S. Embassy,
12 U.S. officials back in D.C.? What's the scope of officials
13 you were referring to when you wrote that?

14 MR. KENT: Well, keeping in mind this is an email I
15 wrote four years ago, I would say officials in Ukraine,
16 those of us who were on the front lines engaging Ukrainians
17 daily.

18 MR. FOLIO: And I think Brian had one question, one
19 last question for you before we take a break.

20 MR. DOWNEY: Mr. Kent, you know, or you you've worked
21 with Elisabeth Zentos of the USC. Correct?

22 MR. KENT: We've known each other for a number of
23 years. We've never, to the best of my knowledge, worked in
24 the same place at the same time, but we've often worked on
25 the same issues from afar. And so we know each other fairly

1 well.

2 MR. DOWNEY: So two quick questions. Did you ever
3 discuss with her the information about the Yarema bribe that
4 you learned about?

5 MR. KENT: I can't recall. What I'm trying to remember
6 is where she was when that happened. She was at our
7 Embassy, and then she, I believe, may have gone directly
8 from the Embassy to the National Security Council, and then
9 she went into language training. But I don't have the dates
10 when she was at the National Security Council. So,
11 honestly, I just can't remember.

12 MR. DOWNEY: Did you discuss your concerns that you've
13 mentioned in many of your emails about Hunter Biden serving
14 on the Burisma board? Did you discuss that with Elisabeth
15 Zentos?

16 MR. KENT: I don't think I would have necessarily had
17 that conversation, no.

18 MR. DOWNEY: Why not?

19 MR. KENT: She didn't work in the Office of the Vice
20 President and this is not an issue of government policy or
21 programs. It's about an issue of the appearance of a family
22 member of the Vice President. She did not work for the Vice
23 President.

24 MR. DOWNEY: Would members that work on the NSC with
25 Ukrainian corruption, would you have discussed your concerns

1 about Hunter Biden serving on the board of Burisma with
2 those individuals?

3 MR. KENT: To be clear, as I mentioned in my testimony,
4 I came out for a temporary--I was acting DCM for three weeks
5 in this period, and then I went back to the United States to
6 resume my previous responsibilities. And I raised it with
7 the Office of Vice President, and that was, as I testified
8 last fall, what I thought was the relevant authority,
9 because this was not an issue of programs and policies of
10 the U.S. Government. This was an issue of the Vice
11 President's family.

12 MR. DOWNEY: So after you raised it with the Vice
13 President's office did you hear anything back from the Vice
14 President's office?

15 MR. KENT: Not after that conversation, no.

16 MR. DOWNEY: Why do you think that--why do you think
17 you didn't hear back from them?

18 MR. KENT: Well, again, I was only in Kiev through
19 February 14th and then I came back to the U.S. and resumed a
20 regional job that was not directly in the line of
21 determining our policy to Ukraine.

22 MR. DOWNEY: Did you make a memo of your conversation
23 with the Vice President's office? You write very long
24 emails. I might as well ask.

25 MR. KENT: I did not, and there was a question along

1 that line last fall I think Mr. Castor may have asked. And
2 I explained the intense operating environment. That was
3 when the Russians were invading with full armored brigades.
4 They were seizing territory around Debaltseve in violation
5 of the Minsk accords, which had just been agreed upon.

6 At the time, Ambassador Pyatt was working 20-hour days.
7 His emails started between 4:58 and 5:01 in the morning and
8 they ended between 12:59 and 1:01 in the morning. So he had
9 an internal clock and he was nonstop.

10 The Embassy had expanded from 150 Americans to 250
11 Americans. We were trying to oversee and appropriately
12 administer a massive surge in U.S. assistance that went from
13 \$130 million of programming a year up to \$700 million of
14 programming. Something came across my Transcom. I raised
15 it with the appropriate authority and I went back to do my
16 job.

17 MR. DOWNEY: Thank you.

18 MR. FOLIO: All right. Let's take a break now. During
19 the break we will review how much we have left. I think my
20 preview at this point is we have three more documents, just
21 to finish this thread. But we'll take a look and see how we
22 can trim down things.

23 MR. HARTMAN: Great. Thank you.

24 MR. SCHRAM: Joe, just to clarify, you said three more
25 documents to finish of this thread, and then how many

1 additional threads?

2 MR. FOLIO: This is our final thread. Thank you.

3 MR. SCHRAM: Okay. Can we take 10 now?

4 MR. FOLIO: Sure. 5:15?

5 MR. SCHRAM: Yep.

6 [Recess.]

7 MR. FOLIO: So we're going to enter into the record
8 what is Exhibit 13 for us.

9 [Kent Exhibit No. 13 was
10 marked for identification.]

11 MR. FOLIO: The Bates number of this document is 348.
12 Scroll to the bottom please, Will.

13 So this is an email from someone at Cravath, a U.S. law
14 firm, to Ambassador Yovanovitch, carbon copying John
15 Buretta, the attorney. It's addressed to Ambassador
16 Yovanovitch. Subject line, "Letter from John Buretta."

17 Please scroll up.

18 Ambassador Yovanovitch emails you, Mr. Kent, saying,
19 "What is this about?" You respond, "This is further to the
20 Blue Star effort to rehabilitate the reputation of their
21 non-client in the U.S., Former Ministry of Ecology
22 Zlochevsky, who clearly has retained the services of a blue
23 chip law firm (Cravath) and his energy company Burisma,
24 which in turn as Hunter Biden on its board."

25 Mr. Kent, what did you mean when you said further

1 rehabilitate? What other steps had they taken to date?

2 MR. KENT: Further to, meaning continuation of. The
3 date of this email is Thursday, 15 September, so it's nine
4 days after the previous email that we just were talking
5 about, when I talked about the conversation I had with Sally
6 Painter. So, if you will, a week and a half later, Cravath
7 reaches out to Ambassador, directly to her email. And so
8 she asks, "What is this about?"

9 And so I'm explaining that this is continuing the Blue
10 Star effort regarding Burisma. And the reason why I put
11 "non-client" is because I was just repeating what Sally
12 Painter claimed to me, which is that they did not have a
13 representational relationship that required them to
14 register.

15 But I said Zlochevsky, who retained the services of
16 Cravath, so that is, in my mind, self-evident. You have a
17 lawyer--this is also--John Buretta was the lawyer listed in
18 the email that Bohdan Vitvitsky had sent to me several weeks
19 prior, at the end of August, indicating that the two people
20 that had met with Lutsenko, according to Lutsenko telling
21 Vitvitsky, were Buretta and Tramontano.

22 MR. FOLIO: Did you speak with Ambassador Yovanovitch
23 about this letter?

24 MR. KENT: Well, again, I can't--given the full press
25 of business, I can't remember exactly everything that may

1 have happened, but what I state here is that she should sit
2 down--keep in mind, she just arrived at post, so this is her
3 first couple of weeks in Ukraine as Ambassador. So I
4 suggested that she sit down with the Legat, the
5 representative of the FBI, and the resident legal advisor,
6 and the representative of the Department of Justice, on the
7 background of the Zlochevsky case.

8 So that was my recommendation. If she wanted to know
9 what it was about, she should hear what the U.S. law
10 enforcement community thinks before she further engages the
11 paid legal counsel of the individual in question.

12 MR. FOLIO: And you suggested that so she could
13 separate what was the U.S. position on this set of
14 circumstances as opposed to paid legal counsel. What were
15 you referring to when you said "the U.S. position on this
16 set of circumstances"?

17 MR. KENT: Well, I have never had an exchange of views
18 with John Buretta, but, yeah, my understanding was he was
19 being paid to represent the interests and the views of Mr.
20 Zlochevsky. And the U.S. Government, particularly law
21 enforcement community, had a different opinion based on
22 their efforts to recover the money-laundered frozen assets.

23 So this is part of getting a new Ambassador up to speed
24 with the details of an issue that had occurred several years
25 prior, but then we were now dealing with the consequences,

1 keeping in mind that the initial action was in 2014, and we
2 were now in late 2016.

3 MR. FOLIO: Did you review the letter that was attached
4 to this email?

5 MR. KENT: We received it late yesterday, and it's a
6 30-page combination of a lawyer assertion and the, I think,
7 a UK court judgement.

8 MR. FOLIO: And just to keep the record clean, we'll
9 enter this into the record as Exhibit 14.

10 [Kent Exhibit No. 14 was
11 marked for identification.]

12 MR. HARTMAN: And just so you know, it is correct as
13 George described it, except there's also a list of 101
14 exhibits included.

15 MR. FOLIO: Right. The Bates number, if we have that
16 is Bates 4854 through 4884. And if you have it, Mr. Kent,
17 I'm just going to ask you a few questions about the cover
18 letter from Mr. Buretta, not the whole 101 exhibits.

19 MR. HARTMAN: I'm sorry. Would you repeat your Bates
20 number?

21 MR. FOLIO: 4854--

22 MR. KENT: Yeah. We don't have that.

23 MR. HARTMAN: What we have is 06615.

24 MR. FOLIO: Will, will put it up on the screen for us
25 and we can make sure, it's the same letter. I'm sure it is.

1 Do you have the letter in front of you, Mr. Kent, or
2 are you waiting for it on screen?

3 MR. KENT: I presume it's the same letter but I'm
4 waiting to see. Yes, that's the letter we have, September
5 15, 2016.

6 MR. HARTMAN: Scroll up just a little bit, or down just
7 a little bit.

8 MR. FOLIO: Down to that first paragraph, please, Will?

9 MR. HARTMAN: Yes. It appears to be the same one that
10 we have as Bates number 06615.

11 MR. FOLIO: Okay. Mr. Kent, I'd just like to focus
12 your attention on that first paragraph. Specifically, Mr.
13 Buretta wrote that a court in Kiev, quote, "came to the
14 conclusion that Mr. Zlochevsky is a witness, not a suspect,
15 in a criminal proceeding, and that no further criminal
16 procedural measures should be taken against him. The Court
17 also ordered the Prosecutor General's Office to remove Mr.
18 Zlochevsky's name from the wanted list, due to a lack of
19 evidence."

20 Mr. Kent, were you aware of this court ruling?

21 MR. KENT: Not before the paid legal counsel of
22 Zlochevsky and company sent this letter to the Ambassador.

23 MR. FOLIO: And given the history of Mr. Zlochevsky
24 being in and out of investigation and in and out of court
25 cases, how did the department, or how did you view this news

1 that yet another court was reportedly clearing Mr.
2 Zlochevsky in a criminal proceeding?

3 MR. KENT: Well, I think you have my email reaction.

4 MR. FOLIO: Are you referring to the email we just
5 looked at or something else?

6 MR. KENT: No. The next email probably.

7 No, we may have looked at it earlier today, but I have
8 topper on top of reference and I reference a decision by a
9 corrupt court about a connected oligarch. So it's somewhere
10 in there. I don't know which email it is but you've got it.

11 MR. FOLIO: Would you mind just summarizing for us?

12 MR. KENT: Well, I mean, the Pechersk court is one of
13 the two or three most corrupt courts in Ukraine, and many of
14 the corrupt perversions in the rule of law in Ukraine come
15 out of that court. It's known to be packed with judges that
16 are bought agents of oligarchs. So nothing surprises me
17 coming out of the court of Pechersk.

18 MR. FOLIO: In that second paragraph of the Cravath
19 letter--Will, if you could scroll down just a little bit,
20 please--the last sentence reads--Mr. Buretta is writing to
21 Ambassador Yovanovitch, quote, "Burisma's board of directors
22 is comprised of, among others, prominent and experienced and
23 U.S. and European advisers who likewise are committed to
24 sustainable energy production and legal compliance."

25 Who did you understand to be the "prominent and

1 experience advisers" on the board?

2 MR. KENT: Well, you're asking at that time, in
3 September 2016?

4 MR. FOLIO: Yes.

5 MR. KENT: To be honest, I wasn't looking to parse a
6 legal letter from Cravath. As you saw my reaction to the
7 Ambassador, she needed to talk to our FBI and DOJ
8 representatives about the case.

9 I want to point out, in the first paragraph, when it
10 refers to they've directed that he's a suspect, not a
11 criminal in a proceeding, that essentially tracks with what
12 I described in January of 2015, a year and a half earlier,
13 that there had been a case against him that was shut by a
14 corrupt prosecutor, allegedly a bribe paid, \$7 million,
15 according to the second-highest prosecutor in the country,
16 and the case was then directed to become a case against the
17 ministry, not the minister. And so that would track what
18 this assertion that he was no longer the suspect but a
19 witness.

20 MR. FOLIO: What you're describing is two different
21 decisions that just had similar modus operandi?

22 MR. KENT: That's how money often works in the
23 Ukrainian justice system, yes. I generally try not to waste
24 my time and the time of my superiors on parsing information
25 that likely comes out of a corrupt process. My advice was

1 that she should talk to our lead FBI representative and our
2 Department of Justice rep.

3 MR. FOLIO: And just looking at this letter today,
4 based on everything we've reviewed, would you agree that
5 what Mr. Buretta was referring to, "prominent, experienced
6 advisers of Burisma's board," he is likely referring to,
7 among others, Hunter Biden?

8 MR. KENT: I'm not going to speculate. I mean, it was
9 a public--I don't know if it was a publicly listed company
10 but it had a website with the board of directors. He didn't
11 list the names. He just claimed that they had experienced
12 U.S. and European advisors.

13 MR. FOLIO: We're going to flip to a document that we
14 already entered into the record. It was previously entered
15 as Exhibit 4, Bates number 1205. This seems to be the
16 briefing checklist for Ambassador Yovanovitch.

17 MR. HARTMAN: Joe, just a reminder again, when you turn
18 your head we can't hear you. I know that's hard because of
19 your documents.

20 MR. FOLIO: Sorry. I will do better.

21 So, Mr. Kent, this is a briefing checklist in
22 preparation for Ambassador Yovanovitch's meeting with Ms.
23 Karen Tramontano from Blue Star Strategies. Who requested
24 the meeting between the Ambassador and Karen Tramontano from
25 Blue Star Strategies?

1 MR. KENT: I believe you have other emails which
2 indicate that Blue Star Strategies reached out for a meeting
3 with the Ambassador.

4 MR. FOLIO: And why did the Ambassador take this
5 meeting?

6 MR. KENT: I would say that as a general rule, U.S.
7 diplomats, when approached by U.S. business, will give any
8 U.S. business at least one hearing.

9 MR. FOLIO: Did you attend the meeting between the
10 Ambassador and Karen Tramontano?

11 MR. KENT: I did not.

12 MR. FOLIO: So the memo states, focusing on page 1206,
13 your advice was that "You should hear Tramontano out on
14 Zlochevsky's situation but not suggest we will change our
15 posture on his case."

16 So just to confirm, the posture on his case, was that
17 the position of the Embassy and the U.S. Government that
18 we've discussed throughout this interview about Mr.
19 Zlochevsky and his links to corruption?

20 MR. KENT: Correct. Yes.

21 MR. FOLIO: Do you know if Hunter Biden came up as a
22 topic of conversation in this meeting?

23 MR. KENT: I don't know.

24 MR. FOLIO: Did Ambassador Yovanovitch ever raise the
25 issue with you about the presence of Hunter Biden on the

1 Burisma board being very awkward for all U.S. officials
2 pushing anticorruption agenda, both on the September 16,
3 that we looked at a couple of minutes ago?

4 MR. KENT: Honestly, I can't tell you that for certain.
5 She had just arrived, and so it was more we, who were there,
6 briefing her and giving her our advice, rather than the
7 other way around.

8 I think my views on the matter were very clear, and
9 given the nature of my conversation with Ms. Painter, I
10 think both the Ambassador and I felt it wise that we avoid
11 any further engagement between me and representatives of
12 Blue Star Strategies.

13 MR. FOLIO: Turning to page 1207, the second page of
14 that draft memo, is that where you discuss--the memo
15 discusses Burisma and USAID--is that a reflection of what we
16 discussed previously, your decision to pull the plug on the
17 USAID MERP relationship with Burisma?

18 MR. KENT: Yes, and essentially what this describes is
19 the exit strategy. We pulled the plug. We said we would be
20 open to other possible ideas, but we had no intention of
21 doing anything else.

22 MR. FOLIO: So--

23 MR. KENT: As the briefing memo says, "While keeping
24 the lines of communication open we do not intend to pursue
25 any joint cooperation with Burisma."

1 MR. FOLIO: And just to reiterate what we discussed
2 previously, you made the decision to shut down the program
3 that basically amounted to about \$7,500 that Burisma had
4 provided for prizes in a journalism contest. Is that right?

5 MR. KENT: Correct.

6 MR. FOLIO: So even though it was a small amount, you
7 thought it was that detrimental to have a United States
8 agency linked to Burisma.

9 MR. KENT: When you're promoting principle to any
10 corruption action you have to be very by-the-book, and you
11 have to be prepared for criticism. And so, yes, we were
12 limiting any possible exposure or any basis for anyone to
13 question our motives for pursuing the anticorruption agenda.

14 MR. FOLIO: So I think something similar could be said
15 then, if \$7,500 a month be sufficient to pull the plug in
16 cooperation with Burisma, \$80,000 a month looks a whole lot
17 worse, doesn't it?

18 MR. KENT: What are you referring to?

19 MR. FOLIO: I'm referring to the amount of money that
20 Burisma was paying Hunter Biden, Devon Archer, and others to
21 serve on their board.

22 MR. KENT: Again, I think that's a question to pose to
23 Mr. Zlochevsky. As a U.S. Government official, I had
24 purview over the acts, programs, and engagements of the U.S.
25 Government. I don't have oversight or a voice into how

1 private companies govern their affairs.

2 MR. FOLIO: So I just want to make sure we cover this,
3 in the memo we just talk about Zlochevsky's official U.S.
4 representative, John Buretta, had, quote, "sent a letter in
5 September asking that the Embassy reconsider its position on
6 him." Do you understand that to refer to their efforts to
7 rehabilitate his relationship, as you've described in a
8 prior email?

9 MR. KENT: That was the previous exhibit we discussed,
10 the September 15th email that Mr. Buretta sent to Ambassador
11 Yovanovitch.

12 MR. FOLIO: So in the letter from Mr. Buretta, he
13 brought to the Ambassador's attention, and your attention,
14 the closure of the case against Burisma. How did you assess
15 Prosecutor General Lutsenko at that time seeing yet another
16 case that apparently was letting Mr. Zlochevsky go?

17 MR. KENT: When I referred to Mr. Lutsenko and his team
18 settling a case, or downgrading it from money-laundering to
19 tax evasion and then settling with a payment of back taxes
20 and a fine, I believe that decision happened after the
21 moment we're discussing. There are two other emails that
22 you have, provided by the State Department, that reference a
23 press account from December 29th. I don't know if you're
24 going to bring those up. But in terms of sequential order,
25 the engagement with Buretta, his letter was in September,

1 the meeting with Ambassador Yovanovitch and Karen Tramontano
2 that we're just talking about is December 8th, and then word
3 of a settlement of the case came later, at the end of
4 December, beginning of January.

5 MR. FOLIO: So it seems that in 2014 the Ukrainian
6 court is investigating Burisma, the British court is
7 investigating Burisma, through 2015, through 2016, and
8 across three different Prosecutors General. It doesn't
9 appear that anyone is able to hold Mr. Zlochevsky
10 responsible for the money-laundering crimes he's been
11 accused of. Is that right?

12 MR. KENT: It is accurate to say that no Ukrainian
13 Prosecutor General took a case into Ukrainian courts and saw
14 it to conclusion against Zlochevsky.

15 MR. FOLIO: Just turning to our last document for this
16 one. We're going to mark this Exhibit 14.

17 MR. HARTMAN: I think it's 15, isn't it, Joe?

18 MR. FOLIO: Is it 15? I stand corrected.

19 [Kent Exhibit No. 15 was
20 marked for identification.]

21 MR. KENT: Yeah, this is the email I was trying to
22 characterize from memory that's from January of 2017.

23 MR. FOLIO: Oh, sorry.

24 MR. KENT: Do you have the Bates number?

25 MR. FOLIO: Bates number is 27-- [inaudible--audio

1 difficulties].

2 MR. KENT: Speak into the mic.

3 MR. FOLIO: 2768 through 2770.

4 MR. KENT: Yeah. About 10 minutes ago when I was
5 referring to an email that I knew I had written and that you
6 had, this was the email.

7 MR. FOLIO: Okay. Great. So this is a January 13th,
8 starting from the beginning of the chain, the email starting
9 on 2769 going to 2770, this is a January 13, 2017, email
10 from Ambassador John Herbst to you, Subject line "Heads Up."
11

12 And he writes, "George, I wanted you to know before it
13 becomes public that the Atlantic Council decided to accept
14 support for its program from Burisma. We looked at the
15 matter closely and weighed it for over a month. Information
16 provided to us by a Cravath lawyer for Burisma in the London
17 case was an important factor, although some uneasiness
18 remains. Happy to discuss when I am next your way."

19 Why was Ambassador Herbst informing you, or giving you
20 a heads up about this decision?

21 MR. KENT: Well, as you can see in the email, that I
22 then forwarded to the Ambassador and another member of
23 staff, he had come to Kiev the previous fall, and I believe
24 there are other emails that were provided that referenced
25 that in September, and talked through looking from my

1 background, understanding how the U.S. Government viewed
2 Burisma and Zlochevsky. And I was very clear, as I think
3 I've been today, when asked what exactly the U.S.
4 Government, the Embassy, I, the FBI, others thought, and as
5 I note to the Ambassador at the time, he didn't make mention
6 of the possibility of Zlochevsky sponsoring Atlantic Council
7 programming.

8 But I think that's why he owed--he felt that he wanted
9 to give me a heads up, because he'd asked for my best
10 advice, I'd given him my advice, which basically said stay
11 away, and ultimately he chose to make a different decision.

12 MR. FOLIO: So in the grand scheme of think tanks and
13 foreign relations, what does it mean that the Atlantic
14 Council took program support from a company?

15 MR. KENT: Well, I would say if you look at the
16 effectiveness in terms of voice on policy, vis-à-vis
17 Ukraine, the Atlantic Council is arguably the most active.
18 And I've never worked in a think tank, the way I've never
19 worked at a university and I've never worked at a lobbying
20 firm, but I think the challenge for any outfit is what's
21 your business model? Where is the money coming from? And,
22 you know, some universities have big endowment. Some
23 foundations do. Others don't and they need basically to
24 fund their operations.

25 And so I think I make reference to whom the funders of

1 the Atlantic Council robust Ukraine program, which I find
2 very helpful in terms of policy efficacy, it's funded by the
3 Ukraine's richest person, Rinat Akhmetov, one of the other
4 billionaires, Victor Pinchuk, and then they added Zlochevsky
5 and Burisma as a sponsor. So that was a decision that
6 Ambassador Herbst and the Atlantic Council board made to
7 keep their programming going.

8 MR. FOLIO: And what did you mean by that by saying
9 it's funded by, and then you have a whole list, and you list
10 those three names? What was the message you seemed to be
11 implicitly conveying to Ambassador Herbst?

12 MR. KENT: Well, I'm reminding the Ambassador, again,
13 you know, this is still early days that these are the people
14 that the program is funded by.

15 MR. FOLIO: So we've talked a lot about the reputation
16 of Zlochevsky and Burisma. What was the reputation of
17 Akhmetov?

18 MR. KENT: Well, he was the richest--is still the
19 richest man in the country. He, I would say, had a very
20 mixed reputation early in his career. That would be very
21 polite. And he was already the richest man in 2004, when
22 Ambassador Herbst was Ambassador, and after the Orange
23 Revolution, which ushered in a new government, Viktor
24 Yushchenko, the two richest people in the country at the
25 time were Akhmetov and Pinchuk. And Ambassador Herbst's

1 recommendations to both of them at the time, having made
2 money under the old regime, was "Start giving it away. Do
3 something for the country. You've made your billions. Now
4 give it back to the people. Set up a foundation. Do
5 something that helps the country."

6 And so that was the advice, and they actually took his
7 advice to varying degrees, Victor Pinchuk immediately.
8 Akhmetov, it took him the better part of a decade.

9 MR. FOLIO: And what was Mr. Pinchuk's reputation?

10 MR. KENT: He was the son-in-law of the second
11 President, President Kuchma, the one who was President when
12 the country's leading investigative journalist was killed.
13 He gained access to state resources because his father-in-
14 law was President of the country. And then he--you know, he
15 runs a diverse business empire. He seems to be cashing out
16 currently, but he had businesses, everything from media to
17 steel pipes, and was also a big sponsor of modern art.

18 MR. FOLIO: Would it be helpful to these individuals or
19 companies, reputationally, to be seen as a funder of
20 Atlantic Council programming?

21 MR. KENT: Well, I think that it would be fair to say
22 that when the Atlantic Council need to put together a panel
23 of experts on any particular given topic then that
24 oftentimes some of the experts might be affiliated with
25 individuals. For instance, Akhmetov's chief government

1 relations person is a Scottish chap named Jock Mendoza-
2 Wilson. And so he sometimes shows up on Atlantic Council
3 platforms.

4 MR. FOLIO: So is it literally giving them a seat at
5 the table?

6 MR. KENT: I think that's--in the case of having Jock
7 Mendoza-Wilson, the only reason that he would be given a
8 seat at the table is because he represents Akhmetov's
9 corporate empires as sort of government relations
10 representative.

11 MR. FOLIO: And with regard to Mr. Zlochevsky, this is
12 a seat at the table that he was refused not too long ago,
13 based on his reputation. Is that right?

14 MR. KENT: It was a refusal of the U.S. Government to
15 engage him or his company. That's correct.

16 MR. FOLIO: And it was a refusal from the Atlantic
17 Council, based, in part, on the U.S. Government's position
18 about Mr. Zlochevsky, right?

19 MR. KENT: Well, Ambassador Herbst asked for my
20 opinion. He did not indicate to me at the time, as I note,
21 that the Atlantic Council was considering an offer of
22 funding. What this is is the heads up that he sent to me
23 Friday the 13th, in January of 2017, subsequent to a
24 conversation that we'd had in September, three months prior.

25 MR. FOLIO: And you said also that he had made no

1 mention of this as a possibility. So this was--was this
2 surprising to you to see this change from the Atlantic
3 Council to go from refusing their money, or Mr. Zlochevsky's
4 money, to accepting his money?

5 MR. KENT: To be clear, I never said that the Atlantic
6 Council refused his money. I was not aware that there was a
7 money on offer. I think my interpretation, John felt so
8 obliged to inform me because he'd asked for my opinion, I
9 had, under no uncertain terms, expressed my opinion, and
10 implicit in that is that he ignored my advice to stay away,
11 and accepted support for their programming.

12 MR. FOLIO: Give us just one second.

13 [Pause.]

14 MR. FOLIO: Mr. Kent, I think Scott Wittmann has one
15 question for you and then we'll turn it back over them.

16 MR. WITTMANN: Hi, Mr. Kent. I just wanted to clarify
17 one--sorry about the echo--I just wanted to clarify one
18 document that we had previously talked about earlier. It
19 was Exhibit 10, and it was an article regarding the seizure
20 of property belonging to ex-Minister Zlochevsky in Ukraine.
21 We just wanted to make clear that while the article was
22 published on February 2, 2016, there is no mention in this
23 article that the seizure of property occurred on February 2,
24 2016. Instead, the article states that the PGO clarified
25 that the court satisfied the petition to arrest the property

1 of the ex-Minister, Zlochevsky, that that petition was
2 satisfied on February 2, 2016.

3 So just to make sure that the record is clear, we just
4 wanted to give you the chance again to state whether or not
5 you were aware of any seizure of Mr. Zlochevsky's property,
6 either during this time period of February 2016 or
7 beforehand.

8 MR. KENT: Okay. Well, we're back to the document
9 where the question was asked, and I stated that I was
10 neither in Ukraine nor aware at the time. What you showed
11 me was a press statement by the Prosecutor General's Office
12 making a claim. I don't take that as evidence. I take it
13 as a statement from an office of someone who is going to be
14 dismissed by Parliament, which in several weeks. And then
15 what we were just talking about, that same document, the
16 previous document, was discussing how claims against
17 Zlochevsky had been lifted and had been satisfied by a
18 settlement which had been reached.

19 So I think there's a lot of smoke and mirrors. There
20 was a legitimate case that froze \$23 million of assets in
21 the UK in 2014. That seizure, that freeze in the UK was
22 lifted in part because of a decision by the Prosecutor
23 General to close the case against him, end of December 2014.
24 And then there's smoke and mirrors all the way through
25 December, January 2017, when we have this document, that

1 under Lutsenko there was a settlement reached, payment made,
2 and at that point, in 2017, Zlochevsky returned to Ukraine
3 and resumed openly being a businessman running his company.

4 So to restate, while I was studying Ukrainian in the
5 United States I was not aware of a press release of the
6 Prosecutor General, who was getting ready to be fired, no.

7 MR. WITTMANN: Thank you.

8 MR. HARTMAN: Just to make sure one thing is clear.
9 The last document that you just had up, the 9/25/15 article-
10 -

11 MR. WITTMANN: Yes. Yes, sir.

12 MR. HARTMAN: --did you make that an exhibit?

13 MR. WITTMANN: That document was not made an exhibit.

14 MR. HARTMAN: Okay. I just wanted to make it clear,
15 because obviously we hadn't seen it.

16 MR. WITTMANN: Yes. That was a--this is the document
17 we were referencing, the current one that's up. The other
18 one that came up before this was not an exhibit.

19 MR. HARTMAN: Okay. That was a mistake. This is the
20 one, which has been made an exhibit, I think.

21 MR. WITTMANN: Correct. Yes, sir.

22 MR. HARTMAN: And this is the one that we talked about
23 before that we didn't have. Okay.

24 MR. WITTMANN: Yes, sir.

25 MR. HARTMAN: Thank you.

1 MR. WITTMANN: And thank you, Mr. Kent, for the
2 clarification. Zack?

3 MR. SCHRAM: Scott, was that for me? I stepped out.

4 MR. WITTMANN: Sure. No problem. Sorry to catch you
5 off-guard. Go ahead.

6 MR. SCHRAM: Oh, great. Dan had the opening questions
7 for this round.

8 MR. GOSHORN: Will, can you give Roy the control to
9 present documents, please?

10 MR. SACRIPANTI: It's inbound.

11 MR. GOSHORN: So, Mr. Kent, I just want to quote the
12 loop on what we're just talking about right here, and since
13 I mentioned it during the majority's time I would like to
14 put into the record, I think we're on Exhibit K, The
15 Washington Post Fact Checker article I referenced.

16 [Kent Exhibit K was marked for
17 identification.]

18 MR. GOSHORN: And I don't know if I actually have a
19 question for you but I just want it to be on the record, so
20 it's clear if someone is reviewing the transcript.

21 MR. HARTMAN: Again, that's--we just received that by
22 email during the course of the testimony. We haven't really
23 examined it. But we just want to state that for the record.

24 MR. GOSHORN: Yeah. I totally understand.

25 Roy, can you scroll down a bit? There's a section

1 that's called "The Facts" and it's the fourth paragraph is
2 the first one I want to point out. Again, this article is
3 discussing the claim that there was a raid on Zlochevsky's
4 house in February 2016, and the allegation is that this raid
5 coincided with several phone calls between Vice President
6 Biden and President Poroshenko. In this article it
7 summarizes the inaccuracies with that fact pattern.

8 So, Roy, I think you actually--keep going a little bit,
9 please. Keep going. So stop right there.

10 Just to highlight, "Nevertheless, on February 2, 2015"--
11 -so this would be the time Yarema was Prosecutor General.
12 Is that correct, Mr. Kent?

13 MR. KENT: That's correct. That was the day before I
14 met his deputy to talk about the closed case.

15 MR. GOSHORN: So "the Prosecutor General's Office
16 seized personal property attributed to Zlochevsky but
17 legally owned by his family, including a mansion, a luxury
18 care and plots of land, according to AntAC. The court order
19 was not published, but journalists eventually exposed what
20 had happened later in 2015."

21 And then, Roy, if you keep scrolling down. Stop right
22 there, please.

23 So you can see the paragraph at the top of the screen
24 that says, "So, on December 25, 2015, the seizure was
25 cancelled. But the court order was not published until

1 January 27, 2016, and it prompted a public outcry."

2 Mr. Kent, can you speak to this claim that it prompted
3 a public outcry? Was the investigation of Zlochevsky and
4 the actions of the Prosecutor General's Office something
5 that was followed by the Ukrainian public?

6 MR. KENT: Hold on one minute, please. I'm just trying
7 to read--

8 [Pause.]

9 MR. GOSHORN: I'm sorry. You're welcome to take as
10 much time as you want to read this article, but I just want
11 to be respectful of your time as well.

12 MR. KENT: Yeah. You're asking me to try to process
13 information and assess claims by a variety of partners. I
14 guess the only thing I would say is prompting a public
15 outcry, Ukrainians aren't happy when it seems like the court
16 and Prosecutor General's Office are cancelling seizures of
17 actions against presumed corrupt individuals. And so
18 that's, I think, that line. AntAC, again, is the
19 Anticorruption Action Center, the executive director of
20 whose house was burned yesterday. And I think they would
21 assess the public outcry. That's all I would say.

22 This is all inside baseball. I have no way or reason
23 to assess, and that's all I would say about that.

24 MR. GOSHORN: Okay. And then it says, to finish that
25 paragraph, "The PGO scrambled to get it reinstated, and the

1 order was published on February 4, 2016."

2 And then, just for the record, Roy, can you scroll all
3 the way to the bottom? Stop right there.

4 This is the highly scientific Pinocchios rating, and I
5 just want to point out, for the record, that The Washington
6 Post rated this Four Pinocchios.

7 So, Mr. Kent, moving on, we spent a lot of time earlier
8 today discussing how the policy was created regarding Mr.
9 Shokin, the fact that he was corrupt and the fact that, you
10 know, his removal and the continued reform of the Prosecutor
11 General's Office was going to be necessary before the U.S.
12 could guarantee another loan guarantee. And I wanted to ask
13 you some questions, and given your expertise, you know, what
14 documents you believe, or know or believe exist to
15 memorialize the U.S. Government's actions on this matter?

16 I believe you said before that the process was a
17 suggestion from Kiev and that it was discussed in Washington
18 and kind of percolated up to the Vice President from there.
19 What documents or memoranda or talking points do you think
20 may have been created as this process unfolded?

21 MR. KENT: Well again, you're asking me a question
22 about this period of time where I was blissfully learning
23 Ukrainian language as opposed to being an officer, so for
24 several months I was not directly in the chain of
25 communication or decisions. But as I've testified, I

1 believe the idea would be conveyed from the Embassy,
2 discussed and conveyed in the Embassy, conveyed almost
3 certainly by Ambassador Pyatt to the State Department,
4 Assistant Secretary Victoria Nuland, and then there would be
5 interagency meetings, which are normally memorialized in
6 statements of conclusions, depending on the level of the
7 meetings.

8 And then there may or may not have been some of the
9 trip paper prepared, and as any of us who have been involved
10 in preparing trips for principles, you've got paper that can
11 be tasked weeks in advance, and then oftentimes there are
12 trip meetings and oral briefings, where things are
13 oftentimes shaded and finally put into final, and then there
14 are actually new developments. And so at a certain point
15 there would have been a trip briefing before the Vice
16 President's trip to Ukraine, or any commentary, and that's
17 when I think those ideas would have been agreed to be part
18 of his pitch to President Poroshenko.

19 MR. GOSHORN: Would you characterize, you know, a
20 decision of this magnitude--I know you said you were
21 learning Ukrainian at the time, but a decision of this
22 magnitude as to conditions necessary for the loan guarantee,
23 would that be something that was well documented at the
24 State Department?

25 MR. KENT: Well, again, I've described to you the

1 extent I understand a process when I was not part of that
2 process, having been involved up until Thanksgiving, and
3 then sort of returning in March for the rest of the year.

4 I certainly supported--I supported that policy. I
5 probably was part of oral discussions at the Embassy before
6 I left, and that's why I assert that the idea came from the
7 Embassy. But I cannot point to specific documents on the
8 Washington side. And because I was not a Federal record-
9 keeper on any of those documents, they were not provided to
10 me before this hearing and I cannot assert to you, you know,
11 what may or may not be in the, you know, statements of
12 conclusions and other documents from the Office of the Vice
13 President.

14 MR. GOSHORN: Okay.

15 So Ranking Member Wyden, in particular, has written a
16 number of letters to Secretary Pompeo, you know, expressing
17 concern that he--that the Committees may be acting on an
18 incomplete record of documents, with regard to the matters
19 at issue here.

20 So I wanted to draw your attention to the requests that
21 we're working off of here, and get your expert opinion as to
22 whether they, you know, fully encapsulate the matter at
23 hand.

24 Roy, actually, not that document. Could you go back
25 to--is it Exhibit B, the 9/27/2019 letter from the Chairmen

1 to Secretary Pompeo.

2 MR. KENT: 11/6?

3 MR. GOSHORN: That one. Yeah. B. That's the one.
4 November 6th. Sorry.

5 And so I know we've discussed this already today and I
6 don't want to go through the factual allegations again. I
7 just want to turn your attention to page 4, the actual
8 document requests. But you're welcome to, of course, take
9 as much time as you need to refresh your recollection on the
10 document.

11 MR. KENT: And the first time I saw this document was
12 yesterday so it's not matter of refreshing a recollection
13 that I never had. So if you have a question, if you'd ask
14 it I can try to answer it or say I have no basis--

15 MR. GOSHORN: Sure. Well, to start I'd like to--you
16 know, you've spent all day discussing with us what we think
17 our concerns were on this investigation, and so I want to
18 turn your attention to Point 2 here, and it's a request for
19 "All State Department records relating to Burisma Holdings,
20 Rosemont Seneca Partners, Rosemont Seneca Bohai LLC,
21 Rosemont Capital, and Blue Star Strategies."

22 So on the request for documents relating to Burisma
23 Holdings, in particular, do you think requesting documents
24 related to Burisma is sufficient to understanding the U.S.
25 Government's policy with regard to the removal of Shokin?

1 MR. KENT: I will just repeat what I've tried to say,
2 both last fall and today. U.S. Government's interest was in
3 Zlochevsky, the corrupt minister, who enriched and then
4 probably engaged in money-laundering. People keep asking
5 about Burisma, the company, but our concern was the behavior
6 of the corrupt Ukrainian.

7 MR. GOSHORN: And so you think that documents related
8 to Zlochevsky better highlight--

9 MR. KENT: Well, I'm talking about the substance. I
10 guess you're asking about the documents. I'm--

11 MR. GOSHORN: We want to know where we should be
12 looking, and we want to make sure we have a complete record
13 and we're not making decisions and conclusions based on an
14 incomplete record. And I know you're an expert. You've
15 worked at the State Department a long time, and you know
16 this issue, in particular, very well. And, you know, to the
17 extent you can help us, it would be--

18 MR. HARTMAN: Can you hold on? Hold on for one minute.

19 MR. GOSHORN: Sure.

20 [Pause.]

21 MR. HARTMAN: We're trying to make sure George can
22 answer, is equipped to answer. But the truth is, I think,
23 and George can comment on this, that, you know, the
24 custodian of records of the State Department would be the
25 one who would be able to answer questions about what State

1 Department record exist on this, I think. I don't know if
2 George can add anything to that, but I'm not sure how he's
3 equipped to decide what records you should be asking for to
4 cover a particular issue when he's not the custodian of
5 records. George?

6 MR. FOLIO: And if I could just interject, just for the
7 record and for your situational awareness, you know, there
8 is a separate Grassley-Johnson request for all the documents
9 relevant to the firing of Mr. Shokin, which I believe the
10 State Department is processing.

11 MR. GOSHORN: I'm sorry, Joe. I couldn't hear you.
12 What was that?

13 MR. FOLIO: Insofar as your request, is this going to
14 cover all the documents relevant to the decision to fire
15 then Prosecutor General Shokin? There is an outstanding
16 Johnson-Grassley request for that information that the State
17 Department is processing.

18 MR. GOSHORN: Is there an outstanding--there is not an
19 outstanding request for documents related to Zlochevsky,
20 though, are there?

21 MR. FOLIO: I think this is probably a better
22 conversation to have offline or with the State Department.
23 But I think the State Department's position is they are
24 always keeping an eye out for responsive documents.

25 MR. GOSHORN: Yeah. Well, I just wanted to, I guess,

1 note for the record then, if we can't move forward here.
2 The letter to the State Department, initial request letter,
3 that is presumably about assembling the facts necessary to
4 understand why Shokin was removed does not ask for documents
5 related to Shokin. It does not ask for documents related to
6 Zlochevsky. It does not ask for meeting records related to
7 the U.S. policymakers' decisions to advance that policy.
8 Those requests weren't made until April 30th of the next
9 year, after Senator Wyden twice requested, actually, those
10 documents.

11 So we don't have to belabor this any further. I just--
12 if the witness isn't comfortable with speaking about what
13 documents may exist, I don't want to try to force him to.
14 So with that I can pass it over to Zack.

15 MR. HARTMAN: We should be clear, if you want to ask
16 him about what documents he has, that he is aware of, his
17 own documents, obviously you can ask that and he'll answer
18 as best he can and tell you what he did to identify those in
19 the past.

20 MR. GOSHORN: Yeah, Joe, you're showing me a document
21 from April 30, 2020. I'm discussing the request on November
22 6, 2019, and, you know, those are the only documents we've
23 received so far from the State Department, documents
24 responsive to this request. So if your position is that you
25 need the documents from that April 30th request to accurate,

1 you know, conduct this investigation, I think we agree, and
2 I think we spent a lot of time questioning the witness with
3 an incomplete record today.

4 MR. FOLIO: My position is I want to be respectful of
5 Mr. Kent's time. I don't think he's in a position to answer
6 State Department custodial records, and I think he provided
7 helpful answers today about his understanding of the firing
8 of Mr. Shokin.

9 MR. GOSHORN: Yeah, and I just hope, Mr. Kent, that we
10 don't have to ask you to come back when we get more relevant
11 documents on this matter.

12 So, Zack, I'm all done.

13 MR. SCHRAM: Mr. Kent, thank you very much. You are a
14 very patient man and we appreciate your patience with the
15 Committee. I just have a few more questions.

16 The majority raised Blue Star Strategies in the last
17 round of questions. On March 3, 2020, Chairman Johnson
18 stated during an interview on Fox News that the U.S.
19 consulting firm representing Burisma was, quote, "basically
20 using Hunter Biden's name to strong arm the State Department
21 to curry benefits for a corrupt Ukrainian oil company."

22 Mr. Kent, was the State Department successfully strong-
23 armed?

24 MR. KENT: I think the conversations we've had today
25 indicate that the State Department had a strong position

1 that Zlochevsky was corrupt and we shouldn't have anything
2 to do with his company, Burisma.

3 MR. SCHRAM: And your opinion on that matter was not
4 changed by Blue Star Strategies?

5 MR. KENT: It was not.

6 MR. SCHRAM: And the U.S. Government's position with
7 respect to Burisma was not changed because of Blue Star
8 Strategies?

9 MR. KENT: That is correct.

10 MR. SCHRAM: Marking as Exhibit--what do we have now?
11 L--marking as Exhibit L, and this is not something that was
12 previously provided but it's a public record and I just have
13 a brief question about a sentence in it. This is the
14 December 3, 2019, letter from Chairmen Johnson and Grassley
15 to Karen Tramontano.

16 [Kent Exhibit L was marked for
17 identification.]

18 MR. SCHRAM: And I'd just draw your attention to the
19 second sentence in the opening paragraph, because the
20 majority's definition of this investigation has changed a
21 little bit over time. And the question posed in the second,
22 or the purpose identified in the second sentence reads, "In
23 addition, the Committees are reviewing whether Hunter Biden
24 or his associates had any role in the formulation of the
25 Obama administration's policies with respect to Ukraine."

1 So let's, for the last time this evening, put that to
2 bed. Did Hunter Biden or his associates have a role in the
3 formulation of the Obama administration's policies with
4 respect to Ukraine?

5 MR. KENT: To the best of my knowledge, no.

6 MR. SCHRAM: That's the same answer that you gave this
7 morning. It's the same answer you gave last fall. It's the
8 answer that is available to anyone with access to the public
9 record. It is the answer that is confirmed by the
10 documents, all of the documents in the Committee's
11 possession.

12 MR. DOWNEY: Zack, real quick, is there--does that
13 document have letterhead on it, our letter?

14 MR. SCHRAM: I've printed up a copy from an email just
15 now--that's a good question. Can we pull the final version?
16 So it's on your website and I'll read it off the website and
17 we'll make sure that the letterhead version goes into the
18 record. Brian, thank you for identifying, just to confirm
19 I'm reading aloud. [inaudible--audio difficulties].

20 MR. DOWNEY: We can't hear you, Zack.

21 MR. SCHRAM: So the language is the same as the
22 official version that's on the Committee's website. We'll
23 make sure that we enter the one with the letterhead into the
24 record.

25 Brian, does that satisfy your question?

1 MR. DOWNEY: Yeah. Thanks.

2 MR. SCHRAM: Mr. Kent, you were asked about, on several
3 occasions, whether Hunter Biden's name was raised in the
4 context of this or that decision of the Obama
5 administration, and each time you said no. In fact, the
6 people raising Hunter Biden's name, besides the majority on
7 the Committee, are the people we've discussed earlier, like
8 Andrii Telizhenko, Andrii Derkach, Onyshchenko. They've
9 been doing so publicly, in the press, and seemingly tied to
10 step taken by this Committee.

11 Does Mr. Telizhenko, Mr. Derkach, and Mr. Onyshchenko,
12 do those individuals have the American national security
13 interests at heart?

14 MR. KENT: They are not U.S. nationals and I can't say
15 their actions support U.S. policy.

16 MR. SCHRAM: Mr. Kent, are you familiar with the Kyiv
17 Security Forum?

18 MR. KENT: Yes. It's a forum that's established by
19 former Prime Minister Yatsenyuk.

20 MR. SCHRAM: Can you provide a little more context? Is
21 it, for example, pro-Western?

22 MR. KENT: Former Prime Minister Yatsenyuk is a pro-
23 Western figure. Usually they have an annual conference,
24 usually in April. It was virtual this year. And he
25 promotes Ukraine's Euro-Atlantic integration, both on

1 economic structures, and he's also a proponent of Ukraine
2 joining NATO. So it oftentimes focuses on security issues
3 from a very pro-Western perspective.

4 MR. SCHRAM: The majority asks about the perspective in
5 Ukraine about Hunter Biden being on the board of Burisma.
6 We have, in our possession, and I am entering it as Exhibit
7 M, a statement on the Ukrainian American Strategic
8 Partnership from the Kyiv Security Forum, with many
9 signatories, that expresses a view about the Committees'
10 investigation.

11 [Kent Exhibit M was marked for
12 identification.]

13 MR. SCHRAM: This was released--it says, according to
14 this letter it was signed on May 22-23. As a reminder, this
15 Committee marked up and voted on the subpoena of Blue Star
16 Strategies on May 20th, and on May 19th, Andrii Derkach
17 released recordings of conversations between Vice President
18 Biden, President Poroshenko, and made many allegations,
19 including some related to the subject of the majority
20 investigation.

21 I draw your attention to the fourth--fifth, rather--
22 fifth paragraph, short paragraph in this letter, which
23 reads, "We call on American leaders to distinguish between
24 the position of new Ukraine, which stands for the unity of
25 the West and acts to unite democracies around the world, and

1 those forces that seek to turn the political developments in
2 our country into a toxic narrative to sow discord among our
3 partners.

4 "We oppose the dishonest attempts to use the political
5 controversies in the United States. We do not choose any
6 side, but support each of them in the same way that they
7 together help Ukraine's independence.

8 "We call on America's leaders to distinguish between
9 the position of our nation from the actions of politicians
10 instigated by Moscow."

11 I just offer you an opportunity to opine on this
12 letter, if you're interested.

13 MR. KENT: I'll just say two things. Again, this is in
14 accord--this is former Prime Minister Yatsenyuk's vehicle.
15 His long-time foreign policy advisor, Danylo Lubkivsky, a
16 former Deputy Foreign Minister, showed me, as I recall, this
17 statement after they issued it, and it was directly in
18 response to Derkach's release of the first batch of tapes,
19 as you mentioned, several days earlier.

20 MR. SCHRAM: Mr. Kent, when you were asked, for it must
21 have been the 100th time this afternoon, about the influence
22 of Hunter Biden's role on the board of Burisma with respect
23 to the formulation of Obama administration policy, you said,
24 at one point, "We were pushing what's right, doing what's
25 right." Who is the "we" in that sentence?

1 MR. KENT: U.S. Government and, I would say, Ukrainian
2 civil society.

3 MR. SCHRAM: And the U.S. Government would include, of
4 course, you, the Ambassadors you worked for. Would it also
5 include the Vice President, Vice President Biden?

6 MR. KENT: I would say it would include, as I started
7 my opening comments, it would include officials of both
8 administrations, the current one and the previous one, and
9 it would include people of Congress, Members of Congress,
10 particularly appropriators, who have supported Ukraine with
11 very generous resources. And I would say, as a member of
12 the administration, Congress has appropriated above the
13 administration requests consistently since 2014, for which
14 Ukrainians and those of us working on Ukraine are very
15 grateful.

16 MR. SCHRAM: Finally, just to respond to the majority's
17 point, based on our consistent concerns about this
18 investigation using this disinformation, the majority
19 observed that minority introduced into the record what, Mr.
20 Kent, you identified as disinformation with respect to the
21 Derkach chart. I would just add that the minority
22 introduced that into the record to provide the witness the
23 opportunity to critique it, to identify it, to call it out
24 as disinformation. This record is rife with disinformation
25 that the majority has entered into the record, but not to

1 critique it, rather to lend it credibility and to provide as
2 the platform of the United States Senate.

3 Mr. Kent, we very much appreciate your time and your
4 service to this country. Thank you for your participation
5 today.

6 MR. KENT: Thank you for the invitation.

7 [Pause.]

8 MR. WITTMANN: Hi, Mr. Kent. We're almost done, I
9 promise, and thank you again for your time.

10 I'd like to go to Exhibit 16, please. This is a
11 December 8, 2015, New York Times article, written by James
12 Risen, entitled "Joe Biden, his son, and the case against a
13 Ukrainian oligarch."

14 [Kent Exhibit No. 16 was
15 marked for identification.]

16 MR. WITTMANN: I'm trying to get it on the screen right
17 now.

18 MR. HARTMAN: And again, Scott, just for the record--

19 MR. WITTMANN: Sure.

20 MR. HARTMAN: --this is not something we've seen, I
21 think. Correct?

22 MR. WITTMANN: That is correct, unless you read the
23 article when it was published, which actually is going to be
24 our question, Mr. Kent, for you, and perhaps you can comment
25 on that, if you're familiar with it, just by the title of

1 it. But I'll wait until you have it in front of you to ask
2 it. Just let me know whenever you're ready.

3 MR. KENT: It's on my screen. I'll tell you when I--
4 [Pause.]

5 MR. KENT: Okay. Okay. Yeah, you can page down the
6 next screen.

7 [Pause.]

8 MR. KENT: Okay.

9 [Pause.]

10 MR. KENT: Okay.

11 [Pause.]

12 MR. KENT: Okay.

13 MR. WITTMANN: Mr. Kent, do you remember whether you
14 saw this article when it was published?

15 MR. KENT: I don't recall, honestly. I will say that
16 at the time I did not have a subscription to The New York
17 Times, electronically.

18 MR. WITTMANN: Noted. Did this article ever come up in
19 any discussions regarding Hunter Biden's role on Burisma's
20 board?

21 MR. KENT: Discussions between whom?

22 MR. WITTMANN: Sure. Discussions between you and your
23 colleagues, any time that you had raised concerns about
24 Hunter Biden's role on Burisma's board?

25 MR. KENT: I would say that this article accurately

1 reflects things that I've said multiple times today about
2 the--how the case against him was closed, and why, and the
3 U.S. Government's concerns about it. It quotes Geoff
4 Pyatt's speech, which I had referred to. So we don't need
5 The New York Times to report what we are saying. We know
6 what we're saying and what our positions are.

7 MR. WITTMANN: Thank you.

8 Were you aware of a Ukrainian delegation meeting with
9 U.S. officials in Washington, D.C. between January 18th and
10 January 23rd, 2016?

11 MR. KENT: Again, that was the period of time, this
12 three-and-a-half-month period where I was learning
13 Ukrainian, so I was in Arlington but not going to work at
14 the State Department. I believe, however, I was aware that
15 the delegation was coming to Washington, which is different
16 than a meeting that you're asking about.

17 MR. WITTMANN: And what was your awareness of the
18 delegation coming to Washington? What was the time period
19 for that?

20 MR. KENT: Perhaps coterminous. I think the--based on
21 the reporting that has been in the press, this was a
22 delegation that involved--first of all, I was accompanied by
23 our Department of Justice representative, whose job it was
24 to build capacity in the justice system. He brought the
25 heads of two new organization, with whom we worked closely,

1 the head of the National Anticorruption Bureau and the
2 special anticorruption prosecutor, as well as the reformist
3 Deputy Prosecutor General. And so this was part of our
4 effort to build capacity to address corruption. As I said
5 in my opening comments, the need was to investigate,
6 prosecute, and then bring--render justice to corrupt
7 individuals. And these three individuals played key roles
8 in those attempted efforts to build an anticorruption
9 ecosystem that was effective.

10 MR. WITTMANN: Do you know who that delegation met
11 with?

12 MR. KENT: I do not. I was aware that this trip was in
13 planning, and that sort of trip makes sense, and we were
14 trying to foster interagency cooperation. But beyond that,
15 the details I don't know.

16 MR. WITTMANN: Do you know whether Mr. Telizhenko
17 attended any of the meetings with that delegation?

18 MR. KENT: There are press reports but I do not have
19 any contemporary knowledge of who was in what meetings.

20 MR. WITTMANN: Were you aware of any meetings occurring
21 between U.S. officials and Ukrainian officials that included
22 discussions about the Prosecutor General Office's
23 investigation, or lack thereof, of Burisma?

24 MR. KENT: Can you restate the question clearly,
25 please?

1 MR. WITTMANN: Sure. Did you have any--were you aware
2 of any meetings between U.S. officials and Ukrainian
3 officials that included discussions about the PGO's
4 investigation, or lack of investigation, into Burisma?

5 MR. KENT: On this trip?

6 MR. WITTMANN: No. General question.

7 MR. KENT: I've referred--yes, because multiple times
8 today I've described my meetings, where I raised, "Why
9 aren't you prosecuting Zlochevsky?"

10 MR. WITTMANN: You raised that to Ukrainian officials?

11 MR. KENT: As I've said today, I raised it with the
12 First Deputy Prosecutor General Danylenko on February 3,
13 2015. As I've also said today, I raised with Prosecutor
14 General Yuri Lutsenko on or about the 1st of September,
15 2016. So over a span of a year and a half with multiple
16 Prosecutors General I raised, "Why aren't you prosecuting
17 Mykola Zlochevsky?"

18 MR. WITTMANN: Did you ever raise--in addition to you
19 raising that issue, were you aware of any of your colleagues
20 raising that similar issue to Ukrainian officials?

21 MR. KENT: Yes. Ambassador Pyatt almost certainly did
22 it. He did it--we don't say things in public like he did
23 without raising it repeatedly in private. But I can't give
24 you dates. I can just tell you he did it.

25 MR. WITTMANN: Understood.

1 MR. KENT: He probably did it with the President of the
2 country.

3 MR. WITTMANN: Understood. Did you ever raise this
4 issue to Mr. Shokin or anyone in Mr. Shokin's office?

5 MR. KENT: As I testified before, I never scheduled a
6 meeting with Shokin. He didn't want to meet with us. And
7 the one chance encounter I had was a Kabuki drama, where he
8 tried to make the appearance of agreeing to establish an
9 inspector general unit. So the answer, in short is no, I
10 did not raise it with Shokin, but our position was clear.

11 MR. WITTMANN: Thank you.

12 Based on public reporting, Vice President Joe Biden and
13 Ukrainian President Petro Poroshenko had numerous phone
14 calls. Did you or any State Department officials join these
15 phone calls?

16 MR. KENT: It is possible that Ambassador Pyatt was on
17 some of the calls. I can't give you a straight yes or no
18 answer, but I believe that's true. I think it's possible.

19 MR. WITTMANN: Understood. Thank you.

20 Were you involved in any preparations for these phone
21 calls?

22 MR. KENT: One of the phone calls, I was involved in
23 the preparation because Ambassador Pyatt was not there.

24 MR. WITTMANN: Do you recall--I'm sorry. What was the
25 date of that call?

1 MR. KENT: To be honest, I have no idea. I mean, they
2 talked frequently, but I was--I prepared--I participated in
3 one of the pre-call sessions.

4 MR. WITTMANN: Could you describe what type of
5 preparations went into those discussions?

6 MR. KENT: Well, I would say it was a bit of a Socratic
7 process, where Vice President Biden took the proposed
8 talking points, tore them apart, asked specific questions to
9 his advisors, whoever was in the room, to Assistant
10 Secretary Nuland, who was on the line, and to whom I
11 deferred. I cannot remember actually if I even
12 participated, but I was there in case they needed a voice
13 locally.

14 I was very impressed by the thoroughness of the
15 preparation for the call, and I can tell you that the call
16 made him--gave him the information that he then synthesized,
17 and he delivered it far more effectively than everyone who
18 had prepared talking points.

19 MR. WITTMANN: So based on that comment, it sounds like
20 you got some sort of read-out or memo about what was said on
21 the calls. Is that accurate?

22 MR. KENT: For that particular call, yes. And again, I
23 apologize for not being able to identify, with specificity,
24 what the call or the specific content was.

25 MR. WITTMANN: So that was for the call that you

1 participated in the preparation. What about the other
2 calls? Were there any briefings or readouts that either you
3 received or that you know were distributed to others?

4 MR. KENT: There were other calls, and Ambassador Pyatt
5 would have participated in those preparations.

6 MR. WITTMANN: And would he, or other participants,
7 have received readouts or briefings following the phone
8 calls?

9 MR. KENT: To be honest, I've never worked in the
10 Office of the Vice President so I'm not sure what the
11 procedures are for vice presidential calls. But he would
12 have gotten some sort of substantive readout from someone.

13 MR. WITTMANN: And in your preparations, you mentioned
14 that the preparations for this call involved working
15 directly with the Vice President. Is that correct?

16 MR. KENT: Right. My recollection is that before--he
17 didn't just pick up the phone and pick up the call sheet.
18 He had a conversation with advisors and challenged them on
19 why they had recommended certain points, so he could fully
20 understand the issue, and then he synthesized the
21 information to present it in his own way.

22 MR. WITTMANN: And in addition to--you also mentioned
23 Ms. Nuland participated on the one prep that you attended.
24 Were there any participants that you remember?

25 MR. KENT: There were other people who represented the,

1 you know, his office. There may or may not have been
2 somebody from the NSC. I honestly don't remember.

3 MR. WITTMANN: Who would have been, if there was a
4 participant from NSC, who was that person?

5 MR. KENT: Charlie Kupchan was the Senior Director for
6 Ukraine, and other countries, at the time, so he would have
7 been the person most likely.

8 MR. WITTMANN: Thank you. Josh?

9 MR. FLYNN-BROWN: Mr. Kent, thank you for your time.
10 Just a couple quick follow-up questions here.

11 Regarding your determination of Hunter Biden being on
12 Burisma's board created the perception of a potential
13 conflict of interest, how many times during your career have
14 you raised that as a concern?

15 MR. KENT: Can you restate the question--raise
16 specifically about Hunter Biden or about a perception of--

17 MR. FLYNN-BROWN: Well, generally during the course of
18 your career, how many times have you raised the perception
19 of a potential conflict of interest, for any certain fact
20 pattern that you've been exposed to?

21 MR. KENT: I would say that I have a fairly high
22 standard of moral ethical conduct, and so I think anyone who
23 has worked with me knows that I hold myself to high
24 standards and I hold others as well.

25 MR. FLYNN-BROWN: So you would have experience then in

1 knowing what satisfies that particular standard?

2 MR. KENT: Well, again, there are legal standards, and
3 I think that's not what we're discussing here. We're
4 talking about perceptions. One email I wrote was The
5 Washington Post desk, and [inaudible--audio difficulties]
6 people to think through, in the case of that conversation
7 that I was having with our Embassy staff in August of 2016,
8 to think through the implications, the moral hazard issue,
9 and whether it made sense for any U.S. Government, no matter
10 how many times removed, to have any association. And that
11 issue is not [inaudible--audio difficulties] a company that
12 had been the subject of joint U.S. law enforcement action.
13 And that goes back to the fiduciary responsibility.

14 MR. FLYNN-BROWN: We're having a little audio trouble
15 here but I think I understood what you just said well enough.

16 Next question here. So do you know why Lutsenko wanted
17 to meet with John Podesta?

18 MR. KENT: He told me he thought Hillary Clinton was
19 going to win and he wanted to meet the chief of staff of the
20 President of the United States.

21 MR. FLYNN-BROWN: So Lutsenko, was he friends or
22 acquaintances with John Podesta?

23 MR. KENT: He never met him, to the best of my
24 knowledge.

25 MR. FLYNN-BROWN: So he wanted to meet him for business

1 purposes then.

2 MR. KENT: He is a politician who spent some times as
3 Prosecutor General. He made no secret of his aspiration to
4 run for President or be the next Ambassador. So he wanted
5 to be a politician to meet politicians.

6 MR. FLYNN-BROWN: Do you know if he ever did meet with
7 Mr. Podesta?

8 MR. KENT: To the best of my knowledge, no.

9 MR. FLYNN-BROWN: Do you know if he met with anyone
10 from the Hillary Clinton campaign?

11 MR. KENT: He didn't go to the United States for
12 another two years.

13 MR. FLYNN-BROWN: So I think Mr. Downey brought this
14 issue up earlier in questioning. I just want to make sure
15 that we have a clear record here.

16 So it is correct that you had no communications with
17 employees at the National Security Council regarding Burisma
18 or Hunter Biden?

19 MR. KENT: As I said, to the best of my knowledge,
20 besides that phone call that was a moment of opportunity
21 initiated by the Office of the Vice President, to talk to
22 the Ambassador, who was not there, that was my one shot
23 dance of concern. I left the Embassy that weekend to come
24 back to the United States, and having registered my concern
25 with the Office of the Vice President I did not further

1 raise the issue.

2 MR. FLYNN-BROWN: With respect to--

3 MR. KENT: To the best of my recollection. And again,
4 we're talking five and a half years ago.

5 MR. FLYNN-BROWN: I understand. So the National
6 Security Council then isn't generally in the reporting chain
7 for you. I don't know if "reporting chain" is the proper
8 term, but it sounds like the NSC is generally not in the
9 communication conduit for you. Is that accurate?

10 MR. KENT: It would be accurate to say that embassies
11 are responsive to the State Department. There is an
12 interagency process, and there is a lot of communication
13 between the National Security Council and the State
14 Department. Sometimes it's a three-way communication with
15 embassies. And during the previous administration, because
16 Vice President Biden played an active role on Ukraine, his
17 staff was an active participant in the interagency process.

18 MR. FLYNN-BROWN: Thank you, Mr. Kent. We appreciate
19 your time today.

20 MR. FOLIO: Mr. Kent, this is Joe Folio. I think
21 that's all for the majority. We want to emphasize, we
22 appreciate your generosity with your time.

23 MR. SCHRAM: Joe, we can't hear you. I'm really loathe
24 to prolong this but I do want to hear your closing words.

25 MR. FOLIO: Can you hear me now?

1 MR. SCHRAM: We can hear you now, yes.

2 MR. FOLIO: Great. Mr. Kent, thank you very much. You
3 have been very generous....

4 MR. SCHRAM: We can't hear you now.

5 MR. FOLIO: Thank you, and good night.

6 MR. SCHRAM: That works.

7 MR. FOLIO: Thank you very much.

8 Ms. Gray, thank you as well.

9 [Simultaneous discussion.]

10 MR. HARTMAN: Joe, we'll be in contact with you about
11 the timing for reviewing the transcript?

12 MR. FOLIO: Yes.

13 [Whereupon, at 6:41 p.m., the interview was concluded.]

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Joe Biden emerges as Obama's trusty sidekick

by Susan Crabtree | April 25, 2014 12:00 AM

Vice President Joe Biden has become the public face of the administration's handling of Ukraine, working to reassure Kiev and trying to talk tough with Russia.

During a whirlwind two-day visit to Ukraine, Biden met with the country's leaders and announced an additional \$50 million in aid. At a press conference, he delivered a lecture to Russian President Vladimir Putin, telling him to “stop talking and start acting” to defuse the crisis.

With no diplomatic end in sight, it's a high-stakes role for a vice president whose foreign policy chops were publicly mocked by former Defense Secretary Robert Gates, who wrote in a memoir published in January that Biden was “wrong on nearly every major foreign policy and national security issue over the past four decades.”

Any missteps or another Russian land grab could prove fatal to Biden's political ambitions as he weighs a 2016 presidential bid. Critics say it will be hard for the vice president, a former chairman of the Senate Foreign Relations Committee, to separate himself from the administration's policy on Ukraine.

After his trip, late-night comics took aim at the vice president's tendency to run at the mouth and make gaffes, joking that Putin — and everyone else — had long stopped listening to Biden.

Republican lawmakers were also unimpressed by his calls for the Kremlin to stop backing Russian separatists.

“Or else what?” asked Sen. John McCain, painting the vice president as the front man for an administration unwilling to take tough action against Russia.

Indeed, after Biden left Ukraine, it seemed that nothing had changed. Tensions with Moscow remain high, and Russian militants show no signs of backing down in eastern Ukraine.

But Biden's raising of the American flag in Kiev wasn't without benefit for President Obama, who was able to carry on with a week-long trip to Asia. And Biden's public diplomacy revealed Obama's new trust in his No. 2.

“So Biden talks a lot -- so what?” said James Goldgeier, dean of American University's School of International Service and a veteran of the Clinton White House's national security team. “The vice president has been extremely valuable to Obama --he's done everything the president

could have asked for and more.”

The relationship between Obama and Biden is on the upswing following their 2012 low when the undisciplined -- but authentic -- vice president publicly supported [gay marriage](#) before the White House was ready to make the leap. Biden so angered the president's team that they reportedly froze him out of key meetings.

Since then, Obama has often turned to Biden to help in foreign policy binds — even if the assist only involves dispatching him to hot spots to repeat the administration's line.

Despite giving his vice president a chance to raise his foreign policy credentials, Obama has stayed neutral about Biden's political future.

“He has been, as I said earlier, a great partner in everything that I do,” Obama said, as he sat next to Biden in an interview.

“I suspect that there may be other potential candidates for 2016 who have been great friends and allies,” he added -- an awkward reference to former Secretary of State [Hillary Clinton](#), who vastly outpolls other Democrats and whose presumed candidacy has frozen Biden in place.

At the same time, Clinton has political vulnerabilities. Her own foreign policy record is under scrutiny, especially now that her much-touted “reset” with Russia is in tatters. Clinton's “what difference does it make” remark during the [Benghazi](#) hearings cemented Republican views that the administration mishandled the terror attack that killed four Americans.

Still, Obama's relationship with Biden appears to be on the mend, possibly out of sheer necessity or long-term loyalty. The president has shown a new warmth in their relationship, posing for a selfie with Biden and joking that the two were on a “guys' trip” when they visited [Pennsylvania](#).

Biden for his part has expressed comfort with acting publicly on Obama's behalf even as the president's poll numbers droop and his policies face tough criticism.

“There is nothing I would do differently,” Biden said about carrying out his job as he weighs future plans.

Many insiders believe Biden is keeping his name in the presidential mix because it's better to keep people guessing than declare the end of his long career while still in office. But Biden has made it clear he'll enjoy the ride while it lasts.

From:Kent, George P
Sent:Tue, 6 Sep 2016 09:55:14 -0400
To:Brink, Bridget A;Andrews, Jorgan K
Cc:Yovanovitch, Marie L
Subject:Bullying, threatening call by Blue Star's Sally Painter (Re Lutsenko)

Bridget, Jorgan:

Need to give you a heads up that I took a call just now from Sally Painter from Blue Star Strategies, the first time we have interacted. I am confident it will be the last. Nearly simultaneously her boss, Karen Tramontano, called on the other line asking to talk to the Ambassador (who is out on the run the rest of the day, event to event).

Painter adopted a hostile, aggressive tone from the outside, and was rude and accusatory throughout. It was unlike any conversation I have had in my 24+ years in the foreign service, and completely inappropriate on her part. She ended the conversation by saying that she would take the matter up with "The Under Secretary." (NFI)

The topic/issue was Prosecutor General Yuri Lutsenko, and his now cancelled plans to come to Washington – a trip that Blue Star had apparently been arranging.

I wasn't able to scribble notes to follow the specific accusations and bullying remarks. The crux of the accusation was that I had allegedly damaged her/firm's reputation to Lutsenko, and allegedly told him not to have anything to do with them (for the record: I did not tell him that. Full stop). She then proceeded to make rambling reference to "not representing Nikolai in the US" (I presume this is Zlochevsky), "because he has legal representation in the US, or Burisma" (Zlochevsky's company), and that she had represented Yushchenko's interests in the US for five years, and knew what was legal and what was not, and when it was required to register, that she was on the board of the Atlantic Council, and on a pro bono basis had been happy to arrange something with John Herbst (ie, for Lutsenko to speak), and that they also had offered a private dinner for Lutsenko that she and her partner Tramontano would have hosted for Lutsenko at no cost, to invite various people, important people, including Melanne Veveer, who was by the way close to former Secretary Clinton.

After I let her vent for close to five minutes and she reached a pause, I pointed out that we had never previously talked. I noted that her tone and accusations, including outright misrepresentations of my conversations with Lutsenko, was an odd way of initiating a first time conversation. I stated that the first time I had ever heard her name had been earlier this summer, when Dan Fried called and asked me if I would be willing to talk to her. I told Dan I would, and had passed my number. Painter jumped in and said: "you never called back." I reiterated that Dan had asked me if I would be willing to talk to her; I had said yes, and passed him my number, and never heard anything further.

I told her that, given the aggressive, threatening, bullying tone she had adopted and her misrepresentations of what I had said in the course of diplomatic discussion, I was within norms and my rights simply to wish her good day and hang up. I instead offered a partial reset, if she were interested (she was). I told her that I had met the Prosecutor General to talk about his proposed trip. I had given him the general advice that for a trip to Washington on which he would look to engage the USG, it made sense to work primarily through the US embassy here and the Ukrainian embassy in Washington. We

became aware of the trip because a senior DOJ official had reached out to the embassy for our reaction and what we knew of the trip.

Painter broke in at this point and said: "we know that. Government to government meetings would be the responsibility of the Ukrainian embassy." This is in fact a false statement by Painter. Blue Star, through an associate who traveled with Tramontano to Kyiv in July and was previously a DOJ political appointee, reached out to DOJ itself; Bruce Schwartz then called RLA Jeff Cole about the visit. That is how we learned of the trip. I subsequently reached out to the Ukrainian acting DCM, Oksana, who indicated she knew nothing of the request to DOJ.

Beyond arranging govt-govt meetings, I continued, I had suggested to Lutsenko that the proposed timing of his trip (25-27 Sept) was not the best, because of UNGA and attention on international relations focused on New York in the second half of September, and the election season, with key people on the Hill out on the stump six weeks before the general election. That suggested an earlier or later trip.

Ukrainian officials had been known to have relations with third parties for other events, and that was their business. Ours was bilateral relations, and that had been my focus.

When Painter went back into interrogative mode, asking whether I had mentioned her company, I told her that it would not be appropriate to share the content of my conversation with the Prosecutor General. She referenced an email that Lutsenko sent "her" (Blue Star), and said I would have to answer if I damaged the reputation of her company, and that she would take it up with the Under Secretary (unspecified).

At that point, I told her I could not and would not presume to characterize Lutsenko's private correspondence, while reminding that she had mischaracterized my conversations with Lutsenko. I wished her good day, and told her the conversation was over. And went back to my regularly scheduled business, since I had kept the visiting regional medical officer waiting in the meantime.

--

Footnote1: Lutsenko told me he did not know who exactly had come to Kyiv and talked to him in July about coming to Washington. He said Blue Star had promised they could arrange access to high levels of the Clinton campaign, including someone who might lead her White House (my guess: Podesta, head of the campaign, for whom Tramontano worked in the last year of the Bill Clinton White House). The political angle of the trip is what interested him. I pulled up the Blue Star website on my phone and showed him photos of Tramantano (he said: "that's her"). I showed him a picture of Painter (right underneath); he shook his head and replied: "never seen her."

Footnote 2: When Dan Fried called me in the summer, asking if I would be willing to talk to Painter, the subject was Zlochevsky, and allegedly the bad reputational deal he was getting. I warned Dan this was a sticky wicket, that Zlochevsky was viewed as corrupt, not just in Ukraine but by the USG/FBI, that he almost certainly had paid a bribe to the PGO office (Yarema team) to have them close a case against Zlochevsky in December 2014 and issue a letter to that effect to Zlochevsky's lawyer, who flipped it to a UK judge, who unfroze assets that the FBI and MI5 had spent months trying to make a case for asset repatriation – the first and so far only possible case, in an effort we collectively have spent hundreds of thousands of dollars. Furthermore, the presence of Hunter Biden on the Bursima board was very awkward for all US officials pushing an anti-corruption agenda in Ukraine. Dan then said: "Sally's apparently been asked to gather information in an attempt to convince Hunter to sever the relationship." I said he was free to pass my name and number to her, and I would be as forthright about

Zlochevsky and Burisma as I had been to him. I heard nothing further. From the conversation today with Painter, it would appear she is on a first name basis with Zlochevsky.

Footnote 3: after we learned of the possible Lutsenko trip by the DOJ-RLA interaction, I discussed with RLA, LEGATT, and INL possible next steps. We agreed I would SMS Lutsenko to seek confirmation of his plans, both to travel to DC and to use of a third party rather than embassies to arrange the trip. He responded with a request to meet one on one to discuss. We did – it slipped from Friday to Saturday, because on Friday Lutsenko released the Illovaisk report regarding the August 2014 tragedy, and who was at fault (in short: the Russians, for invading/killing hundreds of Ukrainians after offering free passage; but “mistakes were made” by the Ukrainian general staff).

Sensitive
This email is UNCLASSIFIED.

From: Kent, George P
Sent: Tue, 22 Nov 2016 00:46:32 -0500
To: Andrews, Jorgan K; [REDACTED]
Subject: Fw: Meeting request from Ambassador Herbst

Meet with Herbst, to talk about zlochevsky okay.

Meet with zlochevsky no - not under any circumstances.

I shut down the ill-advised USAID co-branding effort for precisely this perception challenge.

Sent from my BlackBerry 10 smartphone.

From: [REDACTED]
Sent: Tuesday, November 22, 2016 7:39 AM
To: Kent, George P
Cc: [REDACTED] Purcell, Alan S; [REDACTED]
Subject: FW: Meeting request from Ambassador Herbst

FYI. We will respond on the HS.

SBU
This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Tuesday, November 22, 2016 12:14 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Meeting request from Ambassador Herbst

We found that he was a minister under Yanukovich & looks like Pyatt called him out by name (see NYT excerpt below). On the other hand, USAID seems to have worked with Burisma on energy efficiency. Feel free to respond on high-side.

http://www.nytimes.com/2015/12/09/world/europe/corruption-ukraine-joe-biden-son-hunter-biden-ties.html?_r=0

“That month, as part of an investigation into money laundering, British officials froze London bank accounts containing \$23 million that allegedly belonged to Mr. Zlochevsky. Britain’s Serious Fraud Office, an independent government agency, specifically forbade Mr. Zlochevsky, as well as Burisma Holdings, the company’s chief legal officer and another company owned by Mr. Zlochevsky, to have any access to the accounts. But after Ukrainian prosecutors refused to provide documents needed in the investigation, a British court in January ordered the Serious Fraud Office to unfreeze the assets. The refusal by the Ukrainian prosecutor general’s office to cooperate was the target of a stinging attack by the

American ambassador to Ukraine, Geoffrey R. Pyatt, who called out Burisma's owner by name in a speech in September.

"In the case of former Ecology Minister Mykola Zlochevsky, the U.K. authorities had seized \$23 million in illicit assets that belonged to the Ukrainian people," Mr. Pyatt said. Officials at the prosecutor general's office, he added, were asked by the United Kingdom "to send documents supporting the seizure. Instead they sent letters to Zlochevsky's attorneys attesting that there was no case against him. As a result, the money was freed by the U.K. court, and shortly thereafter the money was moved to Cyprus."

Mr. Pyatt went on to call for an investigation into "the misconduct" of the prosecutors who wrote the letters. In his speech, the ambassador did not mention Hunter Biden's connection to Burisma."

Official - Transitory

UNCLASSIFIED

From: [REDACTED]
Sent: Monday, November 21, 2016 3:50 PM
To: [REDACTED]
Subject: FW: Meeting request from Ambassador Herbst

Any concerns?

Official - Transitory

UNCLASSIFIED

From: Andrews, Jorgan K
Sent: Monday, November 21, 2016 3:39 PM
To: [REDACTED]; [REDACTED]
Subject: FW: Meeting request from Ambassador Herbst

What do we know about Burisma and Zlochevskiy? Should I accept this meeting or beg off?

Official

UNCLASSIFIED

From: Geysa Gonzalez [<mailto:GGonzalez@ATLANTICCOUNCIL.ORG>]
Sent: Monday, November 21, 2016 11:42 AM
To: Andrews, Jorgan K
Cc: John Herbst
Subject: Meeting request from Ambassador Herbst

Dear Jorgan,

Hope this message finds you well! Ambassador Herbst was wondering if you might have some time to meet tomorrow to chat about Ukraine in general, but also Mr. Nicolai Zlochevskiy, who owns Burisma, one of Ukraine's most significant natural gas producers.

Please let me know if you have any availability.

Best,

Geysa



Atlantic Council

Geysa Gonzalez | Assistant Director, Dinu Patriciu Eurasia Center
1030 15th Street, NW, 12th Floor | Washington, DC 20005
T: 1.202.599.8620 | Email: ggonzalez@AtlanticCouncil.org |
www.facebook.com/AtlanticCouncil | [@ACEurasia](https://twitter.com/ACEurasia) | www.AtlanticCouncil.org

From: [REDACTED]
Sent: Tue, 6 Dec 2016 00:18:23 -0500
To: Kent, George P
Cc: Kyiv, Staff Assistant; [REDACTED]
Subject: Fw: For DCM Clearance: 20161208 BCL Tramontano
Attachments: 20161208 BCL Tramontano (Laitinen).docx

Sent from my BlackBerry 10 smartphone.

From: Kyiv, Staff Assistant <KyivStaffAssistant@state.gov>
Sent: Monday, December 5, 2016 5:42 PM
To: [REDACTED]
Subject: For DCM Clearance: 20161208 BCL Tramontano

Best,

[REDACTED]

Official - SBU
UNCLASSIFIED

From: [REDACTED]
Sent: Monday, December 05, 2016 2:15 PM
To: Kyiv, Staff Assistant
Cc: [REDACTED]
Subject: 20161208 BCL Tramontano

[REDACTED] – attached for George’s clearance.

Best,

[REDACTED]

[REDACTED]
Deputy Economic Counselor
U.S. Embassy Kyiv
4, I. Sikorsky Street
04112 Kyiv, Ukraine
044-521-5039 w

[REDACTED] c
[REDACTED]

Official - SBU
UNCLASSIFIED



United States Embassy
Kyiv, Ukraine

BRIEFING CHECKLIST (BCL)
Ambassador Yovanovitch's Meeting with
Karen Tramontano, Blue Star Strategies

Thursday, December 8, 2016
10:30-11:00
Ambassador's Office

Interpretation: N/A
Notetaker: [REDACTED]
EXT: 5365

CONTEXT

An Atlantic Council member and Washington veteran, Tramontano informally represents Mykola Zlochevskiy, the Burisma CEO who has long been the target of law enforcement proceedings in Ukraine.

WHAT DO WE WANT?

- You should hear Tramontano out on Zlochevskiy's situation, but not suggest we will change our posture on his case.

WHAT DO(ES) THEY/HE/SHE WANT?

- Tramontano would like the USG to take a more positive view of Zlochevskiy and possibly meet with him.

KEY OBJECTIVES

1. **Zlochevskiy**: the former Minister of Ecology fled Ukraine in early 2014 and was charged with corruption and sanctioned by the European Union. In 2014, British officials unfroze \$23 million in his British bank accounts. Zlochevskiy owns Burisma, one of Ukraine's largest gas producers. His official U.S. representatives sent a letter in September (attached) asking that the Embassy reconsider its position on him.

- **I appreciate hearing your side of the story.**
- **However, we have extensive concerns about corruption in Ukraine, and we believe Mr. Zlochevskiy is an example. If he would like to clear his name, he should return to Ukraine to face the charges against him.**

- 2 -

WATCH OUT FOR

Burisma and USAID: In September, USAID withdrew its Municipal Energy Reform Program's (MERP's) cooperation with Burisma on a joint program to award journalists for outstanding coverage of energy efficiency issues in Ukraine citing concerns about the appearance of a conflict of interest rewarding journalists with prizes paid by an energy company. Burisma provided approximately \$7,500 in prizes for last year's contest. Subsequently, USAID spoke to Blue Star Strategies representative Sally Painter by phone and indicated that we would be open to discussing other forms of cooperation between USAID and Burisma, and agreed to meet with Burisma Government and Public Affairs representative, Vadym Pozharskyi. In the November meeting, Pozharskyi briefed USAID on Burisma and the gas sector more broadly, but did not propose specific ideas for cooperation. While keeping the lines of communication open, we do not intend to pursue any joint cooperation with Burisma.

- **I understand that Susan Fritz and Joel Sandefur had a good meeting with Vadym Pozharskyi.**
- **If pressed: I encourage you to have Vadym reach out to [REDACTED] again should Burisma have further ideas.**

PARTICIPANTS

United States

Ambassador Yovanovitch
[REDACTED], Econ Counsleor

Other Country/Organization

Karen Tramontano, Blue Star CEO

Attachment:

Biographic Information
Letter from Zlochevskiy's representatives

Approved: DCM: Kent

Drafted: Econ/ [REDACTED], x. 5039

Cleared: Econ/ [REDACTED] ok
AID/ [REDACTED] ok
Legatt/Van Den Hoogen ok

From: [REDACTED]
Sent: Fri, 12 Aug 2016 16:47:00 +0300
To: Kent, George P
Cc: Wagner, JoAnne; [REDACTED] (EE/AA); [REDACTED] (KYIV/OEG); [REDACTED] (KYIV/DIR); [REDACTED] (DOCS); [REDACTED] (ECON); Kyiv, EXEC; [REDACTED] (ECON); [REDACTED]
Subject: Re: Chornovol - American grants go to "Yanukovychs" and against the Ukr army
Attachments: MERP MOU with Burisma 16-10-2014.pdf

Hi George,

I wanted to follow back up on this. Although we didn't do anything with Burisma on the Donetsk pipeline repair issue as I mentioned below, I was just informed today that we have been working with Burisma through our Municipal Energy Reform Program (MERP) since Oct. 2014. In fact, our MERP project has an MOU (attached) with Burisma which covers cooperation on some public information activities (e.g., contests for best mass media materials on energy efficiency, alternative and clean energy sources, advantages of condominiums, etc.) conducted by MERP. Burisma participation has been limited to sponsoring prizes/awards for the winners, and participating in the award ceremony--the last one was conducted last year and another contest is underway now with the award ceremony planned for Sep. 13.

I imagine you'd like to discuss further, so pls advise and I'll set up. Thx.

[REDACTED], Deputy Mission Director
USAID/Ukraine, Moldova, & Belarus
U.S. Embassy Kyiv

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YouTube: http://redirect.state.sbu/?url=https://www.youtube.com/channel/UCVceCp4NEN5_epzT86xdOLg

Flickr: <http://redirect.state.sbu/?url=https://www.flickr.com/photos/usaidukraine>

On Wed, Jul 27, 2016 at 8:11 AM, Kent, George P <[REDACTED]> wrote:

Thanks, [REDACTED]

PA team - the below translation is just a part of her screed. Apparently it in the original must go into defense projects based on the title. Her reputed lover Pashynsky is neck deep in defense sector corruption. it would be worth reviewing the whole article to see what other allegations against us she makes.

Sent from my BlackBerry 10 smartphone.
Original Message

From: [REDACTED]
Sent: Wednesday, July 27, 2016 8:01 AM
To: Kent, George P
Cc: Wagner, JoAnne; Kyiv, POL Core; [REDACTED] (Kyiv); Kyiv, ECON FSOs; [REDACTED]
[REDACTED]; [REDACTED] (EE/AA); [REDACTED] (DCHA/OTI); [REDACTED]
[REDACTED] (KYIV/OEG); [REDACTED] (KYIV/DIR)
Subject: Re: Chornovol - Addressing FBI: American grants go to "Yanukovychs" and against the Ukr army

Hi George--no cooperation with them at all to my knowledge. We had some internal conversations including with your predecessor re: whether or not we could or should, but decided against it. There was a possibility of linking them to the Donetsk oblast administration to fix a pipeline with their own resources, not ours, as we didn't have the resources to do so on our own.

Deputy Mission Director
USAID/Ukraine, Moldova, & Belarus

Sent from my iPhone

- > On Jul 27, 2016, at 07:50, Kent, George P <[REDACTED]> wrote:
- >
- > Nasty smear here - against EuroOptimists, against Kasko, against potentially USAID.
- >
- > Chornovol, reputed lover of corrupt NF grey cardinal Pashynsky, is a loose cannon.
- >
- > But just for our background, [REDACTED] did Burisma ever co-sponsor a USAID activity as alleged?
- >
- > To remind: someone who joined the Burisma team is Hunter Biden. Zlochevsky is the corrupt ex minister of Ecology whose frozen assets were released by GPO perfidy in Dec 2014.
- >
- > Sent from my BlackBerry 10 smartphone.
- > From: lbi@lbicompany.com.ua
- > Sent: Tuesday, July 26, 2016 9:16 PM
- > To: Kyiv, Media Alerts
- > Subject: UP: Addressing FBI: American grants go to "Yanukovychs" and against the Ukrainian army
- >
- >
- >
- > Ukrainska Pravda:
- >

- > Addressing FBI: American grants go to "Yanukovychs" and against the Ukrainian army
- >
- > Tetyana Chornovol<[http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://blogs.pravda.com.ua/authors/chornovol/](http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://blogs.pravda.com.ua/authors/chornovol/)> Member of the parliament of Ukraine of the VIII convocation
- >
- >
- >
- > 26 of July 2016,
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- >
- >
- > Recently I visited two armored vehicles and artillery repair defense plants in Zhytomyr and Shepetivka. I am proud of the staff of the plants that are making powerful weapons literally from nothing, from old scrap, they got the production of parts up and running, which were previously purchased in Russia, they are modernizing old weapons, developing new ones, wonders on enthusiasm alone.
- > And after that you just want to tear apart those scoundrels in Verkhovna Rada who dare to leave the plants that affect life at the front without money.
- > MPs have been blocking the transfer of "Yanukovych's money" arrested in Ukraine to the state budget, although they know that under the Budget-2016 the defense plants are supposed to be financed from these funds.
- > As a result, they are not being financed and the production, which picked up the pace last year, faltered significantly. Imagine that now, in the conditions of war, the defense plants in Ukraine are loaded only for 10-30%.
- > This is a real BETRAYAL!
- > However, for a year now the parliament cannot adopt a draft law that establishes the legal mechanism for transferring this absolutely real, hard money, of which nearly a billion dollars is in "cash." For example, the information on "Oshchadbank."
- >
- >
- > A list of deputies from the group "Euro-optimists" and "UDAR," who come from the environment "of grant eaters," those organizations and structures in Ukraine that are living by Western grants, including receiving funds coming from US taxpayers, are blocking the adoption of the law.
- >
- > Which is why I appeal to the FBI asking to investigate the impact of corrupt officials of the era of Yanukovych - Mykola Zlochevskyi and Serhiy Kurchenko – on the grant community.
- >
- >
- > I have strong suspicions that it was the corrupt business of Zlochevskyi and corrupt connections of Kurchenko that blocked the passage of the draft law on special confiscation through the Verkhovna Rada. I suspect that the blockade is taking place due to the efforts of well-known Western lobbyists who work in Zlochevskyi's company Burisma Holdings,

through their impact not only on "grant eaters," but also donors working in Ukraine.

>
> A sufficient part of the evidence the FBI can work with is already in the public domain. For instance, on the web site of the company Burisma Holdings, which officially belongs to Mykola Zlochevskiy. This business empire has been definitely created for corrupt funds.

> Now, remember that no one in Ukraine had such a fierce support from all possible grant eaters and donors like Kasko, who had been stubbornly dragged to the post of the Anti-Corruption Prosecutor.

> The same guard of Kasko, all "grant eaters" which cynically call themselves "Euro-optimists," "corruption fighters," "reformers" have thrown all possible resources, even used lies and slander to block the passage of the draft law on "special confiscation" through the parliament.

>
> And now look at the "accidental" coincidence: the web site of Burisma Holdings is the partner of a list of events of the Ukrainian office of USAID - the American agency that provides grant funds primarily for anti-corruption projects.

>
> What's curious is that after my briefing Burizma removed news about cooperation with USAID from its web site.

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>
>
> With best regards,
> LBI Team

>
>
<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=www.lbicompany.com.ua>

>
> (044) 501 58 41
> [REDACTED]
> <winmail.dat>

**МЕМОРАНДУМ ПРО
ВЗАЄМОРОЗУМІННЯ**

**МІЖ
ПРОЕКТОМ «МУНІЦИПАЛЬНА
ЕНЕРГЕТИЧНА РЕФОРМА В УКРАЇНІ»
(ПРОЕКТ МЕР)**

ТА

БУРІЗМА ХОЛДІНГЗ ЛІМІТЕД

**ЩОДО
СПІВРОБІТНИЦТВА У ПРОВЕДЕННІ
ІНФОРМАЦІЙНОЇ КАМПАНІЇ З ЧИСТОЇ
ЕНЕРГЕТИКИ ТА
ЕНЕРГОЕФЕКТИВНОСТІ У МІСТАХ
УКРАЇНИ**

КИЇВ

«13» жовтня 2014р.

Метою цього Меморандуму про взаєморозуміння (МВ) є визначення напрямків співробітництва між Проектом «Муніципальна Енергетична Реформа» (надалі – «Проект МЕР»), що фінансується Агентством США з міжнародного розвитку (USAID) та здійснюється компанією International Resources Group (IRG), яку представляє представник за довіреністю Директор Проекту МЕР, та БУРІЗМА ХОЛДІНГЗ ЛІМІТЕД (Компанія), в особі уповноваженого представника, *Кічі Андрія*, який діє на підставі Довіреності від 09 жовтня 2014р., апостиль № 86289/14 від 09 жовтня 2014р. з метою сприяння інформації громадськості щодо муніципальної енергетичної реформи в Україні.

З огляду на вищезазначене, Проект МЕР та Компанія («Сторони») домовилися про таке:

Компанія :

1. Сприятиме розповсюдженню найкращих практик з енергоефективності та впровадження чистої енергії, залученню експертів до роботи тематичних робочих груп, круглих столів, обговорень та

**MEMORANDUM OF
UNDERSTANDING**

**BETWEEN
THE MUNICIPAL ENERGY REFORM
PROJECT IN UKRAINE
(MERP)**

AND

BURISMA HOLDINGS LIMITED

**ON
COOPERATION IN IMPLEMENTATION
OF INFORMATION CAMPAIGN WITHIN
THE FRAMEWORK OF CLEAN ENERGY
AND ENERGY EFFICIENCY IN THE
CITIES OF UKRAINE**

KYIV

October 13, 2014

The purpose of this Memorandum of Understanding (MOU) is to define the terms and conditions of the cooperation between the Municipal Energy Reform Project in Ukraine (hereinafter referred to as “MERP”) funded by the United States Agency for International Development (USAID) and implemented by International Resources Group (IRG), represented by the MERP Chief of Party, and BURISMA HOLDINGS LIMITED (hereinafter referred to as “Company”), represented by Andrii Kicha, who acts pursuant to Power of Attorney as of October 09, 2014, with Apostille of October 09, 2014 under number 86289/14, to promote municipal energy reform in Ukraine.

In consideration of the foregoing, MERP and the Company (the Parties) hereby agree as follows:

The Company shall:

1. Support dissemination of the best practices in energy efficiency and implementation of clean energy, involvement of experts in work of the special task forces, round tables, discussions and conferences with

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конференцій з участю міських голів та інших представників міської влади.

2. Сприяє прозорості процесу реформування муніципальної енергетики в країні шляхом спів-фінансування та проведення інформаційних та публічних заходів, в тому числі інформаційних ярмарок, круглих столів, прес-конференцій, тренінгів для ЗМІ та проведення конкурсу серед журналістів на кращий аналітичний матеріал (стаття, нарис, журналістське розслідування) по темі енергоефективності, альтернативних джерел енергії, тарифної політики, інше.
3. Шляхом спів-фінансування сприяє розробці нових та розповсюдження існуючих інформаційних матеріалів щодо енергозбереження, впровадження альтернативних джерел енергії, питань тарифної реформи, а саме відео/радіо роликів, біл бордів, сіті лайтів, метро лайтів, брошур та постерів А3 формату, інфографіки, вкладок до рахунків за комунальні послуги).
4. Сприяє розповсюдженню інформації про заходи інформаційної кампанії, її меседжи, гасла, види інформаційних матеріалів через свої канали комунікації, в тому числі веб-сайт компанії та сторінки в соціальних мережах.

Проект «Муніципальна Енергетична Реформа в Україні» (Проект МЕР):

1. Надасть компанії повний обсяг інформації щодо концепції загальної стратегії інформаційної кампанії Проекту МЕР, а також співпрацюватиме та залучатиме членів команди компанії до обговорення кожного окремого заходу, напрямку, сегменту інформаційної кампанії та відповідних інформаційних матеріалів, які буде спів-фінансувати компанія.
2. Забезпечить ко-брендинг та публічне

participation of the city mayors and other representatives of the city authorities.

2. Promote transparency of municipal energy reform process in the country through co-financing and conducting public information activities, including information fairs, roundtables, press conferences, trainings for media, competition among journalists for the best analytical material (articles, essays and investigation) related to themes of energy efficiency, alternative energy sources, tariff reform, other).
3. By co-financing promote the development of new and dissemination of existing information materials on energy efficiency, alternative energy sources, tariff reform, such as video/radio public service advertisements (PSAs), bill board posters, city light posters, metro light posters, infographics, brochures and A3 format posters, communal services bill inserts, etc.).
4. Promote dissemination of information about activities carried out within information campaign; its messages, slogans, types of informational materials through its communication channels, including the company's website and pages in social networks.

The Municipal Energy Reform Project in Ukraine (MERP) shall:

1. Provide the company with complete information regarding the concept of MERP information campaign strategy, as well as cooperate and engage the company team into discussions of each separate event, direction, and segment of information campaign and relevant information materials that will be co-financed by the company.
2. Ensure co-branding and public recognition of company's financial

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визнання участі компанії у спів-фінансуванні інформаційних заходів, нових та вже існуючих інформаційних матеріалів, які будуть використані в рамках заходів цього меморандуму в ході інформаційної кампанії.

3. Проект надаватиме компанії дані з моніторингу ЗМІ, результати опитувань та оцінки фокусних груп щодо ефективності впливу інформаційних заходів, які спів-фінансуються сторонами.

Інші домовленості:

1. Цей МВ не є підставою та не створює жодних юридичних осіб та стосується лише співробітництва між Сторонами для сприяння реформі муніципальної енергетики в Україні. Жодна Сторона не повинна представляти себе агентом іншої сторони. Жодна Сторона не матиме повноважень зв'язувати іншу сторону зобов'язаннями у будь-який спосіб.
2. Цей МВ вступає в силу з останньої дати підписання Сторонами. Він залишається в силі до 08 жовтня 2015. Будь-яка Сторона може розірвати цю угоду, надавши попередження про це за тридцять (30) днів.
3. Всі питання власності та права на обладнання та матеріали, що були придбані компанією IRG в ході проекту MER, залишаються власністю проекту MER до кінцевої дати проекту. Власність та права на згадане вище обладнання та матеріали будуть передані від проекту MER до реципієнтів після закінчення проекту MER згідно інструкцій AMP США. Розробки, підготовлені компанією IRG в ході проекту MER використовуються в інтересах реципієнтів Проекту, в тому числі міст України.
4. Цей МВ укладено українською та англійською мовами, у двох

contribution to information events, new and existing information materials that will be used within MOU activities during the information campaign.

3. Provide company with data on media monitoring, results of surveys and focus groups assessments with respect to effectiveness of information campaign activities, co-financed by parties.

Further Understandings:

1. This MOU shall not constitute or establish any legal entities and shall relate only to cooperation between the Parties to promote municipal energy reform in Ukraine. Neither Party shall hold itself out as an agent of the other Party. Neither Party shall have any authority to bind or obligate the other Party in any manner.
2. This MOU shall be made effective as of the later date of signature by the Parties. It shall remain in effect until October 08, 2015. Either Party may terminate this agreement upon a thirty (30) - day notice.
3. All issues of ownership and rights to equipment and materials purchased by IRG under the MER Project shall remain in MER Project ownership until the end date of the Project. The ownership and rights to mentioned above equipment and materials shall be transferred from the MER Project to the recipients upon completion of MER Project, pursuant to USAID instructions. Work products prepared by IRG under the MER Project shall be used in the interest of the Project recipients, including the cities of Ukraine.
4. This MOU is executed in the Ukrainian and English languages, in two copies each, both texts being equally binding.

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примірниках кожною мовою, обидва тексти при цьому зобов'язують однаково.

5. Цей МВ містить повну домовленість Сторін та заміщує собою будь-які попередні домовленості у відношенні цієї Угоди, письмові або усні.

5. This MOU contains the entire understanding of the Parties and supersedes any previous understanding related to this Agreement, whether written or oral.

На підтвердження цього Сторони, кожна з яких діє через своїх належним чином уповноважених представників, підписують цей Меморандум про взаєморозуміння від свого імені.

In witness whereof, the Parties, each acting through their duly authorized representatives, have caused this Memorandum of Understanding to be signed by their names.

Від БУРИЗМА ХОЛДІНГЗ ЛІМІТЕД

For the BURISMA HOLDINGS LIMITED

Андрій Кіча

Andrii Kicha

Від Проекту Муніципальна Енергетична Реформа

For the Municipal Energy Reform Project

Вільям Такер

William Tucker



POLITICO



POLITICO



● WATCH LIVE

House Judiciary Committee holds hearing on impeachment report

PRESIDENTIAL TRANSITION

Ukrainian efforts to sabotage Trump backfire

Kiev officials are scrambling to make amends with the president-elect after quietly working to boost Clinton.

By KENNETH P. VOGEL and DAVID STERN | 01/11/2017 05:05 AM EST



President Petro Poroshenko's administration, along with the Ukrainian Embassy in Washington, insists that Ukraine stayed neutral in the American presidential race. | Getty

Donald Trump wasn't the only presidential candidate whose campaign was boosted by officials of a former Soviet bloc country.

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.

A Ukrainian-American operative who was consulting for the Democratic National Committee met with top officials in the Ukrainian Embassy in Washington in an effort to expose ties between Trump, top campaign aide Paul Manafort and Russia, according to people with direct knowledge of the situation.

The Ukrainian efforts had an impact in the race, helping to force Manafort's resignation and advancing the narrative that Trump's campaign was deeply connected to Ukraine's foe to the east, Russia. But they were far less concerted or centrally directed than Russia's alleged hacking and dissemination of Democratic emails.

Russia's effort was personally directed by Russian President Vladimir Putin, involved the country's military and foreign intelligence services, according to U.S. intelligence officials. They reportedly briefed Trump last week on the possibility that Russian operatives might have compromising information on the president-elect. And at a Senate hearing last week on the hacking, Director of National Intelligence James Clapper said "I don't think we've ever encountered a more aggressive or direct campaign to interfere in our election process than we've seen in this case."

There's little evidence of such a top-down effort by Ukraine. Longtime observers suggest that the rampant corruption, factionalism and economic struggles plaguing the country — not to mention its ongoing strife with Russia — would render it unable to pull off an ambitious covert interference campaign in another country's election. And President Petro Poroshenko's administration, along with the Ukrainian Embassy in Washington, insists that Ukraine stayed neutral in the race.

ADVERTISING

CONGRESS

Lawmakers broach possible Trump campaign coordination with Russia

By **AUSTIN WRIGHT** and **MARTIN MATISHAK**

Yet Politico's investigation found evidence of Ukrainian government involvement in the race that appears to strain diplomatic protocol dictating that governments refrain from engaging in one another's elections.

Russia's meddling has sparked outrage from the American body politic. The U.S. intelligence community undertook the rare move of publicizing its findings on the matter, and President Barack Obama took several steps to officially retaliate, while members of Congress continue pushing for more investigations into the hacking and a harder line against Russia, which was already viewed in Washington as America's leading foreign adversary.

Ukraine, on the other hand, has traditionally enjoyed strong relations with U.S. administrations. Its officials worry that could change under Trump, whose team has privately expressed sentiments ranging from ambivalence to deep skepticism about Poroshenko's regime, while sounding unusually friendly notes about Putin's regime.

Poroshenko is scrambling to alter that dynamic, recently signing a \$50,000-a-month contract with a well-connected GOP-linked Washington lobbying firm to set up meetings with U.S. government officials "to strengthen U.S.-Ukrainian relations."

Revelations about Ukraine's anti-Trump efforts could further set back those efforts.

"Things seem to be going from bad to worse for Ukraine," said David A. Merkel, a senior fellow at the Atlantic Council who helped oversee U.S. relations with Russia and Ukraine while working in George W. Bush's State Department and National Security Council.

Merkel, who has served as an election observer in Ukrainian presidential elections dating back to 1993, noted there's some irony in Ukraine and Russia taking opposite sides in the 2016 presidential race, given that past Ukrainian elections were widely viewed in Washington's foreign policy community as proxy wars between the U.S. and Russia.

"Now, it seems that a U.S. election may have been seen as a surrogate battle by those in Kiev and Moscow," Merkel said.

...

The Ukrainian antipathy for Trump's team — and alignment with Clinton's — can be traced back to late 2013. That's when the country's president, Viktor Yanukovich, whom Manafort had been advising, abruptly backed out of a European Union pact linked to anti-corruption reforms. Instead, Yanukovich entered into a multibillion-dollar bailout agreement with Russia, sparking protests across Ukraine and prompting Yanukovich to flee the country to Russia under Putin's protection.

In the ensuing crisis, Russian troops moved into the Ukrainian territory of Crimea, and Manafort dropped off the radar.

Manafort's work for Yanukovich caught the attention of a veteran Democratic operative named Alexandra Chalupa, who had worked in the White House Office of Public Liaison during the Clinton administration. Chalupa went on to work as a staffer, then as a consultant, for Democratic National Committee. The DNC paid her \$412,000 from 2004 to June 2016, according to Federal Election Commission records, though she also was paid by other clients during that time, including Democratic campaigns and the DNC's arm for engaging expatriate Democrats around the world.

A daughter of Ukrainian immigrants who maintains strong ties to the Ukrainian-American diaspora and the U.S. Embassy in Ukraine, Chalupa, a lawyer by training, in 2014 was doing pro bono work for another client interested in the Ukrainian crisis and began researching Manafort's role in Yanukovich's rise, as well as his ties to the pro-Russian oligarchs who funded Yanukovich's political party.

In an interview this month, Chalupa told Politico she had developed a network of sources in Kiev and Washington, including investigative journalists, government officials and private intelligence operatives. While her consulting work at the DNC this past election cycle centered on mobilizing ethnic communities — including Ukrainian-Americans — she said that, when Trump's unlikely presidential campaign began surging in late 2015, she

began focusing more on the research, and expanded it to include Trump's ties to Russia, as well.

She occasionally shared her findings with officials from the DNC and Clinton's campaign, Chalupa said. In January 2016 — months before Manafort had taken any role in Trump's campaign — Chalupa told a senior DNC official that, when it came to Trump's campaign, "I felt there was a Russia connection," Chalupa recalled. "And that, if there was, that we can expect Paul Manafort to be involved in this election," said Chalupa, who at the time also was warning leaders in the Ukrainian-American community that Manafort was "Putin's political brain for manipulating U.S. foreign policy and elections."

PRESIDENTIAL TRANSITION

Trump confronts firestorm over Russia allegations

By ELI STOKOLS, SHANE GOLDMACHER, JOSH DAWSEY and MICHAEL CROWLEY

She said she shared her concern with Ukraine's ambassador to the U.S., Valeriy Chaly, and one of his top aides, Oksana Shulyar, during a March 2016 meeting at the Ukrainian Embassy. According to someone briefed on the meeting, Chaly said that Manafort was very much on his radar, but that he wasn't particularly concerned about the operative's ties to Trump since he didn't believe Trump stood much of a chance of winning the GOP nomination, let alone the presidency.

That was not an uncommon view at the time, and, perhaps as a result, Trump's ties to Russia — let alone Manafort's — were not the subject of much attention.

That all started to change just four days after Chalupa's meeting at the embassy, when it was reported that Trump had in fact hired Manafort, suggesting that Chalupa may have been on to something. She quickly found herself in high demand. The day after Manafort's hiring was revealed, she briefed the DNC's communications staff on Manafort, Trump and their ties to Russia, according to an operative familiar with the situation.

A former DNC staffer described the exchange as an "informal conversation," saying "briefing' makes it sound way too formal," and adding, "We were not directing or driving her work on this." Yet, the former DNC staffer and the operative familiar with the situation agreed that with the DNC's encouragement, Chalupa asked embassy staff to try to arrange an interview in which Poroshenko might discuss Manafort's ties to Yanukovich.

While the embassy declined that request, officials there became "helpful" in Chalupa's efforts, she said, explaining that she traded information and leads with them. "If I asked a

question, they would provide guidance, or if there was someone I needed to follow up with.” But she stressed, “There were no documents given, nothing like that.”

Chalupa said the embassy also worked directly with reporters researching Trump, Manafort and Russia to point them in the right directions. She added, though, “they were being very protective and not speaking to the press as much as they should have. I think they were being careful because their situation was that they had to be very, very careful because they could not pick sides. It’s a political issue, and they didn’t want to get involved politically because they couldn’t.”

Shulyar vehemently denied working with reporters or with Chalupa on anything related to Trump or Manafort, explaining “we were stormed by many reporters to comment on this subject, but our clear and adamant position was not to give any comment [and] not to interfere into the campaign affairs.”

Both Shulyar and Chalupa said the purpose of their initial meeting was to organize a June reception at the embassy to promote Ukraine. According to the embassy’s website, the event highlighted female Ukrainian leaders, featuring speeches by Ukrainian parliamentarian Hanna Hopko, who discussed “Ukraine’s fight against the Russian aggression in Donbas,” and longtime Hillary Clinton confidante Melanne Vermeer, who worked for Clinton in the State Department and was a vocal surrogate during the presidential campaign.

Shulyar said her work with Chalupa “didn’t involve the campaign,” and she specifically stressed that “We have never worked to research and disseminate damaging information about Donald Trump and Paul Manafort.”

But Andrii Telizhenko, who worked as a political officer in the Ukrainian Embassy under Shulyar, said she instructed him to help Chalupa research connections between Trump, Manafort and Russia. “Oksana said that if I had any information, or knew other people who did, then I should contact Chalupa,” recalled Telizhenko, who is now a political consultant in Kiev. “They were coordinating an investigation with the Hillary team on Paul Manafort with Alexandra Chalupa,” he said, adding “Oksana was keeping it all quiet,” but “the embassy worked very closely with” Chalupa.

In fact, sources familiar with the effort say that Shulyar specifically called Telizhenko into a meeting with Chalupa to provide an update on an American media outlet’s ongoing investigation into Manafort.

Telizhenko recalled that Chalupa told him and Shulyar that, “If we can get enough information on Paul [Manafort] or Trump’s involvement with Russia, she can get a hearing in Congress by September.”

Chalupa confirmed that, a week after Manafort’s hiring was announced, she discussed the possibility of a congressional investigation with a foreign policy legislative assistant in the office of Rep. Marcy Kaptur (D-Ohio), who co-chairs the Congressional Ukrainian Caucus. But, Chalupa said, “It didn’t go anywhere.”

Asked about the effort, the Kaptur legislative assistant called it a “touchy subject” in an internal email to colleagues that was accidentally forwarded to Politico.

Kaptur’s office later emailed an official statement explaining that the lawmaker is backing a bill to create an independent commission to investigate “possible outside interference in our elections.” The office added “at this time, the evidence related to this matter points to Russia, but Congresswoman Kaptur is concerned with any evidence of foreign entities interfering in our elections.”

...

Almost as quickly as Chalupa’s efforts attracted the attention of the Ukrainian Embassy and Democrats, she also found herself the subject of some unwanted attention from overseas.

Within a few weeks of her initial meeting at the embassy with Shulyar and Chalupa, Chalupa on April 20 received the first of what became a series of messages from the administrators of her private Yahoo email account, warning her that “state-sponsored actors” were trying to hack into her emails.

She kept up her crusade, appearing on a panel a week after the initial hacking message to discuss her research on Manafort with a group of Ukrainian investigative journalists gathered at the Library of Congress for a program sponsored by a U.S. congressional agency called the Open World Leadership Center.

Center spokeswoman Maura Sheldon stressed that her group is nonpartisan and ensures “that our delegations hear from both sides of the aisle, receiving bipartisan information.” She said the Ukrainian journalists in subsequent days met with Republican officials in North Carolina and elsewhere. And she said that, before the Library of Congress event, “Open World’s program manager for Ukraine did contact Chalupa to advise her that Open World is a nonpartisan agency of the Congress.”

Chalupa, though, indicated in an email that was later hacked and released by WikiLeaks that the Open World Leadership Center “put me on the program to speak specifically about Paul Manafort.”

Republicans pile on Russia for hacking, get details on GOP targets

By MARTIN MATISHAK and AUSTIN WRIGHT

In the email, which was sent in early May to then-DNC communications director Luis Miranda, Chalupa noted that she had extended an invitation to the Library of Congress forum to veteran Washington investigative reporter Michael Isikoff. Two days before the event, he had published a story for Yahoo News revealing the unraveling of a \$26 million deal between Manafort and a Russian oligarch related to a telecommunications venture in Ukraine. And Chalupa wrote in the email she’d been “working with for the past few weeks” with Isikoff “and connected him to the Ukrainians” at the event.

Isikoff, who accompanied Chalupa to a reception at the Ukrainian Embassy immediately after the Library of Congress event, declined to comment.

Chalupa further indicated in her hacked May email to the DNC that she had additional sensitive information about Manafort that she intended to share “offline” with Miranda and DNC research director Lauren Dillon, including “a big Trump component you and Lauren need to be aware of that will hit in next few weeks and something I’m working on you should be aware of.” Explaining that she didn’t feel comfortable sharing the intel over email, Chalupa attached a screenshot of a warning from Yahoo administrators about “state-sponsored” hacking on her account, explaining, “Since I started digging into Manafort these messages have been a daily occurrence on my yahoo account despite changing my password often.”

Dillon and Miranda declined to comment.

A DNC official stressed that Chalupa was a consultant paid to do outreach for the party’s political department, not a researcher. She undertook her investigations into Trump, Manafort and Russia on her own, and the party did not incorporate her findings in its dossiers on the subjects, the official said, stressing that the DNC had been building robust research books on Trump and his ties to Russia long before Chalupa began sounding alarms.

Nonetheless, Chalupa's hacked email reportedly escalated concerns among top party officials, hardening their conclusion that Russia likely was behind the cyber intrusions with which the party was only then beginning to grapple.

Chalupa left the DNC after the Democratic convention in late July to focus fulltime on her research into Manafort, Trump and Russia. She said she provided off-the-record information and guidance to "a lot of journalists" working on stories related to Manafort and Trump's Russia connections, despite what she described as escalating harassment.

About a month-and-a-half after Chalupa first started receiving hacking alerts, someone broke into her car outside the Northwest Washington home where she lives with her husband and three young daughters, she said. They "rampaged it, basically, but didn't take anything valuable — left money, sunglasses, \$1,200 worth of golf clubs," she said, explaining she didn't file a police report after that incident because she didn't connect it to her research and the hacking.

But by the time a similar vehicle break-in occurred involving two family cars, she was convinced that it was a Russia-linked intimidation campaign. The police report on the latter break-in noted that "both vehicles were unlocked by an unknown person and the interior was ransacked, with papers and the garage openers scattered throughout the cars. Nothing was taken from the vehicles."

Then, early in the morning on another day, a woman "wearing white flowers in her hair" tried to break into her family's home at 1:30 a.m., Chalupa said. Shulyar told Chalupa that the mysterious incident bore some of the hallmarks of intimidation campaigns used against foreigners in Russia, according to Chalupa.

"This is something that they do to U.S. diplomats, they do it to Ukrainians. Like, this is how they operate. They break into people's homes. They harass people. They're theatrical about it," Chalupa said. "They must have seen when I was writing to the DNC staff, outlining who Manafort was, pulling articles, saying why it was significant, and painting the bigger picture."

In a Yahoo News story naming Chalupa as one of 16 "ordinary people" who "shaped the 2016 election," Isikoff wrote that after Chalupa left the DNC, FBI agents investigating the hacking questioned her and examined her laptop and smartphone.

Chalupa this month told Politico that, as her research and role in the election started becoming more public, she began receiving death threats, along with continued alerts of state-sponsored hacking. But she said, "None of this has scared me off."

...

While it's not uncommon for outside operatives to serve as intermediaries between governments and reporters, one of the more damaging Russia-related stories for the Trump campaign — and certainly for Manafort — can be traced more directly to the Ukrainian government.

Documents released by an independent Ukrainian government agency — and publicized by a parliamentarian — appeared to show \$12.7 million in cash payments that were earmarked for Manafort by the Russia-aligned party of the deposed former president, Yanukovich.

The New York Times, in the August story revealing the ledgers' existence, reported that the payments earmarked for Manafort were “a focus” of an investigation by Ukrainian anti-corruption officials, while CNN reported days later that the FBI was pursuing an overlapping inquiry.

HSGAC MAJORITY STAFF EXHIBIT

One of the most damaging Russia-related stories during Donald Trump's campaign can be traced to the Ukrainian government. | AP Photo

Clinton's campaign seized on the story to advance Democrats' argument that Trump's campaign was closely linked to Russia. The ledger represented "more troubling connections between Donald Trump's team and pro-Kremlin elements in Ukraine," Robby Mook, Clinton's campaign manager, said in a statement. He demanded that Trump "disclose campaign chair Paul Manafort's and all other campaign employees' and advisers' ties to Russian or pro-Kremlin entities, including whether any of Trump's employees or advisers are currently representing and or being paid by them."

A former Ukrainian investigative journalist and current parliamentarian named Serhiy Leshchenko, who was elected in 2014 as part of Poroshenko's party, held a news conference to highlight the ledgers, and to urge Ukrainian and American law enforcement to aggressively investigate Manafort.

"I believe and understand the basis of these payments are totally against the law — we have the proof from these books," Leshchenko said during the news conference, which attracted international media coverage. "If Mr. Manafort denies any allegations, I think he has to be interrogated into this case and prove his position that he was not involved in any misconduct on the territory of Ukraine," Leshchenko added.

Manafort denied receiving any off-books cash from Yanukovych's Party of Regions, and said that he had never been contacted about the ledger by Ukrainian or American investigators, later telling POLITICO "I was just caught in the crossfire."

According to a series of memos reportedly compiled for Trump's opponents by a former British intelligence agent, Yanukovych, in a secret meeting with Putin on the day after the *Times* published its report, admitted that he had authorized "substantial kickback payments to Manafort." But according to the report, which was published Tuesday by BuzzFeed but remains unverified. Yanukovych assured Putin "that there was no documentary trail left behind which could provide clear evidence of this" — an alleged statement that seemed to implicitly question the authenticity of the ledger.

2016

Inside the fall of Paul Manafort

By KENNETH P. VOGEL and MARC CAPUTO

The scrutiny around the ledgers — combined with that from other stories about his Ukraine work — proved too much, and he stepped down from the Trump campaign less than a week after the *Times* story.

At the time, Leshchenko suggested that his motivation was partly to undermine Trump. "For me, it was important to show not only the corruption aspect, but that he is [a] pro-Russian candidate who can break the geopolitical balance in the world," Leshchenko told the *Financial Times* about two weeks after his news conference. The newspaper noted that Trump's candidacy had spurred "Kiev's wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a U.S. election," and the story quoted Leshchenko asserting that the majority of Ukraine's politicians are "on Hillary Clinton's side."

But by this month, Leshchenko was seeking to recast his motivation, telling Politico, “I didn’t care who won the U.S. elections. This was a decision for the American voters to decide.” His goal in highlighting the ledgers, he said was “to raise these issues on a political level and emphasize the importance of the investigation.”

In a series of answers provided to Politico, a spokesman for Poroshenko distanced his administration from both Leshchenko’s efforts and those of the agency that reLeshchenko Leshchenko leased the ledgers, The National Anti-Corruption Bureau of Ukraine. It was created in 2014 as a condition for Ukraine to receive aid from the U.S. and the European Union, and it signed an evidence-sharing agreement with the FBI in late June — less than a month and a half before it released the ledgers.

The bureau is “fully independent,” the Poroshenko spokesman said, adding that when it came to the presidential administration there was “no targeted action against Manafort.” He added “as to Serhiy Leshchenko, he positions himself as a representative of internal opposition in the Bloc of Petro Poroshenko’s faction, despite [the fact that] he belongs to the faction,” the spokesman said, adding, “it was about him personally who pushed [the anti-corruption bureau] to proceed with investigation on Manafort.”

But an operative who has worked extensively in Ukraine, including as an adviser to Poroshenko, said it was highly unlikely that either Leshchenko or the anti-corruption bureau would have pushed the issue without at least tacit approval from Poroshenko or his closest allies.

“It was something that Poroshenko was probably aware of and could have stopped if he wanted to,” said the operative.

And, almost immediately after Trump’s stunning victory over Clinton, questions began mounting about the investigations into the ledgers — and the ledgers themselves.

An official with the anti-corruption bureau told a Ukrainian newspaper, “Mr. Manafort does not have a role in this case.”

And, while the anti-corruption bureau told Politico late last month that a “general investigation [is] still ongoing” of the ledger, it said Manafort is not a target of the investigation. “As he is not the Ukrainian citizen, [the anti-corruption bureau] by the law couldn’t investigate him personally,” the bureau said in a statement.

Some Poroshenko critics have gone further, suggesting that the bureau is backing away from investigating because the ledgers might have been doctored or even forged.

Valentyn Nalyvaichenko, a Ukrainian former diplomat who served as the country's head of security under Poroshenko but is now affiliated with a leading opponent of Poroshenko, said it was fishy that "only one part of the black ledger appeared." He asked, "Where is the handwriting analysis?" and said it was "crazy" to announce an investigation based on the ledgers. He met last month in Washington with Trump allies, and said, "of course they all recognize that our [anti-corruption bureau] intervened in the presidential campaign."

And in an interview this week, Manafort, who re-emerged as an informal advisor to Trump after Election Day, suggested that the ledgers were inauthentic and called their publication "a politically motivated false attack on me. My role as a paid consultant was public. There was nothing off the books, but the way that this was presented tried to make it look shady."

He added that he felt particularly wronged by efforts to cast his work in Ukraine as pro-Russian, arguing "all my efforts were focused on helping Ukraine move into Europe and the West." He specifically cited his work on denuclearizing the country and on the European Union trade and political pact that Yanukovich spurned before fleeing to Russia. "In no case was I ever involved in anything that would be contrary to U.S. interests," Manafort said.

Yet Russia seemed to come to the defense of Manafort and Trump last month, when a spokeswoman for Russia's Foreign Ministry charged that the Ukrainian government used the ledgers as a political weapon.

"Ukraine seriously complicated the work of Trump's election campaign headquarters by planting information according to which Paul Manafort, Trump's campaign chairman, allegedly accepted money from Ukrainian oligarchs," Maria Zakharova said at a news briefing, according to a transcript of her remarks posted on the Foreign Ministry's website. "All of you have heard this remarkable story," she told assembled reporters.

...

Beyond any efforts to sabotage Trump, Ukrainian officials didn't exactly extend a hand of friendship to the GOP nominee during the campaign.

The ambassador, Chaly, penned an op-ed for The Hill, in which he chastised Trump for a confusing series of statements in which the GOP candidate at one point expressed a willingness to consider recognizing Russia's annexation of the Ukrainian territory of Crimea as legitimate. The op-ed made some in the embassy uneasy, sources said.

“That was like too close for comfort, even for them,” said Chalupa. “That was something that was as risky as they were going to be.”

Former Ukrainian Prime Minister Arseny Yatseniuk warned on Facebook that Trump had “challenged the very values of the free world.”

Ukraine’s minister of internal affairs, Arsen Avakov, piled on, trashing Trump on Twitter in July as a “clown” and asserting that Trump is “an even bigger danger to the US than terrorism.”

Avakov, in a Facebook post, lashed out at Trump for his confusing Crimea comments, calling the assessment the “diagnosis of a dangerous misfit,” according to a translated screenshot featured in one media report, though he later deleted the post. He called Trump “dangerous for Ukraine and the US” and noted that Manafort worked with Yanukovich when the former Ukrainian leader “fled to Russia through Crimea. Where would Manafort lead Trump?”

INVESTIGATIONS

Manafort’s man in Kiev

By KENNETH P. VOGEL

The Trump-Ukraine relationship grew even more fraught in September with reports that the GOP nominee had snubbed Poroshenko on the sidelines of the United Nations General Assembly in New York, where the Ukrainian president tried to meet both major party candidates, but scored only a meeting with Clinton.

Telizhenko, the former embassy staffer, said that, during the primaries, Chaly, the country’s ambassador in Washington, had actually instructed the embassy not to reach out to Trump’s campaign, even as it was engaging with those of Clinton and Trump’s leading GOP rival, Ted Cruz.

“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,” said Telizhenko. “I was yelled at when I proposed to talk to Trump,” he said, adding, “The ambassador said not to get involved — Hillary is going to win.”

This account was confirmed by Nalyvaichenko, the former diplomat and security chief now affiliated with a Poroshenko opponent, who said, “The Ukrainian authorities closed all doors and windows — this is from the Ukrainian side.” He called the strategy “bad and short-sighted.”

Andriy Artemenko, a Ukrainian parliamentarian associated with a conservative opposition party, did meet with Trump's team during the campaign and said he personally offered to set up similar meetings for Chaly but was rebuffed.

"It was clear that they were supporting Hillary Clinton's candidacy," Artemenko said. "They did everything from organizing meetings with the Clinton team, to publicly supporting her, to criticizing Trump. ... I think that they simply didn't meet because they thought that Hillary would win."

Shulyar rejected the characterizations that the embassy had a ban on interacting with Trump, instead explaining that it "had different diplomats assigned for dealing with different teams tailoring the content and messaging. So it was not an instruction to abstain from the engagement but rather an internal discipline for diplomats not to get involved into a field she or he was not assigned to, but where another colleague was involved."

And she pointed out that Chaly traveled to the GOP convention in Cleveland in late July and met with members of Trump's foreign policy team "to highlight the importance of Ukraine and the support of it by the U.S."

Despite the outreach, Trump's campaign in Cleveland gutted a proposed amendment to the Republican Party platform that called for the U.S. to provide "lethal defensive weapons" for Ukraine to defend itself against Russian incursion, backers of the measure charged.

The outreach ramped up after Trump's victory. Shulyar pointed out that Poroshenko was among the first foreign leaders to call to congratulate Trump. And she said that, since Election Day, Chaly has met with close Trump allies, including Sens. Jeff Sessions, Trump's nominee for attorney general, and Bob Corker, the chairman of the Senate Foreign Relations Committee, while the ambassador accompanied Ivanna Klympush-Tsintsadze, Ukraine's vice prime minister for European and Euro-Atlantic integration, to a round of Washington meetings with Rep. Tom Marino (R-Pa.), an early Trump backer, and Jim DeMint, president of The Heritage Foundation, which played a prominent role in Trump's transition.

...

Many Ukrainian officials and operatives and their American allies see Trump's inauguration this month as an existential threat to the country, made worse, they admit, by the dissemination of the secret ledger, the antagonistic social media posts and the perception that the embassy meddled against — or at least shut out — Trump.

“It’s really bad. The [Poroshenko] administration right now is trying to re-coordinate communications,” said Telizhenko, adding, “The Trump organization doesn’t want to talk to our administration at all.”

During Nalyvaichenko’s trip to Washington last month, he detected lingering ill will toward Ukraine from some, and lack of interest from others, he recalled. “Ukraine is not on the top of the list, not even the middle,” he said.

Poroshenko’s allies are scrambling to figure out how to build a relationship with Trump, who is known for harboring and prosecuting grudges for years.

A delegation of Ukrainian parliamentarians allied with Poroshenko last month traveled to Washington partly to try to make inroads with the Trump transition team, but they were unable to secure a meeting, according to a Washington foreign policy operative familiar with the trip. And operatives in Washington and Kiev say that after the election, Poroshenko met in Kiev with top executives from the Washington lobbying firm BGR — including Ed Rogers and Lester Munson — about how to navigate the Trump regime.

Ukrainians fall out of love with Europe

By DAVID STERN

Weeks later, BGR reported to the Department of Justice that the government of Ukraine would pay the firm \$50,000 a month to “provide strategic public relations and government affairs counsel,” including “outreach to U.S. government officials, non-government organizations, members of the media and other individuals.”

Firm spokesman Jeffrey Birnbaum suggested that “pro-Putin oligarchs” were already trying to sow doubts about BGR’s work with Poroshenko. While the firm maintains close relationships with GOP congressional leaders, several of its principals were dismissive or sharply critical of Trump during the GOP primary, which could limit their effectiveness lobbying the new administration.

The Poroshenko regime’s standing with Trump is considered so dire that the president’s allies after the election actually reached out to make amends with — and even seek assistance from — Manafort, according to two operatives familiar with Ukraine’s efforts to make inroads with Trump.

Meanwhile, Poroshenko’s rivals are seeking to capitalize on his dicey relationship with Trump’s team. Some are pressuring him to replace Chaly, a close ally of Poroshenko’s who

is being blamed by critics in Kiev and Washington for implementing — if not engineering — the country’s anti-Trump efforts, according to Ukrainian and U.S. politicians and operatives interviewed for this story. They say that several potential Poroshenko opponents have been through Washington since the election seeking audiences of their own with Trump allies, though most have failed to do so.

“None of the Ukrainians have any access to Trump — they are all desperate to get it, and are willing to pay big for it,” said one American consultant whose company recently met in Washington with Yuriy Boyko, a former vice prime minister under Yanukovich. Boyko, who like Yanukovich has a pro-Russian worldview, is considering a presidential campaign of his own, and his representatives offered “to pay a shit-ton of money” to get access to Trump and his inaugural events, according to the consultant.

The consultant turned down the work, explaining, “It sounded shady, and we don’t want to get in the middle of that kind of stuff.”

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HSGAC MAJORITY STAFF EXHIBIT

From: [REDACTED]
Sent: Mon, 15 Aug 2016 13:30:38 +0300
To: [REDACTED]
Cc: Kent, George P; Wagner, JoAnne; [REDACTED] (EE/AA); [REDACTED] (KYIV/OEG); [REDACTED] (KYIV/DIR); [REDACTED] (Nairobi/EA/PDI); [REDACTED] (KYIV/PCS); [REDACTED] (KYIV/DIR); [REDACTED]; Kyiv, EXEC; [REDACTED]; Johannes Vandenhoogen; Cole, Jeffrey W; Smith, Christopher W; [REDACTED]
Subject: Re: (NO RESPONSE TIL MONDAY) USAID Cooperation with Burisma (Chornovol allegations) - should we have a policy of avoiding cooperation with the morally compromised?

Just to add--we've confirmed that there has been no financial relationship between our contractor on the MERP project and Burisma, although Burisma has provided prizes (purchased by them at their cost) for the winners of the 2015 and 2016 journalist contests organized by MERP in collaboration with the Center for Ukrainian Reform Education.

[REDACTED], Deputy Mission Director
USAID/Ukraine, Moldova, & Belarus
U.S. Embassy Kyiv

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Flickr: <http://redirect.state.sbu/?url=https://www.flickr.com/photos/usaidukraine>

On Mon, Aug 15, 2016 at 1:25 PM, [REDACTED] > wrote:

Sir,

Econ has engaged with Burisma at the working level to get information on private sector gas production.

[REDACTED]

[REDACTED]

Energy and ESTH Unit Chief
U.S. Embassy Kyiv
Office: [011-380-44-521-5482](tel:011-380-44-521-5482)
Cell: [REDACTED]

This email is UNCLASSIFIED.

From: Kent, George P
Sent: Saturday, August 13, 2016 3:26 PM
To: [REDACTED] (EA/DIR)
Cc: Wagner, JoAnne; [REDACTED] (EE/AA); [REDACTED]
(KYIV/OEG); [REDACTED] (KYIV/DIR); [REDACTED] (Nairobi/EA/PDI);
[REDACTED] (KYIV/PCS); [REDACTED] (KYIV/DIR); [REDACTED]; Kyiv,
EXEC; [REDACTED] Johannes Vandenhoogen; Cole, Jeffrey W;
Smith, Christopher W; [REDACTED]
Subject: (NO RESPONSE TIL MONDAY) USAID Cooperation with Burisma (Chornovol
allegations) - should we have a policy of avoiding cooperation with the morally compromised?

Thanks, [REDACTED]

The proliferation of Ukrainian companies clearly (and not so clearly) owned/controlled by odious oligarchs or those who outright stole assets and absconded (like Zlochevsky) is likely a long one. I do not know if we have a clear, consistent, or even informal policy for post engagement with such companies-properties. I suspect not.

For instance, we don't boycott Inter TV, even if it is controlled in part by under-indictment in Chicago/extradition proceedings Firtash and his equally morally compromised business partner Lyovochkin, or 1+1, controlled by Kolomoisky, whose sins are manifest, or TV Ukraina, controlled by Akhmetov, no comment needed. We continue to engage with those individuals diplomatically at a high level – albeit to the distress/disappointment of U.S. law enforcement, it must be said.

There is, however, a moral hazard associated with publicly associating/promoting our assistance projects with companies/individuals seen in Ukrainian society as corrupt/compromised. At the very least, embassy elements dealing with Ukrainians and companies with a known past need to engage on an eyes wide open, due diligence conducted basis.

For ECON: how have we traditionally treated/engaged Burisma, given the Zlochevsky connection, but also perhaps US involvement beyond Hunter Biden?

For the wider collective: perhaps this is a topic worth teasing out as we work on a revised mission counter corruption strategy, with an eye to setting a standard that is higher than “at the very least.” When I was in Bangkok from 2001-04, for instance, our Econ Counselor (now Ambassador to Malaysia) Joe Yun convinced all elements of the embassy to stop putting TDYers in hotel properties owned by the same billionaire who also owned the epicenter building for software piracy and refused to take action for years. That was up to a \$500,000 year hit to his hotel businesses (lots of military planning conferences in Thailand). It didn't change the IPR violating epicenter, but we sent a message by our policy and our choice.

From: [REDACTED]
Sent: Friday, August 12, 2016 4:47 PM
To: Kent, George P
Cc: Wagner, JoAnne; [REDACTED] (EE/AA); [REDACTED] (KYIV/OEG); [REDACTED] (KYIV/DIR); [REDACTED] (Nairobi/EA/PDI); [REDACTED] (KYIV/PCS); [REDACTED] (KYIV/DIR); [REDACTED]; Kyiv, EXEC; [REDACTED]
Subject: Re: Chornovol - American grants go to "Yanukovychs" and against the Ukr army

Hi George,

I wanted to follow back up on this. Although we didn't do anything with Burisma on the Donetsk pipeline repair issue as I mentioned below, I was just informed today that we have been working with Burisma through our Municipal Energy Reform Program (MERP) since Oct. 2014. In fact, our MERP project has an MOU (attached) with Burisma which covers cooperation on some public information activities (e.g., contests for best mass media materials on energy efficiency, alternative and clean energy sources, advantages of condominiums, etc.) conducted by MERP. Burisma participation has been limited to sponsoring prizes/awards for the winners, and participating in the award ceremony--the last one was conducted last year and another contest is underway now with the award ceremony planned for Sep. 13.

I imagine you'd like to discuss further, so pls advise and I'll set up. Thx.

[REDACTED], Deputy Mission Director
USAID/Ukraine, Moldova, & Belarus
U.S. Embassy Kyiv

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<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=https://www.flickr.com/photos/usaidukraine>

On Wed, Jul 27, 2016 at 8:11 AM, Kent, George P

<[REDACTED]> <[http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:\[REDACTED\]](http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:[REDACTED])>

>> wrote:

Thanks, [REDACTED]

PA team - the below translation is just a part of her screed. Apparently it in the original must go into defense projects based on the title. Her reputed lover Pashynsky is neck deep in defense sector corruption. it would be worth reviewing the whole article to see what other allegations against us she makes.

Sent from my BlackBerry 10 smartphone.

Original Message

From: [REDACTED]

Sent: Wednesday, July 27, 2016 8:01 AM

To: Kent, George P

Cc: Wagner, JoAnne; Kyiv, POL Core; [REDACTED] (Kyiv); Kyiv, ECON FSOs; [REDACTED]

[REDACTED] (EE/AA); [REDACTED] (DCHA/OTI); [REDACTED]

[REDACTED] (KYIV/OEG); [REDACTED] (KYIV/DIR)

Subject: Re: Chornovol - Addressing FBI: American grants go to "Yanukovychs" and against the Ukr army

Hi George--no cooperation with them at all to my knowledge. We had some internal conversations including with your predecessor re: whether or not we could or should, but decided against it. There was a possibility of linking them to the Donetsk oblast administration to fix a pipeline with their own resources, not ours, as we didn't have the resources to do so on our own.

Deputy Mission Director

USAID/Ukraine, Moldova, & Belarus

Sent from my iPhone

> On Jul 27, 2016, at 07:50, Kent, George P

<[REDACTED]> <[http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:\[REDACTED\]](http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:[REDACTED])>

>> wrote:

>

> Nasty smear here - against EuroOptimists, against Kasko, against potentially USAID.

>

> Chornovol, reputed lover of corrupt NF grey cardinal Pashynsky, is a loose cannon.

>

> But just for our background, [REDACTED] did Burisma ever co-sponsor a USAID activity as alleged?

>

> To remind: someone who joined the Burisma team is Hunter Biden. Zlochevsky is the corrupt ex minister of Ecology whose frozen assets were released by GPO perfidy in Dec 2014.

>

> Sent from my BlackBerry 10 smartphone.

> From:

lbi@lbicompany.com.ua <<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:lbi@lbicompany.com.ua>>

> Sent: Tuesday, July 26, 2016 9:16 PM

> To: Kyiv, Media Alerts

> Subject: UP: Addressing FBI: American grants go to "Yanukovychs" and against the Ukrainian army

>

>

>

> Ukrainska Pravda:

>

> Addressing FBI: American grants go to "Yanukovychs" and against the Ukrainian army

>

> Tetyana

Chornovol <[http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://blogs.pravda.com.ua/authors/chornovol/](http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://blogs.pravda.com.ua/authors/chornovol/)> Member of the parliament of Ukraine of the VIII convocation

>

>

>

> 26 of July 2016,

>

>

>

> Recently I visited two armored vehicles and artillery repair defense plants in Zhytomyr and Shepetivka. I am proud of the staff of the plants that are making powerful weapons literally from nothing, from old scrap, they got the production of parts up and running, which were previously purchased in Russia, they are modernizing old weapons, developing new ones, wonders on enthusiasm alone.

> And after that you just want to tear apart those scoundrels in Verkhovna Rada who dare to leave the plants that affect life at the front without money.

> MPs have been blocking the transfer of "Yanukovych's money" arrested in Ukraine to the state budget, although they know that under the Budget-2016 the defense plants are supposed to be financed from these funds.

> As a result, they are not being financed and the production, which picked up the pace last year, faltered significantly. Imagine that now, in the conditions of war, the defense plants in Ukraine are loaded only for 10-30%.

> This is a real BETRAYAL!

> However, for a year now the parliament cannot adopt a draft law that establishes the legal

mechanism for transferring this absolutely real, hard money, of which nearly a billion dollars is in "cash." For example, the information on "Oshchadbank."

>

>

> A list of deputies from the group "Euro-optimists" and "UDAR," who come from the environment "of grant eaters," those organizations and structures in Ukraine that are living by Western grants, including receiving funds coming from US taxpayers, are blocking the adoption of the law.

>

> Which is why I appeal to the FBI asking to investigate the impact of corrupt officials of the era of Yanukovich - Mykola Zlochevskyi and Serhiy Kurchenko – on the grant community.

>

>

> I have strong suspicions that it was the corrupt business of Zlochevskyi and corrupt connections of Kurchenko that blocked the passage of the draft law on special confiscation through the Verhkovna Rada. I suspect that the blockade is taking place due to the efforts of well-known Western lobbyists who work in Zlochevskyi's company Burisma Holdings, through their impact not only on "grant eaters," but also donors working in Ukraine.

>

> A sufficient part of the evidence the FBI can work with is already in the public domain. For instance, on the web site of the company Burisma Holdings, which officially belongs to Mykola Zlochevskyi. This business empire has been definitely created for corrupt funds.

> Now, remember that no one in Ukraine had such a fierce support from all possible grant eaters and donors like Kasko, who had been stubbornly dragged to the post of the Anti-Corruption Prosecutor.

> The same guard of Kasko, all "grant eaters" which cynically call themselves "Euro-optimists," "corruption fighters," "reformers" have thrown all possible resources, even used lies and slander to block the passage of the draft law on "special confiscation" through the parliament.

>

> And now look at the "accidental" coincidence: the web site of Burisma Holdings is the partner of a list of events of the Ukrainian office of USAID - the American agency that provides grant funds primarily for anti-corruption projects.

>

> What's curious is that after my briefing Burizma removed news about cooperation with USAID from its web site.

>

>

>

>

[http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://blogs.pravda.com.ua/authors/chornovol/579729596f7a9/](http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://blogs.pravda.com.ua/authors/chornovol/579729596f7a9/)

>

From: Kent, George P
Sent: Thu, 1 Sep 2016 00:52:21 -0400
To: [REDACTED]
Subject: RE: Burisma

Thanks. For you only - if I don't raise it in the huddle (lots of ambo questions bouncing in my mind), please do.

My intent is to pull the plug on this so no further harm done

From: [REDACTED] >
Date: September 1, 2016 at 7:46:07 AM GMT+3
To: Kent, George P [REDACTED] >, [REDACTED] >, [REDACTED] >
[REDACTED] (EA/DIR) <[REDACTED]>
Cc: [REDACTED] (EE/AA) [REDACTED], [REDACTED] (KYIV/OEG) <[REDACTED]>, Purcell, Alan S <[REDACTED]>
Subject: RE: Burisma's contribution to upcoming MERP energy efficiency event - how large is the potential reputational risk by association?

Agree with [REDACTED] – there is a clear link between the company and its primary owner. Zlochevsky is working very hard to clean up and “westernize” his image by hiring DC lobbyists and stacking the board with prominent people. From the rumors that we hear in the energy sector, there is no sense that Burisma has changed how it conducts its business. We have also heard that they have used the U.S. Embassy name to try to influence business transactions. Hard to prove, but certainly concerning. I fall on the side of not having anything to do with the company to avoid undermining our broader efforts to promote transparency and A/C.

SBU
This email is UNCLASSIFIED.

From: [REDACTED]
Sent: Thursday, September 01, 2016 7:15 AM
To: Kent, George P; [REDACTED] (EA/DIR)
Cc: [REDACTED] (EE/AA); [REDACTED] Purcell, Alan S; [REDACTED] (KYIV/OEG); [REDACTED]
Subject: Re: Burisma's contribution to upcoming MERP energy efficiency event - how large is the potential reputational risk by association?

Sir,

Those that work in Ukraine's Energy sector definitely associate Burisma with Zlochevsky who has been trying to improve his image. USG cooperation on the project would make us look bad. Not to mention the MPs on the energy committee and others would wonder how we speak about anti corruption, but work with those that were associated with corrupt practices.

I think Burisma will try to make a big deal about partnering with USG on a project.

██████████
Sent from my BlackBerry 10 smartphone.

From: Kent, George P

Sent: Wednesday, August 31, 2016 21:55

To: ██████████ (EA/DIR)

Cc: ██████████ (EE/AA); ██████████; Purcell, Alan S; ██████████
(KYIV/OEG); ██████████

Subject: Burisma's contribution to upcoming MERP energy efficiency event - how large is the potential reputational risk by association?

+ ██████████ and ██████████

We took one pass through this, but I am not sure at the time we discussed that there would be an public event with coverage and likely co-branding with USAID and Burisma. That raises one question: will there be cobranding?

I don't remember all the back and forth in round one, but remind me: how much "know your partner" due diligence was done before this "public – private" partnership was launched this spring? Zlochevsky as a corrupt mal actor was a 2014 story; his control of Burisma, and the very sticky wicket of the Hunter Biden connection on Burisma's board was circulating in 2015. Below indicates the partnership was rolled out in 2016.

I understand this line taken at face value: The main objective of the Contest was to create incentives for journalists to ensure responsible and unbiased coverage of information on energy saving, tariff policy, subsidies, condominiums, and other related clean energy issues.

I would offer that Burisma's incentive to support could plausibly read: The main objective of Burisma was to create incentives for journalists to offer sympathetic coverage of the company on energy issues.

Which would seem to be the opposite of the contest's purpose.

██████████ / ██████████ – what is the ECON take in terms of potential reputational "guilt by association" risk with public partnering with Burisma? I realize I may well be wearing "overcompensating" glasses seeing everything through anti-corruption lenses, and having been seared by dealing the Zlochevsky asset freeze case; perhaps the Ukrainian public would not see the association in the same way I do.

On the other hand, there's always the Washington Post test of foreign service decision making. As in: would we want an article on the front page of the *Washington Post* (and in this case, the *Kyiv Post*, and on the FB pages of Sergiy Leshchenko and Mustafa Nayyem) commenting about this public private partnership with Burisma, the link to Hunter Biden, and the link to Zlochevsky, who almost certainly paid off the PGO in December 2014 (I had the then First deputy PG Danylenko tell me the bribe was \$7 million) to have the case against him closed and his \$23 million in assets frozen in the UK unfrozen?

██████████ – PA views?

From: ██████████
Sent: Wednesday, August 31, 2016 4:51 PM
To: Kent, George P
Cc: ██████████ (EE/AA); ██████████; Purcell, Alan S; ██████████
(KYIV/OEG)
Subject: Fwd: A few words on Burisma's contribution to upcoming MERP energy efficiency event

Hi George,

Just following up our earlier exchange re: engagement with Burisma. Our energy efficiency activity, known as "MERP", has an upcoming (Sep. 13) award contest for journalists that involves Burisma. Burisma would be providing up to \$7,500 of its own money for these awards. At this late a stage, it might not be prudent to cancel the event or Burisma's contribution but we can do that if needed.

Going forward, we can certainly have our MERP contractor disengage from their cooperation with Burisma.

Pls see below for further details. Happy to discuss further.

Thanks,

██████████

██████████, Deputy Mission Director
USAID/Ukraine, Moldova, & Belarus
U.S. Embassy Kyiv

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Flickr: <http://redirect.state.sbu/?url=https://www.flickr.com/photos/usaidukraine>

----- Forwarded message -----

From: [REDACTED] >

Date: Wed, Aug 31, 2016 at 10:49 AM

Subject: A few words on Burisma's contribution to upcoming MERP energy efficiency event

To: [REDACTED]

As requested.

Here is requested information on the upcoming MERP 2016 Contest for Journalists and the extent of Burisma's involvement:

Earlier this year USAID MERP announced and conducted a contest among Ukrainian journalists for best published media materials covering energy efficiency, alternative and clean energy sources, advantages of condominiums, tariff reform and social protection programs. As it was announced, the contest was conducted in cooperation with the Center for Ukrainian Reform Education. Since dealing with promotion of energy efficiency, Burisma offered to provide about \$7,500 in awards to winners. The main objective of the Contest was to create incentives for journalists to ensure responsible and unbiased coverage of information on energy saving, tariff policy, subsidies, condominiums, and other related clean energy issues.

Journalists from thirteen oblasts of Ukraine were invited to participate in the contest in the following categories:

- "Best material in printed and on-line media"
- "Best TV material"
- "Best radio material"

The deadline for applications was May 15, 2016. A special commission reviewed submitted materials and identified eight winners in the different categories. The winners have been notified, and an official award ceremony is currently scheduled for September 13, 2016. Burisma's role is to provide the prizes for the winners (prizes have been already purchased - photo cameras, laptops, tablets). The ceremony will be taking place at the reception hall of Podil Radisson Blu Hotel (arrangements for the venue have been already made by MERP). The USAID EG office director will be the highest level of attendance.

Canceling the ceremony or zeroing out Burisma's contribution at this stage may create considerable negative publicity, in particular among the journalists.

From: John Herbst
Sent: Mon, 29 Aug 2016 19:44:24 +0000
To: Kent, George P
Subject: RE: Dinner on the 12th

<http://redirect.state.sbu/?url=http://www.rferl.org/content/who-would-replace-uzbekistan-karimov-president/27952766.html>

You probably already have this in one form or another. I have no clue who will replace Karimov, if his time has come, but it is interesting that the two Rustams are mentioned. They would have been mentioned in similar circumstances when I was in Tashkent. Also, there is no reason to assume that any of these three will be the one. In any case, I do not expect a power struggle.



John Herbst | Director, Dinu Patriciu Eurasia Center
Ambassador (Ret.)
1030 15th Street, NW, 12th Floor | Washington, DC 20005
T: +1.202.778.4965 | Cell: [REDACTED] | Email: jherbst@AtlanticCouncil.org |
www.facebook.com/AtlanticCouncil | [@JohnEdHerbst](https://twitter.com/JohnEdHerbst) | www.AtlanticCouncil.org

From: Kent, George P [[http://redirect.state.sbu/?url=mailto:\[REDACTED\]](http://redirect.state.sbu/?url=mailto:[REDACTED])]
Sent: Monday, August 29, 2016 3:09 PM
To: John Herbst <JHerbst@ATLANTICCOUNCIL.ORG>
Subject: Dinner on the 12th

Sounds good. [REDACTED], and what we talk about.

[REDACTED]

From: John Herbst [<http://redirect.state.sbu/?url=mailto:JHerbst@ATLANTICCOUNCIL.ORG>]
Sent: Monday, August 29, 2016 10:04 PM
To: Kent, George P; Taylor, W
Subject: RE: PGs and Baseball, and Kyiv

George,

I'd be happy to join you for dinner Sep 12. Let's do this solo. I would like to get your take on just about everything.

[REDACTED]



John



John Herbst | Director, Dinu Patriciu Eurasia Center
Ambassador (Ret.)
1030 15th Street, NW, 12th Floor | Washington, DC 20005
T: +1.202.778.4965 | Cell: +1 [REDACTED] | Email: jherbst@AtlanticCouncil.org |
www.facebook.com/AtlanticCouncil | [@JohnEdHerbst](https://twitter.com/JohnEdHerbst) | www.AtlanticCouncil.org

From: Kent, George P
[[http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:\[REDACTED\]](http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:[REDACTED])]
Sent: Monday, August 29, 2016 2:46 PM
To: John Herbst <JHerbst@ATLANTICCOUNCIL.ORG>; Taylor, W <[REDACTED]>
Subject: PGs and Baseball, and Kyiv

We just heard about Lutsenko's interest in a US run (27-28 Sept) this evening from DOJ. He's asking for DOJ leadership. Bruce Schwartz (the DAG for international affairs) may be what's offered. I've been the Lutsenko handler this year – have met him more than a half dozen times, including three before his appointment, and 3-4 since. We now have former NJ Federal prosecutor (and born in Ukraine) Bohdan Vitvitsky as an embedded adviser. Bohdan has started drinking a bit of the Lutsenko kool-aid the past week or so, in the wake of the PGO-NABU showdown, which to the rest of the outside appears like a straight forward old Ukraine-New Ukraine morality tale. Bohdan thinks they all are acting like puerile middle schoolers. That may be true, but it may also be true that Lutsenko ends up on the wrong side of history by choice. I suspect he had terms dictated to him by P2, in terms of untouchables under him (who are an integral part of Team Shokin, and whom he told me initially in the spring time needed to be cleaned out). Those untouchables—Stolyarchuk and Sus—before Lutsenko came on board went after the folk we were working with to reform the PGO in the way P2 asked VP Biden, even to the point of arrogantly saying in public they would summon the US Ambassador (Geoff) for an interrogation (about our assistance, which they felt was being skimmed by the reformers which they forced out). Sus is the one who went after NABU this month. Lutsenko unapologetically defended Sus to the hilt last week to me, in what was the most disappointing engagement we've had with him to date.

My honor to sit with you over coffee, or a meal – dinner Sept 12? I have hired my Thai cook from two Bangkok tours to be the DCR chef; she arrived last week. Happy to just have you over, or invite some Ukrainian interlocutors as well. Alas, it's still the old DCR. OBO's incompetence in managing the overhaul of the old Marine House and soon to be DCR knows no bounds. They turned over the property/project to the embassy last summer. But Embassy discovered over the winter that: the average temperature with the heat on was between 32-40F in jan/Feb; the water and sewage did not

meet code; and the electricity load was ¼ what a building that size needed (so they couldn't add space heaters). Same factors affected the new America House/old Consular section, which shut down last winter due to the cold. So we won't move into our new digs until October it would appear (with our HHE in a warehouse on the outskirts of town, and we living on suitcases and UAB).

Regards - George

From: John Herbst
[<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=mailto:JHerbst@ATLANTICCOUNCIL.ORG>]
Sent: Monday, August 29, 2016 9:05 PM
To: Taylor, W; Kent, George P
Subject: RE: former PG Yarema's trip to DC - what is his agenda, and what is his angle (and peanut gallery commentary)

George,

Thanks for this meaty warning. We already agreed to host Yarema and will not change that. But I will factor into our conversation the Zlochevsky Affair. We are doing a lot of PG work in late September as we also host Lutsenko. Anything that you might share on that would also be appreciated.

Also, I will be in Kyiv Sep 12-18 with Adrian Karatnycky and Anders Aslund. We are formally seeking a meeting with Masha, but it would also be good to sit with you separately. I am on my own the PM of Sep 12 and AM of Sep 13. Can I buy you a drink or coffee in that time slot?

Curiously, Ortiz seems to be having his best season at the tail end of his career.

Best,
John



John Herbst | Director, Dinu Patriciu Eurasia Center
Ambassador (Ret.)
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www.facebook.com/AtlanticCouncil | [@JohnEdHerbst](https://twitter.com/JohnEdHerbst) | www.AtlanticCouncil.org

From: Taylor, William
[<http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redirect.state.sbu/?url=http://redir>

Sent: Monday, August 29, 2016 11:23 AM

To: John Herbst <JHerbst@ATLANTICCOUNCIL.ORG>; Taylor, William [REDACTED] >

Subject: former PG Yarema's trip to DC - what is his agenda, and what is his angle (and peanut gallery commentary)

Ambassadors – thank you for your joint 25th anniversary missive. Well targeted and eloquent as always. Masha is officially launched – just finished presenting credentials to P2, and now back in with soon to be ex Chief of Staff Lozhkin, who tendered his resignation today, with one of his proteges, Kharkiv governor Rainen, tapped as his replacement.

Kyiv POL has been fielding inquiries from former PG Yarema's team about an upcoming trip in two weeks, as well as from the Ukraine desk at state (below). Your two organizations (and at least one of you in person) is listed.

I would be interested to hear your impressions about Yarema after you see him, presuming he stays on both the Atlantic Council and USIP's schedule. Following is my gratuitous commentary, for what it may be worth:

I have never met Yarema, I should state (before continuing with my two bits). I do wonder whose interests he is promoting. I have no wonder at all that it is not Ukraine's. The most notable decision by the PGO during his tenure (and he had his whole team come in and leave with him) was not any case pushed to the courts/conviction during his year, despite all the manifest crimes of the Maidan and Yanukovich era, but was a gross miscarriage of justice that undermined months of US assistance. After the FBI and MI-5 spent months and arguably millions working to try to put together the first possible asset recovery case (against former Minister of Ecology Zlochevsky), involving \$23 million frozen in UK accounts, under suspicion of bribes paid for licenses issue for gas/oil permits...Team Yarema closed the case against Zlochevsky in December 2014 just before western Christmas day, by turning it into a case against the ministry rather than ex minister, returning it to the MOI/police for further investigation, and issuing an immediate letter to Zlochevsky's defense lawyer team that there was no active case against their client; defense lawyers flipped that to the British judge, who unfroze the assets that were whisked out of UK jurisdiction before the UK authorities or we could learn/react.

When I met with Yarema's right hand man, the jovially corpulent first Deputy PG Danylenko six weeks later during the first week of Feb 2015, I asked him bluntly how much was the bribe and who took it. Danylenko cheerfully replied: "that's exactly what President Poroshenko asked us last month. I told him \$7 million and it was last May, before our team came into office (in June 2014)." He then said that he'd been a friend of Zlochevsky for 20 years, had his number saved in his phone, could tell me that Zlochevsky was in Dubai at present, and asked if I wished to talk to him to confirm details. I declined, and politely reminded him that the PG letter closing the case was issued in late December, more than 6 months after team Yarema came into office, which means it was Yarema, Danylenko and Co who were responsible for the outrage. He just smiled smugly. They were gone within a month, replaced by Team Shokin, which proved even more venal in overtly preventing USG efforts to reform the justice system...all in response to the direct request of Poroshenko to US leaders. Yarema has had zero public profile in the 18 months since he faded into the woodwork. I presume he's enjoying whatever the inducements were paid to take no action against anyone for a year. The first post-EuroMaidan PG who did nothing for 5 months, Mahnytsky (affiliated loosely with Svoboda at the time), reportedly was gifted control of the Hyatt from Team Donetsk. That might explain why elements of the ancient regime were

- Tuesday Sept. 13, 2016
08:30 - Breakfast at the Hotel
10:00 - Meeting with Congresswoman Marcy Kaptur (Dem. Party).

4:00pm - Wall Street Journal Interview

- Wednesday Sept. 14, 2016
08:00 - Breakfast at the Hotel
09:00 - Foreign Policy interview

4:30pm - laying flowers to the Taras Shevchenko monument.

- Thursday Sept. 15, 2016
08:00 - Breakfast at Hotel
09:30 - Peace Institute Amb. Taylor

- Friday Sept. 16, 2016

- Saturday Sept. 17, 2016
09:00 - Breakfast at Hotel
10:00 - City Tour
1:30pm - Move out from Hotel
5:00pm - Flight from Washington DC

Meetings that are confirmed but waiting on the time:

-Senator Ted Cruz
- Senator John McCain
-Senator Durbin Office - National Security Advisor.
-Voice of America Interview
-IRI - Stephen Nix and Mark Green
-State Dept - Ukrainian Desk
Bohdan Futey - US Federal Judge

Waiting for Confirmation on meetings:

Congressman Eliot Engel
Senator Chris Murphy
National Security Council - Greg Pflieger

INL

Andrii

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Facts

17:51 Court seizes property of ex-minister Zlochevsky in Ukraine

04.02.2016

2 min read



The movable and immovable property of former Minister of Ecology and Natural Resources of Ukraine Mykola Zlochevsky in Ukraine has been seized, according to the press service of the Prosecutor General's Office of Ukraine (PGO).

"The PGO filed a petition to court to arrest the property of the ex-Minister of Ecology and Natural Resources of Ukraine, the Deputy Secretary of the National Security and Defence Council of Ukraine, Mykola Zlochevsky, from which arrest was withdrawn, and other property he actually uses, namely housing estate with a total area of 922 square meters, a land plot of 0.24 hectares, a garden house with a total area of 299.8 square meters, a garden house in the territory of Vyshgorod district, a garden house of 2,312 square meters, a land plot of 0.0394 hectares, a Rolls-Royce Phantom car, a Knott 924-5014 trainer," reads the report.

The PGO clarifies that the court satisfied the petition on February 2, 2016.

"Thus, none of the objects of movable and immovable property, which was seized under the previous court ruling, has not been excluded from Zlochevsky's property," the press service said.

Zlochevsky is suspected of committing a criminal offense under Part 3 of Article 368-2 of the Criminal Code of Ukraine (illicit enrichment).

Tags: #court #pgo #zlochevsky



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Cabinet sets up Ministry for Strategic Industries

Ukraine records 829 people with COVID-19 over past day, 973 recoveries, 16 deaths

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SBU, SFS raiding Ukrzaliznytsia's facilities – Ukrzaliznytsia

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Cabinet sets up Ministry for Strategic Industries

Ukraine opens 'visa-free' regime for citizens of Australia, New Zealand, Bahrain, Kuwait, Oman and Saudi Arabia from Aug 1 – decree

Lutsk hostage taker had combat weapons - Avakov

Ukraine records 829 people with COVID-19 over past day, 973 recoveries, 16 deaths

Lutsk hostage taker surrenders to police after 12 hours of holding people as hostages on bus – SBU

SBU, SFS raiding Ukrzaliznytsia's facilities – Ukrzaliznytsia

Lutsk gunman not giving water, food to hostages – Gerashchenko

Lutsk hostage taker fires several times at drone, throws an object from bus, no victims reported

AD



Ситуація в Крим. Яку гру



Українські граніці зможе

Принц Гарри признался, что принял поспешное решение



Explosive experts dispose of one hand grenade thrown from bus by hostage taker in Lutsk – police

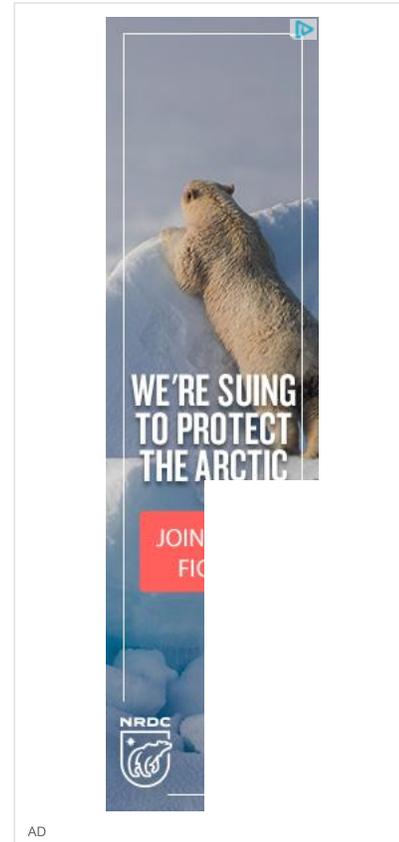


У Зелена расказа: думаєт про Крим



Россия вторглась в область

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MORE ABOUT

17:32
21.07.2020



Court closes proceedings in case opened under claim of ex-shareholder in PrivatBank Gorokhovsky seeking invalidation of bail-in

13:39
21.07.2020



Hostage taker in Lutsk declares presence of another explosive device elsewhere - PGO

18:32
18.07.2020



Article on judges' criminal liability for unjust decisions was actually used to put pressure on judges - Supreme Court head

17:05
18.07.2020



Danishevskaya: I hope there will be no claims to legitimacy of Supreme Court after Constitutional Court's decision

14:53
18.07.2020



Swearing in of judges appointed by president is priority - Supreme Court head

13:57
18.07.2020



Supreme Court head: Judicial system will stop without changes to law on judicial system, status of judges

15:39
13.07.2020



Court releases suspect Dahur in Sheremet murder case from house arrest

16:18
10.07.2020



The Netherlands brings MH17 case against Russia before ECtHR

17:12
08.07.2020



Pre-trial investigation into Poroshenko's case on appointing Semochko completed, petition on measure of restraint not subject of consideration – lawyer Novikov

12:01
08.07.2020



Former border guard suspected of aiding Poroshenko in illegal crossing the border in 2018 – PGO

TOP SECRET STAFF EXHIBIT



Зеленский не смолчал на обвинения Шария



В Нью-Джерси застрелен сын федерального судьи



Дыра недели. Мрачный городок возле моря, где говорят по-русски

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TS/GAC MAJORITY STAFF EXHIBIT

From: Sally Painter
Sent: Mon, 13 Jun 2016 20:11:19 +0000
To: Fried, Daniel
Subject: Fwd: Connecting

Dear Dan,
Thanks for trying. I sent the note to the DCM below but have not heard back. Do you know if he has left? Many thanks again. Warmest sally

Sent from my iPhone

Begin forwarded message:

From: <Sally.Painter@bluestarstrategies.com>
Date: June 10, 2016 at 8:26:12 AM EDT
To: <[GPKent](#) [REDACTED]>
Subject: Connecting

Dear Mr. Kent.

Good morning. A mutual colleague and friend, Dan Fried, suggested you might be available for a meeting while you are in Washington. Are there any times that might be convenient for your schedule today or even this weekend. Many thanks in advance for your consideration. Warmest personal regards sally painter

Sent from my iPhone

From: Bohdan Vitvitsky
Sent: Wed, 31 Aug 2016 10:52:35 +0300
To: Kent, George P
Cc: Cole, Jeffrey W; Smith, Christopher W; Johannes Vandenhoogen
Subject: Re: Good Morning

I got the sense that they had visited within a week or so of when I learned about them, which was on July 29.

On Wed, Aug 31, 2016 at 10:47 AM, Kent, George P [REDACTED] > wrote:

+ Johannes

Bohdan – when were the consultants here? Just curious.

FYI to you all: I SMSed Lutsenko last night (after consults with Jeff and Johannes) to ask what was up with the trip, was it true he was using a third hand rather than working through the Ukrainian embassy and our embassy, which was the proper path in my view. I also (as agreed with Jeff) FB messaged the Ukrainian Washington Embassy DCM (on vacation with diaspora relatives in California). She acknowledged awareness of Lutsenko's planned trip and the Atlantic Council session in the works, the Ukrainian embassy's intent to run the official engagements with USG officials (she was going to recommend Ambassador Chaliy reach out/engage Lutsenko when Chaliy got back in town), and that it could be challenging to work with third party trip facilitators (ie lobbyists).

Lutsenko responded this morning confirming a trip was in the works, and requesting a one on one meeting to discuss. To be continued (I can't keep my Blackberry in my office, and thus am not engaged in an ongoing discussion).

As Jeff, Johannes, and I discussed yesterday, engagement in Washington has the potential upside of allowing Washington interlocutors to deliver stiff messages and not leave us Kyiv-based folk as the only such voices. We'll see where the trip facilitators and eventually the Ukrainian embassy drive this. On the State side, INL A/S Brownfield is a tough, feisty Texan who loves delivering straight messages with his quirky humor; EUR DAS Brink already engaged Lutsenko in May with appropriate tonality. Our sense is Bruce Szwartz knows the same game. We'll see what else may emerge. We will not offer meetings, but presuming the trip is a go regardless, we'll see to ensure appropriate messaging from appropriate interlocutors.

From: Bohdan Vitvitsky [mailto: [REDACTED]]
Sent: Wednesday, August 31, 2016 9:56 AM
To: Kent, George P
Cc: Cole, Jeffrey W; Smith, Christopher W
Subject: Re: Good Morning

Gentlemen,

Respectfully, meetings with DOJ brass needs to be a bennie that we guard very jealously.

On Tue, Aug 30, 2016 at 5:58 PM, Kent, George P [REDACTED] > wrote:

Oof. Blue Star again. Thanks.

From: Bohdan Vitvitsky [mailto: [REDACTED]]
Sent: Tuesday, August 30, 2016 9:37 AM
To: Kent, George P; Cole, Jeffrey W; Smith, Christopher W
Subject: Re: Good Morning

The two who were here are:

Karen A. Tramontano, CEO at Blue Star Strategies; '97-01 Deputy Chief of Staff to Pres. Clinton and counselor to Chief of Staff John Podesta (the connection?); in 01 Chief of Staf for Pres. Clinton's transition team.

John D. Buretta: partner at Cravath; Principal Deputy Assistant A.G. in Crim Div Feb. '13 to Oct. '13; former AUSA.

On Mon, Aug 29, 2016 at 10:39 PM, Bohdan Vitvitsky [REDACTED] > wrote:

Gentlemen,

Re Jeff's question about Lutsenko's apparent visit to D.C., please see my second paragraph below.

----- Forwarded message -----

From: **Bohdan Vitvitsky** [REDACTED] >
Date: Friday, July 29, 2016
Subject: Good Morning
To: [REDACTED] (Kyiv)" <[REDACTED]>

Hello [REDACTED],

Had meet with Lutsenko this morning. He agreed with my points that everybody at IG has to be selected by selection commission, the majority of whose members have to be non-PGO. Also agreed to double the salaries of IG personnel. I agreed that if they won't have enough money for testing, I'd get it either from us or the Euros. Please share with DCM.

When I asked him whether he'd have time, if the opportunity arose, to go to D.C. to meet with folks at DOJ, FBI etc. IGs, he said that he had been invited yesterday by people from D.C. to come there to meet some Hillary people and some official people. I was rather taken aback by our lack of coordination. The two people about whom he was referring are Karen Tramontano and John Buretta (I'm translating from Ukrainian, so spellings might not be 100% accurate). My Q is, what the blazes? Does our right hand speak with our left hand?

Bohdan

From: Kent, George P
Sent: Thu, 15 Sep 2016 16:06:24 -0400
To: Yovanovitch, Marie L
Subject: Zlochevsky, Cravath, Burisma (and Blue Star)

This is further to the Blue Star effort to rehabilitate the reputation of their non-client in the US, former Ministry of Ecology Zlochevsky, who clearly has retained the services of a blue chip law firm (Cravath), and his energy company Burisma, which in turn has Hunter Biden on its board.

I think a briefing by Johannes and Jeff Cole on the background of the Zlochevsky case and the US effort therein would be in order, so you can separate what the US position on this set of circumstance is, as opposed to paid legal counsel.

SBU
This email is UNCLASSIFIED.

From: Yovanovitch, Marie L
Sent: Thursday, September 15, 2016 7:01 PM
To: Kent, George P
Subject: Fw: Letter from John Buretta

What is this about?
Sent from my BlackBerry 10 smartphone.

From: Jun Li <jli@cravath.com>
Sent: Thursday, September 15, 2016 6:10 PM
To: Yovanovitch, Marie L
Cc: John Buretta
Subject: Letter from John Buretta

Ambassador Yovanovitch:

Please see the attached letter from John Buretta.

Regards,
Jun

Jun Li
Cravath, Swaine & Moore LLP
825 Eighth Avenue, New York, NY 10019
212-474-1358 | jli@cravath.com

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DARIN P MCATEE
GARY A BORNSTEIN
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ERIC L SCHIELLE
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LAUREN A MOSKOWITZ
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SPECIAL COUNSEL
SAMUEL C BUTLER
GEORGE J GILLESPIE, III

OF COUNSEL
MICHAEL L SCHLER

September 15, 2016

Dear Ambassador Yovanovitch:

I respectfully write with regard to my clients, Burisma Holdings Limited (“Burisma”) and Mr. Mykola Zlochevskiy, to address the announcement yesterday by the Pechersk District Court of the City of Kyiv of the Decree dated September 13, 2016. The Court reviewed the case file and came to the conclusion that Mr. Zlochevskiy is a witness, not a suspect, in criminal proceeding No. 4201400000000805, and that no further criminal procedural measures should be taken against him. The Court also ordered the Prosecutor General’s Office of Ukraine (the “PGO”) to remove Mr. Zlochevskiy’s name from the wanted list, due to a lack of evidence. The Court’s decision is consistent with the prior findings of a U.K. Court that the same allegations against Mr. Zlochevskiy were unsupported. Both courts’ decisions reflect the application of the rule of law to the facts and should be respected.

Mr. Zlochevskiy owns Burisma, one of Ukraine’s most significant natural gas producers. Burisma is a well-run company committed to Ukraine’s energy independence and to good corporate governance. Burisma’s board of directors is comprised of, among others, prominent and experienced U.S. and European advisers who likewise are committed to sustainable energy production and legal compliance.

In August 2014, the PGO opened an investigation (No. 4201400000000805) pursuant to part 3 of Article 368-2 of the Criminal Code of Ukraine. The investigation was opened shortly after the United Kingdom’s Serious Fraud Office (the “SFO”) commenced a money laundering investigation in March 2014, and obtained a Restraint Order on Mr. Zlochevskiy’s companies’ accounts held at a London branch of BNP Paribas (“BNP”) in April 2014. The centerpiece of the SFO’s claim was that Mr. Zlochevskiy had allegedly abused his position as the Chairman of the State Committee on Natural Resources in order to issue special permits for subsoil rights to companies in which he had an interest, thus purportedly committing the common law offense of misconduct in public office. In connection with the U.K. proceeding, the

Ukrainian government, BNP and Mr. Zlochevskiy produced voluminous materials to the SFO and to the U.K. Central Criminal Court (the "U.K. Court") for consideration. Those materials included, among others, documents explaining the origins of Mr. Zlochevskiy's wealth, the regulatory environment in Ukraine, the history of the corporate structure of Mr. Zlochevskiy's companies, the nature of the business deals that resulted in the payments into the BNP accounts, the reasons why the accounts were opened in the first place and the information required by and provided to BNP to ensure regulatory compliance.

In a lengthy decision, the U.K. Court soundly rejected the SFO's claim that there was reasonable cause to believe Mr. Zlochevskiy's assets were unlawfully acquired as a result of misconduct in public office. The decision is attached hereto as Exhibit A. The U.K. Court stated that "the case remains a matter of conjecture and suspicion with no or insufficient concrete data on which a clearly founded restraint application is made." (Exhibit A at 20.) Furthermore, the U.K. Court found that there were no "reasonable grounds for a belief that [Mr. Zlochevskiy's] assets were unlawfully acquired as a result of misconduct in public office. It is plain from the business history now available that [Mr. Zlochevskiy] was already a businessman of some 12 years standing before he held office. He was declaring income of some US \$2 million throughout his second period of office. Oil and gas industries can yield very large sums of money and according to the prospectus material in the possession of the BNP, the Burisma group of companies is the second largest gas producer in Ukraine at a time when demand for gas was rising, and its total worth is now very great." (*Id.* at 14-15.) Finally, the U.K. Court found that there was a material and "significant failure of disclosure of relevant documents" on the part of the SFO; in other words, the SFO withheld evidence favorable to Mr. Zlochevskiy. (*Id.* at 13 ("10 of the 17 documents in the defendant's supplementary schedule should have been disclosed . . . The judge was left with the impression that the only reason for the accounts to be opened was money laundering, whereas evidence about the companies' reasons for opening the accounts, the information they provided to the due diligence inquiries, and the bank's initial satisfaction with answers in response to its information gathering before opening the accounts, would all be evidence that a defendant, if present at the hearing, would have wanted to have been before the judge.")) As a result, the Court discharged the restraint order and exercised its discretion to refuse to enter a new order. (*Id.* at 20.)

The U.K. Court's decision was premised on the rule of law. Information was exchanged, evidence was adduced and a court of law made a decision based on written laws. With due process applied, the baseless allegations against Mr. Zlochevskiy were soundly rejected.

In the past, media outlets in Ukraine and others, including the former Ambassador to Ukraine, have conveyed a different, and inaccurate, narrative about the U.K. case. As recently as a few months ago, for example, the Kiev Post claimed that the outcome of the U.K. proceeding was allegedly the result of corruption within the PGO and specifically driven by the PGO's provision of a letter to the U.K. Court claiming that no investigation of Mr. Zlochevskiy was then pending in Ukraine. The claim in the Kiev Post, which echoed prior inaccurate statements along the same lines by others, is clearly

incorrect. The U.K. Court based its decision on the facts and the law, not based on a letter from the PGO about whether an investigation existed in Ukraine. (*Id.* at 21 (“investigation 805 was one of those mentioned in the 2 December 2014 letter which stated that allegation notification had not been delivered due to absence of grounds for criminal prosecution. It is not known why the authorities subsequently changed their minds 27 days later, or whether fresh evidence has arisen. Equally it is not known what persuaded the judge to make a seizure order without notice, when of course the assets were already subject to an existing UK order of which the defendant had notice.”).) These baseless claims in the media, seeking to tarnish Mr. Zlochevskiy’s reputation, are the opposite of the rule of law.

The recent actions of the Pechersk District Court only further demonstrate that the claims against Mr. Zlochevskiy in Ukraine—claims that the U.K. Court had already adjudicated and rejected—are baseless. The Ukraine Court’s decision was preceded by provision to the Special Investigative Division of voluminous documentation demonstrating the bona fides of Mr. Zlochevskiy’s income. We attach hereto as Exhibit B a list of certain key documents previously provided to the PGO.

We respectfully request that Your Excellency take into consideration these objective facts when considering the narrative promoted by some, and no doubt to be repeated again, in disregard of the facts and the law and the decisions by courts in two different countries.

Respectfully,



John D. Buretta

Ambassador Marie L. Yovanovitch
U.S. Embassy in Ukraine
4, I. Sikorsky St. (formerly Tankova)
04112 Kyiv, Ukraine

VIA EMAIL AND COURIER

HSGAC MAJORITY STAFF EXHIBIT

Exhibit A



Case No: RSTO/7/2014

IN THE CENTRAL CRIMINAL COURT

Old Bailey
London
EC4M 7HS

Date: 20/01/2015

Before :

THE HONOURABLE MR JUSTICE BLAKE

Between:

**SERIOUS FRAUD OFFICE
- and -
MYKOLA ZLOCHEVSKYI**

Applicant

Defendant

**Mr Jonathan Kinnear QC and Mr Jonathan Lennon (instructed by) for the SFO
Mr Hugo Keith QC (instructed by Peters and Peters) for the Defendant**

Hearing dates: 3.12.2014 – 5.12.2014

Approved Judgement as Revised 21 January 2015

The Honourable Mr Justice Blake:

Introduction:

1. On 16 April 2014, at a without notice application made to His Honour Judge Kramer QC sitting in private at this court, a restraint order was made against the defendant, who I shall refer to as MZ for short, and three third parties, Brociti Investments Limited, Burisma Holdings Limited and Andrii Kicha preventing them from dealing with assets in a number of bank accounts (the accounts) held at a London branch of the BNP Paribas (BNP).
2. This is the hearing of the defendant's application to discharge the order and, in the event that the order was to be discharged, the applicant's application for a new order in similar terms.
3. MZ is a national of Ukraine, he is a wealthy businessman. He is a former member of the Ukrainian parliament, the Rada, and has held political office. From 16 December 2003 to 22 February 2005 he was appointed Chairman of the State Committee for Natural Resources, a committee overseen by the Ministry of Environmental Protection. During that time two private companies owned by the defendant, Esko-Pivnich and Pari, were awarded licences to explore for oil pursuant to a new procedure for tendering established by a resolution of the Ukrainian Cabinet of Ministers in October 2003. Other exploration licences were subsequently awarded when he was not in office as were further licences to commence production.
4. In February 2005, the defendant was dismissed from his post when there was a change of government in Ukraine. He remained out of office until March 2010 when there was another change of government that remained in power until February 2014. During this second period the defendant held the posts successively of Chairman of the State Committee for Material Reserves (March to July 2010); Minister of Environmental Protection (July to December 2010); Minister of the Environment and Natural Resources (December 2010 to April 2012) and Deputy Secretary of National Security (April 2012 to February 2014). The first three positions were connected with the licensing of exploration and production of the natural resources of Ukraine. The last position was not and did not form part of the executive.
5. In February 2006, during the period when he was out of office and his political opponents were in power, an executive decree cancelled the exploration licences granted to his companies in 2004. The validity of this decree was successfully challenged in the Ukrainian courts in 2007, and the prosecutor's subsequent appeals up the judicial hierarchy as far as the Supreme Court of Ukraine were all dismissed. In February 2006 the Minister of Internal Affairs announced a criminal inquiry into the activities of the committee of which the defendant was chairman but no formal investigation resulted. Allegations of corruption against political opponents appear to have been a feature of Ukrainian political life at this time. The same minister was one of those subsequently jailed for offences following the change of regime in 2010.

6. The only connection that the defendant has with the United Kingdom is that the two companies owned by him, Brociti Investments and Burisma Holdings, have held bank accounts at the BNP since about June 2013. Some US\$35 million was paid into these accounts, of which it is estimated that \$20 million was provided by a company owned by Mr Sergey Kurchenko. Since the change of regime in Ukraine in February 2014 criminal proceedings have been instituted against Mr Kurchenko and his name also appears on a restrictive measure directed against certain persons in view of the situation in Ukraine (Council Regulation (EU) No 208/2014 effective from 5 March 2014 onwards).
7. Mr Andrii Kicha is a Ukrainian commercial lawyer, the chief legal officer of Burisma and other companies owned by the defendant. He was the sole authorised signatory on the BNP accounts that are the subject to the restraint order. On 11 and 25 March 2014 he instructed BNP to transfer the balance of some \$23 million held in the accounts to other accounts of the companies held in Cyprus. In his witness statement of 18 June 2014, made for the purpose of these proceedings, he states that the reason for the transfer was that BNP had wanted, since October 2013, to close the accounts and an end date of 4 April 2014 had been agreed in order to do so.
8. It seems, however, that these requests may have been the trigger for a notification by the bank to the SFO. On 22 March 2014 the Director of the SFO authorised a money laundering investigation into the defendant. On 3, 4 and 8 April production orders were issued to the bank pursuant to s. 345 of the Proceeds of Crime Act 2002 (the Act). The first two orders were complied with by 11 April 2014. The third order resulted in much more documentation being supplied to the SFO between 6 May and 20 May 2014 and a special team was assembled to examine 6170 electronic documents. As a result of this review, on 22 August 2014, 22 documents were produced to the defendant in pursuit of the applicant's duty of disclosure.
9. The SFO investigator Richard Gould made a witness statement on 14 April 2014 in support of the without notice application. The investigation was in its early stages, and the information available to him comprised the product of the two orders that BNP had by then complied with, some information supplied by the NCA liaison officer in Kiev and the product of his own unspecified researches on the internet. A short supplementary (unnumbered) statement by him was filed on 16 April. This was confined to the question whether MZ had made the appropriate disclosure of receipt of a large dividend payment made by one of his companies, as he was required to do as both a public official and a taxpayer. He indicated that as a result of information received from Ukraine he believed that MZ had failed to declare the dividend of some US\$4 million.
10. The hearing before HHJ Kramer QC was short, some 19 minutes in length, and oral evidence was limited to the question of the dividend disclosure relied on as evidence of the defendant's dishonesty. The substance of the case put in the witness statement and supporting skeleton argument was that there were reasonable grounds to believe that the defendant had engaged in criminal conduct in Ukraine and the funds in the BNP account were believed to be the proceeds of such criminal conduct because:-

- i. His wealth increased when he held public office and the only apparent source of his private wealth was from the exploitation of mineral licences awarded to his companies when he held public office.
 - ii. Although no specific offence of bribery or fraud could be identified at this early stage in the investigation, the potential for conflict of interest 'gives rise to a clear inference of a wilful and dishonest exploitation of a direct conflict of interest by a man holding an important public office such as to amount to an abuse of the public's trust in him'. Such conduct would, if committed in this jurisdiction, amount to an offence of misconduct in public office.
 - iii. The complicated pattern of off-shore holding companies established when he was still a serving Minister was effectively to conceal his beneficial ownership of Burisma and the economically active enterprises of which it was the holding company. The court could draw the inference of dishonest motive for the corporate structure.
 - iv. Scrutiny of the statements of the BNP accounts shows very limited activity and this is an indicator that their primary purpose was to facilitate the transfer of criminal property.
 - v. The recent attempt to transfer the assets was troubling evidence of an attempt to avoid sanctions and freezing orders by transferring the funds to the companies' accounts in Cyprus.
11. Since the order was made, evidence has been filed on behalf of the defendant in the form of two witness statements from Mr Kicha with numerous exhibits seeking to explain the origins of the defendant's wealth, the regulatory environment in Ukraine at the time when the defendant held office, the history of the corporate structure of the defendant's companies, the nature of the business deals that resulted in the payments into the BNP accounts, the reasons why the accounts were opened in the first place and the information required by and provided to BNP to ensure regulatory compliance. These include a report from a well known international investigation agency Kress Associates into MZ's business history prepared for BNP and a memorandum on relevant provisions of Ukraine law at the time prepared by reputable lawyers for these proceedings. He states that BNP had asked for closure of the accounts because the reason for applying to the bank in April 2013 to open the accounts in the first place, namely a proposed placement, was no longer going to proceed.
12. Mr Kicha also observed that Mr Gould's second witness statement proceeded on a false basis about disclosure of dividend payments. As a state officer MZ had declared income of approximately US \$2million in 2010 and 2011, \$4.8 million in 2012, and had declared on 24 February 2014 (within the relevant accounting period) the sum of \$3 million received in late November 2013. He suggested that Mr Gould had erroneously looked to the date of the resolution awarding the

payment of a dividend on 28 December 2012 rather the date when instructions were given by Mr Kicha for the payment to be made even though this instruction was in Mr Gould's possession and had been exhibited in his first witness statement (Vol 2/ 240, RG1/73). The date of payment and the February declaration was subsequently accepted by the applicant. There has been no evidence contradicting Mr Kicha's account that earlier declarations had been made.

13. The defendant also relied on the witness statement of Mr Boiko a defence lawyer and current chair of the Bar Council of Kiev and Professor Sakwa. Mr Boiko gives evidence both of the procedural requirements of Ukrainian criminal law and the fact that although the present authorities in Ukraine have been anxious to investigate possible criminal wrongdoing by the defendant, and a number of different investigations connected with him have been opened, he has never been named as a suspect in any criminal investigation. An embezzlement inquiry (investigation 155) into a procurement fraud in his department concerned others and related to events after MZ had left that office.
14. The Ukrainian authorities had written on a number of occasions to the applicant giving information about inquiries that had been opened but had not progressed to the point where evidence of wrongdoing had been discovered such as to require the prosecutor to inform MZ that he was a suspect. Shortly before the hearing of this application a letter dated 2 December 2014 was received from the General Prosecutor of Ukraine stating that in respect of five separately identified investigations opened between 19 December 2012 and 6 August 2014 (including 155 and another investigation 181) 'allegation notification was not delivered to MZ due to absence of grounds for criminal prosecution.' It may be the case, as Mr Gould points out in his second witness statement, that search warrants were executed at his premises in April and May 2014 but that does not mean that there was evidence to make him a suspect.
15. Professor Sakwa gives some background evidence about the susceptibility of the prosecution authorities in Ukraine to political pressure as regimes change. Given the state of the evidence that no investigations of criminal conduct against the defendant in Ukraine have resulted in his being named as a suspect some ten months after the change of regime, this evidence is only of very limited assistance.
16. The defendant's solicitors have pressed for full disclosure of relevant data that might undermine the applicant's case or support that of the defendant emerging from the product of the first two orders that were available before the hearing on 16 April. Mr Gould disputed that there was anything further to be disclosed in his second witness statement of 29 August 2013 (at [9] to [12]) and specifically addressed this in his third witness statement of 3 October 2014, where he again disputed that there was any relevant disclosure to be made from this material. This remained the position of the applicant in the written submissions lodged and when Mr Kinnear QC addressed me in response to the defendant's application on 4 December the second day of this three day hearing.

17. However, on 5 December, following overnight inquiries and a request for a short adjournment to consider matters, Mr Kinnear concluded that on reviewing the contents of the first production order, there were a small number of documents that should have been disclosed. Disclosure was now being made. In the interest of transparency the whole of the material produced would be supplied to the defendant's team. As a result of these developments the applicant would not now oppose the defendant's application to set aside HHJ Kramer's order but it was nevertheless contended that I should make a fresh order for restraint in the light of all the evidence.
18. As the defendant had not had the opportunity to examine the relevance of the three volumes of material supplied on 5 December (some of which was duplicated material) a time-table was set for further written submissions to be lodged before the end of last term. I have received those submissions and carefully considered them. I conclude that there is no need for this hearing to be reconvened for further oral submissions, nor is there any need for me to be provided with bundles of the newly disclosed material. It is sufficient to note that of the 17 documents identified and described by the defendant in a schedule dated 11 December, the applicant now accepts that 10 should have been disclosed and that at least two mis-statements of fact were made by Mr Gould in his third witness statement, about the documents the applicant had in its possession.

The Law

19. The parties are in broad agreement as to the governing law with respect to the following propositions:
- i. The court has the discretion to make a restraining order if the statutory conditions are met (s.41 (1) of the Act).
 - ii. As the Director of SFO had authorised the commencement of a money laundering investigation in March 2014 the relevant statutory conditions are those set out in s.40((2)(b) of the Act namely 'there is reasonable cause to believe that the offender has benefitted from his criminal conduct'.
 - iii. A necessary aspect of this test, in present circumstances, is whether there is reasonable cause to believe that the defendant has committed any criminal conduct in the first place.
 - iv. Reasonable cause to believe that the defendant has committed a crime requires a higher threshold than a reasonable cause to suspect that he may have done, but at an early stage in an investigation there will be many uncertainties, which do not prevent the existence of a reasonable cause to believe (Windsor [2011] 2 Cr App R 7 per Hooper LJ at [53], [78], and [87]).
 - v. The criminal conduct concerned does not have to be an offence punishable in Ukraine (s.76 (1) and 340 (2) of the Act).

- vi. It is not necessary to establish that money that is being handled is criminal property by identifying that it is the product of a specific criminal offence; it suffices if all the circumstances give rise to an irresistible inference that it could only be derived from crime (Anwoir [2008] 2 Cr App R 36 at [21]).
- vii. An inference that a crime has been committed is only irresistible if it is the only reasonable inference that can be drawn from the evidence as a whole and all inferences consistent with the absence of criminality can be excluded. However, this is the test to be applied by the fact finder at the conclusion of the trial process after all the material evidence has been tested (Jabbar [2006] EWCA Crim 2694 per Moses LJ at [21]).
20. The way that the applicant advanced his case on 16 April 2014 and the primary way in which the case was developed in the written and oral submissions for the December hearing, was that the defendant's assets were the product of criminal wrongdoing when he held public office, and that in the absence of any specific evidence of corruption or fraud, such wrongdoing is reflected in the common law offence of misconduct in public office. The elements of that offence have been described in Attorney General's Reference No 3 of 2003 [2004] 2 Cr App R 23. So far as is material to present circumstances, the prosecution must show that a public officer without reasonable excuse 'wilfully neglects to perform his duty or misconducts himself to such a degree to amount to an abuse of the public's trust in the office holder.'
21. I accept Mr Kinnear's submission that for present purposes it matters not whether Ukraine has an equivalent offence of misconduct in public office. However, in order to show either misconduct or a failure to perform a duty and in order to evaluate whether any failure is sufficiently grave to amount to an abuse of trust, there needs to be some breach by the defendant of a local obligation that is imposed with respect to the office. That means that provisions of Ukrainian law and the conditions of public service relating to conflicts of interests are relevant as a matter of fact. In my judgment, it is not sufficient that MZ was the owner of the shares in a holding company that owned oil and gas production companies and related companies that were commercially active when he held office, unless there was some local requirement to divest himself of all such shareholdings during the period of office.
22. In support of the submission that, whatever their origin, the assets in the account were the proceeds of money-laundering, the applicant points to the complex nature of the commercial transactions described by Mr Kicha, the origin of the venture that is said to be the source of the funds paid into the accounts, the use of offshore companies, the evidential gaps in the documentation produced by him, the absence of any evidence from the defendant himself and the other participants in the joint venture.
23. I accept that as a matter of law appropriate adverse inferences may be drawn from a defendant's failure to explain apparently incriminating evidence consistent with money laundering activity. Whether it is right to draw such an inference depends

on all the surrounding circumstances, the evidential strength of the applicant's secondary submission, and whether there is good reason to doubt what Mr Kicha has said on behalf of the defendant and the interested parties.

24. If there is jurisdiction to make a restraint order, there is a clear legislative steer as to how discretion should be exercised. The application is made in the public interest in order to preserve from dissipation, assets that may be confiscated upon conviction or other order: see s. 69 (2) of the Act and the observations of the court in Jennings v CPS [2005] EWCA Civ 746 [2006] 1 WLR 182 at [56] dealing with the provisions of the predecessor legislation.
25. In this case, the continued existence of an investigation is dependent on the restraint order being continued. If the assets are transferred to the companies' accounts in Cyprus, it is improbable that resources will continue to be devoted to the question of whether they were the proceeds of money laundering. Further, by contrast with most of the cases cited by the parties, by the time of the hearing the British authorities had not brought any charge against anyone concerned with the funds in the BNP banks. It was far from clear that there would be such a charge or that there would be confiscation proceedings related to the accounts.
26. It is clear that a public authority seeking a restraint order without notice has to comply with a duty of candour that goes beyond an obligation not to misrepresent. As Hughes LJ put it in Re Stanford International Bank Ltd [2010] EWCA Civ 137; [2010] 3 WLR 941 at [191]:

'It consists in a duty to consider what any interested person would, if present, wish to adduce by way of fact, or to say in answer to the application, and to place that material before the judge. That duty applies to an applicant for a restraint order under POCA in exactly the same way as to any other applicant for an order without notice. Even in relatively small value cases, the potential of a restraint order to disrupt other commercial or personal dealings is considerable. The prosecutor may believe that the applicant is a criminal and he may turn out to be right, but that has yet to be proved. An application for a restraint order is emphatically not a routine matter of form with the expectation that it will routinely be granted. The fact that the initial application is likely to be forced into a busy list, with very limited time for the judge to deal with it, is yet a further reason for the obligation of disclosure to be taken very seriously. In effect a prosecutor seeking an *ex parte* order must put on his defence hat and ask himself what, if he were representing the defendant or third party with a relevant interest he would be saying to the judge, and having answered that questions, that is what he must tell the judge'.

27. If there has been a material failure of disclosure, when considering whether the order should be discharged, the question is not whether the order was obtained as a result of the misrepresentation or non-disclosure but whether the information was material to be taken into account in the exercise of the discretion to grant the relief sought, Stanford (above) per Sir Andrew Morritt C at [83].
28. A failure of disclosure may result in an award of costs and/or a setting aside of the order made without notice, but it may still be in the public interest to make a

fresh order in the light of all the evidence now available to the court and the relevant issues: see Stanford at [97] to [101]; [198] to [202].

The contentions of the parties

29. I do not propose to lengthen this judgment with a detailed consideration of the evidence relating to MZ's period in office, the grant of exploration and production licences, and the regime then applicable in the Ukraine to prevent conflicts of interest. I have had the benefit of skeleton arguments and in addition there has been a contemporaneous live note record kept of the oral submissions made in these proceedings.

30. In essence Mr Keith submits:

- i. It is peculiar that the Director of the SFO decided to open a domestic money laundering investigation without any clear evidence to suggest that the assets in the accounts were criminal property or criminal property derived from offences committed when MZ held public office. If there had been any basis for such a contention there could have been an external request from Ukraine using the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005. There has never been such a request.
- ii. Instead there has been political contact between Ukraine and the United Kingdom since the change of regime in February 2014. There have been high profile commitments on the English side to assist Ukraine to recover stolen assets and some political expressions of support on the Ukrainian side for the fact that the English authorities have taken the lead with respect to MZ.
- iii. It was wholly misleading of Mr Gould in his first witness statement at [12] to indicate that, although MZ has no known criminal convictions against him, according to a letter from the head of the Main Investigation Department in the Ministry of the Interior of Ukraine dated 13 March 2014 (addressed to the National Crime Agency liaison officer in Kiev) investigation 462 opened in December 2013 and 'there are sufficient grounds to suggest that MZ had been receiving his share of money for participating in law violations'. The subsequent disclaimer that as this was not the basis of the application as it was not a formal request for assistance did not cure its prejudicial effect.
- iv. The true position was that any investigation into embezzlement was against other officials in MZ's former department and he appeared to have been interviewed as a witness. The subsequent witness statement of Mr Boiko and the 2 December letter from the state prosecutor's office written for the purposes of the present hearing, indicate that he was never named as a suspect for embezzlement or indeed any other offence, let alone one related to

the exercise of improper influence in the grant of exploration and production licences.

- v. It was equally misleading for the applicant to rely on Mr Gould's assertion that there were well publicised allegations of abuse when the public allegation was that of a political opponent in 2006, who was himself subsequently convicted of offences when the regime changed. There was no evidence at all to suggest that the oil production licences were improperly obtained. Indeed the decision of the Ukrainian courts given when MZ was out of power indicate that there was no perceived irregularity with the way the licences had been granted before 2010. It also appeared that production licenses were granted from 2005 onwards when he was out of power.
- vi. If Mr Gould had properly investigated the requirements of Ukrainian law before relying on the allegations of corruption, he should have been aware that the change of the tendering system was not a decision taken by MZ himself but a change promoted before he took office. This change was not evidence of corruption but a move to liberalise the market. There was a system of checks and requirements before a licence could be issued and the decision was taken by people other than MZ himself, as the detailed analysis of Ukrainian law prepared by a Ukraine branch of a US law firm, Chadbourne and Parke, dated 17 September 2014 that was attached to Mr Kicha's second witness statement of 23 October 2014 confirmed.
- vii. The suggestion in Mr Gould's first witness statement that the acquisition of MZ's wealth coincided with his holding of political office was untrue, as he could (or should) have known if he had properly researched the topic before making the restraint application. A number of the documents provided to BNP Paribas in their regulatory compliance/Know Your Client investigation between April 2103 and June 2013, before the accounts were opened, showed the pre-2003 business history of the defendant indicating that he had been active in a company called Infox since September 1991. Notable in this respect was a Kroll Associates report, dated 3 August 2013 that had been commissioned by BNP's clients and supplied to the bank as part of the intelligence gathering process. This document was disclosed by Mr Gould in his second witness statement 29 August as something that had been disclosed in the third production order effected in May 2013, but it was surprising that core documents from the Know Your Client process were not sought and obtained in the earlier production orders or specially sought before an inaccurate history was presented to the judge.
- viii. Mr Gould's first witness statement gave the impression that it was suspicious that the accounts showed no commercial activity of the

sort that would be expected with an active oil exploration company. The inference was thereby given that the only reason for the accounts being opened was to launder money from tainted sources. In fact the BNP disclosure material should have revealed that the accounts were opened in the context of a private placement to increase the capital base of the companies and the corporate structure was such that these accounts were related simply to the overall holding companies and not the business operational accounts.

- ix. This last point has been supported by the schedule of documents on which the defendant relies arising from 5 December 2014 disclosure. Most of the seven documents, where concessions of disclosure have not been made by the applicant, related to the original reasons for the account being opened and the initial satisfaction of the bank with the results of its due diligence inquiries.
- x. Equally it was wrong for Mr Gould (and also counsel relying on him in the without notice application), to give weight to the request to withdraw the funds from the companies' accounts in London and transfer them to their accounts in Cyprus as evidence of risk of dissipation. The closure of the London accounts had been requested by the bank from October 2013 as would have been known by the time of the without notice application.
- xi. There was clear and damaging misinformation provided to the judge with respect to a failure to declare a dividend when received. In addition it is now accepted that there was a failure to disclose documents that were in the possession of the applicant at the time of the without notice application and which should have been disclosed.
- xii. Taking these matters cumulatively, the misrepresentations and failure to disclose was sufficiently serious to set aside the judge's order and not make a fresh one. The applicant should not be able to rely on its significant failures to now seek an order on a fundamentally changed case when it is recognised that their primary case has collapsed.
- xiii. If the court nevertheless evaluates today whether there is a good case for restraint, on any basis the evidence of Mr Kicha as to the good faith of the business transactions resulting in the payment in and payment out of the funds in the account, is un-contradicted and not undermined by anything the applicant has put forward.
- xiv. In so far as the applicant relies on documentary gaps in Mr Kicha's evidence, this relates largely to documents from third parties and in any event does not establish a reasonable belief that the proceeds of

the account were criminal property the subject of money laundering.

31. By contrast Mr Kinnear contends that:

- i. The failures of disclosure were innocent errors of judgment at an early stage of a complex investigation. Mr Gould had drawn attention to factors favourable to the defence in his first witness statement. There was no reason to doubt the good faith of the applicant in seeking the restraint order in the first place and its replacement with a fresh order today.
- ii. The fact remains that MZ held political office in a former regime now notorious for corruption and abuse of power, as the defendant's own expert Professor Sakwa explains.
- iii. MZ has not made a witness statement detailing how he came by his significant wealth or the nature of his dealings with those who are connected to the funds in the BNP accounts, or explaining the source of the funds paid into the accounts. It is not sufficient for him to rely on the evidence of Mr Kicha and that evidence leaves unanswered questions. It is a reasonable inference that it involved criminality of one sort or another.
- iv. The BNP material dealing with the proposed public to private placement was overtaken by subsequent events when the possibility of a venture was brought to an end. In any event, it is clear that by February 2014 a senior official in the bank was concluding that the relationship should terminate because of concerns about money laundering.
- v. The conclusion that disclosure of the fact that the bank wanted to close the accounts may be prejudicial to the defendant was an exercise of judgment made in good faith.
- vi. It is not sufficient to establish reasonable grounds for belief of money laundering that off-shore companies are used in complex transactions. However, the level of complexity here and the involvement of Mr Kurchenko in a joint venture giving rise to the funds in the accounts, suffice, when combined with the other factors, to substantiate reasonable grounds for a belief that the funds represent criminal property.
- vii. In these circumstances the statutory steer suggests that discretion should still be exercised to restrain the proceeds pending the completion of investigations and the outcome of any possible trial.

Conclusions:

(1) Non-disclosure

32. In giving directions for the present hearing Phillips J rejected the applicant's application for cross-examination of Mr Kicha. His reasons for doing so were brief but were in essence that such an application is not a detailed examination of the facts but the exercise of a discretion on the principles set out in the legal authorities above. Either the applicant has established a sufficient basis for the grant of relief on the documents or it has not.
33. At an earlier stage of the proceedings, when setting the timetable on 27 June as to when the applicant should file evidence by way of response, he also said this:
- 'It is not acceptable that this sort of order is obtained unless the SFO has already sufficient evidence to satisfy the court that there is the relevant reasonable cause present and it is not right there should be, effectively, an initial order followed by a period of investigation'.
34. There is common ground between the parties that there has been a significant failure of disclosure of relevant documents resulting from the BNP response to the first two production orders. On any view, 10 of the 17 documents in the defendant's supplementary schedule should have been disclosed. Summarily reviewing the descriptions of the seven documents where the applicant SFO has not conceded that disclosure should have been made, it would appear to me that each was relevant to the exercise of the judge's discretion within the Stanford criteria identified above. The judge was left with the impression that the only reason for the accounts to be opened was money laundering, whereas evidence about the companies' reasons for opening the accounts, the information they provided to the due diligence inquiries, and the bank's initial satisfaction with answers in response to its information gathering before opening the accounts, would all be evidence that a defendant, if present at the hearing, would have wanted to have been before the judge.
35. Taking all seventeen documents together, I am satisfied that a serious error of judgment was made by the applicant's team about what should have been put before Judge Kramer and in response to the defendant's solicitors repeated requests for the product of the initial production orders.
36. I am puzzled by the submission that Mr Gould thought it would be prejudicial to the defendant to inform the judge that BNP wanted the accounts closed. It seems to me infinitely more prejudicial to identify as the 'most troubling aspect' (as counsel's skeleton argument did at [15]) the fact of Mr Kicha's request for BNP to transfer the assets of \$23 million from the BNP account to the companies' accounts in Cyprus when that was what BNP had wanted the companies to do and had set a time table for so doing. Further, on 29 August 2014 Mr Gould exhibited an BNP email dated 11 February 2014 where there is a reference to the deal that is the source of the funds and where it said "it looks" obvious that the deal itself is probably a mixture of money laundering and corruption' which might be the kind of

prejudice he had in mind, but this did not result in more disclosure of the product of the first two orders.

37. Precisely what led the bank to seek to terminate the relationship established in June 2013 is unclear. In October 2013 it may have been simply that the commercial venture that had been proposed was not going to take place, or it may have been other concerns not communicated to the clients. The bank's concerns may have been the starting point of an inquiry into the nature of the assets in the accounts, but this does not amount to a reasonable belief that the assets are criminal proceeds either from some corrupt activity of the defendant or an attempt to money launder the dubious assets of others.
38. In addition to the failure to disclose material documents forming part of the banking relationship with BNP, there was a positive inaccurate (false without any connotation of knowingly and dishonestly false) information about the failure to disclose a dividend in an accounting year before it had been paid. Whilst this was only a small point, it went directly to the credibility and honesty of the defendant and was in fact the only issue ventilated when Mr Gould gave short evidence in a very short hearing. It must have played a role in the judge's decision.

(2) *Criminal property from corruption in office*

39. In the light of the acceptance by Mr Kinnear that the judge's order made without notice should be set aside for material non-disclosure, it seems to me that I do not have to engage in an assessment of whether the order would have been made if no misrepresentation had occurred and the fuller picture set out in the disclosure documents had been provided. The evidential picture before me is fundamentally different to that before him.
40. I accept Mr Keith's submission that despite ample opportunity to do so, nothing has been produced by Mr Gould to undermine the reliability of Mr Kicha's account of the business history and transactions or Chadbourn and Parke's account of the applicable Ukrainian law. However this material along with Mr Boiko's account of the state of the investigations being conducted in the Ukraine undermines most of the six points that I have summarised as the evidential basis for the earlier application at [10] above.
41. I accept that very large sums of money came into the BNP accounts, US \$35 million, of which \$23 million remains. I accept that the defendant held public office in a regime that is presently considered corrupt. I accept that Ukrainian domestic arrangements to prevent conflict of influence by public officials who were already wealthy businessmen and had substantial shareholdings in companies involved in the extractive industries might either be considered inadequate or inadequately enforced. I accept that there is always the possibility that, despite the existence of safeguards as to who makes decision, undue influence can be brought to bear.
42. However, none of these general points establishes reasonable grounds for a belief that his assets were unlawfully acquired as a result of misconduct in public office. It is plain from the business history now available that MZ was already a

businessman of some 12 years standing before he held office. He was declaring income of some US \$2 million throughout his second period of office. Oil and gas industries can yield very large sums of money and according to the prospectus material in the possession of the BNP, the Burisma group of companies is the second largest gas producer in Ukraine at a time when demand for gas was rising, and its total worth is now very great.

43. Mr Kinnear points out that the Kroll Associates report suggests that a career in politics was chosen by MZ around 2002 precisely to develop further his business. I do not read that as an admission of corruption, nor is it likely that BNP did so when agreeing to open the accounts after reading this report. The passage is consistent with a view that unless the regulatory regime was opened up and political changes made to encourage market economy, the role of the private sector and opportunities for economic development were limited.

44. I accordingly conclude that the primary way in which the applicant puts and has put its case, does not support the making of a further restraint order.

(3) Criminal property by money laundering the assets of others

45. I now turn to Mr Kinnear's second submission, namely that analysis of the details of the transactions provided by Mr Kicha in his June witness statement itself leads to the conclusion that the funds that went into the accounts were the product of money laundering. If so, whatever the source of MZ's wealth may have been, in 2013 he was engaging in transactions that had no genuine commercial purpose but were designed to transfer money that was in some way tainted out of Ukraine, possibly in anticipation of pending political turmoil in that country.

46. For this point to be explored, it is necessary to summarise some of the transactions on which the applicant founds this submission. I am conscious that Mr Keith's primary response to this second limb is that the court should not consider making a fresh restraint at all giving the misrepresentations, the failure to disclose and the changes in the way the applicant puts its case.

47. Mr Kicha's account of the source of the US \$35m that was placed in the accounts is as follows:

- i. MZ owned property assets of parcels of land outside Kiev. These were unrelated to oil and gas industry. They were held through a company called Chartlux Resources Inc and its subsidiary TOV Kam that was founded on 1 August 2003. In September 2013 these assets were valued at US \$46.34 million.
- ii. A Latvian businessman called Andrej Kiselovs who had extensive experience in real estate in Ukraine was interested in developing the land in a joint venture with MZ and believed that they could be sold for more than their current valuation.

- iii. There was an agreement to set up a joint venture entity to acquire and hold the assets. This was Cipriato Alliance Limited, a company registered in Belize. MZ and Mr Kiselovs both held a 50 per cent stake in Cipriato. Kiselovs was to invest US\$ 17 million in the venture and MZ \$18 million.
- iv. TOV Kam did not sell the assets direct to Cipriato, but a complex series of transactions ensued, whereby TOV Kam was sold to a special purpose vehicle called Seanon Limited, Seanon sold it to Brociti and Brociti sold it to Cipriato for \$35 million. MZ was the ultimate beneficial owner of Seanon as well as Tov Kam and Brociti. Seanon was sold to Brociti at a nominal value because this was a transfer between companies all owned by MZ.
- v. The ultimate sale agreement between Brociti and Cipriato dated 11 December 2013 was provided (see AK8 vol 2/442). The position described above is rendered more complex by the existence of various loans.
- vi. In due course, the sums representing the \$35m were paid into the accounts in six instalments between 19 December and 21 January 2014.
48. Thus, it is said, the payments were the product of a good faith sale of assets to a joint venture for value. What is not known, possibly because Mr Kicha cannot say and MZ has not made a statement, is:-
- i. Why an asset valued at \$46.3 million was sold to the joint venture for \$35 million?
 - ii. Why MZ thought it appropriate that Mr Kiselovs should acquire 50% of the value of this asset for US \$17 million?
 - iii. What the commercial reasons were to sell the assets through the chain described above?
 - iv. Why the purchase price was paid into the BNP account at a time when the placement proposal was at an end and BNP was suggesting that the account should be closed?
49. Mr Kicha then turns to how MZ raised his share of the funds needed by Cipriato to purchase Seanon. He explains that this was achieved by the sale of an oil terminal and tank farm in Kherson that was owned by him through a British Virgin Islands registered company under his control called Kisaliano Holdings Limited. It is stated that US \$20.03 million was transferred by Kisaliano into Cipriato's bank account in Latvia. A further point is made that that payment did not arouse any regulatory concerns by the bank, although the footnote in the statement refers to regulatory compliance in Estonia not Latvia. The sum paid in was more than the \$18 million that was due to be MZ's share of the investment as

the balance was a loan to Mr Kiselovs to help him raise his share of the joint venture.

50. Mr Kicha then explains more about Kisaliano and the sale of the oil terminal. He states that the property in question was owned by MZ's operating company Infox from 2002 having had an earlier association with it when an opportunity arose to acquire it when its original owner became bankrupt. The asset then went through various holding companies until in about September 2013 it was transferred to Vestorgia Holdings Limited, a company registered in Cyprus on 22 March 2012.
51. Mr Kicha further explains that in mid 2013, MZ had decided to sell the asset to Rosseu Business Group Ltd. Rosseu was understood to be a subsidiary company of the Vetek Group, which is owned by Sergey Kurchenko.
52. Kisaliano Holdings was therefore created as a special purpose vehicle in July 2013 in the BVI in contemplation of the sale of the assets to Rosseu through Vestorgia. The sale agreement was signed on 9 October 2013 whereby Kisaliano sold 1000 shares in Vestorgia to Rosseu for the sum of US\$32 million. Payment was made between October and 8 November 2013, of \$30.950, and a further \$1million was held in an escrow account.
53. The \$20.3 million paid into Cipriato came from this \$30.95 million. The Cipriato monies (to which Mr Kiselovs added some \$15m of his own) were the source of the payments into the accounts that are the subject of the restraint order.
54. In his second witness statement, Mr Gould comments that, far from providing evidence tending to show that the funds were legitimately derived from the sale of assets, the explanation supports the applicant's case that they are the product of money laundering. He points out that one high risk money laundering indicator known to law enforcement and the financial sector is corporate entities that are based in one jurisdiction and operate in another. He suggests that the sequence of transfers of assets through different companies is suspicious in itself and indicative of attempts to disguise the nature of the transactions.
55. He then makes the point that Mr Kicha's June statement made no comment on the current status of Mr Kurchenko. He explains that on 20 March 2014 it was reported in the global media sources that Mr Kurchenko was the subject of an arrest warrant in relation to misappropriation, embezzlement or obtaining state funds through abuse. Inquiries were still pending with the Ukrainian authorities as to the nature of these charges. He fled Ukraine after the fall of the previous government. His present whereabouts are unknown. He is the subject of a Treasury Sanctions notice dated 6 March 2014 freezing his assets pursuant to the EU Regulation.
56. By way of preamble, Mr Gould also commented on the sale of a subsidiary of Brociti called Egeli Services to Audrinura Trade LLP Limited on 27 December 2012. The sale price was US \$6 million but the funds were not paid until 8 July 2013. Egeli was the Cypriot corporate vehicle for the acquisition earlier in 2012 of two Ukrainian companies supplying specialist gas drilling products. Audrinura is registered in the UK but the annual returns for the accounting period ending 30

September 2013 made no reference to the acquisition of Egeli and its net profit was recorded as merely £243. All this is said to be consistent with money laundering, the creation of a complex series of transactions where there is little evidence of genuine trading or proper accounting of high value transactions.

57. Mr Kicha's response to the points about Egeli is, first, this was not raised in the first witness statement when it could have been; second the assets owned by Egeli are genuine assets and the sale was properly recorded in Brociti's financial statements. Third, he volunteers the fact that Audrinura is a company owned by Mr Kiselovs (who of course is the partner of MZ in the Cipriato joint venture). Fourth, he says if the irregularity is that Audrinura did not record the purchase in its trading account then that is a matter for Mr Kiselovs to comment on, not the defendant. It does nothing to suggest that the Cipriato monies are criminal property.
58. In his submissions by way of reply to the points developed by Mr Kinnear orally on this part of [46] above:-
- i. Each of the transactions under consideration resulted in real assets being exchanged for real cash, with ownership going one way and cash the other.
 - ii. Each was properly recorded in the relevant accounts that, in turn, were audited and accepted as a true statement by various professionals in a number of jurisdictions.
 - iii. The underlying transactions were completed in the autumn of 2013 before the dramatic events of February 2014 that led to change of regime and any need to transfer ill gotten gains out of the country.
 - iv. The fact that Mr Kurchenko is now the subject of a freezing order does not invalidate or taint business transactions conducted with him some six months previously.
 - v. It was Mr Kicha who disclosed the names of Kiselovs and Kurchenko as the real individuals behind the corporate entities. He was the person running the Brociti bank accounts and was able to provide credible evidence of the transactions under scrutiny.
 - vi. Nothing is known to the discredit of Mr Kiselovs save possibly a failure to lodge accurate accounts but could this not make the sums he paid into Cipriato tainted.
 - vii. The information that Mr Kurchenko is now under investigation for criminal activity is too vague and evidentially unsupported to give rise to any proper basis for concluding that the purchase price for the oil terminal was criminal property that has now come into the BNP accounts.

(4) *Decision*

59. I am required to perform an overall exercise of discretion as to whether relief should now be granted afresh having regard to the fact that the without notice order is to be set aside, there was material non disclosure, and the principal basis on which it was obtained does not justify the conclusion that there are reasonable grounds to believe that MZ was engaged in criminal conduct relating to his companies when he held office. The burden is on the applicant to persuade me that that such an order should be granted, evaluating all the material as it now stands
60. The non disclosure of the 10 or 17 documents identified in the schedule was not a momentary or accidental slip. It was an exercise of judgment that is now accepted to be flawed having regard to the issues or criteria. It may be that the misrepresentation as to the dividend disclosure (noted at [38] above) was a slip, as it required detailed reading of the accounts for the point to be noted and there was undoubtedly pressure of time in preparing the first statement.
61. Despite the number of documents in question, the concerns of Mr Keith at the nature of the communications between Ukraine and the SFO and the inappropriate reliance by Mr Gould in his first witness statement on information and belief from sources whose identity is not revealed, I do not conclude that the errors of judgment were such to suggest that he was not acting in good faith.
62. As a result of these matters, the hearing before HHJ Kramer was unfair and the order made is set aside. That does not prevent the making of a fresh order as was in fact done in the case of Stanford. I do not consider that the non-disclosure and false representations are of such serious misconduct as to prevent a fresh order being made, having regard to the guidance in Jennings. An adverse costs order, relating to the proceedings will often suffice to address a failure of disclosure that falls below this threshold.
63. However, eight months have passed since the original order. I have concluded that the basis for any fresh order rests on the suspicious inferences arising from the details of the transactions disclosed with particularity by Mr Kicha.
64. This is a different case to that advanced in April although, I accept, not totally disconnected from it. Where, on a without notice application, it is submitted that the known circumstances give rise to the reasonable inference of money laundering, and the defendant then provides a detailed account by way of response, the applicant's critical comments on the evidence produced by the defendant are part of the continuum of the inquiry. This is not a case of delaying the hearing to permit some wholly extraneous fresh investigation to yield forensically probative fruit.
65. Nevertheless, the case now rests largely on the analysis of what has not been provided by Mr Kicha, whose credibility and reliability has not been undermined. The applicant's principal point is that we have not heard from MZ personally to explain more. The question for me is whether the SFO has presented such an

evidentially cogent case of reason to believe that the money in the accounts were the product of money laundering that the absence of a response from the defendant personally can assume evidential significance in the balance of factors.

66. I have given very anxious consideration to the written and oral submissions (the transcript of which I have reminded myself of) of the applicant on this aspect of the case. I recognise that the unexplained complexity of the transaction gives reasonable cause to suspect that something other than a simple commercial transaction may have been conducted here, but the case remains a matter of conjecture and suspicion with no or insufficient concrete data on which a clearly founded restraint application is made.
67. Whilst it is understandable why much should remain unclear and unsubstantiated at the first application, when only 25 days had passed since the institution of the investigation and a much shorter period since the receipt from the BNP in response to the disclosure orders, it is reasonable in the light of the passage of time to have expected a much clearer and evidentially supported account of why there had been a benefit for criminal conduct. There is nothing to suggest that Mr Kiselov's businesses are unlawful; there may well be real suspicion about Mr Kurchenko's activities given his current status and investigation but no specific evidence of illegality has been identified to suggest that any commercial transaction with him was tainted. The transactions appear to involve more corporate vehicles than might seem necessary, but Mr Kicha explains that special purpose vehicles are often the means of conducting large scale transactions in Ukraine and explains why foreign companies and bank accounts are preferred to domestic ones. There is nothing to suggest that any other inference than criminality is implausible.
68. A restraint order is a draconian measure. It should not be made on the basis of suspicion and conjecture alone. The court must critically examine the evidential foundation for such an application, whilst recognising that there will be omissions in the evidence presented by both parties. In substance I prefer Mr Keith's submissions on this issue summarised at [58] above. Taking all the above into account I have concluded that I should set aside the restraint order previously made without making a new one. The applicant's application for such an order accordingly fails.
69. On 8 January 2015, shortly before this draft judgment was finalised, I received a note from Mr Kinnear updating the court with respect to developments since the conclusion of the hearing. So far as material, they amounted to this:
- i. On 29 December 2014, in respect of investigation 4201400000805 (805), the Ukrainian prosecutor made a decision to give MZ notice that he was suspected of having committed a criminal offence of unlawful enrichment. He could not be served with this notice as his whereabouts were unknown.
 - ii. On 30 December 2014, at a without notice hearing in the same investigation, a judge of the Percherskyi District Court in Kyiv gave a decision on the prosecution's application to seize the funds

in the BNP accounts, inviting the initiation of a mutual assistance request to the English authorities so as to obtain their recovery.

70. These developments do not cause me to reopen this hearing or to revisit the provisional conclusions already reached.
71. Investigation 805 was referred to in a letter from the Prosecutor General's office (undated but in response to an inquiry of 14 November 2014). It was there stated that an investigation had been registered on 5 August 2014 into an allegation of unlawful enrichment as a result of receiving a large bribe and money laundering based on the information provided from the competent authorities in the United Kingdom in the course of their money laundering investigation started on 22 March 2014. It was further stated in this letter that:
- ‘the British investigation established the fact that (MZ being a Minister of Ecology and Natural Resources and being the beneficial owner of a non resident company that owned the subsidiary companies) illegally ensured the issuance of mineral resource use permits to the companies’.
- The evidence I have seen established nothing of the sort. Disregarding the possibility that the applicant has supplied to the Ukrainians probative data not supplied to this court, there is a real risk that the effect of the without notice order of 16 April has been misunderstood.
72. Further, investigation 805 was one of those mentioned in the 2 December 2014 letter which stated that allegation notification had not been delivered due to absence of grounds for criminal prosecution. It is not known why the authorities subsequently changed their minds 27 days later, or whether fresh evidence has arisen. Equally it is not known what persuaded the judge to make a seizure order without notice, when of course the assets were already subject to an existing UK order of which the defendant had notice.
73. In the event that this information suggests that a Ukrainian request for mutual assistance is about to be made on fresh evidence not considered in this application, that is a matter that can be addressed by a timetable for setting aside the existing order and to which the parties can give consideration following the handing down of this judgment.

HSGAC MAJORITY STAFF EXHIBIT

Exhibit B

LIST OF DOCUMENTS IN THE FILE

1. History
2. Copy of the extract from the resolution of the Central Criminal Court of the Royal Courts of Equity dated 20.01.2015
3. Copy of the extract from the resolution of the Central Criminal Court of the Royal Courts of Equity dated 20.01.2015 (as amended dated 21.01.2015)
4. Individual license of the National Bank of Ukraine No. 109 dated 25.06.2012
5. Copy of a notification of making an investment abroad dated 26.07.2012
6. Individual license of the National Bank of Ukraine No. 199 dated 01.11.2012
7. Copy of a notification of making an investment abroad dated 12.11.2012
8. Copy of an expert's consulting opinion dated 25.12.2014
9. Copy of biography of M.V. Zlochevskiy
10. Copy of the certificate of the administration of the National Security and Defence Council of Ukraine No. 076 on awarding M.V. Zlochevskiy
11. Copy of the certificate of Association of Kyiv Radio Engineering Academy of Air Defence Forces Youth NGO on awarding M.V. Zlochevskiy
12. Copy of the certificate of the Ministry of Defence of Ukraine on awarding M.V. Zlochevskiy
13. Copy of the certificate of the State Customs Service of Ukraine on awarding M.V. Zlochevskiy
14. Copies of certificates of the Ministry of Internal Affairs of Ukraine on awarding M.V. Zlochevskiy
15. Copy of the certificate of the State Service of Geology and Mineral Resources of Ukraine on awarding M.V. Zlochevskiy
16. Copy of the certificate of the Minor Academy of Sciences – Ecology and Health and Safety on awarding M.V. Zlochevskiy
17. Copy of tax return of M.V. Zlochevskiy dated 25.04.2013
18. Copy of the bank order No. 1, dated 15.05.2013, on payment of personal income tax by M.V. Zlochevskiy
19. Copy of the bank order No. 1, dated 28.04.2014, on payment of personal income tax by M.V. Zlochevskiy
20. Copy of transparency return of M.V. Zlochevskiy for 2011, 2012 and 2013
21. Copies of university diplomas of M.V. Zlochevskiy
22. Copy of the certificate of incorporation of Burisma Holdings Limited dated 05.12.2014

23. Copy of the certificate of location of Brociti Investments Limited dated 28.04.2014
24. Copy of the certificate of location of Burisma Holdings Limited dated 05.12.2014
25. Copy of the certificate of shareholders of Brociti Investments Limited dated 28.04.2014
26. Copy of the certificate of shareholders of Burisma Holdings Limited dated 05.12.2014
27. Copy of the certificate of directors of Brociti Investments Limited dated 28.04.2014
28. Copy of the certificate of directors of Burisma Holdings Limited dated 05.12.2014
29. Certificate of shareholders of Brociti Investments Limited dated 20.08.2012 (1,000 shares)
30. Certificate of shareholders of Brociti Investments Limited dated 15.10.2012 (1,000,000 shares)
31. Email from BNP Paribas dated 25.06.2013 on accounts opening confirmation
32. Translation of email from BNP Paribas dated 25.06.2013 on accounts opening confirmation.
33. Letter from BNP Paribas on accounts opening confirmation
34. Translation of letter from BNP Paribas on accounts opening confirmation
35. Resolution of directors of Burisma Holdings Limited on opening the company account dated 13.05.2013
36. Translation of resolution of directors of Burisma Holdings Limited on opening the company account dated 13.05.2013
37. Resolution of the Director of Brociti Investments Limited on opening the company account dated 13.05.2013
38. Translation of resolution of the Director of Brociti Investments Limited on opening the company account dated 13.05.2013
39. Resolution of the directors of Burisma Holdings Limited on opening the company account with a signature sample of a person assigned to be the facility agent of the company dated 25.06.2013
40. Translation of resolution of the directors of Burisma Holdings Limited on opening the company account with a signature sample of a person assigned to be the facility agent of the company dated 25.06.2013
41. Resolution of the Director Brociti Investments Limited on opening the company account with a signature sample of a person assigned to be the facility agent of the company dated 25.06.2013
42. Translation of resolution of the Director Brociti Investments Limited on opening the company account with a signature sample of a person assigned to be the facility agent of the company dated 25.06.2013

43. Copy of a foreign passport of A.V. Kicha
44. Resolution on conclusion of share sales agreement between Brociti Investments Limited and Cipriato dated 11.12.2013
45. Translation of resolution on conclusion of share sales agreement between Brociti Investments Limited and Cipriato dated 11.12.2013
46. Share sales agreement between Brociti Investments Limited and Cipriato dated 11.12.2013
47. Translation of share sales agreement between Brociti Investments Limited and Cipriato dated 11.12.2013
48. Annex G. Financial reports of Seanon for the period from 04.07 until 31.10. 2013
49. Annex H. KAM LLC equity rights assessment report dated 28.10.2013
50. Annex I. Financial reports of KAM LLC dated 30.09.2013
51. Annex J. Turnover balance list of KAM LLC dated 30.09.2013
52. Annex K. Financial reports of Scientific Research Institute VECTOR PJSC dated 30.09.2013
53. Annex L. Turnover balance list of Scientific Research Institute VECTOR PJSC dated 30.09.2013
54. Annex M. Financial reports of KYIVSHCHYNA LLC dated 30.09.2013
55. Annex N. Turnover balance list of KYIVSHCHYNA LLC dated 30.09.2013
56. Certificate of share transfer of Seanon between Brociti Investments Limited and Cipriato
57. Translation of certificate of share transfer of Seanon between Brociti Investments Limited and Cipriato.
58. Assignment agreement dated 11.12.2013
59. Translation of assignment agreement dated 11.12.2013
60. Transaction scheme between Brociti Investments Limited and Cipriato
61. Copy of the power of attorney of Burisma Holdings Limited to A. Kicha
62. Copy of the power of attorney of Brociti Investments Limited to A. Kicha
63. Copy of the certificate of Brociti Investments Limited dated 09.01.2015
64. Copy of the certificate of Burisma Holdings Limited dated 09.01.2015
65. Copy of the certificate of Burisma Holdings Limited dated 09.01.2015
66. Copy of the bank account statement of Brociti Investments Limited for the period from 28.06.2013 until 03.02.2014
67. Copy of the bank account statement of Burisma Holdings Limited for the period from 28.06.2013 until 03.02.2014

68. Copy of the certificate No. 232/17-01/24227104810 of the State Tax Inspectorate in Shevchenko District of the Main Department of the State Fiscal Service of Ukraine in the City of Kyiv dated 30.06.2015
69. Copy of the certificate No. 305/17-01/2427104810 of the State Tax Inspectorate in Shevchenkivskyi District of the Main Department of the State Fiscal Service of Ukraine in the City of Kyiv dated 17.09.2015

Correspondence with BNP Paribas on the share sales agreement between Brociti Investments Limited and Cipriato dated 11.12.2013, on dividend payment, account balance repayment to other company's account and notifications on accounts closing

70. Email from A. Kicha to BNP Paribas (P. Koval) dated 17.12.2013 in the attachment with the Sales agreement dated 11.12.2013
71. Email from A. Kicha to BNP Paribas (Victoria Wright) on the request for dividend payment amounting to USD 10 million dated 24.02.2014 and SWIFT provision in the letter from BNP Paribas
72. Translation of the email from A. Kicha to BNP Paribas (Victoria Wright) on the request for dividend payment amounting to USD 10 million dated 24.02.2014 and SWIFT provision in the letter from BNP Paribas
73. Email from A. Kicha to BNP Paribas (Victoria Wright) on the request for dividend payment amounting to USD 9,899,900 dated 11.03.2014
74. Translation of email from A. Kicha to BNP Paribas (Victoria Wright) on the request for dividend payment amounting to USD 9,899,900 dated 11.03.2014
75. Email from A. Kicha to BNP Paribas (Victoria Wright) on the request for transferring the accounts balances dated 24.03.2014
76. Translation of the email from A. Kicha to BNP Paribas (Victoria Wright) on the request for transferring the accounts balances dated 24.03.2014
77. Email from A. Kicha to BNP Paribas (Victoria Wright) dated 25.03.2014
78. Translation of the email from A. Kicha to BNP Paribas (Victoria Wright) dated 25.03.2014
79. Email from A. Kicha to BNP Paribas dated 31.03.2014 on closing the accounts
80. Translation of the email from A. Kicha to BNP Paribas dated 31.03.2014 on closing the accounts
81. Email on behalf of Chadbourne & Parke to BNP Paribas dated 02.04.2014 on behalf of Chadbourne & Parke

82. Translation of the email on behalf of Chadbourne & Parke to BNP Paribas dated 02.04.2014
83. Email from BNP Paribas to Chadbourne & Parke dated 03.04.2014 with the attached official letter explaining why the bank cannot conduct the transactions
84. Translation of the email from BNP Paribas to Chadbourne & Parke dated 03.04.2014 with the attached official letter explaining why the bank cannot conduct the transactions

Tax returns on the assets and income and certifying documents. Dividends

85. Tax return on the assets and income for 2011
86. Tax return on the assets and income for 2012

Payment under Loan Agreement amounting to USD 2.1 million

87. BNP Paribas account statement
88. Loan Agreement dated 23.12.2013
89. Letter with payment instruction
90. Tax return on the assets and income for 2013

Dividend payment for 2013

91. Resolution on dividend payment amounting to USD 21 million dated 31.12.2013
92. Resolution dated 18.03.2014 on cancelling the resolution on dividend payment amounting to USD 21 million dated 31.12.2013
93. Letter with payment instruction for USD 10 million
94. Statement of LGT Bank on receipt of USD 10 million to the account dated 25.02.2014

Closing LGT Bank account

95. Statement of LGT Bank for the period from 01.01.2014 until 31.03.2014
96. Statement of LGT Bank for the period from 25.11.2013 until 24.04.2014
97. Statement of LGT Bank for the period from 01.04.2014 until 24.04.2014 and confirmation of closing the account in LGT Bank
98. Tax return on the assets and income for 2014 dated 25.04.2013
99. Certificate of authorities of M.V. Zlochevskyi as Deputy Secretary of the National Security and Defence Council of Ukraine
100. Copy of the expert's opinion of Kyiv Independent Court Expert Authority based on the results of forensic and economic examination No. 1090 dated 06.02.2015
101. Scientific opinion of Prof. P.P. Andrushko dated 12.02.2016

From: Kent, George P
Sent: Fri, 13 Jan 2017 09:24:05 -0500
To: [REDACTED]; Yovanovitch, Marie L; Smith, Christopher W
Subject: Re: Herbst heads up - Atlantic Council to take Burisma money. (SBU)

While the Interfax headline on Martynenko proved inaccurate, the Burisma tale of getting a court to shut down a PGO investigation noted below would amount to nearly the same mechanism - rich connected businessman politician seeks to use the court/judge of unknown reputation to close an investigation of a business with a dodgy reputation.

Sent from my BlackBerry 10 smartphone.

From: [REDACTED]
Sent: Friday, January 13, 2017 4:12 PM
To: Kent, George P; Yovanovitch, Marie L
Subject: RE: Herbst heads up - Atlantic Council to take Burisma money. (SBU)

In case you didn't see Burisma's extensive press release yesterday. Matches arguments Karen made when she visited in December. This and Atlantic Council support are part of a full court press by Zlochevskyi to clear his name.

PRESS RELEASE: THE BURISMA GROUP COOPERATED WITH LAW ENFORCEMENT AGENCIES AND PAID IN FULL ALL OUTSTANDING FEES

International Energy Group Burisma with assets in Ukraine announces that all legal proceedings and pending criminal allegations against its President Nikolay Zlochevskyi and operating companies of Burisma Group are fully closed.

The decision to fully close all pending legal proceedings and criminal allegations was the result of many months of full cooperation between the Office of the General Prosecutor and the legal team representing the Burisma Group. Further, the Burisma Group agreed that should an investigation determine that the Burisma Group owed outstanding taxes and/or fees that it would, without appeal, pay any and all outstanding taxes, fines and fees.

Following the Burisma Group's full cooperation and willingness to submit to a thorough investigation and its findings, the Pechersk District Court of Kiev obliged the Prosecutor General's Office of Ukraine to close the case against Mr. Zlochevskyi and remove him from the wanted list. As a result of the Court's decision the PGO fulfilled the relevant court order. The Ukrainian court decision is fully consistent with the decision taken by the U.K. court on January 21, 2015 and expert's opinion based on the results of forensic and economic expertise, dated February 6, 2015. After considering Nikolay Zlocheskyi's activities in Ukraine from 2002 to 2014, the British court ruled in favor of Nikolay Zlochevskyi and obliged the UK Serious Fraud Office (the SFO) to pay the defendant's costs. Moreover, as a result of the investigation, Burisma agreed to pay UAH180 millions of tax liabilities.

Over the last two years alone, operating companies of Burisma Group, paid more than UAH 5 bln. in tax liabilities to the budgets of all levels. Burisma is one of the top taxpayers of Ukraine that demonstrates its commitment to social responsibility and compliance with the best international business practices. Independent Director of Burisma Aleksander Kwasniewski believes that this decision shows how far Ukraine has come in advancing democratic ideals, proving that politics does not affect court decisions.

"It is reassuring that the independent Ukrainian court managed to take the decision that is fully consistent with the decision made by the British court. For Ukraine, the decision on Nikolay Zlochevskiy and Ukraine's largest gas producer Burisma will be also instrumental in making the country energy sufficient, since it will allow Burisma to increase domestic gas production as well as payments to the state budget. Especially today, Ukraine should be united over projects enhancing its defense capabilities and political independence. The country has already paid a high price with the revolution and its aftermath," noted Independent Director of Burisma Aleksander Kwasniewski.

"The actions of the PGO and those of the Ukrainian court are clear evidence of Ukraine's commitment to the rule of law and due process – twin pillars of democracy," stressed former U.S. Deputy Assistant Attorney General Mr. John Buretta.

The President of Burisma Group Nikolay Zlochevskiy pointed out extensive cooperation with law enforcement agencies and judicial authorities of different countries.

"Since all legal proceedings against Burisma Group are closed, it will allow us to increase production volumes and the flow of foreign investments in Ukraine, consider attracting international companies in the country, fulfill social and investment responsibilities, as well as duly pay in full all required tax liabilities to the budget. This is a big step forward for Ukraine in general and Burisma Group, in particular," admitted Nikolay Zlochevskiy.

Official

UNCLASSIFIED

From: Kent, George P

Sent: Friday, January 13, 2017 4:04 PM

To: Yovanovitch, Marie L; [REDACTED]

Subject: Herbst heads up - Atlantic Council to take Burisma money. (SBU)

FYI.

The Blue Star duo, Karen and Sally, are on the Atlantic Council roster, and are the probable pushers of this.

John had come to the old DCR on a trip last fall (before I moved) and talked thru the whole Burisma/Zlochevsky nexus. At the time, he made no mention of this as a possibility.

So: Atlantic council's robust Ukraine program, funded by...akhmetov, pinchuk, and Zlochevsky/Burisma.

Sent from my BlackBerry 10 smartphone.

From: John Herbst <JHerbst@ATLANTICCOUNCIL.ORG>

Sent: Friday, January 13, 2017 3:52 PM

To: Kent, George P; George Kent

Subject: Heads Up

George,

I wanted you to know before it becomes public that the Atlantic Council decided to accept support for its program from Burisma. We looked at the matter closely and weighed it for over a month.

Information provided to us by a the Cravath lawyer for Burisma in the London case was an important factor, although some uneasiness remains. Happy to discuss when I am next your way.

Best,
John



John Herbst | Director, Dinu Patriciu Eurasia Center
Ambassador (Ret.)
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www.facebook.com/AtlanticCouncil | [@JohnEdHerbst](https://twitter.com/JohnEdHerbst) | www.AtlanticCouncil.org

Joe Biden, His Son and the Case Against a Ukrainian Oligarch

By James Risen

Dec. 8, 2015

WASHINGTON — When Vice President Joseph R. Biden Jr. traveled to Kiev, Ukraine, on Sunday for a series of meetings with the country's leaders, one of the issues on his agenda was to encourage a more aggressive fight against Ukraine's rampant corruption and stronger efforts to rein in the power of its oligarchs.

But the credibility of the vice president's anticorruption message may have been undermined by the association of his son, Hunter Biden, with one of Ukraine's largest natural gas companies, Burisma Holdings, and with its owner, Mykola Zlochevsky, who was Ukraine's ecology minister under former President Viktor F. Yanukovich before he was forced into exile.

Hunter Biden, 45, a former Washington lobbyist, joined the Burisma board in April 2014. That month, as part of an investigation into money laundering, British officials froze London bank accounts containing \$23 million that allegedly belonged to Mr. Zlochevsky.

Britain's Serious Fraud Office, an independent government agency, specifically forbade Mr. Zlochevsky, as well as Burisma Holdings, the company's chief legal officer and another company owned by Mr. Zlochevsky, to have any access to the accounts.

But after Ukrainian prosecutors refused to provide documents needed in the investigation, a British court in January ordered the Serious Fraud Office to unfreeze the assets. The refusal by the Ukrainian prosecutor general's office to cooperate was the target of a stinging attack by the American ambassador to Ukraine, Geoffrey R. Pyatt, who called out Burisma's owner by name in a speech in September.

"In the case of former Ecology Minister Mykola Zlochevsky, the U.K. authorities had seized \$23 million in illicit assets that belonged to the Ukrainian people," Mr. Pyatt said. Officials at the prosecutor general's office, he added, were asked by the United Kingdom "to send documents supporting the seizure. Instead they sent letters to Zlochevsky's attorneys attesting that there was no case against him. As a result, the money was freed by the U.K. court, and shortly thereafter the money was moved to Cyprus."

Mr. Pyatt went on to call for an investigation into "the misconduct" of the prosecutors who wrote the letters. In his speech, the ambassador did not mention Hunter Biden's connection to Burisma.

But Edward C. Chow, who follows Ukrainian policy at the Center for Strategic and International Studies, said the involvement of the vice president's son with Mr. Zlochevsky's firm undermined the Obama administration's anticorruption message in Ukraine.

"Now you look at the Hunter Biden situation, and on the one hand you can credit the father for sending the anticorruption message," Mr. Chow said. "But I think unfortunately it sends the message that a lot of foreign countries want to believe about America, that we are hypocritical about these issues."

Kate Bedingfield, a spokeswoman for the vice president, said Hunter Biden's business dealings had no impact on his father's policy positions in connection with Ukraine.

"Hunter Biden is a private citizen and a lawyer," she said. "The vice president does not endorse any particular company and has no involvement with this company. The vice president has pushed aggressively for years, both publicly with groups like the U.S.-Ukraine Business Forum and privately in meetings with Ukrainian leaders, for Ukraine to make every effort to investigate and prosecute corruption in accordance with the rule of law. It will once again be a key focus during his trip this week."

Ryan F. Toohey, a Burisma spokesman, said that Hunter Biden would not comment for this article.

It is not known how Mr. Biden came to the attention of the company. Announcing his appointment to the board, Alan Apter, a former Morgan Stanley investment banker who is chairman of Burisma, said, "The company's strategy is aimed at the strongest concentration of professional staff and the introduction of best corporate practices, and we're delighted that Mr. Biden is joining us to help us achieve these goals."

Joining the board at the same time was one of Mr. Biden's American business partners, Devon Archer. Both are involved with Rosemont Seneca Partners, an American investment firm with offices in Washington.

Mr. Biden is the younger of the vice president's two sons. His brother, Beau, died of brain cancer in May. In the past, Hunter Biden attracted an unusual level of scrutiny and even controversy. In 2014, he was discharged from the Navy Reserve after testing positive for cocaine use. He received a commission as an ensign in 2013, and he served as a public affairs officer.

Before his father was vice president, Mr. Biden also briefly served as president of a hedge fund group, Paradigm Companies, in which he was involved with one of his uncles, James Biden, the vice president's brother. That deal went sour amid lawsuits in 2007 and 2008 involving the Bidens and an erstwhile business partner. Mr. Biden, a graduate of Georgetown University and Yale Law School, also worked

as a lobbyist before his father became vice president.

Burisma does not disclose the compensation of its board members because it is a privately held company, Mr. Toohey said Monday, but he added that the amount was “not out of the ordinary” for similar corporate board positions.

Asked about the British investigation, which is continuing, Mr. Toohey said, “Not only was the case dismissed and the company vindicated by the outcome, but it speaks volumes that all his legal costs were recouped.”

In response to Mr. Pyatt’s criticism of the Ukrainian handling of Mr. Zlochevsky’s case, Mr. Toohey said that “strong corporate governance and transparency are priorities shared both by the United States and the leadership of Burisma. Burisma is working to bring the energy sector into the modern era, which is critical for a free and strong Ukraine.”

Vice President Biden has played a leading role in American policy toward Ukraine as Washington seeks to counter Russian intervention in Eastern Ukraine. This week’s visit was his fifth trip to Ukraine as vice president.

Ms. Bedingfield said Hunter Biden had never traveled to Ukraine with his father. She also said that Ukrainian officials had never mentioned Hunter Biden’s role with Burisma to the vice president during any of his visits.

“I’ve got to believe that somebody in the vice president’s office has done some due diligence on this,” said Steven Pifer, who was the American ambassador to Ukraine from 1998 to 2000. “I should say that I hope that has happened. I would hope that they have done some kind of check, because I think the vice president has done a very good job of sending the anticorruption message in Ukraine, and you would hate to see something like this undercut that message.”

Follow the New York Times’s politics and Washington coverage on Facebook and Twitter, and sign up for the First Draft politics newsletter.

A version of this article appears in print on Dec. 9, 2015, Section A, Page 22 of the New York edition with the headline: The Vice President, His Son and the Case Against a Ukrainian Oligarch

United States Senate

WASHINGTON, DC 20510

September 27, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable William Barr
Attorney General
Department of Justice

Dear Attorney General Barr:

We write to follow up on Senator Grassley's July 20, 2017 letter, which highlighted brazen efforts by the Democratic National Committee and Hillary Clinton campaign to use the government of Ukraine for the express purpose of finding negative information on then-candidate Trump in order to undermine his campaign.¹ That letter also highlighted news reports that, during the 2016 presidential election, "Ukrainian government officials tried to help Hillary Clinton and undermine Trump" and did so by "disseminat[ing] documents implicating a top Trump aide in corruption and suggest[ing] they were investigating the matter[.]"² Ukrainian officials also reportedly "helped Clinton's allies research damaging information on Trump and his advisers."³

At the center of this plan was Alexandra Chalupa, described by reports as a Ukrainian-American operative "who was consulting for the Democratic National Committee" and who reportedly met with Ukrainian officials during the presidential election for the express purpose of exposing alleged ties between then-candidate Donald Trump, Paul Manafort, and Russia.⁴ *Politico* also reported on a *Financial Times* story that quoted a Ukrainian legislator, Serhiy Leschenko, as saying that Trump's candidacy caused "Kiev's wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a U.S. election."⁵

The July 20, 2017 letter further noted that the Democratic National Committee encouraged Chalupa to work with Ukrainian embassy staff to "arrange an interview in which Poroshenko [the president of Ukraine] might discuss Manafort's ties to Yanukovich."⁶ In March 2016, Chalupa met with Valeriy Chaly, Ukraine's ambassador to the U.S., and Oksana Shulyar, a top aid to the Ukrainian ambassador, to share her alleged concerns about Manafort. Reports state that the purpose of that initial meeting was to "organize a June reception at the embassy to promote Ukraine." However, another Ukrainian embassy official, Andrii Telizhenko, told

¹ Letter from Hon. Charles E. Grassley, Chairman, Senate Committee on the Judiciary, to Hon. Rod J. Rosenstein, Attorney General, U.S. Department of Justice (July 20, 2017), *available at* <https://www.grassley.senate.gov/sites/default/files/constituents/2017-0720%20CEG%20to%20DOJ%20%28Ukraine%20DNC%20FARA%29.pdf>.

² *Id.*

³ Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, *POLITICO* (Jan. 11, 2017), <https://www.politico.com/story/2017/01/ukraine-sabotage-trump-backfire-233446>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Politico that Shulyar instructed him to assist Chalupa with research to connect Trump, Manafort, and the Russians. He reportedly said, “[t]hey were coordinating an investigation with the Hillary team on Paul Manafort with Alexandra Chalupa” and that “Oksana [Shulyar] was keeping it all quiet...the embassy worked very closely with” Chalupa.⁷ In a May 2019 article, Telizhenko was quoted as saying,

[Chalupa] said the DNC wanted to collect evidence that Trump, his organization and Manafort were Russian assets, working to hurt the U.S. and working with [Russian President Vladimir] Putin against the U.S. interests. She indicated if we could find the evidence they would introduce it in Congress in September and try to build a case that Trump should be removed from the ballot, from the election.⁸

Reportedly, Telizhenko was instructed by the Ukrainian government to meet with an American journalist about Paul Manafort’s ties to Ukraine.⁹ In addition, in May 2016, Chalupa emailed a DNC official stating that she met with 68 Ukrainian investigative journalists about Manafort and that there would be “[a] lot more coming down the pipe.”¹⁰ Less than a month later, the “black ledger” identifying payments made to Manafort from Ukrainian politicians was publicly released.¹¹ And finally, Nellie Ohr, the wife of Justice Department official Bruce Ohr, stated during a congressional interview that Fusion GPS used Serhiy Leschenko, a Ukrainian politician that admitted Ukraine intervened in the 2016 election, as a source for derogatory material against then-candidate Trump.¹²

After two years, more than 2,800 subpoenas, approximately 500 search warrants and witness interviews, and \$30 million in taxpayer money, Robert Mueller reported that then-candidate Trump did not collude with the Russians or any other foreign government to interfere with the 2016 presidential election.¹³ In contrast, however, the Clinton campaign and Democratic National Committee hired Fusion GPS to conduct opposition research against candidate Trump, which included, among other efforts, the hiring of former British Intelligence Officer Christopher Steele to compile the “Steele Dossier” that reportedly used Russian government sources for information. These facts continue to raise concerns about foreign assistance in the 2016 election that have not been thoroughly addressed.

⁷ Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, *POLITICO* (Jan. 11, 2017), <https://www.politico.com/story/2017/01/ukraine-sabotage-trump-backfire-233446>

⁸ John Solomon, *Ukrainian Embassy confirms DNC contractor solicited Trump dirt in 2016*, *The Hill* (May 2, 2019), <https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>

⁹ *Id.*

¹⁰ *Id.*

¹¹ Jack Gillum et al., *Manafort firm received Ukraine ledger payout*, *AP* (Apr. 12, 2017), [available at https://www.apnews.com/20cfc75c82eb4a67b94e624e97207e23](https://www.apnews.com/20cfc75c82eb4a67b94e624e97207e23).

¹² Transcript of Nellie Ohr Interview, Executive Session House Committee on the Judiciary joint with the Committee on Government Reform and Oversight (Oct. 19, 2018), [available at https://dougcollins.house.gov/sites/dougcollins.house.gov/files/10.19.18%20Nellie%20Ohr%20Interview.pdf](https://dougcollins.house.gov/sites/dougcollins.house.gov/files/10.19.18%20Nellie%20Ohr%20Interview.pdf).

¹³ See generally DEP’T OF JUSTICE, OFF. OF SPECIAL COUNSEL, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 PRESIDENTIAL ELECTION (Mar. 2019), <https://www.justice.gov/storage/report.pdf>.

According to the Justice Department, U.S. Attorney John Durham is “exploring the extent to which...Ukraine, played a role in the counterintelligence investigation” during the 2016 election.¹⁴ However, the Justice Department has yet to inform Congress and the public whether it has begun an investigation into links and coordination between the Ukrainian government and individuals associated with the campaign of Hillary Clinton or the Democratic National Committee. Ukrainian efforts, abetted by a U.S. political party, to interfere in the 2016 election should not be ignored. Such allegations of corruption deserve due scrutiny, and the American people have a right to know when foreign forces attempt to undermine our democratic processes. Accordingly, please provide an answer to two questions from the July 2017 letter related to the Democrats’ collusion with Ukrainian officials:

1. Are you investigating links and coordination between the Ukrainian government and individuals associated with the campaign of Hillary Clinton or the Democratic National Committee? If not, why not?
2. Why hasn’t the Justice Department required Alexandra Chalupa to register as a foreign agent under FARA?

In addition, information has surfaced that raises new questions. A recent report described a note purporting to memorialize a meeting in Kiev between the Ukrainian Acting Prosecutor General, Yuriy Sevruck, and Burisma’s American legal team.¹⁵ Yuriy Sevruck was the temporary replacement for the Prosecutor General that Vice President Biden demanded be fired, Victor Shokin. The note, reportedly written by Sevruck, states that “[t]he purpose of their visit was an apology for dissemination of false information by U.S. representatives and public figures on the activities of the Prosecutor General’s Office of Ukraine [Shokin] in regards to the investigation of criminal activities of Zlochevshy [Oligarch owner of Burisma Holdings].”¹⁶

The article also reports that Ukrainian prosecutors have unsuccessfully been trying to get information to Justice Department officials since the summer of 2018, possibly including “[h]undreds of pages of never-released memos and documents ... [that] conflict with Biden’s narrative”¹⁷ that his actions in Ukraine had nothing to do with his son’s connections to Burisma. In light of this reporting, has the Justice Department obtained or been offered documents from Ukrainian officials related to these matters? If so, what were those documents?

We respectfully request that you respond to all of these questions no later than October 14, 2019.

¹⁴ Jeff Mordock, *John Durham investigating Ukraine in Trump-Russia origins probe*, The Washington Times (Sept. 25, 2019), <https://www.washingtontimes.com/news/2019/sep/25/john-durham-probing-ukraine-as-part-of-trump-russi/>

¹⁵ John Solomon, *These once-secret memos cast doubt on Joe Biden’s Ukraine story*, The Hill (Sept. 26, 2019), <https://thehill.com/opinion/campaign/463307-solomon-these-once-secret-memos-cast-doubt-on-joe-bidens-ukraine-story>.

¹⁶ *Id.*

¹⁷ *Id.*

We anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committees, and provide a classified addendum to the Office of Senate Security. Although the Committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent their prior agreement, by any handling restrictions.

Thank you in advance for your prompt attention to these matters. Should you have any questions, please contact Joshua Flynn-Brown of Chairman's Grassley's staff at (202) 224-4515 or Brian Downey or Scott Wittmann of Chairman Johnson's staff at (202) 224-4751.

Sincerely,

Charles E. Grassley
Chairman
Senate Finance Committee

Ron Johnson
Chairman
Senate Homeland Security
and Governmental Affairs

United States Senate
WASHINGTON, DC 20510

November 6, 2019

The Honorable Michael R. Pompeo
Secretary of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Pompeo:

In April 2014, Vice President Biden reportedly became the “public face of the administration’s handling of Ukraine.”¹ Around the same time, the Vice President’s son, Hunter Biden, and his business associate, Devon Archer, both began serving on the board of Burisma Holdings, a Ukrainian energy company.² According to the *New York Times*, Hunter Biden, “would be paid as much as \$50,000 per month in some months for his work for the company.”³

E-mails obtained and publicly released through the Freedom of Information Act (FOIA) show that, at the time Hunter Biden and Devon Archer joined Burisma, their other business partner, Christopher Heinz, the stepson to then-Secretary of State John Kerry, e-mailed senior State Department officials about the announcement with concern.⁴ Specifically, on May 13, 2014, Heinz wrote to Special Assistant Matt Summers and Chief of Staff David Wade:

Apparently Devon and Hunter both joined the board of Burisma and a press release went out today. I cant [sic] speak why they decided to, but there was no investment by our firm in their company.⁵

Heinz has also been quoted through his spokesman as saying he “strongly warned Mr. Archer that working with Burisma was unacceptable” and “[t]he lack of judgment in this matter was a major catalyst for Mr. Heinz ending his business relationships with Mr. Archer and Mr. Biden.”⁶

¹ Susan Crabtree, *Joe Biden emerges as Obama’s trusty sidekick*, Wash. Examiner, Apr. 25, 2014, <https://www.washingtonexaminer.com/joe-biden-emerges-as-obamas-trusty-sidekick>.

² Kenneth P. Vogel and Iuliia Mendel, *Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump Allies*, N.Y. Times, May 1, 2019, <https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>.

³ *Id.*

⁴ According to reports, Christopher Heinz and Devon Archer founded Rosemont Capital, a private equity firm. Hunter Biden, Christopher Heinz, and Devon Archer founded Rosemont Seneca Partners. Adam Entous, *Will Hunter Biden Jeopardize His Father’s Campaign?* New Yorker, July 1, 2019, <https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>.

⁵ Email from Chris Heinz to Matt Summers & David Wade, U.S. State Dep’t (May 13, 2014), <https://www.scribd.com/document/433436789/CU-v-State-FOIA-Doc-Ukraine>; see also Alana Goodman, *John Kerry’s son cut business ties with Hunter Biden over Ukrainian oil deal*, Wash. Examiner, Aug. 27, 2019, <https://www.washingtonexaminer.com/politics/john-kerrys-son-cut-business-ties-with-hunter-biden-over-ukrainian-oil-deal>.

⁶ Paul Sonne, Michael Kranish, Matt Viser, *The gas tycoon and the vice president’s son: The story of Hunter Biden’s foray into Ukraine*, The Washington Post (Sept. 29, 2019), <https://www.msn.com/en-us/news/world/the-gas-tycoon-and-the-vice-president-s-son-the-story-of-hunter-biden-s-foray-into-ukraine/ar-AAHZFB6>.

According to the *Times*, “Hunter Biden’s work for Burisma prompted concerns among State Department officials at the time that the connection could complicate Vice President Biden’s diplomacy in Ukraine[.]”⁷ Based on this report, it is unclear the extent to which State Department officials expressed these concerns formally and what, if any, action the Department took to address them.

In 2016, while Hunter Biden and Devon Archer were both working for Burisma Holdings, Ukraine’s top prosecutor was conducting an investigation into the company and its owner.⁸ The *Times* reported that, in 2016, Vice President Biden “threatened to withhold \$1 billion in United States loan guarantees if Ukraine’s leaders did not dismiss the country’s [Prosecutor General Viktor Shokin].”⁹ Ukraine’s parliament voted to dismiss Shokin after Vice President Biden called for his removal.¹⁰

Indeed, Vice President Biden later bragged about how he was responsible for Shokin’s firing:

...we’re not going to give you the billion dollars. They said, you have no authority. You’re not the president. The president said—I said, call him. I said, I’m telling you, you’re not getting the billion dollars. I said, you’re not getting the billion. I’m going to be leaving here in, I think it was about six hours. I looked at them and said: I’m leaving in six hours. If the prosecutor is not fired, you’re not getting the money. Well, son of a b-tch. He got fired. And they put in place someone who was solid at the time.¹¹

E-mails recently obtained and made public through a FOIA request indicate that Burisma’s consulting firm used Hunter Biden’s role on Burisma’s board to gain access and potentially influence matters at the State Department. In a February 24, 2016, email with the subject line “Burisma,” a State Department official wrote:

⁷ Kenneth P. Vogel and Iuliia Mendel, *Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump Allies*, N.Y. Times, May 1, 2019, <https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>.

⁸ *Id.*; Oleg Sukhov, *Powerful suspects escape justice on Lutsenko’s watch*, Kyiv Post, Apr. 13, 2018, <https://www.kyivpost.com/ukraine-politics/powerful-suspects-escape-justice-lutsenkos-watch.html?cn-reloaded=1>.

⁹ Another report indicates that Vice President Biden made this threat in late 2015. See e.g., Kenneth P. Vogel and Iuliia Mendel, *Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump Allies*, N.Y. Times, May 1, 2019, <https://www.nytimes.com/2019/05/01/us/politics/biden-son-ukraine.html>; Glen Kessler, *Correcting a media error: Biden’s Ukraine showdown was in December 2015*, Wash. Post, Oct. 2, 2019, <https://www.washingtonpost.com/politics/2019/10/02/correcting-media-error-bidens-ukraine-showdown-was-december/>.

¹⁰ *Prosecutor General Shokin dismissed officially*, Unian, Apr. 3, 2016, <https://www.unian.info/politics/1308082-prosecutor-general-shokin-dismissed-officially.html>.

¹¹ Erielle Davidson, *Watch Joe Biden Brag About Bribing Ukraine to Fire The Prosecutor Investigating His Son’s Company*, The Federalist, Sept. 24, 2019, <https://thefederalist.com/2019/09/24/watch-joe-biden-brag-about-bribing-ukraine-to-fire-the-prosecutor-investigating-his-sons-company/>.

Per our conversation, Karen Tramontano of Blue Star Strategies requested a meeting to discuss with [Under Secretary] Novelli [U.S. Government] remarks alleging Burisma (Ukrainian energy company) of corruption. **She noted that two high profile U.S. citizens are affiliated with the company (including Hunter Biden as a board member). Tramontano would like to talk with U/S Novelli about getting a better understanding of how the U.S. came to the determination that the company is corrupt.** According to Tramontano, there is no evidence of corruption, has been no hearing or process, and evidence to the contrary has not been considered. Would appreciate any background you may be able to provide on this issue and suggested TPs for U/S Novelli's meeting.¹²

Although it is not clear if Under Secretary Novelli met with Karen Tramontano on March 1, 2016, as planned, later that month Tramontano and other members of Burisma's legal team reportedly met with Ukrainian prosecutors.¹³ According to what appears to be contemporaneous notes by one of those Ukrainian prosecutors, during that meeting, Burisma's legal team apologized about what they alleged to be "false information" promoted by the U.S. Government about the prosecutors' handling of the investigation of Burisma.¹⁴

Additionally, other documents obtained and made public through FOIA show other meetings that Burisma board members Hunter Biden and Devon Archer scheduled with high-ranking State Department officials. In May 2015, Hunter Biden asked to meet then-Deputy Secretary of State Antony Blinken to "get [his] advice on a couple of things" and again for lunch on July 22, 2015.¹⁵ On March 2, 2016, just one day after Tramontano was scheduled to meet with Under Secretary Novelli about Burisma, Devon Archer was scheduled to meet with Secretary of State John Kerry.¹⁶

To better understand what actions, if any, the Obama administration took to ensure that policy decisions relating to Ukraine and Burisma were not improperly influenced by the employment and financial interests of family members, please provide the following information no later than November 20, 2019:

¹² John Solomon, *Hunter Biden's Ukraine gas firm pressed Obama administration to end corruption allegations, memos show*, johnsolomonreports.com, Nov. 4, 2019, <https://johnsolomonreports.com/hunter-bidens-ukraine-gas-firm-pressed-obama-administration-to-end-corruption-allegations-memos-show/> (emphasis added).

¹³ John Solomon, *These once-secret memos cast doubt on Joe Biden's Ukraine story*, The Hill, Sept. 26, 2019, <https://thehill.com/opinion/campaign/463307-solomon-these-once-secret-memos-cast-doubt-on-joe-bidens-ukraine-story>.

¹⁴ *Id.*

¹⁵ Emails between Hunter Biden and U.S. State Dep't Officials (May 2015), <https://www.scribd.com/document/433389212/Biden-Blinken-Meeting>.

¹⁶ Email between U.S. State Dep't Officials (Mar. 2, 2016), <https://www.scribd.com/document/433389208/Archer-Meeting-Kerry>.

1. All State Department records¹⁷ relating to Hunter Biden, Devon Archer, Christopher Heinz, and Karen Tramontano.
2. All State Department records relating to Burisma Holdings, Rosemont Seneca Partners, Rosemont Seneca Bohai LLC, Rosemont Capital, and Blue Star Strategies.
3. Based on the February 24, 2016 e-mail cited above, it appears that Tramontano wanted to meet with then-Under Secretary Novelli. Did this meeting occur? If so, when and who attended? Please produce all records relating to the meeting.
4. With respect to the March 2, 2016, meeting between Devon Archer and Secretary Kerry, did that meeting take place? If so, when did it occur, what was it about, and who attended? Please produce all records relating to the meeting.
5. With respect to the May 27, 2015, and July 22, 2015, meetings between Hunter Biden and Antony Blinken, did these meetings take place? If so, when did it occur, what was it about, and who attended? Please produce all records relating to the meeting.
6. In the February 24, 2016 e-mail cited above, a State Department employee wrote that, “Tramontano would like to talk with U/S Novelli about getting a better understanding of how the U.S. came to the determination that [Burisma] is corrupt.” Based on this e-mail, it appears that the U.S. had “determin[ed]” Burisma to be corrupt. Is this accurate? Please explain.
7. Has the State Department requested that the Office of the Legal Adviser or the Office of Inspector General review potential concerns and conflicts of interest related to Hunter Biden’s work for Burisma while Vice President Biden reportedly acted as the United States’ top official in Ukraine? If not, why not?

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”¹⁸ Additionally, Senate Resolution 70 (116th Congress) authorizes the Committee to examine “the efficiency and economy of operations of all branches and functions of the Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes[.]”¹⁹

¹⁷ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

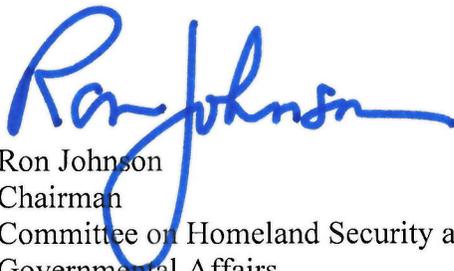
¹⁸ S. Rule XXV; *see also* S. Res. 445, 108th Cong. (2004).

¹⁹ S. Res. 70, 116th Cong. § 12(e)(1)(E) (2019).

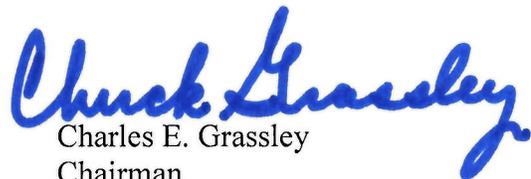
We anticipate that your written response and most of the responsive documents will be unclassified. Please send all unclassified material directly to the Committees. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committees, and provide a classified addendum to the Office of Senate Security. The Committees comply with all laws and regulations governing the handling of classified information. The Committees are not bound, absent their prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

If you have any questions about this request, please ask your staff to contact Brian Downey and Scott Wittmann of Chairman Johnson's staff at (202) 224-4751 or Joshua Flynn-Brown of Chairman Grassley's staff at (202) 224-4515. Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs



Charles E. Grassley
Chairman
Committee on Finance

United States Senate

WASHINGTON, DC 20510

November 21, 2019

The Honorable David S. Ferriero
Archivist of the United States
U.S. National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Mr. Ferriero:

We write to request records of multiple White House meetings that took place in 2016 between and among Obama administration officials, Ukrainian government representatives, and Democratic National Committee (DNC) officials. According to recent reports, in January 2016 “some of Ukraine’s top corruption prosecutors and investigators [met] face to face with members of former President Obama’s National Security Council (NSC), FBI, State Department and Department of Justice (DOJ).”¹ Other meetings included Alexandra Chalupa, a contractor for the DNC, who reportedly worked with Ukrainian government officials to undermine the Trump campaign.

According to Andrii Telizhenko, a political officer in the Ukraine Embassy in Washington, D.C. who participated in a January 2016 meeting, “U.S. officials volunteered . . . that they had an interest in reviving a closed investigation into payments to U.S. figures from Ukraine’s Russia-backed Party of Regions,” which refers to the investigation that involved Paul Manafort.² He “recalled DOJ officials asking investigators from Ukraine’s National Anti-Corruption Bureau (NABU) if they could help locate new evidence about the Party of Regions’ payments and its dealings with Americans.”³

During that same meeting, U.S. officials also reportedly brought up investigations relating to Burisma Holdings, the Ukrainian gas company that had hired then-Vice President Joe Biden’s son, Hunter, to serve as a board member.⁴ According to Telizhenko, “U.S. officials told the Ukrainians they would prefer that Kiev drop the Burisma probe and allow the FBI to take it over.”⁵

According to that same reporting, there were multiple meetings between U.S. officials and Ukrainian authorities in January 2016. It noted that at least one of these meetings was held

¹ John Solomon, *How the Obama White House engaged Ukraine to give Russia collusion narrative an early boost*, The Hill (Apr. 25, 2019), <https://thehill.com/opinion/white-house/440730-how-the-obama-white-house-engaged-ukraine-to-give-russia-collusion>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

in the White House's Old Executive Office Building (OEOB), and confirmed that Nazar Kholodnytskyy, the head of Ukraine's Specialized Anticorruption Prosecutor's Office, attended some but not all of these meetings.⁶

White House meeting records also show that Alexandra Chalupa, a Ukrainian-American operative "who was consulting for the Democratic National Committee" during the 2016 U.S. presidential election, attended numerous meetings at the White House, including one event with President Obama.⁷

Chalupa reportedly worked to get dirt on Trump from the Ukrainians. For example, in March 2016, Chalupa reportedly met with Valeriy Chaly, Ukraine's ambassador to the U.S., and Oksana Shulyar, a top aid to the Ukrainian ambassador, to share her alleged concerns about Manafort.⁸ Reports state that the purpose of that initial meeting was to "organize a June reception at the embassy to promote Ukraine."⁹ However, Ukrainian embassy official Andrii Telizhenko told *Politico* that Shulyar instructed him to assist Chalupa with research to connect Trump, Manafort, and the Russians.¹⁰ He reportedly said, "[t]hey were coordinating an investigation with the Hillary team on Paul Manafort with Alexandra Chalupa" and that "Oksana [Shulyar] was keeping it all quiet...the embassy worked very closely with" Chalupa.¹¹ According to Telizhenko:

[Chalupa] said the DNC wanted to collect evidence that Trump, his organization and Manafort were Russian assets, working to hurt the U.S. and working with [Russian President Vladimir] Putin against the U.S. interests. She indicated if we could find the evidence they would introduce it in Congress in September and try to build a case that Trump should be removed from the ballot, from the election.¹²

White House visitor logs indicate that Chalupa visited the White House on at least 27 occasions.¹³ In 2016, the year of the presidential election, she visited the White House at least five times on January 12, 2016; February 22, 2016; April 4, 2016; May 13, 2016; and June 14, 2016.¹⁴

⁶ *Id.*

⁷ White House Visitor Access Records 2016 Log, obamawhitehouse.archives.gov, <https://obamawhitehouse.archives.gov/briefing-room/disclosures/visitor-records>.

⁸ Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, *Politico* (Jan. 11, 2017), <https://www.politico.com/story/2017/01/ukraine-sabotage-trump-backfire-233446>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² John Solomon, *Ukrainian Embassy confirms DNC contractor solicited Trump dirt in 2016*, *The Hill* (May 2, 2019), <https://thehill.com/opinion/white-house/441892-ukrainian-embassy-confirms-dnc-contractor-solicited-trump-dirt-in-2016>.

¹³ Sara Carter, *Whistleblower and DNC Contractor Visited Obama WH. It Must Be Investigated*, *Saraacarter.com* (Nov. 8, 2019), <https://saraacarter.com/whistleblower-and-dnc-contractor-visited-obama-wh-it-must-be-investigated/>; White House Visitor Access Records 2008-2016 Logs, obamawhitehouse.archives.gov, <https://obamawhitehouse.archives.gov/briefing-room/disclosures/visitor-records>.

¹⁴ White House Visitor Access Records 2016 Log, obamawhitehouse.archives.gov, <https://obamawhitehouse.archives.gov/briefing-room/disclosures/visitor-records>.

In order to better understand the nature of these meetings, including who attended and what was discussed, please provide the following information:

1. All records¹⁵ relating to the five White House meetings listed above—January 12, 2016; February 22, 2016; April 4, 2016; May 13, 2016; and June 14, 2016—including, but not limited to:
 - a. Purpose and attendees;
 - b. Notes or transcriptions from the meetings; and
 - c. Communications about the meetings.

2. All records relating to meetings between and among White House officials, Andrii Telizhenko, Nazar Kholodnytsky, Oksana Shulyar, and Valeriy Chaly including, but not limited to:
 - a. Purpose and attendees;
 - b. Notes or transcriptions from the meetings; and
 - c. Communications about the meetings.

Please provide these documents as soon as possible but no later than 5:00 p.m. on December 5, 2019.

We anticipate that your written reply and most responsive documents will be unclassified. Please send all unclassified material directly to the Committees. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committees, and provide a classified addendum to the Office of Senate Security. Although the Committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent their prior agreement, by any handling restrictions.

Thank you for your prompt attention. Should you have any questions, please contact Brian Downey or Scott Wittmann of Chairman Johnson's staff at 202-224-4751 and Joshua Flynn-Brown of Chairman Grassley's staff at 202-224-4515.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs



Charles E. Grassley
Chairman
Committee on Finance

¹⁵ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

United States Senate

WASHINGTON, DC 20510

December 17, 2019

The Honorable Lindsey O. Graham
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles E. Grassley
Chairman
Committee on Finance
United States Senate
219 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairs Graham, Grassley and Johnson:

You have stated your intent to investigate purported Ukrainian interference in the 2016 election and Vice President Joe Biden – the same investigations that President Trump pressed the Ukrainian government to announce that it would pursue.

Allegations of Ukrainian interference in the 2016 election are part of a Russian disinformation campaign. Dr. Fiona Hill, the former head of Russia and Ukraine policy for the National Security Council and formerly the top analyst for Russia at the National Intelligence Council, testified to Congress, with regard to these allegations: “This is a fictional narrative that is being perpetrated and propagated by the Russian security services themselves.” And Assistant Secretary of State George Kent testified that there is no evidence “whatsoever” of wrongdoing by Vice President Biden. Consequently, we do not see a basis for an investigation by three major Senate Committees into these discredited allegations and believe that doing so could advance the Russian disinformation and election interference efforts. We should not facilitate foreign interference in our 2020 election.

Should you chose to continue this effort, we ask, consistent with Senate Rule 26, that you provide us with any evidence that you have that supports the investigation.

Sincerely,



Dianne Feinstein
Ranking Member
Committee on the Judiciary



Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs



Ron Wyden
Ranking Member
Committee on Finance

RON JOHNSON, WISCONSIN, CHAIRMAN

ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MITT ROMNEY, UTAH
RICK SCOTT, FLORIDA
MICHAEL B. ENZI, WYOMING
JOSH HAWLEY, MISSOURI

GARY C. PETERS, MICHIGAN
THOMAS R. CARPER, DELAWARE
MAGGIE HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
KYRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

February 27, 2020

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Johnson:

On February 24, 2020, you notified me of your intent to issue a subpoena to Andrii Telizhenko for attendance and the production of records.¹

I warned when this investigation began that “[w]e should not facilitate foreign interference in our 2020 election.”² I remain concerned that the United States Senate and this Committee could be used to further disinformation efforts by Russian or other actors. Because these efforts pose a threat to our national security, I have asked for the Committee to receive defensive briefings – specifically regarding Mr. Telizhenko – from relevant intelligence community and law enforcement officials, to ensure the Senate is not used to advance any disinformation campaigns.

Given the significant national security concerns related to this request, it should be subject to a Committee vote. Pursuant to Rule 5(C) of the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs, I disapprove of the issuance of the subpoena.

Sincerely,



Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs

¹Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs to Sen. Gary C. Peters, Ranking Member, S. Comm. on Homeland Security and Governmental Affairs (February 24, 2020).

²Letter from Sen. Gary C. Peters, Ranking Member, S. Comm. on Homeland Security and Governmental Affairs, Sen. Diane Feinstein, Ranking Member, S. Comm. on the Judiciary, and Sen. Ron Wyden, Ranking Member, S. Comm. on Finance to Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs, Sen. Lindsey Graham, Chairman, S. Comm. on the Judiciary, and Sen. Charles Grassley, Chairman, S. Comm. on Finance (December 17, 2019).

RON JOHNSON, WISCONSIN, CHAIRMAN

ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MITT ROMNEY, UTAH
RICK SCOTT, FLORIDA
MICHAEL B. ENZI, WYOMING
JOSH HAWLEY, MISSOURI

GARY C. PETERS, MICHIGAN
THOMAS R. CARPER, DELAWARE
MAGGIE HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA
KYRSTEN SINEMA, ARIZONA
JACKY ROSEN, NEVADA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

GABRIELLE D'ADAMO SINGER, STAFF DIRECTOR
DAVID M. WEINBERG, MINORITY STAFF DIRECTOR

March 17, 2020

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Johnson:

On March 12, 2020, you notified me of your intent to issue a subpoena to Blue Star Strategies. Pursuant to Rule 5(C) of the Rules of Procedure of the Committee on Homeland Security and Governmental Affairs, I disapprove.

The subpoena request is inappropriate for a number of reasons: you have not fully pursued voluntary production of these records; you have not scheduled the intelligence briefings you agreed to; you risk continuing to amplify foreign election interference efforts; and your own public comments acknowledge that your investigation is at least partially targeted at influencing voters, "if I were a Democrat primary voter, I'd want these questions satisfactorily answered before I cast my final vote."¹

I would disapprove of the subpoena under ordinary circumstances. But these are not ordinary circumstances. A day after you sent the subpoena notice, the President declared a national emergency for the COVID-19 pandemic. This is an unprecedented crisis, and it requires an all hands response. This is a misuse of Committee resources, especially at a time when we must focus on work that advances the health, safety, and economic security of Americans consistent with our Committee's mission. Your subpoena request does not advance that work.

Sincerely,



Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs

¹ *Republicans lean into Biden probe as he surges in Democratic primary*, Politico (March 4, 2020) (<https://www.politico.com/news/2020/03/04/joe-biden-probe-2020-election-120924>).

United States Senate

WASHINGTON, DC 20510

July 16, 2020

The Honorable Ron Johnson
Chairman
Senate Committee on Homeland Security
and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chuck Grassley
Chairman
Senate Committee on Finance
219 Dirksen Senate Office Building
Washington, DC 20510

Chairmen Johnson and Grassley,

We reiterate our request for a briefing for Members of our Committees from the Federal Bureau of Investigation's Foreign Influence Task Force and relevant Intelligence Community members related to your ongoing investigation. Two weeks ago, the *Washington Post* reported that "a Ukrainian lawmaker who was once affiliated with a pro-Russian political party and has met with [Rudy] Giuliani released 10 edited snippets of what appeared to be [Joe] Biden's official vice presidential phone calls in 2016 with Petro Poroshenko." The *Post* reported that this lawmaker "studied under the KGB in Moscow in the early 1990s" and that these efforts "suggest a new push by foreign forces to sway American voters in the run-up to the 2020 election."¹

Our staff requested this briefing in December 2019. Ranking Member Peters then requested a Member briefing after a classified staff briefing led to the cancellation of a Committee on Homeland Security and Governmental Affairs (HSGAC) vote to subpoena Andrii Telizhenko. Ranking Member Peters then made a motion asking for this briefing at the HSGAC May 20, 2020, business meeting before a vote authorizing a subpoena for some of the same information Chairman Johnson first sought from the canceled Telizhenko subpoena vote.

As Committees charged with safeguarding our homeland security and financial systems, we have a responsibility to fully understand the national security and counterintelligence implications of foreign election interference and your ongoing investigative work. We ask that you please formally request, schedule, and prioritize this briefing for the Members of our Committees as soon as possible.

Sincerely,



Gary C. Peters
Ranking Member
Senate Committee on Homeland Security
and Governmental Affairs



Ron Wyden
Ranking Member
Senate Committee on Finance

¹ Paul Sonne et al., *Hunt for Biden tapes in Ukraine by Trump allies revives prospect of foreign interference*, THE WASHINGTON POST (July 1, 2020), https://www.washingtonpost.com/national-security/for-months-trump-allies-hunted-for-tapes-of-biden-in-ukraine-now-theyre-turning-up/2020/06/30/f3acaba8-a67b-11ea-8681-7d471bf20207_story.html.



OFFICE OF BARACK AND MICHELLE OBAMA

March 13, 2020

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue NW
Washington, DC 20408

Dear Mr. Ferriero:

I write in connection with the November 21, 2019 request from Senator Johnson and Senator Grassley to the National Archives and Records Administration (NARA) for Obama administration records related to certain meetings connected to Ukraine.

As you know, under the Presidential Records Act, the records requested are scheduled for release pursuant to terms set under that Act. NARA is authorized to provide special access to presidential records to a Committee of either House of Congress before their scheduled release date, provided the information in the records “is needed for the conduct of its business” and “is not otherwise available.” 44 U.S.C. § 2205(2)(C). By law, both the former and incumbent Presidents are provided an opportunity to review the documents and withhold documents from release in order to protect the constitutionally based interest in the confidentiality of presidential communications. The express terms of the Presidential Records Act, together with the established norms governing its ongoing administration, achieve Congress’ legislative purpose of ensuring the public ownership of presidential records while “assiduously minimize[ing] outside interference with the day-to-day operations of the President and his closest advisors....” *Armstrong v. Bush*, 982 F.2d 38 (D.C. Cir. 1991).

President Obama has consistently supported the nonpartisan administration of presidential records and the commitment to transparency core to NARA’s mission.¹ However, the current request is not a proper use of the limited NARA exceptions. It arises out of efforts by some, actively supported by Russia, to shift the blame for Russian interference in the 2016 election to Ukraine. *See Fiona Hill HSPCI Testimony at 39-40* (“Based on questions I have heard, some of you on this committee appear to believe that Russia and its security services did not conduct a campaign against our country and that, perhaps, somehow for some reason Ukraine did. This is a fictional narrative that is being perpetrated and propagated by the Russian security services themselves.”); *David Hale Senate Committee on Foreign Relations Testimony of December 3, 2019* (“I have seen no credible evidence about these allegations of Ukraine.”).

The request for early release of presidential records in order to give credence to a Russian disinformation campaign – one that has already been thoroughly investigated by a bipartisan congressional committee – is without precedent. *See Natasha Bertrand, Senate panel look into Ukraine interference comes up short,*

¹ Since 2017, the Office of President Obama has produced 12,880 pages of presidential records in response to special access requests from the White House and Congress.



OFFICE OF BARACK AND MICHELLE OBAMA

Politico (Dec. 2, 2019). This use of the special access process serves no legitimate purpose, and does not outweigh or justify infringing confidentiality interests that all presidents have sought to protect.

Nevertheless, in the interest of countering the misinformation campaign underlying this request, we are prepared on this occasion to provide the Committees access to the records responsive to this request. In doing so, we emphasize that abuse of the special access process strikes at the heart of presidential confidentiality interests and undermines the statutory framework and norms that govern access to presidential records.

Sincerely,

A handwritten signature in dark ink, reading "Anita Decker Breckenridge". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anita Decker Breckenridge
Records Representative to President Obama

cc: The Honorable Ron Johnson
The Honorable Charles E. Grassley

The Washington Post

Democracy Dies in Darkness

Hunt for Biden tapes in Ukraine by Trump allies revives prospect of foreign interference

By **Paul Sonne**, **Rosalind S. Helderman**, **Josh Dawsey** and **David L. Stern**

July 1, 2020 at 7:02 p.m. EDT

President Trump’s allies were in pursuit of a tantalizing prospect last year: tape recordings of Joe Biden speaking to Ukrainian officials while he was vice president, conversations they believed could help them damage Biden’s current bid for the White House.

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The previously undisclosed hunt for tapes of Biden and other recordings in Ukraine, described by several people who were involved, came as the president’s personal attorney, Rudolph W. Giuliani, was casting a wide net for material to undermine Trump’s political rival — a scheme that ultimately helped set in motion the president’s impeachment.

“We would have loved to get the recordings, but we never did,” Giuliani said in a recent interview.

AD

Now, with just four months to go before Election Day, that material is surfacing in Ukraine and being touted by some of the president's backers in the United States, including his eldest son in May.

Last week, a Ukrainian lawmaker who was once affiliated with a pro-Russian political party and has met with Giuliani released 10 edited snippets of what appeared to be Biden's official vice presidential phone calls in 2016 with Petro Poroshenko, then the president of Ukraine. It was the second cache of recordings the lawmaker, who studied under the KGB in Moscow in the early 1990s, has released since May.

The recordings show that Biden, as he has previously said publicly, linked loan guarantees for Ukraine to the ouster of the country's prosecutor general. The tapes do not provide evidence to back Giuliani's long-standing accusation that Biden sought to have him fired to block an investigation of a gas company that had hired his son Hunter.

AD

The authenticity of the audio files, which appear heavily edited, could not be verified. The Ukrainian government is investigating how they were obtained. Biden's campaign has said they are part of an effort to concoct conspiracy theories to smear him. Poroshenko has gone further and called them fake.

Still, the material was quickly seized upon by One America News, a favorite network of the president that has featured pro-Trump conspiracy theories and in June debuted the first installment of what it said will be a series of reports featuring recordings of Biden.

Both Giuliani and Lev Parnas, a Ukrainian American businessman who served as his fixer in Ukraine, confirmed that they sought tapes of Biden last year. Giuliani said he received assistance in his pursuit from a source within the State Department, who he claimed pointed him to the dates of certain conversations between Biden and Poroshenko by accessing an official U.S. government archive.

AD

Giuliani told The Washington Post that he did not know the recently released recordings were coming before they were posted online in May. But in a recent interview with OAN, the former New York mayor claimed to be aware of other tapes that were “far more damaging,” saying, “I would hope that those tapes are put out also.”

On their own, the audio snippets that have been released do not significantly change what was already known about Biden’s diplomacy toward Ukraine, where he led a U.S. and European effort to back Poroshenko’s pro-Western government in the face of a Russian invasion and destabilization campaign. And other than from OAN, they have received little attention.

But the efforts to promote the recordings in Ukraine and the United States — and pledges by other Trump allies to release more in the coming months — suggest a new push by foreign forces to sway American voters in the run-up to the 2020 election, one welcomed by the president’s personal lawyer.

The developments further illustrate Trump’s willingness to benefit from foreign intervention in U.S. elections, even after being impeached on charges of pressuring Ukraine to launch investigations into his political rivals. In an interview last year, the president said that if a foreign country called offering information on his opponent, “I think I’d want to hear it.” His former national security adviser John Bolton alleges in a newly released book that Trump last year asked the Chinese president to help him win reelection. The White House has denied Bolton’s account.

AD

Tim Murtaugh, a spokesman for the Trump campaign, declined to comment on the Ukraine tapes. The campaign has so far not focused on the recordings in its attacks on Biden.

Andrew Bates, a spokesman for Biden's campaign, said, "All the president's men, both within our country and outside of it, have been constantly trafficking in objectively false, malicious conspiracy theories targeting Joe Biden since before he even entered the race. And their efforts have invariably fallen apart — because the American people know Joe Biden, his character and his values."

Giuliani has been interacting on and off with the Ukrainian lawmaker who has been releasing the clips, Andrii Derkach, since meeting him in Kyiv in December, the former New York mayor told The Post. In an interview, Giuliani described the former member of Ukraine's Russian-leaning Party of Regions as "very helpful" and said that they talked many times about Ukraine.

AD

Derkach, who is the son of a former KGB officer and says in his official biography that he attended the now-renamed Higher School of the KGB in Moscow, also appeared on Giuliani's podcast in New York in February. Since then, Derkach has said his U.S. visa was revoked.

Giuliani, who has worked as Trump's unpaid personal attorney since 2018 and was recently tapped by the president to negotiate with the presidential debate commission, said he would be concerned if Derkach had obtained the tapes from the Russians.

But, Giuliani said, the lawmaker "doesn't seem pro-Russian to me."

Asked about Derkach's background, Giuliani said: "I don't depend on his credibility. I depend on the credibility of his documents."

AD

Derkach declined to be interviewed. In a statement, he said allegations that he is working in the interests of foreign intelligence services are attempts to pressure him into stopping his activity. “There is not a single confirmed or reliable fact of my illegal activity or wrongful connections,” he said.

Asked whether he discussed the tapes with Giuliani during their meetings, Derkach did not answer directly. “We discussed available information on international corruption and the need to investigate it in the United States,” he said.

Foreign interference redux

The hunt by the president’s allies for the Biden tapes and their subsequent release have echoes of the 2016 campaign, when Trump publicly asked Russia to find emails of his Democratic rival Hillary Clinton. Trump later said the comment was a joke, even as GOP operatives mounted a serious but unsuccessful operation to obtain her emails from hackers claiming to have them.

AD

Democratic emails stolen by Russian intelligence officers were ultimately released through WikiLeaks, as special counsel Robert S. Mueller III detailed in his report.

The sequence of events sparked a nearly two-year investigation, multiple congressional inquiries and federal charges against 12 Russian military intelligence officers.

U.S. intelligence officials have warned that Russia could reprise its 2016 efforts to influence the race for the White House in 2020.

In January, the Ukrainian gas company whose board used to include Biden's son said that it had been hacked by Russian spies, raising fears the Kremlin could be intending to release stolen material to sway U.S. voters in coming months.

AD

Giuliani said he would welcome new material about Biden in Ukraine, but he said he wasn't aggressively seeking it, as he had been last year. Any new revelations, he added, should not be dismissed even if Russia may be involved.

"The strange thing is what the Russians put out last time — it may have been illegal how they obtained it, but it was all true," Giuliani said.

Michael Carpenter, a Biden foreign policy adviser and former senior Defense

Department official, called the tape snippets that Donkirk is releasing "a KGB-style

Department official, called the tape snippets that Derkach is releasing a KGB-style disinformation operation tied to pro-Russian forces in Ukraine whose chief aim is to make deceptive noise in the U.S. election campaign to advance the interests of their oligarchic backers, the Kremlin, and the faltering Trump campaign.”

Ukrainians with a variety of competing political and personal agendas have claimed to be releasing or publicizing the Biden tapes, moves critics say align with both Russia’s and Trump’s interests.

In addition to Derkach, they include former Ukrainian prosecutor Kostiantyn Kulyk, former Ukrainian diplomat Andrii Telizhenko and Ukrainian gas tycoon and former lawmaker Oleksandr Onyshchenko, who all have interacted with Giuliani or his associates. Some have promised more leaks are coming to help Trump later in the year.

“This summer, there will be more release of conversations, with full transcripts,” said Telizhenko, who said he speaks regularly with Giuliani in between aiding various Ukrainian tycoons, some of them with Russian interests. Telizhenko said he is working independently from Derkach, noting: “I’m going to release everything all together when the time is right.”

Onyshchenko told The Post that the tapes that have been released are his, part of a cache he said he obtained from Poroshenko aides.

He told the Russian state news service Sputnik in late May that his lawyers and Giuliani’s team had “exchanged hundreds of emails,” and that he has handed over materials about Biden, which he said Trump’s allies will make use of in the fall.

“Because of the coronavirus, they are waiting,” Onyshchenko told Sputnik. “But in September, closer to the elections, they will begin to use them more.” He told The Post the materials were being given to the Republican-led Senate Homeland

Security Committee, which is pursuing an inquiry into Biden’s activities in Ukraine.

Security Committee, which is pursuing an inquiry into Biden's activities in Ukraine.

A spokesman for the committee did not respond to a question about whether the panel has received such tapes or plans to use them.

Like Derkach, Onyshchenko is a former member of the now-defunct Party of Regions, a pro-Russian political party in Ukraine. He has been waging a multiyear campaign against Poroshenko since fleeing Ukraine on corruption charges he says are fabricated.

Onyshchenko has said that he has tried to tell U.S. authorities about his corruption accusations against Poroshenko various times. Poroshenko references - Onyshchenko twice in the leaked calls with Biden, telling the vice president that the exiled lawmaker holds a Russian passport and is working in Russia's interests to destabilize Ukraine. Biden appears in one snippet to reassure Poroshenko that the FBI is not working with Onyshchenko.

When asked for comment on Poroshenko's accusation that he's advancing Russian interests, Onyshchenko said the former Ukrainian leader accuses everyone who is against him of doing the Kremlin's bidding. Onyshchenko said he is speaking out because the former Ukrainian president "destroyed my life."

While the recordings released in Ukraine have received little attention in most mainstream U.S. news outlets, they are being heavily promoted by One America News, which has more than 700,000 followers on Facebook and some 900,000 on Twitter.

Carpenter, the Biden adviser, has accused OAN of being "the preferred conduit for Kremlin disinformation in the 2020 cycle."

One of its correspondents, Chanel Rion, traveled around Europe last year with

Civilians to film Ukrainians who made accusations against Biden, many of them

Giuliani to him Ukrainians who made accusations against Biden, many of them unproven or spurious.

In a program that aired last month, Rion said she had received 10 hours of recordings related to Biden from the “Ukrainian secret service” and “a source who was present during some of those recordings.” She said she would be pursuing the story “well past the summer and into the fall.”

The Department of the State Guard, Ukraine’s version of the Secret Service, said in a statement that it “does not make any recordings and has never recorded any conversations of the state guarded public officials.”

An OAN spokeswoman did not respond to a request for comment. In its stories, the network has suggested that accusations that Russia is promoting the allegations against Biden are efforts to distract from the story.

'We knew about these tapes'

Biden made five trips to Ukraine during the last three years of the Obama administration and held at least 70 phone calls with Ukrainian leaders, as The Post previously reported. Most of his calls were with Poroshenko in an effort to shore up the fledgling pro-Western government against Russia.

The recently released recordings, which Derkach has said he obtained from “investigative journalists,” appear to feature conversations the two men had at the time. But if they are authentic, it is unclear who made them.

It is possible Poroshenko aides taped the calls he had with Biden. Russian intelligence agencies have intercepted the phone calls of U.S. officials in Ukraine in

intelligence agencies have intercepted the phone calls of U.S. officials in Ukraine in the past.

In an interview in May, Parnas said he and his colleague Igor Fruman were told by sources in Ukraine of the Biden-Poroshenko recordings, along with a number of other recordings Ukrainians claimed existed of Americans, including embassy officials in Kyiv.

“We knew about these tapes,” Parnas said.

Parnas and Fruman were arrested in October and charged with making illegal campaign contributions, including from foreign sources, to Republican candidates and political action committees. They both pleaded not guilty and are awaiting trial.

After his arrest, Parnas turned on Giuliani and Trump, saying the president had blessed their endeavors in Ukraine. The White House has dismissed his claims as false.

Parnas told The Post that he and Fruman discussed the recordings with then-Ukrainian Prosecutor General Yuri Lutsenko and Kulyk, a former Ukrainian prosecutor who has been working with Derkach and appearing alongside him at news conferences releasing the recordings.

In a statement, Lutsenko said he “never discussed, provided or promised to provide any recordings to Giuliani or his colleagues.” Kulyk declined to answer directly, dismissing the question as lacking credibility.

Parnas said that at one point during a trip to Kyiv in spring 2019, he anticipated being provided copies of some of the recordings to bring back to the United States. But, he said, Ukrainian officials did not ultimately hand them over at the time.

After the trip, Parnas said, he and Fruman discussed the elusive recordings with Giuliani at strategy sessions they held at the BLT restaurant at the Trump International Hotel in Washington.

Victoria Toensing, a conservative lawyer who attended some of those sessions, said she did not recall the discussions but did not dispute that Parnas may have told the group about tapes.

“Lev is a fast talker,” she said. “He was always telling us, ‘There is Biden stuff.’ It would go in one ear and out the other.”

Giuliani was particularly interested in obtaining tapes of calls that Biden made to Poroshenko in early 2016 to feed his claims that the former vice president used his office to protect the business interests of his son Hunter, according to Parnas.

Giuliani has asserted without evidence that Biden pushed for Ukraine’s prosecutor general to be fired because Hunter Biden was serving on the board of Burisma, a Ukrainian gas company owned by a former government minister whom Ukrainian authorities were investigating.

In fact, at the time, Biden was serving as the lead voice in a coalition of U.S. and European officials, including top Republicans, who were sharply critical of the prosecutor general’s office for failing to go after high-level corruption cases and thwarting the probe of an episode in which lower-ranking officials were found with diamonds and cash thought to be bribes.

Among the cases that the United States argued had not received enough attention: an inquiry into the owner of Burisma.

In late 2015, Biden delivered a blunt message to Poroshenko: Unless the prosecutor’s office got a new leader, a \$1 billion loan guarantee for the Ukrainian

government wouldn't be forthcoming. The prosecutor general agreed to resign.

In the recordings that Derkach released, Biden can be heard urging Poroshenko to fire the prosecutor general. At one point, Poroshenko defends the top prosecutor, saying there was "no information" he had done anything wrong, but said he asked for the prosecutor's resignation as part of his promise to the U.S. vice president.

In an interview with CNN's Fareed Zakaria last month, Poroshenko said that Biden never brought up Burisma in their many conversations. "My absolutely clear answer: No, never," Poroshenko said.

Ruslan Ryaboshapka, who served as Ukraine's prosecutor general until March, conducted a full audit of all the criminal cases in Ukraine involving the company and told The Post he found no evidence of illegal acts by Biden or his son.

Giuliani told The Post that his pursuit of the Biden-Poroshenko calls was aided by someone inside the State Department.

"A guy at the State Department who gave us a lot of information" consulted the archive of conversations between American leaders and their counterparts overseas to identify three conversations in February 2016 during which Biden mentioned the prosecutor general's name in conversations with Poroshenko, he said.

"He didn't show it to us but told us they existed," Giuliani said of the State Department official. "He said, 'I guarantee there are three conversations on February 15, 17 . . . one of them is quite lengthy. It's between Biden and Poroshenko. There are transcripts of them, but they are classified.'"

Giuliani declined to name the State Department official. A spokeswoman for the

State Department did not respond to requests for comment.

Giuliani said last year that he regularly kept the president abreast of his efforts in Ukraine, but it is unclear whether Trump knew about the hunt for the tapes.

When pressed in May if he specifically mentioned the recordings to the president, Giuliani declined to comment.

The White House did not respond to a request for comment on whether Trump knew his lawyer was seeking tapes of Biden in Ukraine.

But one witness during the House impeachment hearings said that Trump made an allusion to tapes of the former vice president.

Lt. Col. Alexander Vindman, a Ukraine expert who served on the National Security Council, testified that he heard Trump refer to recordings of Biden during his July 25, 2019, phone call with Ukrainian President Volodymyr Zelensky, the conversation that set in motion the impeachment investigation.

According to a rough transcript of the call released by the White House, Trump told Zelensky: “Biden went around bragging that he stopped the prosecution, so if you can look into it.”

Vindman testified that his own notes, which he took while listening to the call, show that Trump added, “There are recordings.”

That phrase was not included in the call’s official transcript. Vindman testified that he notified his superiors of the omission when the transcript was circulated internally for review, but that no changes were made.

Vindman was uncertain what Trump meant by “recordings,” his lawyer said recently.

At the time, his description of Trump's mention of "recordings" on the call was widely assumed to be a reference to the tape of a public speech Biden delivered in 2018 bragging that he had held up loan guarantees to Ukraine until the prosecutor general was fired.

Tom Hamburger contributed to this report. Stern reported from Kyiv.

Election 2020: What to know

Updated July 19, 2020

Presumptive Democratic nominee Joe Biden has a double-digit lead over President Trump in the latest Washington Post-ABC News poll, and the election seems like it will be a referendum on Trump. The president faces rising disapproval and widespread distrust on his handling of the coronavirus pandemic.

Trump's attacks on mail voting are turning Republicans off absentee ballots. Rules on voting changed quickly in many states for the primaries, but the battle for how Americans will vote in the general election is just heating up. Barring a landslide, we may not have a result in the presidential election on Nov. 3. See what elections are coming up and which have moved.

Who do you think Joe Biden's VP pick should be?

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The Washington Post

Democracy Dies in Darkness

GOP tries to connect dots on Biden and Ukraine, but comes up short

By **Glenn Kessler**

Dec. 4, 2019 at 3:00 a.m. EST

“Did you know that Joe Biden called Ukrainian President Poroshenko at least three times in February 2016 after the president and owner of Burisma’s home was raided on February 2nd by the state prosecutor’s office?”

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— **Rep. Devin Nunes (R-Calif.), senior Republican on the House Intelligence Committee, in a question directed at witnesses at the impeachment inquiry, Nov. 19, 2019**

“It is my understanding that on February 4, 2016, the Ukrainian Prosecutor

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AD

— **letter from Sen. Lindsey O. Graham (R-S.C.), chairman of the Senate Judiciary Committee, to Secretary of State Mike Pompeo, Nov. 21, 2019**

President Trump has falsely claimed that then-Vice President Joe Biden pressured the Ukrainian government to fire Shokin, the top Ukrainian prosecutor, because he was investigating Ukraine's largest private gas company, Burisma, at a time when Hunter Biden was on the Burisma board. In fact, the opposite is true — Joe Biden was carrying out administration policy, coordinated with European allies, to press for the removal of Shokin because he was *not* investigating corruption.

These facts have not stopped Trump's Republican defenders from trying to prove Trump correct. In recent weeks, senior lawmakers have suggested that there was a nefarious connection between a "raid" in February 2016 on the home of the founder of Burisma, Mykola Zlochevsky, and calls that Biden made at the time with Ukraine's president at the time, Petro Poroshenko.

AD

Graham has made this alleged connection the start of an investigation he has launched into Biden and his son, demanding records and transcripts of Biden's calls to Ukraine that month.

The Fact Checker was suspicious of these claims because it had been our understanding that the investigation of Zlochevsky was largely dormant at the time of Biden's diplomacy. Indeed, the U.S. ambassador at the time had singled out mismanagement of the Zlochevsky case as an example of Ukraine's failing to hold corrupt officials to account.

Working with our colleagues Michael Birnbaum and David L. Stern, who discussed the case with sources while reporting in Kyiv, we've determined that this alleged connection is based on a misunderstanding of what took place in the Ukrainian courts.

The Facts

Zlochevsky had served in top Ukrainian government positions in the country's energy sector and had transformed himself into one of the country's richest men. In the process, he has faced years of legal troubles and allegations of corruption, which he has denied. Britain once froze \$23 million of his assets, but he was not charged with any crimes and the freeze was eventually lifted.

Zlochevsky was also under scrutiny by Ukrainian prosecutors. On Aug. 5, 2014, the Prosecutor General's Office (PGO) initiated case 42014000000000805 regarding "large-scale" illicit enrichment and money laundering allegedly committed by Zlochevsky, according to a timeline provided to Birnbaum by the Anticorruption Action Center (AntAC), a leading anti-corruption group.

After briefly transferring the case to the Ministry of Internal Affairs, on Dec. 29, 2014, the PGO issued a notification of suspicion to Zlochevsky regarding the allegations. AntAC reports that prospects for success were "low from the very beginning" because the statutes for "illicit enrichment" required a high burden of proof to show that assets were proceeds of bribery. (Ukrainian journalists say that making the case briefly a police matter led to the unfreezing of Zlochevsky's assets in Britain.)

Nevertheless, on Feb. 2, 2015, the Prosecutor General's Office seized personal property attributed to Zlochevsky but legally owned by his family, including a mansion, a luxury car and plots of land, according to AntAC. The court order was not published, but journalists eventually exposed what had happened later in 2015.

AD

Now here's where it gets complicated. On Nov. 10, 2015, the Ukrainian parliament adopted a law amending the procedure for asset seizures, requiring higher standards of proof. The law came into force in December, and Zlochevsky appealed the seizure.

In the meantime, that same month, the PGO tried to send its cases to another prosecutorial entity, the National Anti-Corruption Bureau of Ukraine (NABU), which is funded with U.S. and European aid and received technical support from the FBI. "NABU received tons of files in December 2015, just as their jurisdiction was starting," said Daria Kaleniuk, the head of AntAC.

(During a December visit to Kyiv, Biden had addressed the Ukrainian parliament and decried the "cancer of corruption" in the country. "The Office of the General Prosecutor desperately needs reform," he said. During that visit, he also privately urged Poroshenko to fire Shokin.)

AD

“There was a window of a few weeks when Zlochevsky’s lawyers sued to unseize the assets,” Kaleniuk told Birnbaum. “The court unseized the assets in December when the case was in between jurisdictions. The prosecutors didn’t even show up,” because they had no jurisdiction, since the case had been transferred from Shokin’s oversight, in the prosecutor general’s office, to NABU.

So, on Dec. 25, 2015, the seizure was canceled. But the court order was not published until Jan. 27, 2016, and it prompted a public outcry, according to AntAC. So the PGO scrambled to get it reinstated, and the order was published Feb. 4, 2016.

When we asked Graham’s office why he thought there was a raid in February 2016, his office pointed us to a news account of the second court order. The article, however, references property “seized under the previous court ruling.”

AD

In other words, there was largely a technical reinstatement of a court order that already had been in place for at least a year. Matching up the assets listed in the July 2015 report and the February 2016 report, the main difference we see is the inclusion in 2016 of a Rolls-Royce and a trailer, though AntAC reports a luxury car was seized in 2015.

Later in 2016, on Nov. 1, the seizure was canceled after the PGO closed the case, according to AntAC. The case over time had been turned into an investigation of possible tax avoidance, and a Burisma subsidiary paid back taxes.

As for Biden's phone calls, the Obama administration regularly provided detailed readouts of the calls, so the topics are well-documented.

AD

Feb. 11: Biden spoke to Poroshenko by phone. "The two leaders agreed on the importance of unity among Ukrainian political forces to quickly pass reforms in line with the commitments in its IMF program, including measures focused on rooting out corruption," the White House said.

Feb. 18: Another call took place between Biden and Poroshenko, two days after the president had announced he had asked Shokin to resign. "The Vice President also commended President Poroshenko's decision to replace Prosecutor General Shokin,

which paves the way for needed reform of the prosecutorial service,” the White House said in a statement.

Feb. 19: Poroshenko announced he has received Shokin’s resignation letter. That same day, Biden spoke separately to Poroshenko and Prime Minister Arseniy Yatsenyuk. “He urged Ukraine’s leadership to unite and rebuild popular trust around a strong governing coalition and reform program, and to accelerate Ukraine’s efforts to fight corruption, strengthen justice and the rule of law, and fulfill its IMF requirements,” the White House said.

AD

“I listened in to all the February calls. Until Nunes floated his wacky conspiracy theory, I’d never heard of the ‘raid’ — and nothing related to Burisma or Zlochevsky came up in any of those calls,” Colin H. Kahl, Biden’s national security adviser at the time, told The Fact Checker. “Unlike the current administration, we always read out our calls, and the call readouts captured the major topics of the conversations.”

Anna Makanju, Biden’s senior policy adviser for Ukraine at the time, also listened to the calls and said release of the transcripts would only strengthen Biden’s case

that he acted properly. She helped Biden prepare for the conversations and said they operated at a high level, with Biden using language such as Poroshenko's government being "nation builders for a transformation of Ukraine."

A reference to a private company such as Burisma would be "too fine a level of granularity" for a call between Biden and the president of another country, Makanju told The Fact Checker. Instead, she said, the conversation focused on reforms demanded by the International Monetary Fund, methods to tackle corruption and military assistance. An investigation of "Burisma was just not significant enough" to mention, she said.

Pavlo Klimkin, Ukrainian foreign minister from 2014 until Aug. 29, 2019, told Birnbaum that the firing of Shokin was universally urged by Ukraine's benefactors. "The demand came not just from the U.S., and not just from Biden," he said. "I heard it in every meeting with the international financial institutions, especially the IMF and World Bank. It was not just Biden. Clearly."

We reported our findings to Graham's aides on the Senate Judiciary Committee and to a spokesman for Nunes on the House Intelligence Committee but did not receive an immediate response. Instead, out of the blue we received a phone call from John Solomon, a former Washington Post reporter who apparently was the source for Republicans. He said two people from Capitol Hill had alerted him to our inquiry.

Solomon acknowledged that there had been a seizure of assets in 2015 but said that on the basis of his interviews, such as with Shokin, and a review of court files, he believes some new assets were seized in February 2016. "My understanding is there was a reseizure and a new seizure of assets," he said. "There was back and forth [in the courts], sure."

Solomon added: "I am very careful to use the word 'seizure.' I don't use the word

‘raid.’ ”

“The purpose of our investigation is to find out the truth of what the son of a former vice president of the United States was doing on the board of a Ukrainian gas company who was paying him \$50,000 a month,” said Taylor Reidy, spokeswoman for the Senate Judiciary Committee. “He didn’t have any known experience in Ukraine or the oil and gas industry. But the company did appear to be running into legal issues regarding corruption. Our letter was the first step in our investigation, not the last. We expect additional requests for information as we learn more about these interactions and what was happening among the stakeholders.”

The Pinocchio Test

Republicans are clearly trying to connect some dots to give an impression of malfeasance by Biden. But they are looking at the wrong dots. Nothing significant appears to have happened in February 2016 except primarily the reinstatement of a previous court order. Instead, Zlochevsky’s assets had been seized a year earlier and were only briefly not under a court order because of a prosecutorial error.

In other words, there would have been no reason for Biden to raise the supposed raid of Zlochevsky’s home in his phone calls. Moreover, as we’ve shown, Biden’s aides at the time say that neither Burisma nor Zlochevsky was raised in the calls.

Graham and Nunes earn Four Pinocchios.

Four Pinocchios

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United States Senate

WASHINGTON, DC 20510

December 3, 2019

Ms. Karen Tramontano
Chief Executive Officer
Blue Star Strategies
888 17th Street, NW, Suite 800
Washington, DC 20006

Dear Ms. Tramontano:

The Senate Homeland Security and Governmental Affairs Committee and the Committee on Finance (Committees) are investigating whether certain officials within the Obama administration had actual or apparent conflicts of interest because of Hunter Biden's role in Rosemont Seneca and related entities, or as a board member of Burisma Holdings (Burisma). In addition, the Committees are reviewing whether Hunter Biden or his associates had any role in the formulation of the Obama administration's policies with respect to Ukraine. Recent reports indicate that Blue Star Strategies (Blue Star) sought to leverage Hunter Biden's membership on the board of directors for Burisma in its communications and meetings with various U.S. government officials at the same time his father, then-Vice President Joe Biden, served as the "public face of the administration's handling of Ukraine."¹ Accordingly, as part of the Committees' inquiry, we write to request information with regard to Blue Star's work for Burisma.

A recent report indicates that, in November or December 2015, Blue Star officials met with Amos Hochstein, then-senior advisor to Vice President Biden on international energy affairs, and invoked Hunter Biden during a discussion of Burisma.² The report describes Mr. Hochstein as "a vocal proponent of Ukraine cracking down on Burisma," and explained that the purpose of the meeting was for "Blue Star Strategies [] to convince Hochstein (but [it] did not) that Burisma was on the level and did not warrant further investigation."³

Additional documents demonstrate how Blue Star used Hunter Biden's board membership to gain access and potentially influence matters at the State Department. In a February 24, 2016, email with the subject line "Burisma," a State Department official wrote:

¹ Susan Crabtree, *Joe Biden emerges as Obama's trusty sidekick*, Wash. Examiner, Apr. 25, 2014, <https://www.washingtonexaminer.com/joe-biden-emerges-as-obamas-trusty-sidekick>.

² Tiana Lowe, *Joe Biden adviser Amos Hochstein took meetings with Burisma-hired lobbying firm*, Wash. Examiner, Nov. 7, 2019, <https://www.washingtonexaminer.com/opinion/joe-biden-adviser-amos-hochstein-took-meetings-with-burisma-hired-blue-star-strategies>.

³ *Id.*

Per our conversation, Karen Tramontano of Blue Star Strategies requested a meeting to discuss with [Under Secretary] Novelli [U.S. Government] remarks alleging Burisma (Ukrainian energy company) of corruption. **She noted that two high profile U.S. citizens are affiliated with the company (including Hunter Biden as a board member). Tramontano would like to talk with U/S Novelli about getting a better understanding of how the U.S. came to the determination that the company is corrupt.** According to Tramontano, there is no evidence of corruption, has been no hearing or process, and evidence to the contrary has not been considered. Would appreciate any background you may be able to provide on this issue and suggested TPs for U/S Novelli's meeting.⁴

On March 1, 2016, Blue Star reportedly met with Under Secretary Novelli, and in April 2016 Blue Star reportedly met with Ukrainian prosecutors.⁵ According to what appears to be contemporaneous notes by one of those Ukrainian prosecutors during the April 2016 meeting, Blue Star apologized about allegedly "false information" promoted by the U.S. Government about the prosecutors' handling of the investigation of Burisma.⁶

To assist the Committees' examination of the role that Hunter Biden and individuals within the U.S. government may have played with regard to lobbying for Burisma, we respectfully request the following information:

1. With respect to Blue Star's work for Burisma, please provide:
 - a. A description of how, and through whom, Blue Star first became aware of Burisma;
 - b. Blue Star's contract with and all other documents describing its relationship with Burisma;
 - c. The date Blue Star began work for Burisma;
 - d. The date for when Blue Star ended work for Burisma, if applicable;
 - e. A description of the services Blue Star provided Burisma;
 - f. The names and titles of all Blue Star employees, including contractors, that worked on matters relating to Burisma;

⁴ John Solomon, *Hunter Biden's Ukraine gas firm pressed Obama administration to end corruption allegations, memos show*, johnsolomonreports.com, Nov. 4, 2019, <https://johnsolomonreports.com/hunter-bidens-ukraine-gas-firm-pressed-obama-administration-to-end-corruption-allegations-memos-show/> (emphasis added).

⁵ John Solomon, *These once-secret memos cast doubt on Joe Biden's Ukraine story*, The Hill, Sept. 26, 2019, <https://thehill.com/opinion/campaign/463307-solomon-these-once-secret-memos-cast-doubt-on-joe-bidens-ukraine-story>; Tiana Lowe, *Joe Biden adviser Amos Hochstein took meetings with Burisma-hired lobbying firm*, Wash. Examiner, Nov. 7, 2019, <https://www.washingtonexaminer.com/opinion/joe-biden-adviser-amos-hochstein-took-meetings-with-burisma-hired-blue-star-strategies>.

⁶ *Id.*

- g. The names and titles of Burisma employees that worked with Blue Star employees or contractors;
 - h. The dates and descriptions, including a list of attendees, of all meetings between Blue Star representatives and Ukrainian officials regarding Burisma; and
 - i. The dates and descriptions, including a list of attendees, of all meetings about or related to Burisma between Blue Star representatives and U.S. officials. This includes, but is not limited to, the State Department, the Office of the Vice President, and the Executive Office of the President.
2. Please provide all records⁷ between and among Blue Star and U.S. officials relating to its representation of Burisma. This includes, but is not limited to, the State Department, the Office of the Vice President, and the Executive Office of the President.
 3. Please describe Blue Star's document and email retention policies from 2014 to present.

Please provide a response as soon as possible but no later than December 17, 2019. As part of that response, please also confirm in writing Blue Star's ongoing obligation to preserve all records relevant to these matters.

Thank you for your prompt attention. Should you have any questions, please contact Brian Downey or Scott Wittmann of Chairman Johnson's staff at 202-224-4751 and Joshua Flynn-Brown of Chairman Grassley's staff at 202-224-4515.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs



Charles E. Grassley
Chairman
Committee on Finance

⁷ "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

Statement On the Ukrainian-American Strategic Partnership

23 May, 20:11

Kyiv Security Forum expresses gratitude to the distinguished Ukrainian politicians, diplomats and civic activists for their support of the appeal to the American leaders and society on the importance of protecting the Ukrainian-American strategic partnership.

Statement On the Ukrainian-American Strategic Partnership

We, the representatives of Ukrainian politics, civil society, and the expert community, are deeply concerned to watch a campaign to involve Ukraine in the political competition in the United States unfold with renewed vigor.

Ukraine greatly appreciates the steadfast support of the American people for our independence, security, and Western course.

Our nations share the common values of national and human freedom.

The combined efforts of the two largest political parties in the United States and all concerned Americans to defend Ukraine are a major historical contribution to the creation of a united Europe and a just world order.

We call on American leaders to distinguish between the position of new Ukraine, which stands for the unity of the West and acts to unite democracies around the world, and those forces that seek to turn the political developments in our country into a toxic narrative to sow discord among our partners.

We oppose the dishonest attempts to use the political controversies in the United States. We do not choose any side, but support each of them in the same way that they together help Ukraine's independence.

We call on America's leaders to distinguish between the position of our nation from the actions of politicians instigated by Moscow.

We condemn hostile provocations aimed at alienating our nations.

We believe in the strategic partnership between Ukraine and the United States.

Let us not allow mutual distrust and doubt to erode this great and lasting relationship.

Let us stand together in times of great trials.

Signed on May 22-23, 2020

* * *

Arseniy Yatsenyuk, Chairman of the Kyiv Security Forum, Prime Minister of Ukraine (2014-2016).

Oleksandr Turchynov, acting President of Ukraine, Speaker of the Verkhovna Rada of Ukraine (2014), National Security Advisor (2014-2019).

Oksana Zabuzhko, writer, National Taras Shevchenko Prize laureate.

Joseph Zissels, member of the First of December Initiative Group, member of the Strategic Council of the Movement against Capitulation.

Myroslav Marynovych, Vice-Rector of the Ukrainian Catholic University, political dissident and prisoner of conscience under the Soviet occupation, member of the First of December Initiative Group.

Yevhen Zakharov, Chairperson of the Kharkiv Human Rights Group, Head of the Board of the Ukrainian Helsinki Human Rights Group, member of the First of December Initiative Group.

Leonid Finberg, Director of the Research Center of the History and Culture of Eastern European Jewry at the National University of Kyiv-Mohyla Academy, Editor-in-Chief of the “Dukh i Litera” Publishing house.

Ihor Kozlovsky, prisoner of the Russian occupation regime in Donbas, President of the Center for Religious Studies, member of the First of December Initiative Group.

Lilia Hrynevych, Minister of Education of Ukraine (2016-2019).

Volodymyr Vasylenko, Ambassador Extraordinary and Plenipotentiary, Judge of the International Criminal Tribunal for former Yugoslavia (2001-2005), Representative of Ukraine to the UN Human Rights Council (2006-10).

Volodymyr Ohryzko, Ambassador Extraordinary and Plenipotentiary, Minister for Foreign Affairs of Ukraine (2007-2009).

Danylo Lubkivsky, Deputy Foreign Minister of Ukraine (2014), member of the Board of Open Ukraine Foundation.

Ivanna Klympush-Tsintsadze, Chair of the Parliamentary Committee on Ukraine’s integration into the EU, European Solidarity faction, Deputy Prime Minister for European and Euro-Atlantic integration of Ukraine (2016-2019).

Yuriy Shcherbak, Ambassador Extraordinary and Plenipotentiary of Ukraine to Israel (1992-1994), the United States (1994-1998), Canada (2000-2003).

Oleksandr Motsyk, First Deputy Foreign Minister of Ukraine (2004-2005), Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States (2010-2015).

Valeriy Chaly, Ambassador Extraordinary and Plenipotentiary of Ukraine to the United States (2015-2019), Chair of the Board of the Ukrainian Crisis Media Center.

Hanna Hopko, civic activist, Chairwoman of the Parliamentary Committee on Foreign Affairs (2014-2019).

Roman Bezsmetny, Ambassador Extraordinary and Plenipotentiary, Vice-Prime-Minister of Ukraine (2005).

Natalia Popovych, Co-Founder of the Ukrainian Crisis Media Center, Founder of One Philosophy Group.

Ivan Vasyunyk, Head of the Supervisory Board of the International Foundation for the Development of the Holodomor Victims’ Memorial, Vice-Prime-Minister of Ukraine (2007-2010).

Solomiia Bobrovska, member of the Verkhovna Rada of Ukraine of IX convocation, Holos / Voice faction.

Ostap Semerak, Minister of the Cabinet of Ministers of Ukraine (2014), Minister of Ecology of Ukraine (2016-2019), member of the Verkhovna Rada of Ukraine of VI and VIII convocations.

Iryna Geraschenko, member of the Verkhovna Rada of Ukraine of IX convocation, Co-Chair of the European Solidarity faction, First Deputy Speaker of the Verkhovna Rada of Ukraine (2016-2019).

Serhiy Kvit, Minister of Education of Ukraine (2014-2016), professor at the National University of Kyiv-Mohyla Academy.

Svitlana Voitsekhivska, member of the Verkhovna Rada of Ukraine of VIII convocation, member of the Board of Open Ukraine Foundation.

Maksym Burbak, Minister of Infrastructure of Ukraine (2014), member of the Verkhovna Rada of Ukraine of VII and VIII convocations.

Iryna Friz, member of the Verkhovna Rada of Ukraine of VIII and IX convocations, European Solidarity faction, Minister of Veterans Affairs (2018-2019).

Mykola Kniazhytskyi, journalist, member of the Verkhovna Rada of Ukraine of VIII and IX convocations.

Maria Ionova, member of the Verkhovna Rada of Ukraine of VIII and IX convocations, European Solidarity faction.

Mykola Ryabchuk, Honorary President of the Ukrainian PEN-Club.

Myroslava Barchuk, journalist, member of the Ukrainian PEN-Club.

Vitaliy Portnykov, journalist, writer.

Volodymyr Yermolenko, philosopher, Chief-editor of UkraineWorld Initiative, analytics director at Internews Ukraine.

Vakhtang Kebuladze, philosopher, professor at the Kyiv Taras Shevchenko National University.

Taras Lyuty, philosopher, professor at the National University of Kyiv-Mohyla Academy.

Mykhaylo Basarab, civic activist, Coordinator of the Movement against Capitulation.

Victoria Ptashnyk, member of the Verkhovna Rada of Ukraine of VIII convocation.

Viktor Yelensky, member of the Verkhovna Rada of Ukraine of VIII convocation.

Borys Potapenko, Head of International Council in Support of Ukraine.

Serhiy Vysotsky, journalist, member of the Verkhovna Rada of Ukraine of VIII convocation.

Andriy Levus, civic activist, Coordinator of the Movement against Capitulation, member of the Verkhovna Rada of Ukraine of VIII convocation.

Oleksandr Sochka, member of the Verkhovna Rada of Ukraine of VI, VII and VIII convocations.

Mykhaylo Khmil, member of the Verkhovna Rada of Ukraine of VIII convocation.

Myroslav Hai, civic activist, Chairman of the Peace and Co Charitable Foundation.

Yevhen Bystrytsky, philosopher.

Kateryna Smagliy, Director of the International Cooperation Department at the Diplomatic Academy of Ukraine's Foreign Ministry.

Mykola Horbal, poet, political prisoner under the Soviet occupation.

Volodymyr Dubrovsky, economist.

Borys Zakharov, Director of "Human and Right" Charitable Foundation.

Hennadiy Kurochka, member of the Board of the Ukrainian Crisis Media Center.

Oleksiy Panych, philosopher, member of the Ukrainian PEN-Club.

Valeriy Pekar, Lecturer of Kyiv-Mohyla Business School.

Kostyantyn Sigov, philosopher, civic activist, Chair of the Center of the European Humanitarian Studies at the National University of the Kyiv-Mohyla Academy.

Hennadiy Buryak, Deputy Director of the National Institute of the History of Ukraine.

Oleksandr Skipalsky, Lieutenant General, Honorary President of the Veterans Society of the Intelligence Community.

Anatoliy Podolsky, Director of the Ukrainian Center of the Holocaust Studies.

Ukrainian Crisis Media Center.