

himself.⁷⁷³ The individual who conveyed Veselnitskaya's request to Samochornov stated that he did not expressly condition payment on following Veselnitskaya's answers but, in hindsight, recognized that by sending the transcript, Samochornov could have interpreted the offer of assistance to be conditioned on his not contradicting Veselnitskaya's account.⁷⁷⁴

Volume II, Section II.G, *infra*, discusses interactions between President Trump, Trump Jr., and others in June and July 2017 regarding the June 9 meeting.

6. Events at the Republican National Convention

Trump Campaign officials met with Russian Ambassador Sergey Kislyak during the week of the Republican National Convention. The evidence indicates that those interactions were brief and non-substantive. During platform committee meetings immediately before the Convention, J.D. Gordon, a senior Campaign advisor on policy and national security, diluted a proposed amendment to the Republican Party platform expressing support for providing "lethal" assistance to Ukraine in response to Russian aggression. Gordon requested that platform committee personnel revise the proposed amendment to state that only "appropriate" assistance be provided to Ukraine. The original sponsor of the "lethal" assistance amendment stated that Gordon told her (the sponsor) that he was on the phone with candidate Trump in connection with his request to dilute the language. Gordon denied making that statement to the sponsor, although he acknowledged it was possible he mentioned having previously spoken to the candidate about the subject matter. The investigation did not establish that Gordon spoke to or was directed by the candidate to make that proposal. Gordon said that he sought the change because he believed the proposed language was inconsistent with Trump's position on Ukraine.

a. Ambassador Kislyak's Encounters with Senator Sessions and J.D. Gordon the Week of the RNC

In July 2016, Senator Sessions and Gordon spoke at the Global Partners in Diplomacy event, a conference co-sponsored by the State Department and the Heritage Foundation held in Cleveland, Ohio the same week as the Republican National Convention (RNC or "Convention").⁷⁷⁵ Approximately 80 foreign ambassadors to the United States, including Kislyak, were invited to the conference.⁷⁷⁶

On July 20, 2016, Gordon and Sessions delivered their speeches at the conference.⁷⁷⁷ In his speech, Gordon stated in pertinent part that the United States should have better relations with

⁷⁷³ Samochornov 7/13/17 302, at 1.

⁷⁷⁴ **Grand Jury**

⁷⁷⁵ Gordon 8/29/17 302, at 9; Sessions 1/17/18 302, at 22; Allan Smith, *We Now Know More About why Jeff Sessions and a Russian Ambassador Crossed Paths at the Republican Convention*, Business Insider (Mar. 2, 2017).

⁷⁷⁶ Gordon 8/29/17 302, at 9; Laura DeMarco, *Global Cleveland and Sen. Bob Corker Welcome International Republican National Convention Guests*, Cleveland Plain Dealer (July 20, 2016).

⁷⁷⁷ Gordon 8/29/17 302, at 9; Sessions 1/17/18 302, at 22.

Russia.⁷⁷⁸ During Sessions's speech, he took questions from the audience, one of which may have been asked by Kislyak.⁷⁷⁹ When the speeches concluded, several ambassadors lined up to greet the speakers.⁷⁸⁰ Gordon shook hands with Kislyak and reiterated that he had meant what he said in the speech about improving U.S.-Russia relations.⁷⁸¹ Sessions separately spoke with between six and 12 ambassadors, including Kislyak.⁷⁸² Although Sessions stated during interviews with the Office that he had no specific recollection of what he discussed with Kislyak, he believed that the two spoke for only a few minutes and that they would have exchanged pleasantries and said some things about U.S.-Russia relations.⁷⁸³

Later that evening, Gordon attended a reception as part of the conference.⁷⁸⁴ Gordon ran into Kislyak as the two prepared plates of food, and they decided to sit at the same table to eat.⁷⁸⁵ They were joined at that table by the ambassadors from Azerbaijan and Kazakhstan, and by Trump Campaign advisor Carter Page.⁷⁸⁶ As they ate, Gordon and Kislyak talked for what Gordon estimated to have been three to five minutes, during which Gordon again mentioned that he meant what he said in his speech about improving U.S.-Russia relations.⁷⁸⁷

b. Change to Republican Party Platform

In preparation for the 2016 Convention, foreign policy advisors to the Trump Campaign, working with the Republican National Committee, reviewed the 2012 Convention's foreign policy platform to identify divergence between the earlier platform and candidate Trump's positions.⁷⁸⁸ The Campaign team discussed toning down language from the 2012 platform that identified Russia as the country's number one threat, given the candidate's belief that there needed to be better U.S. relations with Russia.⁷⁸⁹ The RNC Platform Committee sent the 2016 draft platform to the National Security and Defense Platform Subcommittee on July 10, 2016, the evening before its

⁷⁷⁸ Gordon 8/29/17 302, at 9.

⁷⁷⁹ Sessions 1/17/18 302, at 22; Luff 1/30/18 302, at 3.

⁷⁸⁰ Gordon 8/29/17 302, at 9; Luff 1/30/18 302, at 3.

⁷⁸¹ Gordon 8/29/17 302, at 9.

⁷⁸² Sessions 1/17/18 302, at 22; Luff 1/30/18 302, at 3; *see also* Volume I, Section IV.A.4.b, *supra* (explaining that Sessions and Kislyak may have met three months before this encounter during a reception held on April 26, 2016, at the Mayflower Hotel).

⁷⁸³ Sessions 1/17/18 302, at 22.

⁷⁸⁴ Gordon 8/29/17 302, at 9-10.

⁷⁸⁵ Gordon 8/29/17 302, at 9-10.

⁷⁸⁶ Gordon 8/29/17 302, at 10; *see also* Volume I, Section IV.A.3.d, *supra* (explaining that Page acknowledged meeting Kislyak at this event).

⁷⁸⁷ Gordon 8/29/17 302, at 10.

⁷⁸⁸ Gordon 8/29/17 302, at 10.

⁷⁸⁹ Gordon 8/29/17 302, at 10.

first meeting to propose amendments.⁷⁹⁰

Although only delegates could participate in formal discussions and vote on the platform, the Trump Campaign could request changes, and members of the Trump Campaign attended committee meetings.⁷⁹¹ John Mashburn, the Campaign's policy director, helped oversee the Campaign's involvement in the platform committee meetings.⁷⁹² He told the Office that he directed Campaign staff at the Convention, including J.D. Gordon, to take a hands-off approach and only to challenge platform planks if they directly contradicted Trump's wishes.⁷⁹³

On July 11, 2016, delegate Diana Denman submitted a proposed platform amendment that included provision of armed support for Ukraine.⁷⁹⁴ The amendment described Russia's "ongoing military aggression" in Ukraine and announced "support" for "maintaining (and, if warranted, increasing) sanctions against Russia until Ukraine's sovereignty and territorial integrity are fully restored" and for "providing lethal defensive weapons to Ukraine's armed forces and greater coordination with NATO on defense planning."⁷⁹⁵ Gordon reviewed the proposed platform changes, including Denman's.⁷⁹⁶ Gordon stated that he flagged this amendment because of Trump's stated position on Ukraine, which Gordon personally heard the candidate say at the March 31 foreign policy meeting—namely, that the Europeans should take primary responsibility for any assistance to Ukraine, that there should be improved U.S.-Russia relations, and that he did not want to start World War III over that region.⁷⁹⁷ Gordon told the Office that Trump's statements on the campaign trail following the March meeting underscored those positions to the point where Gordon felt obliged to object to the proposed platform change and seek its dilution.⁷⁹⁸

On July 11, 2016, at a meeting of the National Security and Defense Platform Subcommittee, Denman offered her amendment.⁷⁹⁹ Gordon and another Campaign staffer, Matt Miller, approached a committee co-chair and asked him to table the amendment to permit further discussion.⁸⁰⁰ Gordon's concern with the amendment was the language about providing "lethal

⁷⁹⁰ Gordon 8/29/17 302, at 10; Hoff 5/26/17 302, at 1-2.

⁷⁹¹ Hoff 5/26/17 302, at 1; Gordon 9/7/17 302, at 10.

⁷⁹² Mashburn 6/25/18 302, at 4; Manafort 9/20/18 302, at 7-8.

⁷⁹³ Mashburn 6/25/18 302, at 4; Gordon 8/29/17 302, at 10.

⁷⁹⁴ DENMAN 000001-02, DENMAN 000012, DENMAN 000021-22; Denman 12/4/17 302, at 1; Denman 6/7/17 302, at 2.

⁷⁹⁵ DENMAN 000001-02, DENMAN 000012, DENMAN 000021-22.

⁷⁹⁶ Gordon 8/29/17 302, at 10-11.

⁷⁹⁷ Gordon 8/29/17 302, at 11; Gordon 9/7/17 302, at 11; Gordon 2/14/19 302, at 1-2, 5-6.

⁷⁹⁸ Gordon 2/14/19 302, at 5-6.

⁷⁹⁹ Denman 6/7/17 302, at 2; *see* DENMAN 000014.

⁸⁰⁰ Denman 6/7/17 302, at 2; Denman 12/4/17 302, at 2; Gordon 9/7/17 302, at 11-12; *see* Hoff 5/26/17 302, at 2.

defensive weapons to Ukraine.”⁸⁰¹ Miller did not have any independent basis to believe that this language contradicted Trump’s views and relied on Gordon’s recollection of the candidate’s views.⁸⁰²

According to Denman, she spoke with Gordon and Matt Miller, and they told her that they had to clear the language and that Gordon was “talking to New York.”⁸⁰³ Denman told others that she was asked by the two Trump Campaign staffers to strike “lethal defense weapons” from the proposal but that she refused.⁸⁰⁴ Denman recalled Gordon saying that he was on the phone with candidate Trump, but she was skeptical whether that was true.⁸⁰⁵ Gordon denied having told Denman that he was on the phone with Trump, although he acknowledged it was possible that he mentioned having previously spoken to the candidate about the subject matter.⁸⁰⁶ Gordon’s phone records reveal a call to Sessions’s office in Washington that afternoon, but do not include calls directly to a number associated with Trump.⁸⁰⁷ And according to the President’s written answers to the Office’s questions, he does not recall being involved in the change in language of the platform amendment.⁸⁰⁸

Gordon stated that he tried to reach Rick Dearborn, a senior foreign policy advisor, and Mashburn, the Campaign policy director. Gordon stated that he connected with both of them (he could not recall if by phone or in person) and apprised them of the language he took issue with in the proposed amendment. Gordon recalled no objection by either Dearborn or Mashburn and that all three Campaign advisors supported the alternative formulation (“appropriate assistance”).⁸⁰⁹ Dearborn recalled Gordon warning them about the amendment, but not weighing in because Gordon was more familiar with the Campaign’s foreign policy stance.⁸¹⁰ Mashburn stated that Gordon reached him, and he told Gordon that Trump had not taken a stance on the issue and that the Campaign should not intervene.⁸¹¹

When the amendment came up again in the committee’s proceedings, the subcommittee changed the amendment by striking the “lethal defense weapons” language and replacing it with

⁸⁰¹ Denman 6/7/17 302, at 3.

⁸⁰² M. Miller 10/25/17 302 at 3.

⁸⁰³ Denman 12/4/17 302, at 2; Denman 6/7/17 302, at 2.

⁸⁰⁴ Hoff 5/26/17 302, at 2.

⁸⁰⁵ Denman 6/7/17 302, at 2-3, 3-4; Denman 12/4/17 302, at 2.

⁸⁰⁶ Gordon 2/14/19 302, at 7.

⁸⁰⁷ Call Records of J.D. Gordon **Grand Jury**. Gordon stated to the Office that his calls with Sessions were unrelated to the platform change. Gordon 2/14/19 302, at 7.

⁸⁰⁸ Written Responses of Donald J. Trump (Nov. 20, 2018), at 17 (Response to Question IV, Part (f)).

⁸⁰⁹ Gordon 2/14/19 302, at 6-7; Gordon 9/7/17 302, at 11-12; *see* Gordon 8/29/17 302, at 11.

⁸¹⁰ Dearborn 11/28/17 302, at 7-8.

⁸¹¹ Mashburn 6/25/18 302, at 4.

“appropriate assistance.”⁸¹² Gordon stated that he and the subcommittee co-chair ultimately agreed to replace the language about armed assistance with “appropriate assistance.”⁸¹³ The subcommittee accordingly approved Denman’s amendment but with the term “appropriate assistance.”⁸¹⁴ Gordon stated that, to his recollection, this was the only change sought by the Campaign.⁸¹⁵ Sam Clovis, the Campaign’s national co-chair and chief policy advisor, stated he was surprised by the change and did not believe it was in line with Trump’s stance.⁸¹⁶ Mashburn stated that when he saw the word “appropriate assistance,” he believed that Gordon had violated Mashburn’s directive not to intervene.⁸¹⁷

7. Post-Convention Contacts with Kislyak

Ambassador Kislyak continued his efforts to interact with Campaign officials with responsibility for the foreign-policy portfolio—among them Sessions and Gordon—in the weeks after the Convention. The Office did not identify evidence in those interactions of coordination between the Campaign and the Russian government.

a. Ambassador Kislyak Invites J.D. Gordon to Breakfast at the Ambassador’s Residence

On August 3, 2016, an official from the Embassy of the Russian Federation in the United States wrote to Gordon “[o]n behalf of” Ambassador Kislyak inviting Gordon “to have breakfast/tea with the Ambassador at his residence” in Washington, D.C. the following week.⁸¹⁸ Gordon responded five days later to decline the invitation. He wrote, “[t]hese days are not optimal for us, as we are busily knocking down a constant stream of false media stories while also preparing for the first debate with HRC. Hope to take a raincheck for another time when things quiet down a bit. Please pass along my regards to the Ambassador.”⁸¹⁹ The investigation did not identify evidence that Gordon made any other arrangements to meet (or met) with Kislyak after this email.

b. Senator Sessions’s September 2016 Meeting with Ambassador Kislyak

Also in August 2016, a representative of the Russian Embassy contacted Sessions’s Senate office about setting up a meeting with Kislyak.⁸²⁰ At the time, Sessions was a member of the

⁸¹² Hoff 5/26/17 302, at 2-3; *see* Denman 12/4/17 302, at 2-3; Gordon 8/29/17 302, at 11.

⁸¹³ Gordon 8/29/17 302, at 11; Gordon 9/7/17 302, at 12.

⁸¹⁴ Hoff 5/26/17 302, at 2-3.

⁸¹⁵ Gordon 2/14/19 302, at 6.

⁸¹⁶ Clovis 10/3/17 302, at 10-11.

⁸¹⁷ Mashburn 6/25/18 302, at 4.

⁸¹⁸ DJTFP00004828 (8/3/16 Email, Pchelyakov [embassy@russianembassy.org] to Gordon).

⁸¹⁹ DJTFP00004953 (8/8/16 Email, Gordon to embassy@russianembassy.org).

⁸²⁰ Luff 1/30/18 302, at 5.

Senate Foreign Relations Committee and would meet with foreign officials in that capacity.⁸²¹ But Sessions's staff reported, and Sessions himself acknowledged, that meeting requests from ambassadors increased substantially in 2016, as Sessions assumed a prominent role in the Trump Campaign and his name was mentioned for potential cabinet-level positions in a future Trump Administration.⁸²²

On September 8, 2016, Sessions met with Kislyak in his Senate office.⁸²³ Sessions said that he believed he was doing the Campaign a service by meeting with foreign ambassadors, including Kislyak.⁸²⁴ He was accompanied in the meeting by at least two of his Senate staff: Sandra Luff, his legislative director; and Pete Landrum, who handled military affairs.⁸²⁵ The meeting lasted less than 30 minutes.⁸²⁶ Sessions voiced concerns about Russia's sale of a missile-defense system to Iran, Russian planes buzzing U.S. military assets in the Middle East, and Russian aggression in emerging democracies such as Ukraine and Moldova.⁸²⁷ Kislyak offered explanations on these issues and complained about NATO land forces in former Soviet-bloc countries that border Russia.⁸²⁸ Landrum recalled that Kislyak referred to the presidential campaign as "an interesting campaign,"⁸²⁹ and Sessions also recalled Kislyak saying that the Russian government was receptive to the overtures Trump had laid out during his campaign.⁸³⁰ None of the attendees, though, remembered any discussion of Russian election interference or any request that Sessions convey information from the Russian government to the Trump Campaign.⁸³¹

During the meeting, Kislyak invited Sessions to further discuss U.S.-Russia relations with him over a meal at the ambassador's residence.⁸³² Sessions was non-committal when Kislyak extended the invitation. After the meeting ended, Luff advised Sessions against accepting the one-on-one meeting with Kislyak, whom she assessed to be an "old school KGB guy."⁸³³ Neither Luff nor Landrum recalled that Sessions followed up on the invitation or made any further effort to dine

⁸²¹ Sessions 1/17/18 302, at 23-24; Luff 1/30/18 302, at 5.

⁸²² Sessions 1/17/18 302, at 23-24; Luff 1/30/18 302, at 5; Landrum 2/27/18 302, at 3-5.

⁸²³ Sessions 1/17/18 302, at 23.

⁸²⁴ Sessions 1/17/18 302, at 23.

⁸²⁵ Sessions 1/17/18 302, at 23; Luff 1/30/18 302, at 5-6; Landrum 2/27/18 302, at 4-5 (stating he could not remember if election was discussed).

⁸²⁶ Luff 1/30/18 302, at 6; Landrum 2/27/18 302, at 5.

⁸²⁷ Luff 1/30/18 302, at 6; Landrum 2/27/18 302, at 4-5.

⁸²⁸ Luff 1/30/18 302, at 6; Landrum 2/27/18 302 at 4-5.

⁸²⁹ Landrum 2/27/18 302, at 5.

⁸³⁰ Sessions 1/17/18 302, at 23. Sessions also noted that ambassadors came to him for information about Trump and hoped he would pass along information to Trump. Sessions 1/17/18 302, at 23-24.

⁸³¹ Sessions 1/17/18 302, at 23; Luff 1/30/18 302, at 6; Landrum 2/27/18 302, at 5.

⁸³² Luff 1/30/18 302, at 5; Landrum 2/27/18 302, at 4.

⁸³³ Luff 1/30/18 302, at 5.

or meet with Kislyak before the November 2016 election.⁸³⁴ Sessions and Landrum recalled that, after the election, some efforts were made to arrange a meeting between Sessions and Kislyak.⁸³⁵ According to Sessions, the request came through CNI and would have involved a meeting between Sessions and Kislyak, two other ambassadors, and the Governor of Alabama.⁸³⁶ Sessions, however, was in New York on the day of the anticipated meeting and was unable to attend.⁸³⁷ The investigation did not identify evidence that the two men met at any point after their September 8 meeting.

8. Paul Manafort

Paul Manafort served on the Trump Campaign, including a period as campaign chairman, from March to August 2016.⁸³⁸ Manafort had connections to Russia through his prior work for Russian oligarch Oleg Deripaska and later through his work for a pro-Russian regime in Ukraine. Manafort stayed in touch with these contacts during the campaign period through Konstantin Kilimnik, a longtime Manafort employee who previously ran Manafort's office in Kiev and who the FBI assesses to have ties to Russian intelligence.

Manafort instructed Rick Gates, his deputy on the Campaign and a longtime employee,⁸³⁹ to provide Kilimnik with updates on the Trump Campaign—including internal polling data, although Manafort claims not to recall that specific instruction. Manafort expected Kilimnik to share that information with others in Ukraine and with Deripaska. Gates periodically sent such polling data to Kilimnik during the campaign.

⁸³⁴ Luff 1/30/18 302, at 6; Landrum 2/27/18 302, at 4-5.

⁸³⁵ Sessions 1/17/18 302, at 23.

⁸³⁶ Sessions 1/17/18 302, at 23.

⁸³⁷ Sessions 1/17/18 302, at 23.

⁸³⁸ On August 21, 2018, Manafort was convicted in the Eastern District of Virginia on eight tax, Foreign Bank Account Registration (FBAR), and bank fraud charges. On September 14, 2018, Manafort pleaded guilty in the District of Columbia to (1) conspiracy to defraud the United States and conspiracy to commit offenses against the United States (money laundering, tax fraud, FBAR, Foreign Agents Registration Act (FARA), and FARA false statements), and (2) conspiracy to obstruct justice (witness tampering). Manafort also admitted criminal conduct with which he had been charged in the Eastern District of Virginia, but as to which the jury hung. The conduct at issue in both cases involved Manafort's work in Ukraine and the money he earned for that work, as well as crimes after the Ukraine work ended. On March 7, 2019, Manafort was sentenced to 47 months of imprisonment in the Virginia prosecution. On March 13, the district court in D.C. sentenced Manafort to a total term of 73 months: 60 months on the Count 1 conspiracy (with 30 of those months to run concurrent to the Virginia sentence), and 13 months on the Count 1 conspiracy, to be served consecutive to the other two sentences. The two sentences resulted in a total term of 90 months.

⁸³⁹ As noted in Volume I, Section III.D.1.b, *supra*, Gates pleaded guilty to two criminal charges in the District of Columbia, including making a false statement to the FBI, pursuant to a plea agreement. He has provided information and in-court testimony that the Office has deemed to be reliable. *See also* Transcript at 16, *United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. Feb. 13, 2019), Doc. 514 ("Manafort 2/13/19 Transcript") (court's explanation of reasons to credit Gates's statements in one instance).

Manafort also twice met Kilimnik in the United States during the campaign period and conveyed campaign information. The second meeting took place on August 2, 2016, in New York City. Kilimnik requested the meeting to deliver in person a message from former Ukrainian President Viktor Yanukovych, who was then living in Russia. The message was about a peace plan for Ukraine that Manafort has since acknowledged was a “backdoor” means for Russia to control eastern Ukraine. Several months later, after the presidential election, Kilimnik wrote an email to Manafort expressing the view—which Manafort later said he shared—that the plan’s success would require U.S. support to succeed: “all that is required to start the process is a very minor ‘wink’ (or slight push) from [Donald Trump].”⁸⁴⁰ The email also stated that if Manafort were designated as the U.S. representative and started the process, Yanukovych would ensure his reception in Russia “at the very top level.”

Manafort communicated with Kilimnik about peace plans for Ukraine on at least four occasions after their first discussion of the topic on August 2: December 2016 (the Kilimnik email described above); January 2017; February 2017; and again in the spring of 2018. The Office reviewed numerous Manafort email and text communications, and asked President Trump about the plan in written questions.⁸⁴¹ The investigation did not uncover evidence of Manafort’s passing along information about Ukrainian peace plans to the candidate or anyone else in the Campaign or the Administration. The Office was not, however, able to gain access to all of Manafort’s electronic communications (in some instances, messages were sent using encryption applications). And while Manafort denied that he spoke to members of the Trump Campaign or the new Administration about the peace plan, he lied to the Office and the grand jury about the peace plan and his meetings with Kilimnik, and his unreliability on this subject was among the reasons that the district judge found that he breached his cooperation agreement.⁸⁴²

The Office could not reliably determine Manafort’s purpose in sharing internal polling data with Kilimnik during the campaign period. Manafort **Grand Jury** did not see a downside to sharing campaign information, and told Gates that his role in the Campaign would

⁸⁴⁰ The email was drafted in Kilimnik’s DMP email account (in English) **Investigative Technique**

⁸⁴¹ According to the President’s written answers, he does not remember Manafort communicating to him any particular positions that Ukraine or Russia would want the United States to support. Written Responses of Donald J. Trump (Nov. 20, 2018), at 16-17 (Response to Question IV, Part (d)).

⁸⁴² Manafort made several false statements during debriefings. Based on that conduct, the Office determined that Manafort had breached his plea agreement and could not be a cooperating witness. The judge presiding in Manafort’s D.C. criminal case found by a preponderance of the evidence that Manafort intentionally made multiple false statements to the FBI, the Office, and the grand jury concerning his interactions and communications with Kilimnik (and concerning two other issues). Although the report refers at times to Manafort’s statements, it does so only when those statements are sufficiently corroborated to be trustworthy, to identify issues on which Manafort’s untruthful responses may themselves be of evidentiary value, or to provide Manafort’s explanations for certain events, even when we were unable to determine whether that explanation was credible.

be “good for business” and potentially a way to be made whole for work he previously completed in the Ukraine. As to Deripaska, Manafort claimed that by sharing campaign information with him, Deripaska might see value in their relationship and resolve a “disagreement”—a reference to one or more outstanding lawsuits. Because of questions about Manafort’s credibility and our limited ability to gather evidence on what happened to the polling data after it was sent to Kilimnik, the Office could not assess what Kilimnik (or others he may have given it to) did with it. The Office did not identify evidence of a connection between Manafort’s sharing polling data and Russia’s interference in the election, which had already been reported by U.S. media outlets at the time of the August 2 meeting. The investigation did not establish that Manafort otherwise coordinated with the Russian government on its election-interference efforts.

a. Paul Manafort’s Ties to Russia and Ukraine

Manafort’s Russian contacts during the campaign and transition periods stem from his consulting work for Deripaska from approximately 2005 to 2009 and his separate political consulting work in Ukraine from 2005 to 2015, including through his company DMP International LLC (DMI). Kilimnik worked for Manafort in Kiev during this entire period and continued to communicate with Manafort through at least June 2018. Kilimnik, who speaks and writes Ukrainian and Russian, facilitated many of Manafort’s communications with Deripaska and Ukrainian oligarchs.

i. Oleg Deripaska Consulting Work

In approximately 2005, Manafort began working for Deripaska, a Russian oligarch who has a global empire involving aluminum and power companies and who is closely aligned with Vladimir Putin.⁸⁴³ A memorandum describing work that Manafort performed for Deripaska in 2005 regarding the post-Soviet republics referenced the need to brief the Kremlin and the benefits that the work could confer on “the Putin Government.”⁸⁴⁴ Gates described the work Manafort did for Deripaska as “political risk insurance,” and explained that Deripaska used Manafort to install friendly political officials in countries where Deripaska had business interests.⁸⁴⁵ Manafort’s company earned tens of millions of dollars from its work for Deripaska and was loaned millions of dollars by Deripaska as well.⁸⁴⁶

In 2007, Deripaska invested through another entity in Pericles Emerging Market Partners L.P. (“Pericles”), an investment fund created by Manafort and former Manafort business partner Richard Davis. The Pericles fund was established to pursue investments in Eastern Europe.⁸⁴⁷ Deripaska was the sole investor.⁸⁴⁸ Gates stated in interviews with the Office that the venture led

⁸⁴³ Pinchuk et al., *Russian Tycoon Deripaska in Putin Delegation to China*, Reuters (June 8, 2018).

⁸⁴⁴ 6/23/05 Memo, Manafort & Davis to Deripaska & Rothchild.

⁸⁴⁵ Gates 2/2/18 302, at 7.

⁸⁴⁶ Manafort 9/20/18 302, at 2-5; Manafort Income by Year, 2005 – 2015; Manafort Loans from Wire Transfers, 2005 – 2015.

⁸⁴⁷ Gates 3/12/18 302, at 5.

⁸⁴⁸ Manafort 12/16/15 Dep., at 157:8-11.

to a deterioration of the relationship between Manafort and Deripaska.⁸⁴⁹ In particular, when the fund failed, litigation between Manafort and Deripaska ensued. Gates stated that, by 2009, Manafort's business relationship with Deripaska had "dried up."⁸⁵⁰ According to Gates, various interactions with Deripaska and his intermediaries over the past few years have involved trying to resolve the legal dispute.⁸⁵¹ As described below, in 2016, Manafort, Gates, Kilimnik, and others engaged in efforts to revive the Deripaska relationship and resolve the litigation.

ii. Political Consulting Work

Through Deripaska, Manafort was introduced to Rinat Akhmetov, a Ukrainian oligarch who hired Manafort as a political consultant.⁸⁵² In 2005, Akhmetov hired Manafort to engage in political work supporting the Party of Regions,⁸⁵³ a political party in Ukraine that was generally understood to align with Russia. Manafort assisted the Party of Regions in regaining power, and its candidate, Viktor Yanukovych, won the presidency in 2010. Manafort became a close and trusted political advisor to Yanukovych during his time as President of Ukraine. Yanukovych served in that role until 2014, when he fled to Russia amidst popular protests.⁸⁵⁴

iii. Konstantin Kilimnik

Kilimnik is a Russian national who has lived in both Russia and Ukraine and was a longtime Manafort employee.⁸⁵⁵ Kilimnik had direct and close access to Yanukovych and his senior entourage, and he facilitated communications between Manafort and his clients, including Yanukovych and multiple Ukrainian oligarchs.⁸⁵⁶ Kilimnik also maintained a relationship with Deripaska's deputy, Viktor Boyarkin,⁸⁵⁷ a Russian national who previously served in the defense attaché office of the Russian Embassy to the United States.⁸⁵⁸

⁸⁴⁹ Gates 2/2/18 302, at 9.

⁸⁵⁰ Gates 2/2/18 302, at 6.

⁸⁵¹ Gates 2/2/18 302, at 9-10.

⁸⁵² Manafort 7/30/14 302, at 1; Manafort 9/20/18 302, at 2.

⁸⁵³ Manafort 9/11/18 302, at 5-6.

⁸⁵⁴ Gates 3/16/18 302, at 1; Davis 2/8/18 302, at 9; Devine 7/6/18 302, at 2-3.

⁸⁵⁵ Patten 5/22/18 302, at 5; Gates 1/29/18 302, at 18-19; 10/28/97 Kilimnik Visa Record, U.S. Department of State.

⁸⁵⁶ Gates 1/29/18 302, at 18-19; Patten 5/22/18 302, at 8; Gates 1/31/18 302, at 4-5; Gates 1/30/18 302, at 2; Gates 2/2/18 302, at 11.

⁸⁵⁷ Gates 1/29/18 302, at 18; Patten 5/22/18 302, at 8.

⁸⁵⁸ Boyarkin Visa Record, U.S. Department of State.

Manafort told the Office that he did not believe Kilimnik was working as a Russian “spy.”⁸⁵⁹ The FBI, however, assesses that Kilimnik has ties to Russian intelligence.⁸⁶⁰ Several pieces of the Office’s evidence—including witness interviews and emails obtained through court-authorized search warrants—support that assessment:

- Kilimnik was born on April 27, 1970, in Dnipropetrovsk Oblast, then of the Soviet Union, and attended the Military Institute of the Ministry of Defense from 1987 until 1992.⁸⁶¹ Sam Patten, a business partner to Kilimnik,⁸⁶² stated that Kilimnik told him that he was a translator in the Russian army for seven years and that he later worked in the Russian armament industry selling arms and military equipment.⁸⁶³
- U.S. government visa records reveal that Kilimnik obtained a visa to travel to the United States with a Russian diplomatic passport in 1997.⁸⁶⁴
- Kilimnik worked for the International Republican Institute’s (IRI) Moscow office, where he did translation work and general office management from 1998 to 2005.⁸⁶⁵ While another official recalled the incident differently,⁸⁶⁶ one former associate of Kilimnik’s at IRI told the FBI that Kilimnik was fired from his post because his links to Russian intelligence were too strong. The same individual stated that it was well known at IRI that Kilimnik had links to the Russian government.⁸⁶⁷
- Jonathan Hawker, a British national who was a public relations consultant at FTI Consulting, worked with DMI on a public relations campaign for Yanukovych. After Hawker’s work for DMI ended, Kilimnik contacted Hawker about working for a Russian

⁸⁵⁹ Manafort 9/11/18 302, at 5.

⁸⁶⁰ The Office has noted Kilimnik’s assessed ties to Russian intelligence in public court filings. *E.g.*, Gov’t Opp. to Mot. to Modify, *United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. Dec. 4, 2017), Doc. 73, at 2 (“*Manafort* (D.D.C.) Gov’t Opp. to Mot. to Modify”).

⁸⁶¹ 12/17/16 Kilimnik Visa Record, U.S. Department of State.

⁸⁶² In August 2018, Patten pleaded guilty pursuant to a plea agreement to violating the Foreign Agents Registration Act, and admitted in his Statement of Offense that he also misled and withheld documents from the Senate Select Committee on Intelligence in the course of its investigation of Russian election interference. Plea Agreement, *United States v. W. Samuel Patten*, 1:18-cr-260 (D.D.C. Aug. 31, 2018), Doc. 6; Statement of Offense, *United States v. W. Samuel Patten*, 1:18-cr-260 (D.D.C. Aug. 31, 2018), Doc. 7.

⁸⁶³ Patten 5/22/18 302, at 5-6.

⁸⁶⁴ 10/28/97 Kilimnik Visa Record, U.S. Department of State.

⁸⁶⁵ Nix 3/30/18 302, at 1-2.

⁸⁶⁶ Nix 3/30/18 302, at 2.

⁸⁶⁷ Lenzi 1/30/18 302, at 2.

government entity on a public-relations project that would promote, in Western and Ukrainian media, Russia's position on its 2014 invasion of Crimea.⁸⁶⁸

- Gates suspected that Kilimnik was a "spy," a view that he shared with Manafort, Hawker, and Alexander van der Zwaan,⁸⁶⁹ an attorney who had worked with DMI on a report for the Ukrainian Ministry of Foreign Affairs.⁸⁷⁰

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b. Contacts during Paul Manafort's Time with the Trump Campaign

i. Paul Manafort Joins the Campaign

Manafort served on the Trump Campaign from late March to August 19, 2016. On March 29, 2016, the Campaign announced that Manafort would serve as the Campaign's "Convention Manager."⁸⁷¹ On May 19, 2016, Manafort was promoted to campaign chairman and chief strategist, and Gates, who had been assisting Manafort on the Campaign, was appointed deputy campaign chairman.⁸⁷²

Thomas Barrack and Roger Stone both recommended Manafort to candidate Trump.⁸⁷³ In early 2016, at Manafort's request, Barrack suggested to Trump that Manafort join the Campaign to manage the Republican Convention.⁸⁷⁴ Stone had worked with Manafort from approximately 1980 until the mid-1990s through various consulting and lobbying firms. Manafort met Trump in 1982 when Trump hired the Black, Manafort, Stone and Kelly lobbying firm.⁸⁷⁵ Over the years, Manafort saw Trump at political and social events in New York City and at Stone's wedding, and Trump requested VIP status at the 1988 and 1996 Republican conventions worked by Manafort.⁸⁷⁶

⁸⁶⁸ Hawker 1/9/18 302, at 13; 3/18/14 Email, Hawker & Tulukbaev.

⁸⁶⁹ van der Zwaan pleaded guilty in the U.S. District Court for the District of Columbia to making false statements to the Special Counsel's Office. Plea Agreement, *United States v. Alex van der Zwaan*, 1:18-cr-31 (D.D.C. Feb. 20, 2018), Doc. 8.

⁸⁷⁰ Hawker 6/9/18 302, at 4; van der Zwaan 11/3/17 302, at 22. Manafort said in an interview that Gates had joked with Kilimnik about Kilimnik's going to meet with his KGB handler. Manafort 10/16/18 302, at 7.

⁸⁷¹ Press Release – Donald J. Trump Announces Campaign Convention Manager Paul J. Manafort, The American Presidency Project – U.C. Santa Barbara (Mar. 29, 2016).

⁸⁷² Gates 1/29/18 302, at 8; Meghan Keneally, *Timeline of Manafort's role in the Trump Campaign*, ABC News (Oct. 20, 2017).

⁸⁷³ Gates 1/29/18 302, at 7-8; Manafort 9/11/18 302, at 1-2; Barrack 12/12/17 302, at 3.

⁸⁷⁴ Barrack 12/12/17 302, at 3; Gates 1/29/18 302, at 7-8.

⁸⁷⁵ Manafort 10/16/18 302, at 6.

⁸⁷⁶ Manafort 10/16/18 302, at 6.

According to Gates, in March 2016, Manafort traveled to Trump's Mar-a-Lago estate in Florida to meet with Trump. Trump hired him at that time.⁸⁷⁷ Manafort agreed to work on the Campaign without pay. Manafort had no meaningful income at this point in time, but resuscitating his domestic political campaign career could be financially beneficial in the future. Gates reported that Manafort intended, if Trump won the Presidency, to remain outside the Administration and monetize his relationship with the Administration.⁸⁷⁸

ii. Paul Manafort's Campaign-Period Contacts

Immediately upon joining the Campaign, Manafort directed Gates to prepare for his review separate memoranda addressed to Deripaska, Akhmetov, Serhiy Lyovochkin, and Boris Kolesnikov,⁸⁷⁹ the last three being Ukrainian oligarchs who were senior Opposition Bloc officials.⁸⁸⁰ The memoranda described Manafort's appointment to the Trump Campaign and indicated his willingness to consult on Ukrainian politics in the future. On March 30, 2016, Gates emailed the memoranda and a press release announcing Manafort's appointment to Kilimnik for translation and dissemination.⁸⁸¹ Manafort later followed up with Kilimnik to ensure his messages had been delivered, emailing on April 11, 2016 to ask whether Kilimnik had shown "our friends" the media coverage of his new role.⁸⁸² Kilimnik replied, "Absolutely. Every article." Manafort further asked: "How do we use to get whole. Has Ovd [Oleg Vladimirovich Deripaska] operation seen?" Kilimnik wrote back the same day, "Yes, I have been sending everything to Victor [Boyarkin, Deripaska's deputy], who has been forwarding the coverage directly to OVD."⁸⁸³

Gates reported that Manafort said that being hired on the Campaign would be "good for business" and increase the likelihood that Manafort would be paid the approximately \$2 million he was owed for previous political consulting work in Ukraine.⁸⁸⁴ Gates also explained to the Office that Manafort thought his role on the Campaign could help "confirm" that Deripaska had dropped the Pericles lawsuit, and that Gates believed Manafort sent polling data to Deripaska (as

⁸⁷⁷ Gates 2/2/18 302, at 10.

⁸⁷⁸ Gates 1/30/18 302, at 4.

⁸⁷⁹ Gates 2/2/18 302, at 11.

⁸⁸⁰ See Sharon LaFraniere, Manafort's Trial Isn't About Russia, but It Will Be in the Air, *New York Times* (July 30, 2018); Tierney Sneed, *Prosecutors Believe Manafort Made \$60 Million Consulting in Ukraine*, Talking Points Memo (July 30, 2018); Mykola Vorobiov, *How Pro-Russian Forces Will Take Revenge on Ukraine*, Atlantic Council (Sept. 23, 2018); Sergii Leshchenko, *Ukraine's Oligarchs Are Still Calling the Shots*, Foreign Policy (Aug. 14, 2014); Interfax-Ukraine, *Kolesnikov: Inevitability of Punishment Needed for Real Fight Against Smuggling in Ukraine*, Kyiv Post (June 23, 2018); Igor Kossov, *Kyiv Hotel Industry Makes Room for New Entrants*, Kyiv Post (Mar. 7, 2019); Markian Kuzmowycz, *How the Kremlin Can Win Ukraine's Elections*, Atlantic Council (Nov. 19, 2018). The Opposition Bloc is a Ukraine political party that largely reconstituted the Party of Regions.

⁸⁸¹ 3/30/16 Email, Gates to Kilimnik.

⁸⁸² 4/11/16 Email, Manafort & Kilimnik.

⁸⁸³ 4/11/16 Email, Manafort & Kilimnik.

⁸⁸⁴ Gates 2/2/18 302, at 10.

discussed further below) so that Deripaska would not move forward with his lawsuit against Manafort.⁸⁸⁵ Gates further stated that Deripaska wanted a visa to the United States, that Deripaska could believe that having Manafort in a position inside the Campaign or Administration might be helpful to Deripaska, and that Manafort's relationship with Trump could help Deripaska in other ways as well.⁸⁸⁶ Gates stated, however, that Manafort never told him anything specific about what, if anything, Manafort might be offering Deripaska.⁸⁸⁷

Gates also reported that Manafort instructed him in April 2016 or early May 2016 to send Kilimnik Campaign internal polling data and other updates so that Kilimnik, in turn, could share it with Ukrainian oligarchs.⁸⁸⁸ Gates understood that the information would also be shared with Deripaska. **Grand Jury** [REDACTED].⁸⁸⁹ Gates reported to the Office that he did not know why Manafort wanted him to send polling information, but Gates thought it was a way to showcase Manafort's work, and Manafort wanted to open doors to jobs after the Trump Campaign ended.⁸⁹⁰ Gates said that Manafort's instruction included sending internal polling data prepared for the Trump Campaign by pollster Tony Fabrizio.⁸⁹¹ Fabrizio had worked with Manafort for years and was brought into the Campaign by Manafort. Gates stated that, in accordance with Manafort's instruction, he periodically sent Kilimnik polling data via WhatsApp; Gates then deleted the communications on a daily basis.⁸⁹² Gates further told the Office that, after Manafort left the Campaign in mid-August, Gates sent Kilimnik polling data less frequently and that the data he sent was more publicly available information and less internal data.⁸⁹³

Gates's account about polling data is consistent **Grand Jury** [REDACTED] ⁹⁴ [REDACTED] with multiple emails that Kilimnik sent to U.S. associates and press contacts between late July and mid-August of 2016. Those emails referenced "internal polling," described the status of the Trump Campaign and

⁸⁸⁵ Gates 2/2/18 302, at 11; Gates 9/27/18 302 (serial 740), at 2.

⁸⁸⁶ Gates 2/2/18 302, at 12.

⁸⁸⁷ Gates 2/2/18 302, at 12.

⁸⁸⁸ Gates 1/31/18 302, at 17; Gates 9/27/18 302 (serial 740), at 2. In a later interview with the Office, Gates stated that Manafort directed him to send polling data to Kilimnik after a May 7, 2016 meeting between Manafort and Kilimnik in New York, discussed in Volume I, Section IV.A.8.b.iii, *infra*. Gates 11/7/18 302, at 3.

⁸⁸⁹ Gates 9/27/18 302, Part II, at 2; **Grand Jury** [REDACTED].

⁸⁹⁰ Gates 2/12/18 302, at 10; Gates 1/31/18 302, at 17.

⁸⁹¹ Gates 9/27/18 302 (serial 740), at 2; Gates 2/7/18 302, at 15.

⁸⁹² Gates 1/31/18 302, at 17.

⁸⁹³ Gates 2/12/18 302, at 11-12. According to Gates, his access to internal polling data was more limited because Fabrizio was himself distanced from the Campaign at that point.

⁸⁹⁴ **Grand Jury** [REDACTED]

Manafort's role in it, and assessed Trump's prospects for victory.⁸⁹⁵ Manafort did not acknowledge instructing Gates to send Kilimnik internal data, **Grand Jury**

⁸⁹⁶

The Office also obtained contemporaneous emails that shed light on the purpose of the communications with Deripaska and that are consistent with Gates's account. For example, in response to a July 7, 2016, email from a Ukrainian reporter about Manafort's failed Deripaska-backed investment, Manafort asked Kilimnik whether there had been any movement on "this issue with our friend."⁸⁹⁷ Gates stated that "our friend" likely referred to Deripaska,⁸⁹⁸ and Manafort told the Office that the "issue" (and "our biggest interest," as stated below) was a solution to the Deripaska-Pericles issue.⁸⁹⁹ Kilimnik replied:

I am carefully optimistic on the question of our biggest interest.

Our friend [Boyarkin] said there is lately significantly more attention to the campaign in his boss' [Deripaska's] mind, and he will be most likely looking for ways to reach out to you pretty soon, understanding all the time sensitivity. I am more than sure that it will be resolved and we will get back to the original relationship with V.'s boss [Deripaska].⁹⁰⁰

Eight minutes later, Manafort replied that Kilimnik should tell Boyarkin's "boss," a reference to Deripaska, "that if he needs private briefings we can accommodate."⁹⁰¹ Manafort has alleged to the Office that he was willing to brief Deripaska only on public campaign matters and gave an example: why Trump selected Mike Pence as the Vice-Presidential running mate.⁹⁰² Manafort said he never gave Deripaska a briefing.⁹⁰³ Manafort noted that if Trump won, Deripaska would want to use Manafort to advance whatever interests Deripaska had in the United States and elsewhere.⁹⁰⁴

⁸⁹⁵ 8/18/16 Email, Kilimnik to Dirkse; 8/18/16 Email, Kilimnik to Schultz; 8/18/16 Email, Kilimnik to Marson; 7/27/16 Email, Kilimnik to Ash; 8/18/16 Email, Kilimnik to Ash; 8/18/16 Email, Kilimnik to Jackson; 8/18/16 Email, Kilimnik to Mendoza-Wilson; 8/19/16 Email, Kilimnik to Patten.

⁸⁹⁶ **Grand Jury**

⁸⁹⁷ 7/7/16 Email, Manafort to Kilimnik.

⁸⁹⁸ Gates 2/2/18 302, at 13.

⁸⁹⁹ Manafort 9/11/18 302, at 6.

⁹⁰⁰ 7/8/16 Email, Kilimnik to Manafort.

⁹⁰¹ 7/8/16 Email, Kilimnik to Manafort; Gates 2/2/18 302, at 13.

⁹⁰² Manafort 9/11/18 302, at 6.

⁹⁰³ Manafort 9/11/18 302, at 6.

⁹⁰⁴ Manafort 9/11/18 302, at 6.

iii. Paul Manafort's Two Campaign-Period Meetings with Konstantin Kilimnik in the United States

Manafort twice met with Kilimnik in person during the campaign period—once in May and again in August 2016. The first meeting took place on May 7, 2016, in New York City.⁹⁰⁵ In the days leading to the meeting, Kilimnik had been working to gather information about the political situation in Ukraine. That included information gleaned from a trip that former Party of Regions official Yuriy Boyko had recently taken to Moscow—a trip that likely included meetings between Boyko and high-ranking Russian officials.⁹⁰⁶ Kilimnik then traveled to Washington, D.C. on or about May 5, 2016; while in Washington, Kilimnik had pre-arranged meetings with State Department employees.⁹⁰⁷

Late on the evening of May 6, Gates arranged for Kilimnik to take a 3:00 a.m. train to meet Manafort in New York for breakfast on May 7.⁹⁰⁸ According to Manafort, during the meeting, he and Kilimnik talked about events in Ukraine, and Manafort briefed Kilimnik on the Trump Campaign, expecting Kilimnik to pass the information back to individuals in Ukraine and elsewhere.⁹⁰⁹ Manafort stated that Opposition Bloc members recognized Manafort's position on the Campaign was an opportunity, but Kilimnik did not ask for anything.⁹¹⁰ Kilimnik spoke about a plan of Boyko to boost election participation in the eastern zone of Ukraine, which was the base for the Opposition Bloc.⁹¹¹ Kilimnik returned to Washington, D.C. right after the meeting with Manafort.

Manafort met with Kilimnik a second time at the Grand Havana Club in New York City on the evening of August 2, 2016. The events leading to the meeting are as follows. On July 28, 2016, Kilimnik flew from Kiev to Moscow.⁹¹² The next day, Kilimnik wrote to Manafort requesting that they meet, using coded language about a conversation he had that day.⁹¹³ In an email with a subject line "Black Caviar," Kilimnik wrote:

I met today with the guy who gave you your biggest black caviar jar several years ago. We spent about 5 hours talking about his story, and I have several important messages from him to you. He asked me to go and brief you on our conversation. I said I have to run it by you first, but in principle I am prepared to do it. . . . It has to do about the future of his

⁹⁰⁵ **Investigative Technique**

⁹⁰⁶ 4/26/16 Email, Kilimnik to Purcell, at 2; Gates 2/2/18 302, at 12; Patten 5/22/18 302, at 6-7; Gates 11/7/18 302, at 3.

⁹⁰⁷ 5/7/16 Email, Kilimnik to Charap & Kimmage; 5/7/16 Email, Kananof to Kilimnik.

⁹⁰⁸ 5/6/16 Email, Manafort to Gates; 5/6/16 Email, Gates to Kilimnik.

⁹⁰⁹ Manafort 10/11/18 302, at 1.

⁹¹⁰ Manafort 10/11/18 302, at 1.

⁹¹¹ Manafort 10/11/18 302, at 1.

⁹¹² 7/25/16 Email, Kilimnik to katrin@yana.kiev.ua (2:17:34 a.m.).

⁹¹³ 7/29/16 Email, Kilimnik to Manafort (10:51 a.m.).

country, and is quite interesting.⁹¹⁴

Manafort identified “the guy who gave you your biggest black caviar jar” as Yanukovych. He explained that, in 2010, he and Yanukovych had lunch to celebrate the recent presidential election. Yanukovych gave Manafort a large jar of black caviar that was worth approximately \$30,000 to \$40,000.⁹¹⁵ Manafort’s identification of Yanukovych as “the guy who gave you your biggest black caviar jar” is consistent with Kilimnik being in Moscow—where Yanukovych resided—when Kilimnik wrote “I met today with the guy,” and with a December 2016 email in which Kilimnik referred to Yanukovych as “BG,” **Grand Jury**.⁹¹⁶ Manafort replied to Kilimnik’s July 29 email, “Tuesday [August 2] is best . . . Tues or weds in NYC.”⁹¹⁷

Three days later, on July 31, 2016, Kilimnik flew back to Kiev from Moscow, and on that same day, wrote to Manafort that he needed “about 2 hours” for their meeting “because it is a long caviar story to tell.”⁹¹⁸ Kilimnik wrote that he would arrive at JFK on August 2 at 7:30 p.m., and he and Manafort agreed to a late dinner that night.⁹¹⁹ Documentary evidence—including flight, phone, and hotel records, and the timing of text messages exchanged⁹²⁰—confirms the dinner took place as planned on August 2.⁹²¹

As to the contents of the meeting itself, the accounts of Manafort and Gates—who arrived late to the dinner—differ in certain respects. But their versions of events, when assessed alongside available documentary evidence and what Kilimnik told business associate Sam Patten, indicate that at least three principal topics were discussed.

First, Manafort and Kilimnik discussed a plan to resolve the ongoing political problems in Ukraine by creating an autonomous republic in its more industrialized eastern region of Donbas,⁹²²

⁹¹⁴ 7/29/16 Email, Kilimnik to Manafort (10:51 a.m.).

⁹¹⁵ Manafort 9/12/18 302, at 3.

⁹¹⁶ 7/29/16 Email, Manafort to Kilimnik; **Investigative Technique**; **Grand Jury**

⁹¹⁷ 7/29/16 Email, Manafort to Kilimnik.

⁹¹⁸ 7/31/16 Email, Manafort to Kilimnik.

⁹¹⁹ 7/31/16 Email, Manafort to Kilimnik.

⁹²⁰ Kilimnik 8/2/16 CBP Record; Call Records of Konstantin Kilimnik **Grand Jury**; Call Records of Rick Gates **Grand Jury**; 8/2-3/16, Kilimnik Park Lane Hotel Receipt.

⁹²¹ Deripaska’s private plane also flew to Teterboro Airport in New Jersey on the evening of August 2, 2016. According to Customs and Border Protection records, the only passengers on the plane were Deripaska’s wife, daughter, mother, and father-in-law, and separate records obtained by our Office confirm that Kilimnik flew on a commercial flight to New York.

⁹²² The Luhansk and Donetsk People’s Republics, which are located in the Donbas region of Ukraine, declared themselves independent in response to the popular unrest in 2014 that removed President Yanukovych from power. Pro-Russian Ukrainian militia forces, with backing from the Russian military, have occupied the region since 2014. Under the Yanukovych-backed plan, Russia would assist in withdrawing the military, and Donbas would become an autonomous region within Ukraine with its own

and having Yanukovych, the Ukrainian President ousted in 2014, elected to head that republic.⁹²³ That plan, Manafort later acknowledged, constituted a “backdoor” means for Russia to control eastern Ukraine.⁹²⁴ Manafort initially said that, if he had not cut off the discussion, Kilimnik would have asked Manafort in the August 2 meeting to convince Trump to come out in favor of the peace plan, and Yanukovych would have expected Manafort to use his connections in Europe and Ukraine to support the plan.⁹²⁵ Manafort also initially told the Office that he had said to Kilimnik that the plan was crazy, that the discussion ended, and that he did not recall Kilimnik asking Manafort to reconsider the plan after their August 2 meeting.⁹²⁶ Manafort said **Grand Jury**

Grand Jury that he reacted negatively to Yanukovych sending—years later—an “urgent” request when Yanukovych needed him.⁹²⁷ When confronted with an email written by Kilimnik on or about December 8, 2016, however, Manafort acknowledged Kilimnik raised the peace plan again in that email.⁹²⁸ Manafort ultimately acknowledged Kilimnik also raised the peace plan in January and February 2017 meetings with Manafort. **Grand Jury**

Second, Manafort briefed Kilimnik on the state of the Trump Campaign and Manafort’s plan to win the election.⁹³⁰ That briefing encompassed the Campaign’s messaging and its internal polling data. According to Gates, it also included discussion of “battleground” states, which Manafort identified as Michigan, Wisconsin, Pennsylvania, and Minnesota.⁹³¹ Manafort did not refer explicitly to “battleground” states in his telling of the August 2 discussion. **Grand Jury**

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prime minister. The plan emphasized that Yanukovych would be an ideal candidate to bring peace to the region as prime minister of the republic, and facilitate the reintegration of the region into Ukraine with the support of the U.S. and Russian presidents. As noted above, according to **GJ** the written documentation describing the plan, for the plan to work, both U.S. and Russian support were necessary. **Grand Jury** 2/21/18 Email, Manafort, Ward, & Fabrizio, at 3-5.

⁹²³ Manafort 9/11/18 302, at 4; **Grand Jury**

⁹²⁴ **Grand Jury**

⁹²⁵ Manafort 9/11/18 302, at 4.

⁹²⁶ Manafort 9/12/18 302, at 4.

⁹²⁷ **Grand Jury** Manafort 9/11/18 302, at 5; Manafort 9/12/18 302, at 4.

⁹²⁸ Manafort 9/12/18 302, at 4; **Investigative Technique**

⁹²⁹ **Grand Jury** Documentary evidence confirms the peace-plan discussions in 2018. 2/19/18 Email, Fabrizio to Ward (forwarding email from Manafort); 2/21/18 Email, Manafort to Ward & Fabrizio.

⁹³⁰ Manafort 9/11/18 302, at 5.

⁹³¹ Gates 1/30/18 302, at 3, 5.

⁹³² **Grand Jury**

Third, according to Gates and what Kilimnik told Patten, Manafort and Kilimnik discussed two sets of financial disputes related to Manafort's previous work in the region. Those consisted of the unresolved Deripaska lawsuit and the funds that the Opposition Bloc owed to Manafort for his political consulting work and how Manafort might be able to obtain payment.⁹³³

After the meeting, Gates and Manafort both stated that they left separately from Kilimnik because they knew the media was tracking Manafort and wanted to avoid media reporting on his connections to Kilimnik.⁹³⁴

c. Post-Resignation Activities

Manafort resigned from the Trump Campaign in mid-August 2016, approximately two weeks after his second meeting with Kilimnik, amidst negative media reporting about his political consulting work for the pro-Russian Party of Regions in Ukraine. Despite his resignation, Manafort continued to offer advice to various Campaign officials through the November election. Manafort told Gates that he still spoke with Kushner, Bannon, and candidate Trump,⁹³⁵ and some of those post-resignation contacts are documented in emails. For example, on October 21, 2016, Manafort sent Kushner an email and attached a strategy memorandum proposing that the Campaign make the case against Clinton "as the failed and corrupt champion of the establishment" and that "Wikileaks provides the Trump campaign the ability to make the case in a very credible way – by using the words of Clinton, its campaign officials and DNC members."⁹³⁶ Later, in a November 5, 2016 email to Kushner entitled "Securing the Victory," Manafort stated that he was "really feeling good about our prospects on Tuesday and focusing on preserving the victory," and that he was concerned the Clinton Campaign would respond to a loss by "mov[ing] immediately to discredit the [Trump] victory and claim voter fraud and cyber-fraud, including the claim that the Russians have hacked into the voting machines and tampered with the results."⁹³⁷

Trump was elected President on November 8, 2016. Manafort told the Office that, in the wake of Trump's victory, he was not interested in an Administration job. Manafort instead preferred to stay on the "outside," and monetize his campaign position to generate business given his familiarity and relationship with Trump and the incoming Administration.⁹³⁸ Manafort appeared to follow that plan, as he traveled to the Middle East, Cuba, South Korea, Japan, and China and was paid to explain what a Trump presidency would entail.⁹³⁹

Manafort's activities in early 2017 included meetings relating to Ukraine and Russia. The

⁹³³ Gates 1/30/18 302, at 2-4; Patten 5/22/18 302, at 7.

⁹³⁴ Gates 1/30/18 302, at 5; Manafort 9/11/18 302, at 5.

⁹³⁵ Gates 2/12/18 302, at 12.

⁹³⁶ NOSC00021517-20 (10/21/16 Email, Manafort to Kushner).

⁹³⁷ NOSC00021573-75 (11/5/16 Email, Manafort to Kushner).

⁹³⁸ Manafort 9/12/18 302, at 1, 4-5; Gates 1/30/18 302, at 4.

⁹³⁹ Manafort 9/12/18 302, at 1.

first meeting, which took place in Madrid, Spain in January 2017, was with Georgiy Oganov. Oganov, who had previously worked at the Russian Embassy in the United States, was a senior executive at a Deripaska company and was believed to report directly to Deripaska.⁹⁴⁰ Manafort initially denied attending the meeting. When he later acknowledged it, he claimed that the meeting had been arranged by his lawyers and concerned only the Pericles lawsuit.⁹⁴¹ Other evidence, however, provides reason to doubt Manafort's statement that the sole topic of the meeting was the Pericles lawsuit. In particular, text messages to Manafort from a number associated with Kilimnik suggest that Kilimnik and Boyarkin—not Manafort's counsel—had arranged the meeting between Manafort and Oganov.⁹⁴² Kilimnik's message states that the meeting was supposed to be "not about money or Pericles" but instead "about recreating [the] old friendship"—ostensibly between Manafort and Deripaska—"and talking about global politics."⁹⁴³ Manafort also replied by text that he "need[s] this finished before Jan. 20,"⁹⁴⁴ which appears to be a reference to resolving Pericles before the inauguration.

On January 15, 2017, three days after his return from Madrid, Manafort emailed K.T. McFarland, who was at that time designated to be Deputy National Security Advisor and was formally appointed to that position on January 20, 2017.⁹⁴⁵ Manafort's January 15 email to McFarland stated: "I have some important information I want to share that I picked up on my travels over the last month."⁹⁴⁶ Manafort told the Office that the email referred to an issue regarding Cuba, not Russia or Ukraine, and Manafort had traveled to Cuba in the past month.⁹⁴⁷ Either way, McFarland—who was advised by Flynn not to respond to the Manafort inquiry—appears not to have responded to Manafort.⁹⁴⁸

Manafort told the Office that around the time of the Presidential Inauguration in January, he met with Kilimnik and Ukrainian oligarch Serhiy Lyovochkin at the Westin Hotel in Alexandria, Virginia.⁹⁴⁹ During this meeting, Kilimnik again discussed the Yanukovych peace plan that he had broached at the August 2 meeting and in a detailed December 8, 2016 message found in Kilimnik's DMP email account.⁹⁵⁰ In that December 8 email, which Manafort

⁹⁴⁰ Kalashnikova 5/17/18 302, at 4; Gary Lee, *Soviet Embassy's Identity Crisis*, Washington Post (Dec. 20, 1991); *Georgy S. Oganov Executive Profile & Biography*, Bloomberg (Mar. 12, 2019).

⁹⁴¹ Manafort 9/11/18 302, at 7.

⁹⁴² Text Message, Manafort & Kilimnik.

⁹⁴³ Text Message, Manafort & Kilimnik; Manafort 9/12/18 302, at 5.

⁹⁴⁴ Text Message, Manafort & Kilimnik.

⁹⁴⁵ 1/15/17 Email, Manafort, McFarland, & Flynn.

⁹⁴⁶ 1/15/17 Email, Manafort, McFarland, & Flynn.

⁹⁴⁷ Manafort 9/11/18 302, at 7.

⁹⁴⁸ 1/15/17 Email, Manafort, McFarland, & Flynn; McFarland 12/22/17 302, at 18-19.

⁹⁴⁹ **Grand Jury** Manafort 9/11/18 302, at 7; Manafort 9/21/18 302, at 3; 1/19/17 & 1/22/17 Kilimnik CBP Records, Jan. 19 and 22, 2017; 2016-17 Text Messages, Kilimnik & Patten, at 1-2.

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acknowledged having read,⁹⁵¹ Kilimnik wrote, “[a]ll that is required to start the process is a very minor ‘wink’ (or slight push) from DT”—an apparent reference to President-elect Trump—“and a decision to authorize you to be a ‘special representative’ and manage this process.” Kilimnik assured Manafort, with that authority, he “could start the process and within 10 days visit Russia [Yanukovych] guarantees your reception at the very top level,” and that “DT could have peace in Ukraine basically within a few months after inauguration.”⁹⁵²

As noted above, **Grand Jury** and statements to the Office, Manafort sought to qualify his engagement on and support for the plan. **Grand Jury**

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54 Grand Jury

955 Grand Jury

On February 26, 2017, Manafort met Kilimnik in Madrid, where Kilimnik had flown from Moscow.⁹⁵⁶ In his first two interviews with the Office, Manafort denied meeting with Kilimnik on his Madrid trip and then—after being confronted with documentary evidence that Kilimnik was in Madrid at the same time as him—recognized that he met him in Madrid. Manafort said that Kilimnik had updated him on a criminal investigation into so-called “black ledger” payments to Manafort that was being conducted by Ukraine’s National Anti-Corruption Bureau.⁹⁵⁷ **Grand Jury**

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Manafort remained in contact with Kilimnik throughout 2017 and into the spring of 2018.

⁹⁵¹ Manafort 9/11/18 302, at 6; **Grand Jury**

⁹⁵² **Investigative Technique**

⁹⁵³ **Grand Jury**

⁹⁵⁴ **Grand Jury**

⁹⁵⁵ **Grand Jury**

⁹⁵⁶ 2/21/17 Email, Zatorynaiko to Kilimnik.

⁹⁵⁷ Manafort 9/13/18 302, at 1.

⁹⁵⁸ **Grand Jury** In resolving whether Manafort breached his cooperation plea agreement by lying to the Office, the district court found that Manafort lied about, among other things, his contacts with Kilimnik regarding the peace plan, including the meeting in Madrid. Manafort 2/13/19 Transcript, at 29-31, 40.

Those contacts included matters pertaining to the criminal charges brought by the Office,⁹⁵⁹ and the Ukraine peace plan. In early 2018, Manafort retained his longtime polling firm to craft a draft poll in Ukraine, sent the pollsters a three-page primer on the plan sent by Kilimnik, and worked with Kilimnik to formulate the polling questions.⁹⁶⁰ The primer sent to the pollsters specifically called for the United States and President Trump to support the Autonomous Republic of Donbas with Yanukovych as Prime Minister,⁹⁶¹ and a series of questions in the draft poll asked for opinions on Yanukovych's role in resolving the conflict in Donbas.⁹⁶² (The poll was not solely about Donbas; it also sought participants' views on leaders apart from Yanukovych as they pertained to the 2019 Ukraine presidential election.)

The Office has not uncovered evidence that Manafort brought the Ukraine peace plan to the attention of the Trump Campaign or the Trump Administration. Kilimnik continued his efforts to promote the peace plan to the Executive Branch (e.g., U.S. Department of State) into the summer of 2018.⁹⁶³

B. Post-Election and Transition-Period Contacts

Trump was elected President on November 8, 2016. Beginning immediately after the election, individuals connected to the Russian government started contacting officials on the Trump Campaign and Transition Team through multiple channels—sometimes through Russian Ambassador Kislyak and at other times through individuals who sought reliable contacts through U.S. persons not formally tied to the Campaign or Transition Team. The most senior levels of the Russian government encouraged these efforts. The investigation did not establish that these efforts reflected or constituted coordination between the Trump Campaign and Russia in its election-interference activities.

1. Immediate Post-Election Activity

As soon as news broke that Trump had been elected President, Russian government officials and prominent Russian businessmen began trying to make inroads into the new Administration. They appeared not to have preexisting contacts and struggled to connect with senior officials around the President-Elect. As explained below, those efforts entailed both official contact through the Russian Embassy in the United States and outreaches—sanctioned at high levels of the Russian government—through business rather than political contacts.

⁹⁵⁹ *Manafort* (D.D.C.) Gov't Opp. to Mot. to Modify, at 2; Superseding Indictment ¶¶ 48-51, *United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. June 8, 2018), Doc. 318.

⁹⁶⁰ 2/12/18 Email, Fabrizio to Manafort & Ward; 2/16/18 Email, Fabrizio to Manafort; 2/19/18 Email, Fabrizio to Ward; 2/21/18 Email, Manafort to Ward & Fabrizio.

⁹⁶¹ 2/21/18 Email, Manafort to Ward & Fabrizio (7:16:49 a.m.) (attachment).

⁹⁶² 3/9/18 Email, Ward to Manafort & Fabrizio (attachment).

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a. Outreach from the Russian Government

At approximately 3 a.m. on election night, Trump Campaign press secretary Hope Hicks received a telephone call on her personal cell phone from a person who sounded foreign but was calling from a number with a DC area code.⁹⁶⁴ Although Hicks had a hard time understanding the person, she could make out the words “Putin call.”⁹⁶⁵ Hicks told the caller to send her an email.⁹⁶⁶

The following morning, on November 9, 2016, Sergey Kuznetsov, an official at the Russian Embassy to the United States, emailed Hicks from his Gmail address with the subject line, “Message from Putin.”⁹⁶⁷ Attached to the email was a message from Putin, in both English and Russian, which Kuznetsov asked Hicks to convey to the President-Elect.⁹⁶⁸ In the message, Putin offered his congratulations to Trump for his electoral victory, stating he “look[ed] forward to working with [Trump] on leading Russian-American relations out of crisis.”⁹⁶⁹

Hicks forwarded the email to Kushner, asking, “Can you look into this? Don’t want to get duped but don’t want to blow off Putin!”⁹⁷⁰ Kushner stated in Congressional testimony that he believed that it would be possible to verify the authenticity of the forwarded email through the Russian Ambassador, whom Kushner had previously met in April 2016.⁹⁷¹ Unable to recall the Russian Ambassador’s name, Kushner emailed Dimitri Simes of CNI, whom he had consulted previously about Russia, *see* Volume I, Section IV.A.4, *supra*, and asked, “What is the name of Russian ambassador?”⁹⁷² Kushner forwarded Simes’s response—which identified Kislyak by name—to Hicks.⁹⁷³ After checking with Kushner to see what he had learned, Hicks conveyed Putin’s letter to transition officials.⁹⁷⁴ Five days later, on November 14, 2016, Trump and Putin spoke by phone in the presence of Transition Team members, including incoming National Security Advisor Michael Flynn.⁹⁷⁵

⁹⁶⁴ Hicks 12/8/17 302, at 3.

⁹⁶⁵ Hicks 12/8/17 302, at 3.

⁹⁶⁶ Hicks 12/8/17 302, at 3.

⁹⁶⁷ NOSC00044381 (11/9/16 Email, Kuznetsov to Hicks (5:27 a.m.)).

⁹⁶⁸ NOSC00044381-82 (11/9/16 Email, Kuznetsov to Hicks (5:27 a.m.)).

⁹⁶⁹ NOSC00044382 (11/9/16 Letter from Putin to President-Elect Trump (Nov. 9, 2016) (translation)).

⁹⁷⁰ NOSC00044381 (11/9/16 Email, Hicks to Kushner (10:26 a.m.)).

⁹⁷¹ Statement of Jared C. Kushner to Congressional Committees, at 4 (Jul. 24, 2017).

⁹⁷² NOSC00000058 (11/9/16 Email, Kushner to Simes (10:28 a.m.)); Statement of Jared Kushner to Congressional Committees, at 4 (Jul. 24, 2017).

⁹⁷³ NOSC00000058 (11/9/16 Email, Kushner to Hicks (11:05:44 a.m.)).

⁹⁷⁴ Hicks 12/8/17 302, at 3-4.

⁹⁷⁵ Flynn 11/16/17 302, at 8-10; *see* Doug G. Ware, *Trump, Russia's Putin Talk about Syria, Icy Relations in Phone Call*, UPI (Nov. 14, 2016).

b. High-Level Encouragement of Contacts through Alternative Channels

As Russian officials in the United States reached out to the President-Elect and his team, a number of Russian individuals working in the private sector began their own efforts to make contact. Petr Aven, a Russian national who heads Alfa-Bank, Russia's largest commercial bank, described to the Office interactions with Putin during this time period that might account for the flurry of Russian activity.⁹⁷⁶

Aven told the Office that he is one of approximately 50 wealthy Russian businessmen who regularly meet with Putin in the Kremlin; these 50 men are often referred to as "oligarchs."⁹⁷⁷ Aven told the Office that he met on a quarterly basis with Putin, including in the fourth quarter (Q4) of 2016, shortly after the U.S. presidential election.⁹⁷⁸ Aven said that he took these meetings seriously and understood that any suggestions or critiques that Putin made during these meetings were implicit directives, and that there would be consequences for Aven if he did not follow through.⁹⁷⁹ As was typical, the 2016 Q4 meeting with Putin was preceded by a preparatory meeting with Putin's chief of staff, Anton Vaino.⁹⁸⁰

According to Aven, at his Q4 2016 one-on-one meeting with Putin,⁹⁸¹ Putin raised the prospect that the United States would impose additional sanctions on Russian interests, including sanctions against Aven and/or Alfa-Bank.⁹⁸² Putin suggested that Aven needed to take steps to protect himself and Alfa-Bank.⁹⁸³ Aven also testified that Putin spoke of the difficulty faced by the Russian government in getting in touch with the incoming Trump Administration.⁹⁸⁴ According to Aven, Putin indicated that he did not know with whom formally to speak and generally did not know the people around the President-Elect.⁹⁸⁵

⁹⁷⁶ Aven provided information to the Office in an interview and through an attorney proffer, [REDACTED]
Grand Jury [REDACTED]

⁹⁷⁷ Aven 8/2/18 302, at 7.

⁹⁷⁸ **Grand Jury** [REDACTED]

⁹⁷⁹ Aven 8/2/18 302, at 2-3.

⁹⁸⁰ **Grand Jury** [REDACTED] and interview with the Office, Aven referred to the high-ranking Russian government officials using numbers (e.g., Official 1, Official 2). Aven separately confirmed through an attorney proffer that Official 1 was Putin and Official 2 was Putin's chief of staff, Vaino. See Affidavit of Ryan Junck (Aug. 2, 2018) (hard copy on file).

⁹⁸¹ At the time of his Q4 2016 meeting with Putin, Aven was generally aware of the press coverage about Russian interference in the U.S. election. According to Aven, he did not discuss that topic with Putin at any point, and Putin did not mention the rationale behind the threat of new sanctions. Aven 8/2/18 302, at 5-7.

⁹⁸² **Grand Jury** [REDACTED]

⁹⁸³ **Grand Jury** [REDACTED]

⁹⁸⁴ **Grand Jury** [REDACTED]

⁹⁸⁵ **Grand Jury** [REDACTED]

Aven **Grand Jury** told Putin he would take steps to protect himself and the Alfa-Bank shareholders from potential sanctions, and one of those steps would be to try to reach out to the incoming Administration to establish a line of communication.⁹⁸⁶ Aven described Putin responding with skepticism about Aven's prospect for success.⁹⁸⁷ According to Aven, although Putin did not expressly direct him to reach out to the Trump Transition Team, Aven understood that Putin expected him to try to respond to the concerns he had raised.⁹⁸⁸ Aven's efforts are described in Volume I, Section IV.B.5, *infra*.

2. Kirill Dmitriev's Transition-Era Outreach to the Incoming Administration

Aven's description of his interactions with Putin is consistent with the behavior of Kirill Dmitriev, a Russian national who heads Russia's sovereign wealth fund and is closely connected to Putin. Dmitriev undertook efforts to meet members of the incoming Trump Administration in the months after the election. Dmitriev asked a close business associate who worked for the United Arab Emirates (UAE) royal court, George Nader, to introduce him to Trump transition officials, and Nader eventually arranged a meeting in the Seychelles between Dmitriev and Erik Prince, a Trump Campaign supporter and an associate of Steve Bannon.⁹⁸⁹ In addition, the UAE national security advisor introduced Dmitriev to a hedge fund manager and friend of Jared Kushner, Rick Gerson, in late November 2016. In December 2016 and January 2017, Dmitriev and Gerson worked on a proposal for reconciliation between the United States and Russia, which Dmitriev implied he cleared through Putin. Gerson provided that proposal to Kushner before the inauguration, and Kushner later gave copies to Bannon and Secretary of State Rex Tillerson.

a. Background

Dmitriev is a Russian national who was appointed CEO of Russia's sovereign wealth fund, the Russian Direct Investment Fund (RDIF), when it was founded in 2011.⁹⁹⁰ Dmitriev reported directly to Putin and frequently referred to Putin as his "boss."⁹⁹¹

RDIF has co-invested in various projects with UAE sovereign wealth funds.⁹⁹² Dmitriev regularly interacted with Nader, a senior advisor to UAE Crown Prince Mohammed bin Zayed

⁹⁸⁶ **Grand Jury**

⁹⁸⁷ **Grand Jury** Aven 8/2/18 302, at 6.

⁹⁸⁸ Aven 8/2/18 302, at 4-8; **Grand Jury**

⁹⁸⁹ Nader provided information to the Office in multiple interviews, all but one of which were conducted under a proffer agreement. **Grand Jury**. The investigators also interviewed Prince under a proffer agreement. Bannon was interviewed by the Office, **Grand Jury** under a proffer agreement.

⁹⁹⁰ Kirill Dmitriev Biography, Russian Direct Investment Fund, available at https://rdif.ru/Eng_person_dmitriev_kirill/. See also Overview, Russian Direct Investment Fund, available at https://rdif.ru/Eng_About/.

⁹⁹¹ Gerson 6/15/18 302, at 1. See also, e.g., 12/14/16 Text Message, Dmitriev to Gerson; 1/9/17 Text Message, Dmitriev to Gerson.

⁹⁹² **Grand Jury**

(Crown Prince Mohammed), in connection with RDIF's dealings with the UAE.⁹⁹³ Putin wanted Dmitriev to be in charge of both the financial and the political relationship between Russia and the Gulf states, in part because Dmitriev had been educated in the West and spoke English fluently.⁹⁹⁴ Nader considered Dmitriev to be Putin's interlocutor in the Gulf region, and would relay Dmitriev's views directly to Crown Prince Mohammed.⁹⁹⁵

Nader developed contacts with both U.S. presidential campaigns during the 2016 election, and kept Dmitriev abreast of his efforts to do so.⁹⁹⁶ According to Nader, Dmitriev said that his and the government of Russia's preference was for candidate Trump to win, and asked Nader to assist him in meeting members of the Trump Campaign.⁹⁹⁷ **Grand Jury**

98 Nader did not introduce Dmitriev to anyone associated with the Trump Campaign before the election.⁹⁹⁹

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Erik Prince is a businessman who had relationships with various individuals associated with the Trump Campaign, including Steve Bannon, Donald Trump Jr., and Roger Stone.¹⁰⁰⁵ Prince did not have a formal role in the Campaign, although he offered to host a fundraiser for

⁹⁹³ Nader 1/22/18 302, at 1-2; Nader 1/23/18 302, at 2-3; 5/3/16 Email, Nader to Phares;

Grand Jury

⁹⁹⁴ Nader 1/22/18 302, at 1-2.

⁹⁹⁵ Nader 1/22/18 302, at 3.

⁹⁹⁶ Nader 1/22/18 302, at 3; **Grand Jury**

⁹⁹⁷ Nader 1/22/18 302, at 3; **Grand Jury**

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⁹⁹⁹ Nader 1/22/18 302, at 3.

1000 **Grand Jury**

1001 **Grand Jury**

1002 **Grand Jury**

1003 **Grand Jury**

1004 **Grand Jury**

¹⁰⁰⁵ Prince 4/4/18 302, at 1-5; Bannon 2/14/18 302, at 21.

Trump and sent unsolicited policy papers on issues such as foreign policy, trade, and Russian election interference to Bannon.¹⁰⁰⁶

After the election, Prince frequently visited transition offices at Trump Tower, primarily to meet with Bannon but on occasion to meet Michael Flynn and others.¹⁰⁰⁷ Prince and Bannon would discuss, *inter alia*, foreign policy issues and Prince's recommendations regarding who should be appointed to fill key national security positions.¹⁰⁰⁸ Although Prince was not formally affiliated with the transition, Nader **Grand Jury** received assurances **Grand Jury** that the incoming Administration considered Prince a trusted associate.¹⁰⁰⁹

b. Kirill Dmitriev's Post-Election Contacts With the Incoming Administration

Soon after midnight on election night, Dmitriev messaged **Investigative Technique** who was traveling to New York to attend the 2016 World Chess Championship. **Investigative Technique** Dmitry Peskov, the Russian Federation's press secretary, who was also attending the World Chess Championship.¹⁰¹⁰ **Investigative Technique**¹⁰¹¹ **Investigative Technique**¹⁰¹² **Investigative Technique**¹⁰¹³

At approximately 2:40 a.m. on November 9, 2016, news reports stated that candidate Clinton had called President-Elect Trump to concede. At **Investigative Technique**¹⁰¹⁴ **Investigative Technique**¹⁰¹⁵ wrote to Dmitriev, "Putin has won."

¹⁰⁰⁶ Prince 4/4/18 302, at 1, 3-4; Prince 5/3/18 302, at 2; Bannon 2/14/18 302, at 19-20; 10/18/16 Email, Prince to Bannon.

¹⁰⁰⁷ Flynn 11/20/17 302, at 6; Flynn 1/11/18 302, at 5; Flynn 1/24/18 302, at 5-6; Flynn 5/1/18 302, at 11; Prince 4/4/18 302, at 5, 8; Bannon 2/14/18 302, at 20-21; 11/12/16 Email, Prince to Corallo.

¹⁰⁰⁸ Prince 4/4/18 302, at 5; Bannon 2/14/18 302, at 21.

¹⁰⁰⁹ **Grand Jury**

¹⁰¹⁰ **Investigative Technique** Nader 1/22/18 302, at 5-6; **Grand Jury**

¹⁰¹¹ **Investigative Technique**

¹⁰¹² **Investigative Technique**

¹⁰¹³ **Investigative Technique**

¹⁰¹⁴ **Investigative Technique**

¹⁰¹⁵ **Investigative Technique**

Later that morning, Dmitriev contacted Nader, who was in New York, to request a meeting with the “key people” in the incoming Administration as soon as possible in light of the “[g]reat results.”¹⁰¹⁶ He asked Nader to convey to the incoming Administration that “we want to start rebuilding the relationship in whatever is a comfortable pace for them. We understand all of the sensitivities and are not in a rush.”¹⁰¹⁷ Dmitriev and Nader had previously discussed Nader introducing him to the contacts Nader had made within the Trump Campaign.¹⁰¹⁸ Dmitriev also told Nader that he would ask Putin for permission to travel to the United States, where he would be able to speak to media outlets about the positive impact of Trump’s election and the need for reconciliation between the United States and Russia.¹⁰¹⁹

Later that day, Dmitriev flew to New York, where Peskov was separately traveling to attend the chess tournament.¹⁰²⁰ Dmitriev invited Nader to the opening of the tournament and noted that, if there was “a chance to see anyone key from Trump camp,” he “would love to start building for the future.”¹⁰²¹ Dmitriev also asked Nader to invite Kushner to the event so that he (Dmitriev) could meet him.¹⁰²² Nader did not pass along Dmitriev’s invitation to anyone connected with the incoming Administration.¹⁰²³ Although one World Chess Federation official recalled hearing from an attendee that President-Elect Trump had stopped by the tournament, the investigation did not establish that Trump or any Campaign or Transition Team official attended the event.¹⁰²⁴ And the President’s written answers denied that he had.¹⁰²⁵

Nader stated that Dmitriev continued to press him to set up a meeting with transition officials, and was particularly focused on Kushner and Trump Jr.¹⁰²⁶ Dmitriev told Nader that Putin would be very grateful to Nader and that a meeting would make history.¹⁰²⁷

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¹⁰¹⁶ 11/9/16 Text Message, Dmitriev to Nader (9:34 a.m.); Nader 1/22/18 302, at 4.

¹⁰¹⁷ 11/9/16 Text Message, Dmitriev to Nader (11:58 p.m.).

¹⁰¹⁸ Nader 1/22/18 302, at 3.

¹⁰¹⁹ 11/9/16 Text Message, Dmitriev to Nader (10:06 a.m.); 11/9/16 Text Message, Dmitriev to Nader (10:10 a.m.); **Grand Jury**

¹⁰²⁰ 11/9/16 Text Message, Dmitriev to Nader (10:08 a.m.); 11/9/16 Text Message, Dmitriev to Nader (3:40 p.m.); Nader 1/22/18 302, at 5.

¹⁰²¹ 11/9/16 Text Message, Dmitriev to Nader (7:10 p.m.).

¹⁰²² 11/10/16 Text Message, Dmitriev to Nader (5:20 a.m.).

¹⁰²³ Nader 1/22/18 302, at 5-6.

¹⁰²⁴ Marinello 5/31/18 302, at 2-3; Nader 1/22/18 302, at 5-6.

¹⁰²⁵ Written Responses of Donald J. Trump (Nov. 20, 2018), at 17-18 (Response to Question V, Part (a)).

¹⁰²⁶ Nader 1/22/18 302, at 6; **Grand Jury**

¹⁰²⁷ Nader 1/22/18 302, at 6; **Grand Jury**

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1029 According to Nader, Dmitriev was very anxious to connect with the incoming Administration and told Nader that he would try other routes to do so besides Nader himself.¹⁰³⁰ Nader did not ultimately introduce Dmitriev to anyone associated with the incoming Administration during Dmitriev's post-election trip to New York.¹⁰³¹

In early December 2016, Dmitriev again broached the topic of meeting incoming Administration officials with Nader in January or February.¹⁰³² Dmitriev sent Nader a list of publicly available quotes of Dmitriev speaking positively about Donald Trump "in case they [were] helpful."¹⁰³³

c. Erik Prince and Kirill Dmitriev Meet in the Seychelles

i. George Nader and Erik Prince Arrange Seychelles Meeting with Dmitriev

Nader traveled to New York in early January 2017 and had lunchtime and dinner meetings with Erik Prince on January 3, 2017.¹⁰³⁴ Nader and Prince discussed Dmitriev.¹⁰³⁵ Nader informed Prince that the Russians were looking to build a link with the incoming Trump Administration.¹⁰³⁶ Grand Jury he told Prince that Dmitriev had been pushing Nader to introduce him to someone from the incoming Administration Grand Jury. ¹⁰³⁷ Nader suggested, in light of Prince's relationship with Transition Team officials, that Prince and Dmitriev meet to discuss issues of mutual concern.¹⁰³⁸ Grand Jury Prince told Nader that he needed to think further about it and to check with Transition Team officials.¹⁰³⁹

After his dinner with Prince, Nader sent Prince a link to a Wikipedia entry about Dmitriev, and sent Dmitriev a message stating that he had just met "with some key people within the family and inner circle"—a reference to Prince—and that he had spoken at length and positively about

¹⁰²⁸ Grand Jury

¹⁰²⁹ Grand Jury

¹⁰³⁰ Nader 1/22/18 302, at 6.

¹⁰³¹ Nader 1/22/18 302, at 5-7.

¹⁰³² 12/8/16 Text Messages, Dmitriev to Nader (12:10:31 a.m.); Nader 1/22/18 302, at 11.

¹⁰³³ 12/8/16 Text Message, Dmitriev to Nader (12:10:31 a.m.); 12/8/16 Text Message, Dmitriev to Nader (12:10:57 a.m.).

¹⁰³⁴ Prince 4/4/18 302, at 8.

¹⁰³⁵ Prince 5/3/18 302, at 3; Grand Jury

¹⁰³⁶ Grand Jury

¹⁰³⁷ Grand Jury

¹⁰³⁸ Grand Jury

¹⁰³⁹ Grand Jury

Dmitriev.¹⁰⁴⁰ Nader told Dmitriev that the people he met had asked for Dmitriev's bio, and Dmitriev replied that he would update and send it.¹⁰⁴¹ Nader later received from Dmitriev two files concerning Dmitriev: one was a two-page biography, and the other was a list of Dmitriev's positive quotes about Donald Trump.¹⁰⁴²

The next morning, Nader forwarded the message and attachments Dmitriev had sent him to Prince.¹⁰⁴³ Nader wrote to Prince that these documents were the versions "to be used with some additional details for them" (with "them" referring to members of the incoming Administration).¹⁰⁴⁴ Prince opened the attachments at Trump Tower within an hour of receiving them.¹⁰⁴⁵ Prince stated that, while he was at Trump Tower that day, he spoke with Kellyanne Conway, Wilbur Ross, Steve Mnuchin, and others while waiting to see Bannon.¹⁰⁴⁶ Cell-site location data for Prince's mobile phone indicates that Prince remained at Trump Tower for approximately three hours.¹⁰⁴⁷ Prince said that he could not recall whether, during those three hours, he met with Bannon and discussed Dmitriev with him.¹⁰⁴⁸ **Grand Jury**
[REDACTED] 049

Prince booked a ticket to the Seychelles on January 7, 2017.¹⁰⁵⁰ The following day, Nader wrote to Dmitriev that he had a "pleasant surprise" for him, namely that he had arranged for Dmitriev to meet "a Special Guest" from "the New Team," referring to Prince.¹⁰⁵¹ Nader asked Dmitriev if he could come to the Seychelles for the meeting on January 12, 2017, and Dmitriev agreed.¹⁰⁵²

The following day, Dmitriev sought assurance from Nader that the Seychelles meeting would be worthwhile.¹⁰⁵³ **Grand Jury** Dmitriev was not enthusiastic about the idea of meeting with Prince, and that Nader assured him that Prince wielded influence with the incoming

¹⁰⁴⁰ 1/4/17 Text Message, Nader to Prince; 1/4/17 Text Messages, Nader to Dmitriev (5:24 a.m. – 5:26 a.m.); Nader 1/22/18 302, at 8-9; **Grand Jury**

¹⁰⁴¹ 1/4/17 Text Messages, Nader & Dmitriev (7:24:27 a.m.).

¹⁰⁴² 1/4/17 Text Messages, Dmitriev to Nader (7:25-7:29 a.m.)

¹⁰⁴³ 1/4/17 Text Messages, Nader to Prince.

¹⁰⁴⁴ 1/4/17 Text Messages, Nader to Prince; **Grand Jury**

¹⁰⁴⁵ Prince 5/3/18 302, at 1-3.

¹⁰⁴⁶ Prince 5/3/18 302, at 2-3.

¹⁰⁴⁷ Cell-site location data for Prince's mobile phone **Investigative Technique**

¹⁰⁴⁸ Prince 5/3/18 302, at 3.

¹⁰⁴⁹ **Grand Jury**

¹⁰⁵⁰ 1/5/17 Email, Kasbo to Prince.

¹⁰⁵¹ 1/8/17 Text Messages, Nader to Dmitriev (6:05 – 6:10 p.m.).

¹⁰⁵² 1/8/17 Text Messages, Nader & Dmitriev (6:10 – 7:27 p.m.).

¹⁰⁵³ 1/9/17 Text Message, Dmitriev to Nader.

Administration.¹⁰⁵⁴ Nader wrote to Dmitriev, "This guy [Prince] is designated by Steve [Bannon] to meet you! I know him and he is very very well connected and trusted by the New Team. His sister is now a Minister of Education."¹⁰⁵⁵ According to Nader, Prince had led him to believe that Bannon was aware of Prince's upcoming meeting with Dmitriev, and Prince acknowledged that it was fair for Nader to think that Prince would pass information on to the Transition Team.¹⁰⁵⁶ Bannon, however, told the Office that Prince did not tell him in advance about his meeting with Dmitriev.¹⁰⁵⁷

ii. The Seychelles Meetings

Dmitriev arrived with his wife in the Seychelles on January 11, 2017, and checked into the Four Seasons Resort where Crown Prince Mohammed and Nader were staying.¹⁰⁵⁸ Prince arrived that same day.¹⁰⁵⁹ Prince and Dmitriev met for the first time that afternoon in Nader's villa, with Nader present.¹⁰⁶⁰ The initial meeting lasted approximately 30-45 minutes.¹⁰⁶¹

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¹⁰⁶² Prince described the eight years of the Obama Administration in negative terms, and stated that he was looking forward to a new era of cooperation and conflict resolution.¹⁰⁶³ According to Prince, he told Dmitriev that Bannon was effective if not conventional, and that Prince provided policy papers to Bannon.¹⁰⁶⁴

Grand Jury

¹⁰⁶⁵ **Grand Jury**

¹⁰⁵⁴ **Grand Jury**

¹⁰⁵⁵ 1/9/17 Text Message, Nader to Dmitriev (2:12:56 p.m.); Nader 1/19/18 302, at 13; **Grand Jury**

Grand Jury

¹⁰⁵⁶ Nader 1/19/18 302, at 13; **Grand Jury** Prince 5/3/18 302, at 3.

¹⁰⁵⁷ Bannon 2/14/18 302, at 25-26.

¹⁰⁵⁸ 1/10/17 Text Messages, Dmitriev & Nader (2:05:54 – 3:30:25 p.m.); 1/11/17 Text Messages, Dmitriev & Nader (2:16:16 – 5:17:59 p.m.).

¹⁰⁵⁹ 1/7/17 Email, Kasbo to Prince.

¹⁰⁶⁰ 1/11/17 Text Messages, Nader & Dmitriev (5:18:24 – 5:37:14 p.m.); **Grand Jury**

¹⁰⁶¹ Prince 5/3/18 302, at 4; **Grand Jury**

¹⁰⁶² **Grand Jury**

¹⁰⁶³ **Grand Jury**

¹⁰⁶⁴ Prince 5/3/18 302, at 4.

¹⁰⁶⁵ **Grand Jury**

Grand Jury 1066 **Grand Jury** 1067
Grand Jury 1068 The
topic of Russian interference in the 2016 election did not come up. 1069

Grand Jury 1070
Prince added that he would inform Bannon about his meeting with Dmitriev, and that if there was interest in continuing the discussion, Bannon or someone else on the Transition Team would do so. 1071 **Grand Jury** 1072

Afterwards, Prince returned to his room, where he learned that a Russian aircraft carrier had sailed to Libya, which led him to call Nader and ask him to set up another meeting with Dmitriev. 1073 According to Nader, Prince called and said he had checked with his associates back home and needed to convey to Dmitriev that Libya was “off the table.” 1074 Nader wrote to Dmitriev that Prince had “received an urgent message that he needs to convey to you immediately,” and arranged for himself, Dmitriev, and Prince to meet at a restaurant on the Four Seasons property. 1075

At the second meeting, Prince told Dmitriev that the United States could not accept any Russian involvement in Libya because it would make the situation there much worse. 1076 **Grand Jury**

1066 **Grand Jury**
1067 **Grand Jury**
1068 **Grand Jury**
1069 Prince 5/3/18 302, at 4-5.
1070 **Grand Jury**
1071 Prince 5/3/18 302, at 4; **Grand Jury**
1072 **Grand Jury**
1073 Prince 4/4/18 302, at 10; Prince 5/3/18 302, at 4; **Grand Jury**
1074 Nader 1/22/18 302, at 14; **Grand Jury**
1075 **Grand Jury** 1/11/17 Text Messages, Dmitriev & Nader (9:13:54 – 10:24:25 p.m.).
1076 **Grand Jury** Prince,
however, denied that and recalled that he was making these remarks to Dmitriev not in an official capacity for the transition but based on his experience as a former naval officer. Prince 5/3/18 302, at 4.

Grand Jury ¹⁰⁷⁷

After the brief second meeting concluded, Nader and Dmitriev discussed what had transpired.¹⁰⁷⁸ Dmitriev told Nader that he was disappointed in his meetings with Prince for two reasons: first, he believed the Russians needed to be communicating with someone who had more authority within the incoming Administration than Prince had.¹⁰⁷⁹ Second, he had hoped to have a discussion of greater substance, such as outlining a strategic roadmap for both countries to follow.¹⁰⁸⁰ Dmitriev told Nader that **Grand Jury** Prince's comments **Grand Jury** **Grand Jury** were insulting **Grand Jury** ¹⁰⁸¹

Hours after the second meeting, Prince sent two text messages to Bannon from the Seychelles.¹⁰⁸² As described further below, investigators were unable to obtain the content of these or other messages between Prince and Bannon, and the investigation also did not identify evidence of any further communication between Prince and Dmitriev after their meetings in the Seychelles.

iii. Erik Prince's Meeting with Steve Bannon after the Seychelles Trip

After the Seychelles meetings, Prince told Nader that he would inform Bannon about his discussion with Dmitriev and would convey that someone within the Russian power structure was interested in seeking better relations with the incoming Administration.¹⁰⁸³ On January 12, 2017, Prince contacted Bannon's personal assistant to set up a meeting for the following week.¹⁰⁸⁴ Several days later, Prince messaged her again asking about Bannon's schedule.¹⁰⁸⁵

Prince said that he met Bannon at Bannon's home after returning to the United States in mid-January and briefed him about several topics, including his meeting with Dmitriev.¹⁰⁸⁶ Prince told the Office that he explained to Bannon that Dmitriev was the head of a Russian sovereign wealth fund and was interested in improving relations between the United States and Russia.¹⁰⁸⁷ Prince had on his cellphone a screenshot of Dmitriev's Wikipedia page dated January 16, 2017,

¹⁰⁷⁷ **Grand Jury**

¹⁰⁷⁸ Nader 1/22/18 302, at 15; **Grand Jury**

¹⁰⁷⁹ Nader 1/22/18 302, at 9, 15; **Grand Jury**

¹⁰⁸⁰ Nader 1/22/18 302, at 15.

¹⁰⁸¹ **Grand Jury** Nader 1/22/18 302, at 15.

¹⁰⁸² Call Records of Erik Prince **Grand Jury**.

¹⁰⁸³ Prince 4/4/18 302, at 10; Prince 5/3/18 302, at 4; **Grand Jury**

¹⁰⁸⁴ 1/12/17 Text Messages, Prince to Preate.

¹⁰⁸⁵ 1/15/17 Text Message, Prince to Preate.

¹⁰⁸⁶ Prince 4/4/18 302, at 11; Prince 5/3/18 302, at 5.

¹⁰⁸⁷ Prince 4/4/18 302, at 11; Prince 5/3/18 302, at 5.

and Prince told the Office that he likely showed that image to Bannon.¹⁰⁸⁸ Prince also believed he provided Bannon with Dmitriev's contact information.¹⁰⁸⁹ According to Prince, Bannon instructed Prince not to follow up with Dmitriev, and Prince had the impression that the issue was not a priority for Bannon.¹⁰⁹⁰ Prince related that Bannon did not appear angry, just relatively uninterested.¹⁰⁹¹

Bannon, by contrast, told the Office that he never discussed with Prince anything regarding Dmitriev, RDIF, or any meetings with Russian individuals or people associated with Putin.¹⁰⁹² Bannon also stated that had Prince mentioned such a meeting, Bannon would have remembered it, and Bannon would have objected to such a meeting having taken place.¹⁰⁹³

The conflicting accounts provided by Bannon and Prince could not be independently clarified by reviewing their communications, because neither one was able to produce any of the messages they exchanged in the time period surrounding the Seychelles meeting. Prince's phone contained no text messages prior to March 2017, though provider records indicate that he and Bannon exchanged dozens of messages.¹⁰⁹⁴ Prince denied deleting any messages but claimed he did not know why there were no messages on his device before March 2017.¹⁰⁹⁵ Bannon's devices similarly contained no messages in the relevant time period, and Bannon also stated he did not know why messages did not appear on his device.¹⁰⁹⁶ Bannon told the Office that, during both the months before and after the Seychelles meeting, he regularly used his personal Blackberry and personal email for work-related communications (including those with Prince), and he took no steps to preserve these work communications.¹⁰⁹⁷

d. Kirill Dmitriev's Post-Election Contact with Rick Gerson Regarding U.S.-Russia Relations

Dmitriev's contacts during the transition period were not limited to those facilitated by Nader. In approximately late November 2016, the UAE national security advisor introduced Dmitriev to Rick Gerson, a friend of Jared Kushner who runs a hedge fund in New York.¹⁰⁹⁸ Gerson stated he had no formal role in the transition and had no involvement in the Trump

¹⁰⁸⁸ Prince 5/3/18 302, at 5; 1/16/17 Image on Prince Phone (on file with the Office).

¹⁰⁸⁹ Prince 5/3/18 302, at 5.

¹⁰⁹⁰ Prince 5/3/18 302, at 5.

¹⁰⁹¹ Prince 5/3/18 302, at 5.

¹⁰⁹² Bannon 10/26/18 302, at 10-11.

¹⁰⁹³ Bannon 10/26/18 302, at 10-11.

¹⁰⁹⁴ Call Records of Erik Prince **Grand Jury**.

¹⁰⁹⁵ Prince 4/4/18 302, at 6.

¹⁰⁹⁶ Bannon 10/26/18 302, at 11; Bannon 2/14/18 302, at 36.

¹⁰⁹⁷ Bannon 10/26/18 302, at 11.

¹⁰⁹⁸ Gerson 6/5/18 302, at 1, 3; 11/26/16 Text Message, Dmitriev to Gerson; 1/25/17 Text Message, Dmitriev to Nader.

Campaign other than occasional casual discussions about the Campaign with Kushner.¹⁰⁹⁹ After the election, Gerson assisted the transition by arranging meetings for transition officials with former UK prime minister Tony Blair and a UAE delegation led by Crown Prince Mohammed.¹¹⁰⁰

When Dmitriev and Gerson met, they principally discussed potential joint ventures between Gerson's hedge fund and RDIF.¹¹⁰¹ Dmitriev was interested in improved economic cooperation between the United States and Russia and asked Gerson who he should meet with in the incoming Administration who would be helpful towards this goal.¹¹⁰² Gerson replied that he would try to figure out the best way to arrange appropriate introductions, but noted that confidentiality would be required because of the sensitivity of holding such meetings before the new Administration took power, and before Cabinet nominees had been confirmed by the Senate.¹¹⁰³ Gerson said he would ask Kushner and Michael Flynn who the "key person or people" were on the topics of reconciliation with Russia, joint security concerns, and economic matters.¹¹⁰⁴

Dmitriev told Gerson that he had been tasked by Putin to develop and execute a reconciliation plan between the United States and Russia. He noted in a text message to Gerson that if Russia was "approached with respect and willingness to understand our position, we can have Major Breakthroughs quickly."¹¹⁰⁵ Gerson and Dmitriev exchanged ideas in December 2016 about what such a reconciliation plan would include.¹¹⁰⁶ Gerson told the Office that the Transition Team had not asked him to engage in these discussions with Dmitriev, and that he did so on his own initiative and as a private citizen.¹¹⁰⁷

On January 9, 2017, the same day he asked Nader whether meeting Prince would be worthwhile, Dmitriev sent his biography to Gerson and asked him if he could "share it with Jared (or somebody else very senior in the team) – so that they know that we are focused from our side on improving the relationship and my boss asked me to play a key role in that."¹¹⁰⁸ Dmitriev also asked Gerson if he knew Prince, and if Prince was somebody important or worth spending time

¹⁰⁹⁹ Gerson 6/5/18 302, at 1.

¹¹⁰⁰ Gerson 6/5/18 302, at 1-2; Kushner 4/11/18 302, at 21.

¹¹⁰¹ Gerson 6/5/18 302, at 3-4; *see, e.g.*, 12/2/16 Text Messages, Dmitriev & Gerson; 12/14/16 Text Messages, Dmitriev & Gerson; 1/3/17 Text Message, Gerson to Dmitriev; 12/2/16 Email, Tolokonnikov to Gerson.

¹¹⁰² Gerson 6/5/18 302, at 3; 12/14/16 Text Message, Dmitriev to Gerson.

¹¹⁰³ 12/14/16 Text Message, Gerson to Dmitriev.

¹¹⁰⁴ 12/14/16 Text Message, Gerson to Dmitriev.

¹¹⁰⁵ 12/14/16 Text Messages, Dmitriev & Gerson; Gerson 6/15/18 302, at 1.

¹¹⁰⁶ 12/14/16 Text Messages, Dmitriev & Gerson.

¹¹⁰⁷ Gerson 6/15/18 302, at 1.

¹¹⁰⁸ 1/9/17 Text Messages, Dmitriev to Gerson; 1/9/17 Text Message, Dmitriev to Nader.

with.¹¹⁰⁹ After his trip to the Seychelles, Dmitriev told Gerson that Bannon had asked Prince to meet with Dmitriev and that the two had had a positive meeting.¹¹¹⁰

On January 16, 2017, Dmitriev consolidated the ideas for U.S.-Russia reconciliation that he and Gerson had been discussing into a two-page document that listed five main points: (1) jointly fighting terrorism; (2) jointly engaging in anti-weapons of mass destruction efforts; (3) developing “win-win” economic and investment initiatives; (4) maintaining an honest, open, and continual dialogue regarding issues of disagreement; and (5) ensuring proper communication and trust by “key people” from each country.¹¹¹¹ On January 18, 2017, Gerson gave a copy of the document to Kushner.¹¹¹² Kushner had not heard of Dmitriev at that time.¹¹¹³ Gerson explained that Dmitriev was the head of RDIF, and Gerson may have alluded to Dmitriev’s being well connected.¹¹¹⁴ Kushner placed the document in a file and said he would get it to the right people.¹¹¹⁵ Kushner ultimately gave one copy of the document to Bannon and another to Rex Tillerson; according to Kushner, neither of them followed up with Kushner about it.¹¹¹⁶ On January 19, 2017, Dmitriev sent Nader a copy of the two-page document, telling him that this was “a view from our side that I discussed in my meeting on the islands and with you and with our friends. Please share with them – we believe this is a good foundation to start from.”¹¹¹⁷

Gerson informed Dmitriev that he had given the document to Kushner soon after delivering it.¹¹¹⁸ On January 26, 2017, Dmitriev wrote to Gerson that his “boss”—an apparent reference to Putin—was asking if there had been any feedback on the proposal.¹¹¹⁹ Dmitriev said, “[w]e do not want to rush things and move at a comfortable speed. At the same time, my boss asked me to try to have the key US meetings in the next two weeks if possible.”¹¹²⁰ He informed Gerson that Putin and President Trump would speak by phone that Saturday, and noted that that information was “very confidential.”¹¹²¹

The same day, Dmitriev wrote to Nader that he had seen his “boss” again yesterday who had “emphasized that this is a great priority for us and that we need to build this communication

¹¹⁰⁹ Gerson 6/5/18 302, at 4.

¹¹¹⁰ 1/18/17 Text Messages, Dmitriev & Gerson.

¹¹¹¹ 1/16/17 Text Messages, Dmitriev & Gerson.

¹¹¹² Gerson 6/5/18 302, at 3; Gerson 6/15/18 302, at 2.

¹¹¹³ Gerson 6/5/18 302, at 3.

¹¹¹⁴ Gerson 6/5/18 302, at 3; Gerson 6/15/18 302, at 1-2; Kushner 4/11/18 302, at 22.

¹¹¹⁵ Gerson 6/5/18 302, at 3.

¹¹¹⁶ Kushner 4/11/18 302, at 32.

¹¹¹⁷ 1/19/17 Text Message, Dmitriev to Nader (11:11:56 a.m.).

¹¹¹⁸ 1/18/17 Text Message, Gerson to Dmitriev; Gerson 6/15/18 302, at 2.

¹¹¹⁹ 1/26/17 Text Message, Dmitriev to Gerson.

¹¹²⁰ 1/26/17 Text Message, Dmitriev to Gerson.

¹¹²¹ 1/26/17 Text Message, Dmitriev to Gerson.

channel to avoid bureaucracy.”¹¹²² On January 28, 2017, Dmitriev texted Nader that he wanted “to see if I can confirm to my boss that your friends may use some of the ideas from the 2 pager I sent you in the telephone call that will happen at 12 EST,”¹¹²³ an apparent reference to the call scheduled between President Trump and Putin. Nader replied, “Definitely paper was so submitted to Team by Rick and me. They took it seriously!”¹¹²⁴ After the call between President Trump and Putin occurred, Dmitriev wrote to Nader that “the call went very well. My boss wants me to continue making some public statements that us [sic] Russia cooperation is good and important.”¹¹²⁵ Gerson also wrote to Dmitriev to say that the call had gone well, and Dmitriev replied that the document they had drafted together “played an important role.”¹¹²⁶

Gerson and Dmitriev appeared to stop communicating with one another in approximately March 2017, when the investment deal they had been working on together showed no signs of progressing.¹¹²⁷

3. Ambassador Kislyak’s Meeting with Jared Kushner and Michael Flynn in Trump Tower Following the Election

On November 16, 2016, Catherine Vargas, an executive assistant to Kushner, received a request for a meeting with Russian Ambassador Sergey Kislyak.¹¹²⁸ That same day, Vargas sent Kushner an email with the subject, “MISSED CALL: Russian Ambassador to the US, Sergey Ivanovich Kislyak”¹¹²⁹ The text of the email read, “RE: setting up a time to meet w/you on 12/1. LMK how to proceed.” Kushner responded in relevant part, “I think I do this one -- confirm with Dimitri [Simes of CNI] that this is the right guy.”¹¹³⁰ After reaching out to a colleague of Simes at CNI, Vargas reported back to Kushner that Kislyak was “the best go-to guy for routine matters in the US,” while Yuri Ushakov, a Russian foreign policy advisor, was the contact for “more direct/substantial matters.”¹¹³¹

Bob Foresman, the UBS investment bank executive who had previously tried to transmit to candidate Trump an invitation to speak at an economic forum in Russia, *see* Volume I, Section IV.A.1.d.ii, *supra*, may have provided similar information to the Transition Team. According to

¹¹²² 1/26/17 Text Message, Dmitriev to Nader (10:04:41 p.m.).

¹¹²³ 1/28/17 Text Message, Dmitriev to Nader (11:05:39 a.m.).

¹¹²⁴ 1/28/17 Text Message, Nader to Dmitriev (11:11:33 a.m.).

¹¹²⁵ 1/29/17 Text Message, Dmitriev to Nader (11:06:35 a.m.).

¹¹²⁶ 1/28/17 Text Message, Gerson to Dmitriev; 1/29/17 Text Message, Dmitriev to Gerson.

¹¹²⁷ Gerson 6/15/18 302, at 4; 3/21/17 Text Message, Gerson to Dmitriev.

¹¹²⁸ *Statement of Jared C. Kushner to Congressional Committees* (“Kushner Stmt.”), at 6 (7/24/17) (written statement by Kushner to the Senate Judiciary Committee).

¹¹²⁹ NOSC00004356 (11/16/16 Email, Vargas to Kushner (6:44 p.m.)).

¹¹³⁰ NOSC00004356 (11/16/16 Email, Kushner to Vargas (9:54 p.m.)).

¹¹³¹ 11/17/16 Email, Brown to Simes (10:41 a.m.); Brown 10/13/17 302, at 4; 11/17/16 Email, Vargas to Kushner (12:31:18).

Foresman, at the end of an early December 2016 meeting with incoming National Security Advisor Michael Flynn and his designated deputy (K.T. McFarland) in New York, Flynn asked Foresman for his thoughts on Kislyak. Foresman had not met Kislyak but told Flynn that, while Kislyak was an important person, Kislyak did not have a direct line to Putin.¹¹³² Foresman subsequently traveled to Moscow, inquired of a source he believed to be close to Putin, and heard back from that source that Ushakov would be the official channel for the incoming U.S. national security advisor.¹¹³³ Foresman acknowledged that Flynn had not asked him to undertake that inquiry in Russia but told the Office that he nonetheless felt obligated to report the information back to Flynn, and that he worked to get a face-to-face meeting with Flynn in January 2017 so that he could do so.¹¹³⁴ Email correspondence suggests that the meeting ultimately went forward,¹¹³⁵ but Flynn has no recollection of it or of the earlier December meeting.¹¹³⁶ (The investigation did not identify evidence of Flynn or Kushner meeting with Ushakov after being given his name.¹¹³⁷)

In the meantime, although he had already formed the impression that Kislyak was not necessarily the right point of contact,¹¹³⁸ Kushner went forward with the meeting that Kislyak had requested on November 16. It took place at Trump Tower on November 30, 2016.¹¹³⁹ At Kushner's invitation, Flynn also attended; Bannon was invited but did not attend.¹¹⁴⁰ During the meeting, which lasted approximately 30 minutes, Kushner expressed a desire on the part of the incoming Administration to start afresh with U.S.-Russian relations.¹¹⁴¹ Kushner also asked Kislyak to identify the best person (whether Kislyak or someone else) with whom to direct future discussions—someone who had contact with Putin and the ability to speak for him.¹¹⁴²

The three men also discussed U.S. policy toward Syria, and Kislyak floated the idea of having Russian generals brief the Transition Team on the topic using a secure communications line.¹¹⁴³ After Flynn explained that there was no secure line in the Transition Team offices,

¹¹³² Foresman 10/17/18 302, at 17.

¹¹³³ Foresman 10/17/18 302, at 17-18.

¹¹³⁴ Foresman 10/17/18 302, at 18.

¹¹³⁵ RMF-SCO-00000015 (1/5/17 Email, Foresman to Atencio & Flaherty); RMF-SCO-00000015 (1/5/17 Email, Flaherty to Foresman & Atencio).

¹¹³⁶ 9/26/18 Attorney Proffer from Covington & Burling LLP (reflected in email on file with the Office).

¹¹³⁷ Vargas 4/4/18 302, at 5.

¹¹³⁸ Kushner 11/1/17 302, at 4.

¹¹³⁹ AKIN_GUMP_BERKOWITZ_0000016-019 (11/29/16 Email, Vargas to Kuznetsov).

¹¹⁴⁰ Flynn 1/11/18 302, at 2; NOS00004240 (Calendar Invite, Vargas to Kushner & Flynn).

¹¹⁴¹ Kushner Stmt. at 6.

¹¹⁴² Kushner Stmt. at 6; Kushner 4/11/18 302, at 18.

¹¹⁴³ Kushner Stmt. at 7; Kushner 4/11/18 302, at 18; Flynn 1/11/18 302, at 2.

Kushner asked Kislyak if they could communicate using secure facilities at the Russian Embassy.¹¹⁴⁴ Kislyak quickly rejected that idea.¹¹⁴⁵

4. Jared Kushner's Meeting with Sergey Gorkov

On December 6, 2016, the Russian Embassy reached out to Kushner's assistant to set up a second meeting between Kislyak and Kushner.¹¹⁴⁶ Kushner declined several proposed meeting dates, but Kushner's assistant indicated that Kislyak was very insistent about securing a second meeting.¹¹⁴⁷ Kushner told the Office that he did not want to take another meeting because he had already decided Kislyak was not the right channel for him to communicate with Russia, so he arranged to have one of his assistants, Avi Berkowitz, meet with Kislyak in his stead.¹¹⁴⁸ Although embassy official Sergey Kuznetsov wrote to Berkowitz that Kislyak thought it "important" to "continue the conversation with Mr. Kushner in person,"¹¹⁴⁹ Kislyak nonetheless agreed to meet instead with Berkowitz once it became apparent that Kushner was unlikely to take a meeting.

Berkowitz met with Kislyak on December 12, 2016, at Trump Tower.¹¹⁵⁰ The meeting lasted only a few minutes, during which Kislyak indicated that he wanted Kushner to meet someone who had a direct line to Putin: Sergey Gorkov, the head of the Russian-government-owned bank Vnesheconombank (VEB).

Kushner agreed to meet with Gorkov.¹¹⁵¹ The one-on-one meeting took place the next day, December 13, 2016, at the Colony Capital building in Manhattan, where Kushner had previously scheduled meetings.¹¹⁵² VEB was (and is) the subject of Department of Treasury economic sanctions imposed in response to Russia's annexation of Crimea.¹¹⁵³ Kushner did not, however, recall any discussion during his meeting with Gorkov about the sanctions against VEB or sanctions more generally.¹¹⁵⁴ Kushner stated in an interview that he did not engage in any preparation for

¹¹⁴⁴ Kushner 4/11/18 302, at 18.

¹¹⁴⁵ Kushner 4/11/18 302, at 18.

¹¹⁴⁶ Kushner Stmt. at 7; NOSC00000123 (12/6/16 Email, Vargas to Kushner (12:11:40 p.m.)).

¹¹⁴⁷ Kushner 4/11/18 302, at 19; NOSC00000130 (12/12/16 Email, Kushner to Vargas (10:41 p.m.)).

¹¹⁴⁸ Kushner 4/11/18 302, at 19; Kushner Stmt. at 7; DJTFP_SCO_01442290 (12/6/16 Email, Berkowitz to [REDACTED]).

¹¹⁴⁹ DJTFP_SCO_01442290 (12/7/16 Email, [REDACTED] to Berkowitz (12:31:39 p.m.)).

¹¹⁵⁰ Berkowitz 1/12/18 302, at 7; AKIN_GUMP_BERKOWITZ_000001-04 (12/12/16 Text Messages, Berkowitz & 202-701-8532).

¹¹⁵¹ Kushner 4/11/18 302, at 19; NOSC00000130-135 (12/12/16 Email, Kushner to Berkowitz).

¹¹⁵² Kushner 4/11/18 302, at 19; NOSC00000130-135 (12/12/16 Email, Kushner to Berkowitz).

¹¹⁵³ *Announcement of Treasury Sanctions on Entities Within the Financial Services and Energy Sectors of Russia, Against Arms or Related Materiel Entities, and those Undermining Ukraine's Sovereignty*, United States Department of the Treasury (Jul. 16, 2014).

¹¹⁵⁴ Kushner 4/11/18 302, at 20.

the meeting and that no one on the Transition Team even did a Google search for Gorkov's name.¹¹⁵⁵

At the start of the meeting, Gorkov presented Kushner with two gifts: a painting and a bag of soil from the town in Belarus where Kushner's family originated.¹¹⁵⁶

The accounts from Kushner and Gorkov differ as to whether the meeting was diplomatic or business in nature. Kushner told the Office that the meeting was diplomatic, with Gorkov expressing disappointment with U.S.-Russia relations under President Obama and hopes for improved relations with the incoming Administration.¹¹⁵⁷ According to Kushner, although Gorkov told Kushner a little bit about his bank and made some statements about the Russian economy, the two did not discuss Kushner's companies or private business dealings of any kind.¹¹⁵⁸ (At the time of the meeting, Kushner Companies had a debt obligation coming due on the building it owned at 666 Fifth Avenue, and there had been public reporting both about efforts to secure lending on the property and possible conflicts of interest for Kushner arising out of his company's borrowing from foreign lenders.¹¹⁵⁹)

In contrast, in a 2017 public statement, VEB suggested Gorkov met with Kushner in Kushner's capacity as CEO of Kushner Companies for the purpose of discussing business, rather than as part of a diplomatic effort. In particular, VEB characterized Gorkov's meeting with Kushner as part of a series of "roadshow meetings" with "representatives of major US banks and business circles," which included "negotiations" and discussion of the "most promising business lines and sectors."¹¹⁶⁰

Foresman, the investment bank executive mentioned in Volume I, Sections IV.A.1 and IV.B.3, *supra*, told the Office that he met with Gorkov and VEB deputy chairman Nikolay Tsekhomsky in Moscow just before Gorkov left for New York to meet Kushner.¹¹⁶¹ According to Foresman, Gorkov and Tsekhomsky told him that they were traveling to New York to discuss post-election issues with U.S. financial institutions, that their trip was sanctioned by Putin, and that they would be reporting back to Putin upon their return.¹¹⁶²

¹¹⁵⁵ Kushner 4/11/18 302, at 19. Berkowitz, by contrast, stated to the Office that he had googled Gorkov's name and told Kushner that Gorkov appeared to be a banker. Berkowitz 1/12/18 302, at 8.

¹¹⁵⁶ Kushner 4/11/18 302, at 19-20.

¹¹⁵⁷ Kushner Stmt. at 8.

¹¹⁵⁸ Kushner Stmt. at 8.

¹¹⁵⁹ See, e.g., Peter Grant, *Donald Trump Son-in-Law Jared Kushner Could Face His Own Conflict-of-Interest Questions*, Wall Street Journal (Nov. 29, 2016).

¹¹⁶⁰ Patrick Reeve & Matthew Mosk, *Russian Banker Sergey Gorkov Brushes off Questions About Meeting with Jared Kushner*, ABC News (June 1, 2017).

¹¹⁶¹ Foresman 10/17/18 302, at 14-15.

¹¹⁶² Foresman 10/17/18 302, at 15-16.

The investigation did not resolve the apparent conflict in the accounts of Kushner and Gorkov or determine whether the meeting was diplomatic in nature (as Kushner stated), focused on business (as VEB's public statement indicated), or whether it involved some combination of those matters or other matters. Regardless, the investigation did not identify evidence that Kushner and Gorkov engaged in any substantive follow-up after the meeting.

Rather, a few days after the meeting, Gorkov's assistant texted Kushner's assistant, "Hi, please inform your side that the information about the meeting had a very positive response!"¹¹⁶³ Over the following weeks, the two assistants exchanged a handful of additional cordial texts.¹¹⁶⁴ On February 8, 2017, Gorkov's assistant texted Kushner's assistant (Berkowitz) to try to set up another meeting, and followed up by text at least twice in the days that followed.¹¹⁶⁵ According to Berkowitz, he did not respond to the meeting request in light of the press coverage regarding the Russia investigation, and did not tell Kushner about the meeting request.¹¹⁶⁶

5. Petr Aven's Outreach Efforts to the Transition Team

In December 2016, weeks after the one-on-one meeting with Putin described in Volume I, Section IV.B.1.b, *supra*, Petr Aven attended what he described as a separate "all-hands" oligarch meeting between Putin and Russia's most prominent businessmen.¹¹⁶⁷ As in Aven's one-on-one meeting, a main topic of discussion at the oligarch meeting in December 2016 was the prospect of forthcoming U.S. economic sanctions.¹¹⁶⁸

After the December 2016 all-hands meeting, Aven tried to establish a connection to the Trump team. Aven instructed Richard Burt to make contact with the incoming Trump Administration. Burt was on the board of directors for LetterOne (L1), another company headed by Aven, and had done work for Alfa-Bank.¹¹⁶⁹ Burt had previously served as U.S. ambassador to Germany and Assistant Secretary of State for European and Canadian Affairs, and one of his primary roles with Alfa-Bank and L1 was to facilitate introductions to business contacts in the United States and other Western countries.¹¹⁷⁰

While at a L1 board meeting held in Luxembourg in late December 2016, Aven pulled Burt aside and told him that he had spoken to someone high in the Russian government who expressed

¹¹⁶³ AKIN_GUMP_BERKOWITZ_0000011 (12/19/16 Text Message, Ivanchenko to Berkowitz (9:56 a.m.)).

¹¹⁶⁴ AKIN_GUMP_BERKOWITZ_0000011-15 (12/19/16 – 2/16/17 Text Messages, Ivanchenko & Berkowitz).

¹¹⁶⁵ AKIN_GUMP_BERKOWITZ_0000015 (2/8/17 Text Message, Ivanchenko to Berkowitz (10:41 a.m.)).

¹¹⁶⁶ Berkowitz 3/22/18 302, at 4-5.

¹¹⁶⁷ Aven 8/2/18 302, at 7; **Grand Jury**

¹¹⁶⁸ **Grand Jury**

¹¹⁶⁹ **Grand Jury** Aven 8/2/18 302, at 6.

¹¹⁷⁰ **Grand Jury** Aven 8/2/18 302, at 6; Burt 2/9/18 302, at 2.

interest in establishing a communications channel between the Kremlin and the Trump Transition Team.¹¹⁷¹ Aven asked for Burt's help in contacting members of the Transition Team.¹¹⁷² Although Burt had been responsible for helping Aven build connections in the past, Burt viewed Aven's request as unusual and outside the normal realm of his dealings with Aven.¹¹⁷³

Burt, who is a member of the board of CNI (discussed at Volume I, Section IV.A.4, *supra*),¹¹⁷⁴ decided to approach CNI president Dimitri Simes for help facilitating Aven's request, recalling that Simes had some relationship with Kushner.¹¹⁷⁵ At the time, Simes was lobbying the Trump Transition Team, on Burt's behalf, to appoint Burt U.S. ambassador to Russia.¹¹⁷⁶

Burt contacted Simes by telephone and asked if he could arrange a meeting with Kushner to discuss setting up a high-level communications channel between Putin and the incoming Administration.¹¹⁷⁷ Simes told the Office that he declined and stated to Burt that setting up such a channel was not a good idea in light of the media attention surrounding Russian influence in the U.S. presidential election.¹¹⁷⁸ According to Simes, he understood that Burt was seeking a secret channel, and Simes did not want CNI to be seen as an intermediary between the Russian government and the incoming Administration.¹¹⁷⁹ Based on what Simes had read in the media, he stated that he already had concerns that Trump's business connections could be exploited by Russia, and Simes said that he did not want CNI to have any involvement or apparent involvement in facilitating any connection.¹¹⁸⁰

In an email dated December 22, 2016, Burt recounted for Aven his conversation with Simes:

Through a trusted third party, I have reached out to the very influential person I mentioned in Luxembourg concerning Project A. There is an interest and an understanding for the need to establish such a channel. But the individual emphasized that at this moment, with so much intense interest in the Congress and the media over the question of cyber-hacking (and who ordered what), Project A was too explosive to discuss. The individual agreed to discuss it again after the New Year. I trust the individual's instincts on this.

¹¹⁷¹ Burt 2/9/18 302, at 2; **Grand Jury**

¹¹⁷² **Grand Jury**

¹¹⁷³ Burt 2/9/18 302, at 4.

¹¹⁷⁴ Burt 2/9/18 302, at 5.

¹¹⁷⁵ Burt 2/9/18 302, at 3.

¹¹⁷⁶ Burt 2/9/18 302, at 3.

¹¹⁷⁷ Burt 2/9/18 302, at 3; Simes 3/27/18 302, at 4.

¹¹⁷⁸ Burt 2/9/18 302, at 3; Simes 3/27/18 302, at 4.

¹¹⁷⁹ Simes 3/27/18 302, at 5.

¹¹⁸⁰ Simes 3/27/18 302, at 5.

If this is unclear or you would like to discuss, don't hesitate to call.¹¹⁸¹

According to Burt, the "very influential person" referenced in his email was Simes, and the reference to a "trusted third party" was a fabrication, as no such third party existed. "Project A" was a term that Burt created for Aven's effort to help establish a communications channel between Russia and the Trump team, which he used in light of the sensitivities surrounding what Aven was requesting, especially in light of the recent attention to Russia's influence in the U.S. presidential election.¹¹⁸² According to Burt, his report that there was "interest" in a communications channel reflected Simes's views, not necessarily those of the Transition Team, and in any event, Burt acknowledged that he added some "hype" to that sentence to make it sound like there was more interest from the Transition Team than may have actually existed.¹¹⁸³

Aven replied to Burt's email on the same day, saying "Thank you. All clear."¹¹⁸⁴ According to Aven, this statement indicated that he did not want the outreach to continue.¹¹⁸⁵ Burt spoke to Aven some time thereafter about his attempt to make contact with the Trump team, explaining to Aven that the current environment made it impossible, **Grand Jury**.¹¹⁸⁶ Burt did not recall discussing Aven's request with Simes again, nor did he recall speaking to anyone else about the request.¹¹⁸⁷

In the first quarter of 2017, Aven met again with Putin and other Russian officials.¹¹⁸⁸ At that meeting, Putin asked about Aven's attempt to build relations with the Trump Administration, and Aven recounted his lack of success.¹¹⁸⁹ **Grand Jury**.¹¹⁹⁰ Putin continued to inquire about Aven's efforts to connect to the Trump Administration in several subsequent quarterly meetings.¹¹⁹¹

Aven also told Putin's chief of staff that he had been subpoenaed by the FBI.¹¹⁹² As part of that conversation, he reported that he had been asked by the FBI about whether he had worked to create a back channel between the Russian government and the Trump Administration.¹¹⁹³

¹¹⁸¹ 12/22/16 Email, Burt to Aven (7:23 p.m.).

¹¹⁸² Burt 2/9/18 302, at 3.

¹¹⁸³ Burt 2/9/18 302, at 3-4.

¹¹⁸⁴ 12/22/16 Email, Aven to Burt (4:58:22 p.m.).

¹¹⁸⁵ Aven 8/2/18 302, at 7.

¹¹⁸⁶ **Grand Jury**

¹¹⁸⁷ Burt 2/9/18 302, at 3-4.

¹¹⁸⁸ **Grand Jury**

¹¹⁸⁹ **Grand Jury** Aven 8/2/18 302, at 7.

¹¹⁹⁰ **Grand Jury**

¹¹⁹¹ **Grand Jury**

¹¹⁹² Aven 8/2/18 302, at 8.

¹¹⁹³ Aven 8/2/18 302, at 8; **Grand Jury**

According to Aven, the official showed no emotion in response to this report and did not appear to care.¹¹⁹⁴

6. Carter Page Contact with Deputy Prime Minister Arkady Dvorkovich

In December 2016, more than two months after he was removed from the Trump Campaign, former Campaign foreign policy advisor Carter Page again visited Moscow in an attempt to pursue business opportunities.¹¹⁹⁵ **Grand Jury**

¹¹⁹⁶ According to Konstantin Kilimnik, Paul Manafort's associate, Page also gave some individuals in Russia the impression that he had maintained his connections to President-Elect Trump. In a December 8, 2016 email intended for Manafort, Kilimnik wrote, "Carter Page is in Moscow today, sending messages he is authorized to talk to Russia on behalf of DT on a range of issues of mutual interest, including Ukraine."¹¹⁹⁷

On December 9, 2016, Page went to dinner with NES employees Shlomo Weber and Andrej Krickovic.¹¹⁹⁸ Weber had contacted Dvorkovich to let him know that Page was in town and to invite him to stop by the dinner if he wished to do so, and Dvorkovich came to the restaurant for a few minutes to meet with Page.¹¹⁹⁹ Dvorkovich congratulated Page on Trump's election and expressed interest in starting a dialogue between the United States and Russia.¹²⁰⁰ Dvorkovich asked Page if he could facilitate connecting Dvorkovich with individuals involved in the transition to begin a discussion of future cooperation.¹²⁰¹ **Grand Jury**

¹²⁰² **Grand Jury**

¹²⁰³

¹¹⁹⁴ Aven 8/2/18 302, at 8; **Grand Jury**

¹¹⁹⁵ Page 3/10/17 302, at 4; Page 3/16/17 302, at 3; **Grand Jury** Among other meetings, Page contacted Andrey Baranov, head of investor relations at Rosneft, and they discussed the sale of Rosneft and meetings Baranov had attended with Rosneft CEO Igor Sechin. **Grand Jury**

¹¹⁹⁶ **Grand Jury**

¹¹⁹⁷ **Investigative Technique**

¹¹⁹⁸ Page 3/16/17 302, at 3; Page 3/30/17 302, at 8.

¹¹⁹⁹ Weber 7/28/17 302, at 4; Page 3/16/17 302, at 3; **Grand Jury**

¹²⁰⁰ Page 3/16/17 302, at 3; **Grand Jury**

¹²⁰¹ Page 3/16/17 302, at 3; **Grand Jury**

¹²⁰² **Grand Jury**

¹²⁰³ **Grand Jury**

Grand Jury Dvorkovich separately discussed working together in the future by forming an academic partnership.¹²⁰⁴ **Grand Jury**

Grand Jury

Grand Jury

7. Contacts With and Through Michael T. Flynn

Incoming National Security Advisor Michael Flynn was the Transition Team's primary conduit for communications with the Russian Ambassador and dealt with Russia on two sensitive matters during the transition period: a United Nations Security Council vote and the Russian government's reaction to the United States's imposition of sanctions for Russian interference in the 2016 election.¹²⁰⁷ Despite Kushner's conclusion that Kislyak did not wield influence inside the Russian government, the Transition Team turned to Flynn's relationship with Kislyak on both issues. As to the sanctions, Flynn spoke by phone to K.T. McFarland, his incoming deputy, to prepare for his call to Kislyak; McFarland was with the President-Elect and other senior members of the Transition Team at Mar-a-Lago at the time. Although transition officials at Mar-a-Lago had some concern about possible Russian reactions to the sanctions, the investigation did not identify evidence that the President-Elect asked Flynn to make any request to Kislyak. Flynn asked Kislyak not to escalate the situation in response to U.S. sanctions imposed on December 29, 2016, and Kislyak later reported to Flynn that Russia acceded to that request.

a. United Nations Vote on Israeli Settlements

On December 21, 2016, Egypt submitted a resolution to the United Nations Security Council calling on Israel to cease settlement activities in Palestinian territory.¹²⁰⁸ The Security Council, which includes Russia, was scheduled to vote on the resolution the following day.¹²⁰⁹ There was speculation in the media that the Obama Administration would not oppose the resolution.¹²¹⁰

¹²⁰⁴ **Grand Jury**

¹²⁰⁵ **Grand Jury**

¹²⁰⁶ **Grand Jury**

¹²⁰⁷ As discussed further in Volume I, Section V.C.4, *infra*, Flynn pleaded guilty to making false statements to the FBI, in violation of 18 U.S.C. § 1001, about these communications with Ambassador Kislyak. Plea Agreement, *United States v. Michael T. Flynn*, No. 1:17-cr-232 (D.D.C. Dec. 1, 2017), Doc. 3. Flynn's plea agreement required that he cooperate with this Office, and the statements from Flynn in this report reflect his cooperation over the course of multiple debriefings in 2017 and 2018.

¹²⁰⁸ Karen DeYoung, *How the U.S. Came to Abstain on a U.N. Resolution Condemning Israeli Settlements*, Washington Post (Dec. 28, 2016).

¹²⁰⁹ Karen DeYoung, *How the U.S. Came to Abstain on a U.N. Resolution Condemning Israeli Settlements*, Washington Post (Dec. 28, 2016).

¹²¹⁰ Michelle Nichols & Lesley Wroughton, *U.S. Intended to Allow Passage of U.N. Draft Critical of Israel*, Reuters (Dec. 21, 2016).

According to Flynn, the Transition Team regarded the vote as a significant issue and wanted to support Israel by opposing the resolution.¹²¹¹ On December 22, 2016, multiple members of the Transition Team, as well as President-Elect Trump, communicated with foreign government officials to determine their views on the resolution and to rally support to delay the vote or defeat the resolution.¹²¹² Kushner led the effort for the Transition Team; Flynn was responsible for the Russian government.¹²¹³ Minutes after an early morning phone call with Kushner on December 22, Flynn called Kislyak.¹²¹⁴ According to Flynn, he informed Kislyak about the vote and the Transition Team's opposition to the resolution, and requested that Russia vote against or delay the resolution.¹²¹⁵ Later that day, President-Elect Trump spoke with Egyptian President Abdel Fattah al-Sisi about the vote.¹²¹⁶ Ultimately, Egypt postponed the vote.¹²¹⁷

On December 23, 2016, Malaysia, New Zealand, Senegal, and Venezuela resubmitted the resolution.¹²¹⁸ Throughout the day, members of the Transition Team continued to talk with foreign leaders about the resolution, with Flynn continuing to lead the outreach with the Russian government through Kislyak.¹²¹⁹ When Flynn again spoke with Kislyak, Kislyak informed Flynn that if the resolution came to a vote, Russia would not vote against it.¹²²⁰ The resolution later passed 14-0, with the United States abstaining.¹²²¹

b. U.S. Sanctions Against Russia

Flynn was also the Transition Team member who spoke with the Russian government when the Obama Administration imposed sanctions and other measures against Russia in response to Russia's interference in the 2016 presidential election. On December 28, 2016, then-President Obama signed Executive Order 13757, which took effect at 12:01 a.m. the following day and

¹²¹¹ Flynn 11/16/17 302, at 12; Flynn 11/17/17 302, at 2.

¹²¹² Flynn 11/16/17 302, at 12-14; Flynn 11/17/17 302, at 2.

¹²¹³ Flynn 11/16/17 302, at 12-14; Flynn 11/17/17 302, at 2; Kushner 11/1/17 302, at 3; 12/22/16 Email, Kushner to Flynn; 12/22/16 Email, McFarland to Personal Privacy et al.

¹²¹⁴ Flynn 11/16/17 302, at 13; Call Records of Michael T. Flynn Grand Jury.

¹²¹⁵ Statement of Offense ¶ 3(d), *United States v. Michael T. Flynn*, No. 1:17-cr-232 (D.D.C. Dec. 1, 2017), Doc. 4 ("*Flynn* Statement of Offense"); Flynn 11/16/17 302, at 12-13.

¹²¹⁶ Flynn 11/17/17 302, at 2; Flynn 11/16/17 302, at 13.

¹²¹⁷ *U.N. Vote on Israeli Settlement Postponed, "Potentially Indefinitely"*, Reuters (Dec. 22, 2016).

¹²¹⁸ Somini Sengupta & Rick Gladstone, *Rebuffing Israel, U.S. Allows Censure Over Settlements*, New York Times (Dec. 23, 2016).

¹²¹⁹ Flynn 11/16/17 302, at 12-14; Kushner 11/1/17 302, at 3; 12/23/16 Email, Flynn to Kushner et al.

¹²²⁰ *Flynn* Statement of Offense ¶ 3(g).

¹²²¹ *Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms*, 7853rd Meeting (PM), United Nations Security Council (Dec. 23, 2016).

imposed sanctions on nine Russian individuals and entities.¹²²² On December 29, 2016, the Obama Administration also expelled 35 Russian government officials and closed two Russian government-owned compounds in the United States.¹²²³

During the rollout of the sanctions, President-Elect Trump and multiple Transition Team senior officials, including McFarland, Steve Bannon, and Reince Priebus, were staying at the Mar-a-Lago club in Palm Beach, Florida. Flynn was on vacation in the Dominican Republic,¹²²⁴ but was in daily contact with McFarland.¹²²⁵

The Transition Team and President-Elect Trump were concerned that these sanctions would harm the United States's relationship with Russia.¹²²⁶ Although the details and timing of sanctions were unknown on December 28, 2016, the media began reporting that retaliatory measures from the Obama Administration against Russia were forthcoming.¹²²⁷ When asked about imposing sanctions on Russia for its alleged interference in the 2016 presidential election, President-Elect Trump told the media, "I think we ought to get on with our lives."¹²²⁸

Russia initiated the outreach to the Transition Team. On the evening of December 28, 2016, Kislyak texted Flynn, "can you kindly call me back at your convenience."¹²²⁹ Flynn did not respond to the text message that evening. Someone from the Russian Embassy also called Flynn the next morning, at 10:38 a.m., but they did not talk.¹²³⁰

The sanctions were announced publicly on December 29, 2016.¹²³¹ At 1:53 p.m. that day, McFarland began exchanging emails with multiple Transition Team members and advisors about the impact the sanctions would have on the incoming Administration.¹²³² At 2:07 p.m., a Transition Team member texted Flynn a link to a New York Times article about the sanctions.¹²³³ At 2:29

¹²²² *Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities*, The White House, Office of the Press Secretary (Dec. 29, 2016).

¹²²³ *Statement by the President on Actions in Response to Russian Malicious Cyber Activity and Harassment*, The White House, Office of the Press Secretary (Dec. 29, 2016).

¹²²⁴ Flynn 11/16/17 302, at 14; McFarland 12/22/17 302, at 3-8; Bannon 2/12/18 302, at 5.

¹²²⁵ Flynn 11/17/17 302, at 5; Flynn 1/19/18 302, at 1; McFarland 11/22/17 302, at 3-9.

¹²²⁶ Flynn 11/17/17 302, at 3.

¹²²⁷ Christine Wang, *US to announce new sanctions against Russia in response to election hacking*, CNBC (Dec. 28, 2016).

¹²²⁸ John Wagner, *Trump on alleged election interference by Russia: "Get on with our lives"*, Washington Post (Dec. 29, 2016).

¹²²⁹ SF000006 (12/28/16 Text Message, Kislyak to Flynn).

¹²³⁰ Call Records of Michael T. Flynn **Grand Jury**

¹²³¹ Flynn 11/17/17 302, at 2-3; McFarland 12/22/17 302, at 4-5.

¹²³² 12/29/16 Email, McFarland to O'Brien et al.; 12/29/16 Email, McFarland to Flynn et al.

¹²³³ SF000001 (12/29/16 Text Message, Flaherty to Flynn).

p.m., McFarland called Flynn, but they did not talk.¹²³⁴ Shortly thereafter, McFarland and Bannon discussed the sanctions.¹²³⁵ According to McFarland, Bannon remarked that the sanctions would hurt their ability to have good relations with Russia, and that Russian escalation would make things more difficult.¹²³⁶ McFarland believed she told Bannon that Flynn was scheduled to talk to Kislyak later that night.¹²³⁷ McFarland also believed she may have discussed the sanctions with Priebus, and likewise told him that Flynn was scheduled to talk to Kislyak that night.¹²³⁸ At 3:14 p.m., Flynn texted a Transition Team member who was assisting McFarland, "Time for a call???"¹²³⁹ The Transition Team member responded that McFarland was on the phone with Tom Bossert, a Transition Team senior official, to which Flynn responded, "Tit for tat w Russia not good. Russian AMBO reaching out to me today."¹²⁴⁰

Flynn recalled that he chose not to communicate with Kislyak about the sanctions until he had heard from the team at Mar-a-Lago.¹²⁴¹ He first spoke with Michael Ledeen,¹²⁴² a Transition Team member who advised on foreign policy and national security matters, for 20 minutes.¹²⁴³ Flynn then spoke with McFarland for almost 20 minutes to discuss what, if anything, to communicate to Kislyak about the sanctions.¹²⁴⁴ On that call, McFarland and Flynn discussed the sanctions, including their potential impact on the incoming Trump Administration's foreign policy goals.¹²⁴⁵ McFarland and Flynn also discussed that Transition Team members in Mar-a-Lago did not want Russia to escalate the situation.¹²⁴⁶ They both understood that Flynn would relay a message to Kislyak in hopes of making sure the situation would not get out of hand.¹²⁴⁷

¹²³⁴ Call Records of K.T. McFarland **Grand Jury**.

¹²³⁵ McFarland 12/22/17 302, at 5-6.

¹²³⁶ McFarland 12/22/17 302, at 5-6.

¹²³⁷ McFarland 12/22/17 302, at 6.

¹²³⁸ McFarland 12/22/17 302, at 6.

¹²³⁹ SF000001 (12/29/16 Text Message, Flynn to Flaherty).

¹²⁴⁰ SF000001 (12/29/16 Text Message, Flynn to Flaherty).

¹²⁴¹ Flynn 11/20/17 302, at 3.

¹²⁴² Michael Ledeen is married to Barbara Ledeen, the Senate staffer whose 2016 efforts to locate Hillary Clinton's missing emails are described in Volume I, Section III.D.2, *supra*.

¹²⁴³ Flynn 11/17/17 302, at 3; Call Records of Michael Ledeen **Grand Jury**.

¹²⁴⁴ Flynn 11/17/17 302, at 3-4; *Flynn* Statement of Offense ¶ 3(c); Call Records of K.T. McFarland **Grand Jury**; Call Records of Michael T. Flynn **Grand Jury**.

¹²⁴⁵ Flynn 11/17/17 302, at 3-4

¹²⁴⁶ Flynn 11/17/17 302, at 3-4; *Flynn* Statement of Offense ¶ 3(c); McFarland 12/22/17 302, at 6-7.

¹²⁴⁷ Flynn 11/17/17 302, at 4; McFarland 12/22/17 302, at 6-7.

Immediately after speaking with McFarland, Flynn called and spoke with Kislyak.¹²⁴⁸ Flynn discussed multiple topics with Kislyak, including the sanctions, scheduling a video teleconference between President-Elect Trump and Putin, an upcoming terrorism conference, and Russia's views about the Middle East.¹²⁴⁹ With respect to the sanctions, Flynn requested that Russia not escalate the situation, not get into a "tit for tat," and only respond to the sanctions in a reciprocal manner.¹²⁵⁰

Multiple Transition Team members were aware that Flynn was speaking with Kislyak that day. In addition to her conversations with Bannon and Reince Priebus, at 4:43 p.m., McFarland sent an email to Transition Team members about the sanctions, informing the group that "Gen [F]lynn is talking to russian ambassador this evening."¹²⁵¹ Less than an hour later, McFarland briefed President-Elect Trump. Bannon, Priebus, Sean Spicer, and other Transition Team members were present.¹²⁵² During the briefing, President-Elect Trump asked McFarland if the Russians did "it," meaning the intrusions intended to influence the presidential election.¹²⁵³ McFarland said yes, and President-Elect Trump expressed doubt that it was the Russians.¹²⁵⁴ McFarland also discussed potential Russian responses to the sanctions, and said Russia's response would be an indicator of what the Russians wanted going forward.¹²⁵⁵ President-Elect Trump opined that the sanctions provided him with leverage to use with the Russians.¹²⁵⁶ McFarland recalled that at the end of the meeting, someone may have mentioned to President-Elect Trump that Flynn was speaking to the Russian ambassador that evening.¹²⁵⁷

After the briefing, Flynn and McFarland spoke over the phone.¹²⁵⁸ Flynn reported on the substance of his call with Kislyak, including their discussion of the sanctions.¹²⁵⁹ According to McFarland, Flynn mentioned that the Russian response to the sanctions was not going to be escalatory because they wanted a good relationship with the incoming Administration.¹²⁶⁰ McFarland also gave Flynn a summary of her recent briefing with President-Elect Trump.¹²⁶¹

¹²⁴⁸ Flynn Statement of Offense ¶ 3(d).

¹²⁴⁹ Flynn 11/17/17 302, at 3-4; *Flynn* Statement of Offense ¶ 3(c); 12/30/16 Email, Flynn to McFarland.

¹²⁵⁰ Flynn 11/17/17 302, at 1; *Flynn* Statement of Offense ¶ 3(d).

¹²⁵¹ 12/29/16 Email, McFarland to Flynn et al.

¹²⁵² 12/29/16 Email, Westerhout to Flaherty; McFarland 12/22/17 302, at 7.

¹²⁵³ McFarland 12/22/17 302, at 7.

¹²⁵⁴ McFarland 12/22/17 302, at 7.

¹²⁵⁵ McFarland 12/22/17 302, at 7.

¹²⁵⁶ McFarland 12/22/17 302, at 7.

¹²⁵⁷ McFarland 12/22/17 302, at 7.

¹²⁵⁸ McFarland 12/22/17 302, at 7.

¹²⁵⁹ Flynn 11/17/17 302, at 4; *Flynn* Statement of Offense ¶ 3(e).

¹²⁶⁰ McFarland 12/22/17 302, at 8.

¹²⁶¹ McFarland 12/22/17 302, at 8.

The next day, December 30, 2016, Russian Foreign Minister Sergey Lavrov remarked that Russia would respond in kind to the sanctions.¹²⁶² Putin superseded that comment two hours later, releasing a statement that Russia would not take retaliatory measures in response to the sanctions at that time.¹²⁶³ Hours later President-Elect Trump tweeted, "Great move on delay (by V. Putin)."¹²⁶⁴ Shortly thereafter, Flynn sent a text message to McFarland summarizing his call with Kislyak from the day before, which she emailed to Kushner, Bannon, Priebus, and other Transition Team members.¹²⁶⁵ The text message and email did not include sanctions as one of the topics discussed with Kislyak.¹²⁶⁶ Flynn told the Office that he did not document his discussion of sanctions because it could be perceived as getting in the way of the Obama Administration's foreign policy.¹²⁶⁷

On December 31, 2016, Kislyak called Flynn and told him the request had been received at the highest levels and that Russia had chosen not to retaliate to the sanctions in response to the request.¹²⁶⁸ Two hours later, Flynn spoke with McFarland and relayed his conversation with Kislyak.¹²⁶⁹ According to McFarland, Flynn remarked that the Russians wanted a better relationship and that the relationship was back on track.¹²⁷⁰ Flynn also told McFarland that he believed his phone call had made a difference.¹²⁷¹ McFarland recalled congratulating Flynn in response.¹²⁷² Flynn spoke with other Transition Team members that day, but does not recall whether they discussed the sanctions.¹²⁷³ Flynn recalled discussing the sanctions with Bannon the next day and that Bannon appeared to know about Flynn's conversation with Kislyak.¹²⁷⁴ Bannon,

¹²⁶² *Comment by Foreign Minister Sergey Lavrov on recent US sanctions and the expulsion of Russian diplomats, Moscow, December 20, 2016*, The Ministry of Foreign Affairs of the Russian Federation (Dec. 30, 2016 (5:32 a.m.)).

¹²⁶³ *Statement of the President of the Russian Federation*, Kremlin, Office of the President (Dec. 30, 2016 (7:15 a.m.)).

¹²⁶⁴ @realDonaldTrump 12/30/16 (11:41 a.m.) Tweet.

¹²⁶⁵ 12/30/16 Email, Flynn to McFarland; 12/30/16 Email, McFarland to Kushner et al.

¹²⁶⁶ 12/30/16 Email, McFarland to Kushner et al.

¹²⁶⁷ Flynn 11/17/17 302, at 4.

¹²⁶⁸ Call Records of Michael T. Flynn **Grand Jury**; Flynn 11/17/17 302, at 1; Flynn 1/19/17 302, at 3; Flynn Statement of Offense ¶ 3(g).

¹²⁶⁹ Call Records of Michael T. Flynn **Grand Jury**; Flynn 11/17/17 302, at 5; Flynn 1/19/17 302, at 3; McFarland 12/22/17 302, at 10.

¹²⁷⁰ McFarland 12/22/17 302, at 10.

¹²⁷¹ McFarland 12/22/17 302, at 10.

¹²⁷² McFarland 12/22/17 302, at 10.

¹²⁷³ Flynn 11/17/17 302, at 5-6.

¹²⁷⁴ Flynn 11/21/17 302, at 1; Flynn 11/20/17 302, at 3; Flynn 1/19/17 302, at 5; *Flynn Statement of Offense* ¶ 3(h).

for his part, recalled meeting with Flynn that day, but said that he did not remember discussing sanctions with him.¹²⁷⁵

Additional information about Flynn's sanctions-related discussions with Kislyak, and the handling of those discussions by the Transition Team and the Trump Administration, is provided in Volume II of this report.

* * *

In sum, the investigation established multiple links between Trump Campaign officials and individuals tied to the Russian government. Those links included Russian offers of assistance to the Campaign. In some instances, the Campaign was receptive to the offer, while in other instances the Campaign officials shied away. Ultimately, the investigation did not establish that the Campaign coordinated or conspired with the Russian government in its election-interference activities.

¹²⁷⁵ Bannon 2/12/18 302, at 9.

V. PROSECUTION AND DECLINATION DECISIONS

The Appointment Order authorized the Special Counsel's Office "to prosecute federal crimes arising from [its] investigation" of the matters assigned to it. In deciding whether to exercise this prosecutorial authority, the Office has been guided by the Principles of Federal Prosecution set forth in the Justice (formerly U.S. Attorney's) Manual. In particular, the Office has evaluated whether the conduct of the individuals considered for prosecution constituted a federal offense and whether admissible evidence would probably be sufficient to obtain and sustain a conviction for such an offense. Justice Manual § 9-27.220 (2018). Where the answer to those questions was yes, the Office further considered whether the prosecution would serve a substantial federal interest, the individuals were subject to effective prosecution in another jurisdiction, and there existed an adequate non-criminal alternative to prosecution. *Id.*

As explained below, those considerations led the Office to seek charges against two sets of Russian nationals for their roles in perpetrating the active-measures social media campaign and computer-intrusion operations. **Harm to Ongoing Matter**

[REDACTED] The Office similarly determined that the contacts between Campaign officials and Russia-linked individuals either did not involve the commission of a federal crime or, in the case of campaign-finance offenses, that our evidence was not sufficient to obtain and sustain a criminal conviction. At the same time, the Office concluded that the Principles of Federal Prosecution supported charging certain individuals connected to the Campaign with making false statements or otherwise obstructing this investigation or parallel congressional investigations.

A. Russian "Active Measures" Social Media Campaign

On February 16, 2018, a federal grand jury in the District of Columbia returned an indictment charging 13 Russian nationals and three Russian entities—including the Internet Research Agency (IRA) and Concord Management and Consulting LLC (Concord)—with violating U.S. criminal laws in order to interfere with U.S. elections and political processes.¹²⁷⁶ The indictment charges all of the defendants with conspiracy to defraud the United States (Count One), three defendants with conspiracy to commit wire fraud and bank fraud (Count Two), and five defendants with aggravated identity theft (Counts Three through Eight). *Internet Research Agency* Indictment. Concord, which is one of the entities charged in the Count One conspiracy, entered an appearance through U.S. counsel and moved to dismiss the charge on multiple grounds. In orders and memorandum opinions issued on August 13 and November 15, 2018, the district court denied Concord's motions to dismiss. *United States v. Concord Management & Consulting LLC*, 347 F. Supp. 3d 38 (D.D.C. 2018). *United States v. Concord Management & Consulting LLC*, 317 F. Supp. 3d 598 (D.D.C. 2018). As of this writing, the prosecution of Concord remains ongoing before the U.S. District Court for the District of Columbia. The other defendants remain at large.

¹²⁷⁶ A more detailed explanation of the charging decision in this case is set forth in a separate memorandum provided to the Acting Attorney General before the indictment.

Although members of the IRA had contact with individuals affiliated with the Trump Campaign, the indictment does not charge any Trump Campaign official or any other U.S. person with participating in the conspiracy. That is because the investigation did not identify evidence that any U.S. person who coordinated or communicated with the IRA knew that he or she was speaking with Russian nationals engaged in the criminal conspiracy. The Office therefore determined that such persons did not have the knowledge or criminal purpose required to charge them in the conspiracy to defraud the United States (Count One) or in the separate count alleging a wire- and bank-fraud conspiracy involving the IRA and two individual Russian nationals (Count Two).

The Office did, however, charge one U.S. national for his role in supplying false or stolen bank account numbers that allowed the IRA conspirators to access U.S. online payment systems by circumventing those systems' security features. On February 12, 2018, Richard Pinedo pleaded guilty, pursuant to a single-count information, to identity fraud, in violation of 18 U.S.C. § 1028(a)(7) and (b)(1)(D). Plea Agreement, *United States v. Richard Pinedo*, No. 1:18-cr-24 (D.D.C. Feb. 12, 2018), Doc. 10. The investigation did not establish that Pinedo was aware of the identity of the IRA members who purchased bank account numbers from him. Pinedo's sales of account numbers enabled the IRA members to anonymously access a financial network through which they transacted with U.S. persons and companies. See Gov't Sent. Mem. at 3, *United States v. Richard Pinedo*, No. 1:18-cr-24 (D.D.C. Sept. 26, 2018), Doc. 24. On October 10, 2018, Pinedo was sentenced to six months of imprisonment, to be followed by six months of home confinement, and was ordered to complete 100 hours of community service.

B. Russian Hacking and Dumping Operations

1. Section 1030 Computer-Intrusion Conspiracy

a. Background

On July 13, 2018, a federal grand jury in the District of Columbia returned an indictment charging Russian military intelligence officers from the GRU with conspiring to hack into various U.S. computers used by the Clinton Campaign, DNC, DCCC, and other U.S. persons, in violation of 18 U.S.C. §§ 1030 and 371 (Count One); committing identity theft and conspiring to commit money laundering in furtherance of that hacking conspiracy, in violation of 18 U.S.C. §§ 1028A and 1956(h) (Counts Two through Ten); and a separate conspiracy to hack into the computers of U.S. persons and entities responsible for the administration of the 2016 U.S. election, in violation of 18 U.S.C. §§ 1030 and 371 (Count Eleven). *Netyksho* Indictment.¹²⁷⁷ As of this writing, all 12 defendants remain at large.

The *Netyksho* indictment alleges that the defendants conspired with one another and with others to hack into the computers of U.S. persons and entities involved in the 2016 U.S. presidential election, steal documents from those computers, and stage releases of the stolen documents to interfere in the election. *Netyksho* Indictment ¶ 2. The indictment also describes how, in staging

¹²⁷⁷ The Office provided a more detailed explanation of the charging decision in this case in meetings with the Office of the Acting Attorney General before the indictment.

the releases, the defendants used the Guccifer 2.0 persona to disseminate documents through WikiLeaks. On July 22, 2016, WikiLeaks released over 20,000 emails and other documents that the hacking conspirators had stolen from the DNC. *Netyksho* Indictment ¶ 48. In addition, on October 7, 2016, WikiLeaks began releasing emails that some conspirators had stolen from Clinton Campaign chairman John Podesta after a successful spearphishing operation. *Netyksho* Indictment ¶ 49.

Harm to Ongoing Matter

Harm to Ongoing Matter

Grand Jury

b. Charging Decision As to Harm to Ongoing Matter

Harm to Ongoing Matter

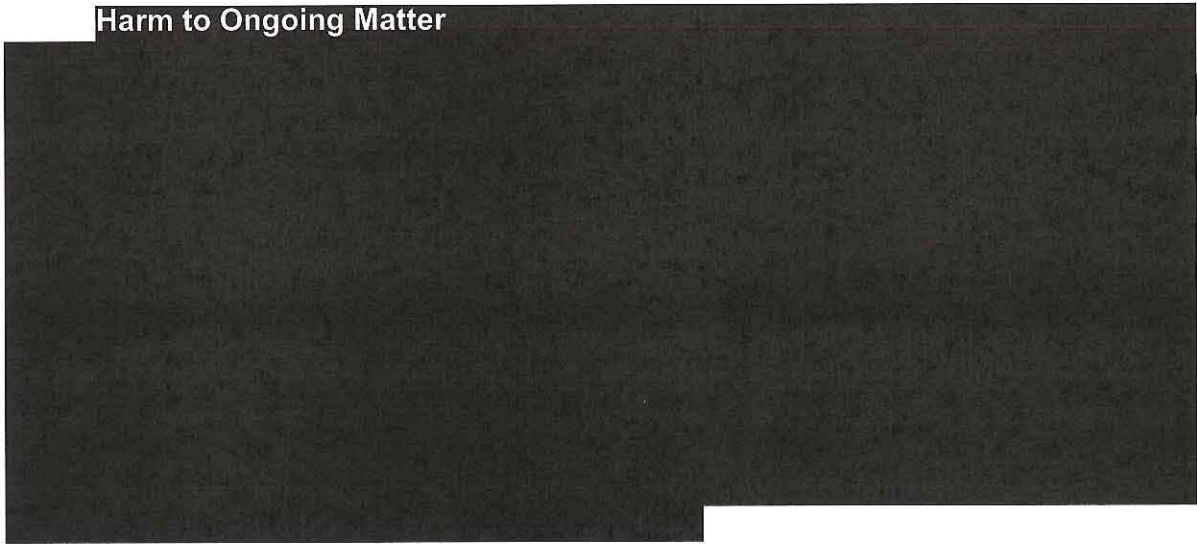
278 Harm to Ongoing Matter

¹²⁷⁸ The Office also considered, but ruled out, charges on the theory that the post-hacking sharing and dissemination of emails could constitute trafficking in or receipt of stolen property under the National Stolen Property Act (NSPA), 18 U.S.C. §§ 2314 and 2315. The statutes comprising the NSPA cover “goods, wares, or merchandise,” and lower courts have largely understood that phrase to be limited to tangible items since the Supreme Court’s decision in *Dowling v. United States*, 473 U.S. 207 (1985). See *United States v. Yijia Zhang*, 995 F. Supp. 2d 340, 344-48 (E.D. Pa. 2014) (collecting cases). One of those post-*Dowling* decisions—*United States v. Brown*, 925 F.2d 1301 (10th Cir. 1991)—specifically held that the NSPA does not reach “a computer program in source code form,” even though that code was stored in tangible items (*i.e.*, a hard disk and in a three-ring notebook). *Id.* at 1302-03. Congress, in turn, cited the *Brown* opinion in explaining the need for amendments to 18 U.S.C. § 1030(a)(2) that “would ensure that the theft of intangible information by the unauthorized use of a computer is prohibited in the same way theft of physical items [is] protected.” S. Rep. 104-357, at 7 (1996). That sequence of events would make it difficult to argue that hacked emails in electronic form, which are the relevant stolen items here, constitute “goods, wares, or merchandise” within the meaning of the NSPA.

Harm to Ongoing Matter



Harm to Ongoing Matter



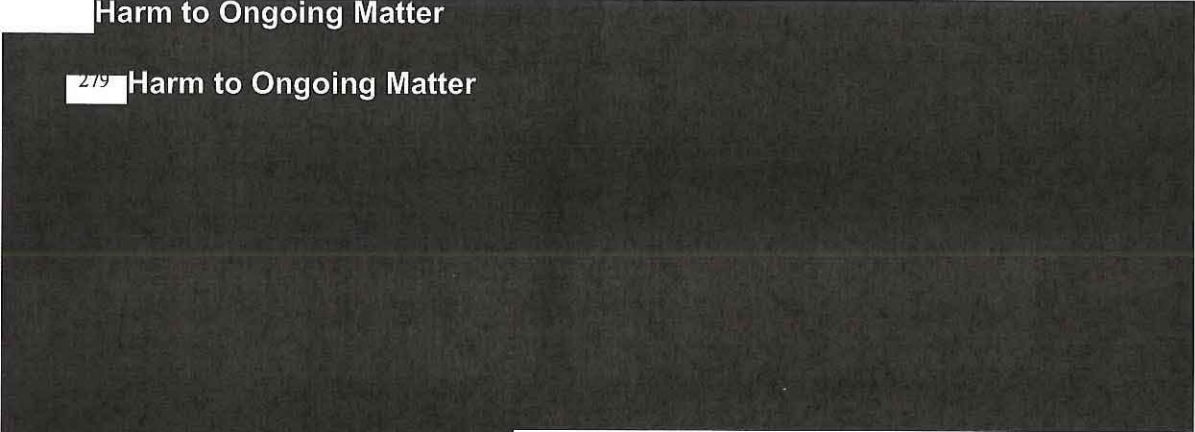
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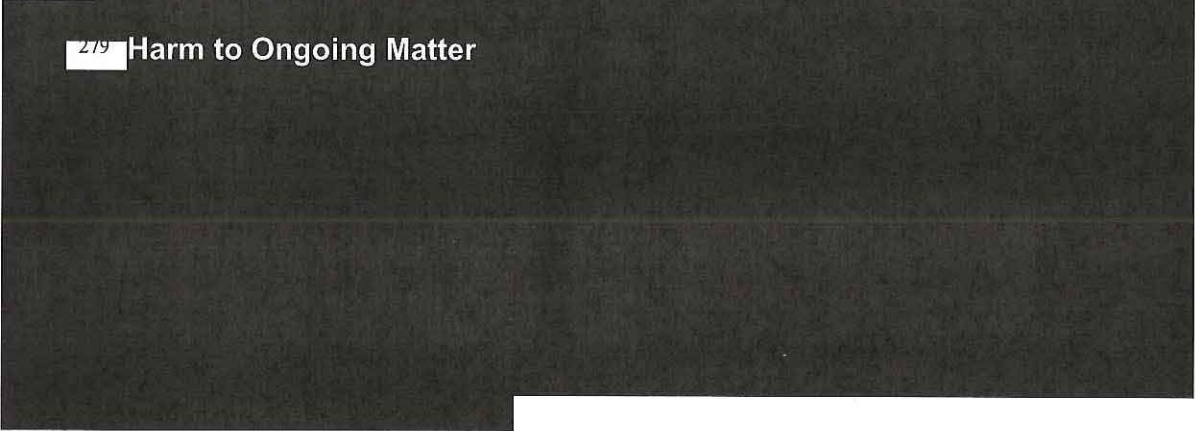
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Harm to Ongoing Matter

[REDACTED]

2. Potential Section 1030 Violation By PP [REDACTED]

Personal Privacy

[REDACTED]

Personal Privacy

[REDACTED]

See United States v. Willis, 476 F.3d 1121, 1125 n.1 (10th Cir. 2007) (explaining that the 1986 amendments to Section 1030 reflect Congress's desire to reach "'intentional acts of unauthorized access—rather than mistaken, inadvertent, or careless ones'" (quoting S. Rep. 99-432, at 5 (1986)). In addition, the computer **Personal Privacy** likely qualifies as a "protected" one under the statute, which reaches "effectively all computers with Internet access." *United States v. Nosal*, 676 F.3d 854, 859 (9th Cir. 2012) (en banc). **Personal Privacy**

[REDACTED]

Applying the Principles of Federal Prosecution, however, the Office determined that prosecution of this potential violation was not warranted. Those Principles instruct prosecutors to consider, among other things, the nature and seriousness of the offense, the person's culpability in connection with the offense, and the probable sentence to be imposed if the prosecution is successful. Justice Manual § 9-27.230. **Personal Privacy**

[REDACTED]

Personal Privacy

C. Russian Government Outreach and Contacts

As explained in Section IV above, the Office's investigation uncovered evidence of numerous links (*i.e.*, contacts) between Trump Campaign officials and individuals having or claiming to have ties to the Russian government. The Office evaluated the contacts under several sets of federal laws, including conspiracy laws and statutes governing foreign agents who operate in the United States. After considering the available evidence, the Office did not pursue charges under these statutes against any of the individuals discussed in Section IV above—with the exception of FARA charges against Paul Manafort and Richard Gates based on their activities on behalf of Ukraine.

One of the interactions between the Trump Campaign and Russian-affiliated individuals—the June 9, 2016 meeting between high-ranking campaign officials and Russians promising derogatory information on Hillary Clinton—implicates an additional body of law: campaign-finance statutes. Schemes involving the solicitation or receipt of assistance from foreign sources raise difficult statutory and constitutional questions. As explained below, the Office evaluated those questions in connection with the June 9 meeting **Harm to Ongoing Matter**. The Office ultimately concluded that, even if the principal legal questions were resolved favorably to the government, a prosecution would encounter difficulties proving that Campaign officials or individuals connected to the Campaign willfully violated the law.

Finally, although the evidence of contacts between Campaign officials and Russia-affiliated individuals may not have been sufficient to establish or sustain criminal charges, several U.S. persons connected to the Campaign made false statements about those contacts and took other steps to obstruct the Office's investigation and those of Congress. This Office has therefore charged some of those individuals with making false statements and obstructing justice.

1. Potential Coordination: Conspiracy and Collusion

As an initial matter, this Office evaluated potentially criminal conduct that involved the collective action of multiple individuals not under the rubric of "collusion," but through the lens of conspiracy law. In so doing, the Office recognized that the word "collud[e]" appears in the Acting Attorney General's August 2, 2017 memorandum; it has frequently been invoked in public reporting; and it is sometimes referenced in antitrust law, *see, e.g., Brooke Group v. Brown & Williamson Tobacco Corp.*, 509 U.S. 209, 227 (1993). But collusion is not a specific offense or theory of liability found in the U.S. Code; nor is it a term of art in federal criminal law. To the contrary, even as defined in legal dictionaries, collusion is largely synonymous with conspiracy as that crime is set forth in the general federal conspiracy statute, 18 U.S.C. § 371. *See Black's Law Dictionary* 321 (10th ed. 2014) (collusion is "[a]n agreement to defraud another or to do or obtain something forbidden by law"); 1 Alexander Burrill, *A Law Dictionary and Glossary* 311 (1871) ("An agreement between two or more persons to defraud another by the forms of law, or to employ such forms as means of accomplishing some unlawful object."); 1 *Bouvier's Law Dictionary* 352

(1897) (“An agreement between two or more persons to defraud a person of his rights by the forms of law, or to obtain an object forbidden by law.”).

For that reason, this Office’s focus in resolving the question of joint criminal liability was on conspiracy as defined in federal law, not the commonly discussed term “collusion.” The Office considered in particular whether contacts between Trump Campaign officials and Russia-linked individuals could trigger liability for the crime of conspiracy—either under statutes that have their own conspiracy language (*e.g.*, 18 U.S.C. §§ 1349, 1951(a)), or under the general conspiracy statute (18 U.S.C. § 371). The investigation did not establish that the contacts described in Volume I, Section IV, *supra*, amounted to an agreement to commit any substantive violation of federal criminal law—including foreign-influence and campaign-finance laws, both of which are discussed further below. The Office therefore did not charge any individual associated with the Trump Campaign with conspiracy to commit a federal offense arising from Russia contacts, either under a specific statute or under Section 371’s offenses clause.

The Office also did not charge any campaign official or associate with a conspiracy under Section 371’s defraud clause. That clause criminalizes participating in an agreement to obstruct a lawful function of the U.S. government or its agencies through deceitful or dishonest means. *See Dennis v. United States*, 384 U.S. 855, 861 (1966); *Hammerschmidt v. United States*, 265 U.S. 182, 188 (1924); *see also United States v. Concord Mgmt. & Consulting LLC*, 347 F. Supp. 3d 38, 46 (D.D.C. 2018). The investigation did not establish any agreement among Campaign officials—or between such officials and Russia-linked individuals—to interfere with or obstruct a lawful function of a government agency during the campaign or transition period. And, as discussed in Volume I, Section V.A, *supra*, the investigation did not identify evidence that any Campaign official or associate knowingly and intentionally participated in the conspiracy to defraud that the Office charged, namely, the active-measures conspiracy described in Volume I, Section II, *supra*. Accordingly, the Office did not charge any Campaign associate or other U.S. person with conspiracy to defraud the United States based on the Russia-related contacts described in Section IV above.

2. Potential Coordination: Foreign Agent Statutes (FARA and 18 U.S.C. § 951)

The Office next assessed the potential liability of Campaign-affiliated individuals under federal statutes regulating actions on behalf of, or work done for, a foreign government.

a. Governing Law

Under 18 U.S.C. § 951, it is generally illegal to act in the United States as an agent of a foreign government without providing notice to the Attorney General. Although the defendant must act on behalf of a foreign government (as opposed to other kinds of foreign entities), the acts need not involve espionage; rather, acts of any type suffice for liability. *See United States v. Duran*, 596 F.3d 1283, 1293-94 (11th Cir. 2010); *United States v. Latchin*, 554 F.3d 709, 715 (7th Cir. 2009); *United States v. Dumeisi*, 424 F.3d 566, 581 (7th Cir. 2005). An “agent of a foreign government” is an “individual” who “agrees to operate” in the United States “subject to the direction or control of a foreign government or official.” 18 U.S.C. § 951(d).

The crime defined by Section 951 is complete upon knowingly acting in the United States as an unregistered foreign-government agent. 18 U.S.C. § 951(a). The statute does not require willfulness, and knowledge of the notification requirement is not an element of the offense. *United States v. Campa*, 529 F.3d 980, 998-99 (11th Cir. 2008); *Duran*, 596 F.3d at 1291-94; *Dumeisi*, 424 F.3d at 581.

The Foreign Agents Registration Act (FARA) generally makes it illegal to act as an agent of a foreign principal by engaging in certain (largely political) activities in the United States without registering with the Attorney General. 22 U.S.C. §§ 611-621. The triggering agency relationship must be with a foreign principal or “a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal.” 22 U.S.C. § 611(c)(1). That includes a foreign government or political party and various foreign individuals and entities. 22 U.S.C. § 611(b). A covered relationship exists if a person “acts as an agent, representative, employee, or servant” or “in any other capacity at the order, request, or under the [foreign principal’s] direction or control.” 22 U.S.C. § 611(c)(1). It is sufficient if the person “agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal.” 22 U.S.C. § 611(c)(2).

The triggering activity is that the agent “directly or through any other person” in the United States (1) engages in “political activities for or in the interests of [the] foreign principal,” which includes attempts to influence federal officials or the public; (2) acts as “public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal”; (3) “solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal”; or (4) “represents the interests of such foreign principal” before any federal agency or official. 22 U.S.C. § 611(c)(1).

It is a crime to engage in a “[w]illful violation of any provision of the Act or any regulation thereunder.” 22 U.S.C. § 618(a)(1). It is also a crime willfully to make false statements or omissions of material facts in FARA registration statements or supplements. 22 U.S.C. § 618(a)(2). Most violations have a maximum penalty of five years of imprisonment and a \$10,000 fine. 22 U.S.C. § 618.

b. Application

The investigation uncovered extensive evidence that Paul Manafort’s and Richard Gates’s pre-campaign work for the government of Ukraine violated FARA. Manafort and Gates were charged for that conduct and admitted to it when they pleaded guilty to superseding criminal informations in the District of Columbia prosecution.¹²⁸⁰ The evidence underlying those charges is not addressed in this report because it was discussed in public court documents and in a separate

¹²⁸⁰ *Gates Superseding Criminal Information; Waiver of Indictment, United States v. Richard W. Gates III*, 1:17-cr-201 (D.D.C. Feb. 23, 2018), Doc. 203; *Waiver of Trial by Jury, United States v. Richard W. Gates III*, 1:17-cr-201 (D.D.C. Feb. 23, 2018), Doc. 204; *Gates Plea Agreement; Statement of Offense, United States v. Richard W. Gates III*, 1:17-cr-201 (D.D.C. Feb. 23, 2018), Doc. 206; *Plea Agreement, United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. Sept. 14, 2018), Doc. 422; *Statement of Offense, United States v. Paul J. Manafort, Jr.*, 1:17-cr-201 (D.D.C. Sept. 14, 2018), Doc. 423.