

1
2 PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
3 joint with the
4 COMMITTEE ON OVERSIGHT AND REFORM
5 and the
6 COMMITTEE ON FOREIGN AFFAIRS,
7 U.S. HOUSE OF REPRESENTATIVES,
8 WASHINGTON, D.C.

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12 DEPOSITION OF: MARIE "MASHA" YOYANOVITCH

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17 Friday, October 11, 2019

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Washington, D.C.

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21 The interview in the above matter was held in Room
22 HVC-304, Capitol Visitor Center, commencing at 10:38 a.m.

23 Present: Schiff, Himes, Quigley, Heck, and Maloney.

24 Also Present: Representatives Norton, Plaskett, Raskin,
25 Jordan, Meadows, Malinowski, Perry, and Zeldin.

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For the Committee ON FOREIGN AFFAIRS:

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For MARIE YOVANOVITCH:

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LAWRENCE S. ROBBINS, ESQ.

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LAURIE RUBENSTEIN, ESQ.

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ROBBINS, RUSSELL, ENGLERT, ORSECK,

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1 THE CHAIRMAN: Okay. The committee will come to order.
2 Good morning, Ambassador, and welcome to the House Permanent
3 Select Committee on Intelligence, which along with the
4 Foreign Affairs and Oversight, Committees, is conducting this
5 investigation as part of the official impeachment inquiry of
6 the House of Representatives.

7 Today's deposition is being conducted as part of the
8 inquiry. On behalf of all of us today, on both sides of the
9 table, I want to thank you for your decades of service to the
10 Nation, and especially for so ably representing the United
11 States as our Ambassador to Armenia, Kyrgyzstan, and Ukraine.
12 As you know firsthand, the post-Soviet space has presented a
13 myriad of challenges for success of American administrations.
14 And as the successor states, the former USSR continue to
15 grapple with the consequences of 70 years of Communism.

16 I've read about the curtailment of your posting in Kyiv,
17 and I have seen the shameful attacks made on you by those who
18 lack your character and devotion to country. While we will
19 doubtless explore more fully the circumstances of your
20 premature recall during this interview, I'm appalled that any
21 administration would treat a dedicated public servant as you
22 have been treated.

23 As you know, the White House and the Secretary of State
24 have spared no effort in trying to prevent you and others
25 from meeting with us to tell us the facts. Because of the

1 administration's efforts to block your deposition and
2 obstruct your inquiry, the committee had no choice but to
3 compel your appearance today. We thank you for complying
4 with the duly authorized congressional subpoena.

5 Finally, I want you to know that the Congress will not
6 tolerate any attempt to retaliate against you or to exact
7 retribution of any kind. We expect that you'll be treated in
8 accordance with your rank, and offered assignments
9 commensurate with your expertise and long service. Should
10 that not be the case, we will hold those responsible to
11 account.

12 Before I turn to committee counsel to begin the
13 deposition, I invite Ranking Member Nunes or any member of
14 HPSCI, or in their absence, any of my minority colleagues to
15 make opening remarks on Mr. Nunes' behalf.

16 MR. JORDAN: Thank you, Mr. Chairman. Just for the
17 record, on October 2nd, 2019, the Speaker of the House, Nancy
18 Pelosi, said that she would treat the President with
19 fairness. Fairness requires certain things. Just a few
20 minutes ago, the chairman of the Intel Committee said that
21 this is an official impeachment inquiry.

22 If it's an official impeachment inquiry, we should be
23 following precedent. Every recent impeachment has permitted
24 minority subpoenas. The right of the minority to issue
25 subpoenas subject to the same rules as the majority has been

1 the standard bipartisan practice in all recent resolutions
2 authorizing presidential impeachment inquiries. That is not
3 the case today, has not been the case since this, quote,
4 "official impeachment inquiry" began.

5 Democrats' failure to provide ranking members with equal
6 subpoena power shows this is a partisan investigation.
7 Second, Democrats have threatened witnesses who request
8 agency counsel to be present for their transcribed interview
9 and/or deposition. State Department lawyers have a right to
10 protect executive branch interests, including national
11 security interests. Democrats have threatened to withhold
12 salaries of State Department officials who ask for the
13 presence of State Department lawyers in depositions.

14 I've been in countless number of depositions and/or
15 transcribed interviews, this is only the second one I've ever
16 seen where agency counsel was not permitted to be in the room
17 when a witness was deposed or asked questions, the first was
18 last Thursday. The first witness as a part of this, quote,
19 "official impeachment inquiry."

20 And, finally, fairness requires due process. The
21 President and minority should have the right to see all
22 evidence, both favorable and unfavorable. The President and
23 minority should have the ability to present evidence bearing
24 on the credibility of testifying witnesses. The President
25 and the minority should have the ability to raise objections

1 relating to examination of witnesses, and the admissibility
2 of testimony and evidence. And the President and the
3 minority should have the ability to respond to all evidence
4 and testimony presented.

5 With that, I would like to yield to my colleague from
6 the Foreign Affairs Committee, Mr. Zeldin, for a few items to
7 put on the record as well.

8 MR. ZELDIN: Yesterday, Ranking Member McCaul sent a
9 letter to Chairman Engel consistent with what Mr. Jordan was
10 just referencing on the record, calling on the chair to honor
11 the bipartisan Rodino Hyde precedence that governed both the
12 Nixon and Clinton impeachment inquiries, which guaranteed the
13 President's counsel the right to participate in these
14 proceedings, and allowed the minority to exercise coequal
15 subpoena authority.

16 Moving on. The question is, what specific provision of
17 House rules gives the House Permanent Select Committee on
18 Intelligence the jurisdiction and authority to convene an
19 investigative inquiry of a State Department diplomat
20 regarding the conduct of U.S. foreign policy toward Ukraine?
21 That is clearly the jurisdiction of the Foreign Affairs
22 Committee, and to date, the House has not voted to give the
23 Intel Committee any additional authority to conduct an
24 impeachment inquiry outside of its jurisdictional lane, which
25 concerns intelligence-related activities.

1 Can you please point us to anything in the House rules
2 that gives you this authority?

3 THE CHAIRMAN: We're going to move forward with the
4 deposition rather than address the mischaracterizations of
5 both impeachment history and inquiries and process. I would
6 now recognize Mr. Goldman.

7 MR. MEADOWS: Mr. Chairman, point of order. Point of
8 order.

9 THE CHAIRMAN: My colleague, we're not going to allow --

10 MR. MEADOWS: Well, you can't not allow -- I'm here to
11 tell you, Mr. Schiff --

12 THE CHAIRMAN: We're not going to allow any dilatory --

13 MR. MEADOWS: -- you know the House rules allows for
14 point of order in any --

15 THE CHAIRMAN: State your point of order.

16 MR. MEADOWS: The point of order is the rules of the
17 House are very clear. The gentleman raised a valid point
18 that there are no rules that would give the authority of you
19 to actually depose this witness. And so, under what
20 authority -- I would say you're out of order.

21 THE CHAIRMAN: I appreciate your opinion, but the House
22 deposition rules say otherwise. So, Mr. Goldman, you are
23 recognized.

24 MR. ZELDIN: Point of order, though, we are asking what
25 that rule is that gives you the authority to conduct today's

1 deposition.

2 MR. MEADOWS: Rule 11 doesn't outline anything.

3 THE CHAIRMAN: We won't allow any further dilatory
4 motions. Mr. Goldman, you're recognized.

5 MR. ZELDIN: We're asking a simple question.

6 MR. GOLDMAN: This is the deposition of Ambassador Marie
7 Yovanovitch conducted by the House Permanent Select Committee
8 on Intelligence, also called HPSCI, pursuant to the
9 impeachment inquiry announced by the Speaker of the House on
10 September 24th.

11 MR. GOLDMAN: Ambassador Yovanovitch, could you please
12 state your full name and spell your last name for the record.

13 MR. ROBBINS: I'm sorry, before we begin the deposition.
14 Sorry, I represent the witness. My name is Larry Robbins.
15 The ambassador has an opening statement to make.

16 MR. GOLDMAN: We're going to get to that.

17 MR. ROBBINS: I see.

18 MR. GOLDMAN: After we lay out the ground rules here,
19 we'll turn it over to the Ambassador.

20 MR. ROBBINS: Okay. It's a deal.

21 MR. GOLDMAN: All right. If you could go ahead and
22 please state your full name and spell it for the record.

23 MS. YOVANOVITCH: Marie Louise Yovanovitch. Marie,
24 M-A-R-I-E, Louise, L-O-U-I-S-E, Yovanovitch,
25 Y-O-V-A-N-O-V-I-T-C-H.

1 MR. GOLDMAN: Thank you. Along with other proceedings
2 in furtherance of the inquiry, the deposition is part of a
3 joint investigation led by the Permanent Select Committee on
4 Intelligence in coordination with the Committee on Foreign
5 Affairs, and the Committee on Oversight and Reform.

6 In the room today, I believe, are at least given the
7 option of having two majority staff and two minority staff
8 from both the Foreign Affairs and the Oversight Committees,
9 as well as majority and minority staff from HPSCI. This is a
10 staff-led deposition, but members, of course, may ask
11 questions during the allotted time.

12 My name is Daniel Goldman, I'm a senior advisor and
13 director of investigations for the HPSCI majority staff, and
14 I'd like to thank you for coming in today for this
15 deposition. I'd like to do some brief introductions. To my
16 right is Nicolas Mitchell, senior investigative counsel for
17 HPSCI. Mr. Mitchell and I will be conducting most of the
18 interview for the majority.

19 And I will now let my counterparts who will be asking
20 any questions introduce themselves.

21 MR. CASTOR: Good morning, Ambassador. My name is Steve
22 Castor, I'm a staffer with the Oversight and Government
23 Reform Committee, minority staff.

24 MR. BREWER: Good morning. I'm David Brewer from
25 Oversight as well.

1 MR. GOLDMAN: This deposition will be conducted entirely
2 at the unclassified level. However, the deposition is being
3 conducted in HPSCI's secure spaces, and in the presence of
4 staff who all have appropriate security clearances. It is
5 the committee's expectation that neither questions asked of
6 the witness nor answers by the witness or the witness'
7 counsel will require discussion of any information that is
8 currently, or at any point could be properly classified under
9 executive order 13526.

10 Moreover, E0-13526 states that, quote, "in no case shall
11 information be classified, continue to be maintained as
12 classified, or fail to be declassified," unquote, for the
13 purpose of concealing any violations of law or preventing
14 embarrassment of any person or entity. If any of our
15 questions can only be answered with classified information,
16 Ambassador Yovanovitch, we'd ask you to inform us of that and
17 we will adjust accordingly.

18 I would also just note for the record that my
19 understanding is that Ambassador Yovanovitch's counsel also
20 has the necessary security clearances. Is that right?

21 MR. ROBBINS: That is correct.

22 MR. GOLDMAN: All right. Today's deposition is not
23 being taken in executive session, but because of the
24 sensitive and confidential nature of some of the topics and
25 materials that will be discussed, access to the transcript of

1 the deposition will be limited to three committees in
2 attendance. You and your attorney will have an opportunity
3 to review the transcript as well. Per the House rules for
4 this deposition, no members or staff may discuss the contents
5 of this deposition outside of the three committees, including
6 in public.

7 Before we begin, I'd like to briefly go over the ground
8 rules for this deposition. We'll be following the House
9 regulations for depositions. We have previously provided
10 your counsel with a copy of those regulations, and we have
11 copies here if you would like to review them at any time.
12 The deposition will proceed as follows:

13 The majority will be given 1 hour to ask questions and
14 then the minority will be given 1 hour to ask questions.
15 Thereafter, we will alternate back and forth between majority
16 and minority in 45-minute rounds until questioning is
17 complete. We will take periodic breaks, but if you need a
18 break at any time, please let us know.

19 Under the House deposition rules, counsel for other
20 persons or government agencies may not attend. And we can
21 point you to the deposition rule if anyone would like to look
22 at it. You are allowed to have an attorney present during
23 this deposition, and I see that you have brought three. And
24 at this time, if counsel could state their names for the
25 record.

1 MR. ROBBINS: So I'm Lawrence Robbins from the firm of
2 Robbins Russell, representing the Ambassador. With me are
3 Laurie Rubenstein and Rachel Li Wai Suen, also from our firm,
4 also for the witness.

5 MR. GOLDMAN: There is a stenographer, or two, taking
6 down everything that is said here in order to make a written
7 record of the deposition. For the record to be clear, please
8 wait until the questions are finished before you begin your
9 answer, and we will wait until you finish your response
10 before asking the next question. The stenographer cannot
11 record nonverbal answers, such as shaking your head. So it
12 is important that you answer each question with an audible
13 verbal answer.

14 We ask that you give complete replies to questions based
15 on your best recollection. If the question is unclear or you
16 are uncertain in your response, please let us know. And if
17 you do not know the answer to a question or cannot remember,
18 simply say so.

19 You may only refuse to answer a question to preserve a
20 privilege that is recognized by the committee. If you refuse
21 to answer a question on the basis of privilege, staff may
22 either proceed with the deposition or seek a ruling from
23 Chairman Schiff on the objection during the deposition at a
24 time of the majority staff's choosing. If the chair
25 overrules any such objection during the deposition, you are

1 required to answer the question. These are the House
2 deposition rules.

3 Finally, you are reminded that it is unlawful to
4 deliberately provide false information to Members of Congress
5 or staff. It is imperative that you not only answer our
6 questions truthfully, but that you give full and complete
7 answers to all questions asked of you. Omissions may also be
8 considered false statements.

9 Now, as this deposition is under oath, Ambassador
10 Yovanovitch, would you please raise your right hand and stand
11 and you'll be sworn in. Do you swear or affirm that the
12 testimony you are about to give is the whole truth and
13 nothing but the truth?

14 MS. YOVANOVITCH: I do.

15 MR. GOLDMAN: Thank you. The record will reflect that
16 the witness has been duly sworn, and you may be seated. Now,
17 Ambassador Yovanovitch, I understand you have some opening
18 remarks and now is the time to do them.

19 MS. YOVANOVITCH: Thank you. Chairman Schiff,
20 Mr. Jordan, and other members and staff who are here today.
21 I really do thank you for the opportunity to start with a
22 statement. And I'd like to introduce myself. For the
23 last -- for the last 33 years, it's been my great honor to
24 serve the American people as a Foreign Service Officer over
25 six administrations, four Republican and two Democrat. I

1 have served in seven different countries; five of them have
2 been hardship posts, and I was appointed to serve as an
3 ambassador three times, twice by a Republican President, once
4 by a Democratic President.

5 Throughout my career, I have stayed true to the oath
6 that Foreign Service Officers take and observe every day,
7 that I will support and defend the Constitution of the United
8 States against all enemies, foreign and domestic, and that I
9 will bear true faith and allegiance to the same. Like all
10 Foreign Service Officers with whom I have been privileged to
11 serve, I have understood that oath as a commitment to serve
12 on a strictly nonpartisan basis, to advance the foreign
13 policy determined by the incumbent President, and to work at
14 all times to strengthen our national security and promote our
15 national interests.

16 I come by these beliefs honestly and through personal
17 experience. My parents fled Communist and Nazi regimes. And
18 having seen, firsthand, the war and poverty and displacement
19 common to totalitarian regimes, they valued the freedom and
20 democracy the U.S. offers, and that the United States
21 represents. And they raised me to cherish those values as
22 well.

23 Their sacrifice allowed me to attend Princeton
24 University, where I focused my studies on the former Soviet
25 Union. And given my upbringing and my background, it has

1 been the honor of a lifetime to help to foster those
2 principles as a career Foreign Service Officer. From
3 August 2016 until May 2019, I served as the U.S. Ambassador
4 to Ukraine. Our policy, fully embraced by Democrats and
5 Republicans alike, was to help Ukraine become a stable and
6 independent democratic state, with a market economy
7 integrated into Europe. Ukraine is a sovereign country whose
8 borders are inviolate, and whose people have the right to
9 determine their own destiny. These are the bedrock
10 principles of our policy.

11 Because of Ukraine's geostrategic position bordering
12 Russia on its east, the warm waters of the oil-rich Black Sea
13 to its south, and four NATO allies to its west, it is
14 critical to the security of the United States that Ukraine
15 remain free and democratic, and that it continue to resist
16 Russian expansionism.

17 Russia's purported annexation of Crimea, its invasion of
18 Eastern Ukraine, and its de facto control over the Sea of
19 Azov, make clear Russia's malign intentions towards Ukraine.
20 If we allow Russia's actions to stand, we will set a
21 precedent that the United States will regret for decades to
22 come.

23 So supporting Ukraine's integration into Europe and
24 combating Russia's efforts to destabilize Ukraine have
25 anchored our policy since the Ukrainian people protested on

1 the Maidan in 2014 and demanded to be a part of Europe and
2 live according to the rule of law. That was U.S. policy when
3 I became ambassador in August 2016, and it was reaffirmed as
4 that policy as the policy of the current administration in
5 early 2017.

6 The Revolution of Dignity and the Ukrainian people's
7 demand to end corruption forced the new Ukrainian Government
8 to take measures to fight the rampant corruption that long
9 permeated that country's political and economic systems. We
10 have long understood that strong anti-corruption efforts must
11 form an essential part of our policy in Ukraine, and now
12 there was a window of opportunity to do just exactly that.

13 And so why is that important? And why is it important
14 to us? Put simply, anti-corruption efforts serve Ukraine's
15 interests, but they also serve ours as well. Corrupt leaders
16 are inherently less trustworthy, while honest and accountable
17 Ukrainian leadership makes a U.S.-Ukraine partnership more
18 reliable and more valuable to us. A level playing field in
19 this strategically located country, one with a European
20 landmass exceeded only by Russia, and with one of the largest
21 populations in Europe, creates an environment in which U.S.
22 business can make more easily trade, invest, and profit.
23 Corruption is a security issue as well because corrupt
24 officials are vulnerable to Moscow. In short, it is in our
25 national security interest to help Ukraine transform into a

1 country where the rule of law governs and corruption is held
2 in check.

3 But change takes time, and the aspiration to instill
4 rule of law of values has still not been fulfilled. Since
5 2014, Ukraine has been at war, not just with Russia, but
6 within itself, as political and economic forces compete to
7 determine what kind of country Ukraine will become. The same
8 old oligarch-dominated Ukraine where corruption is not just
9 prevalent, but frankly is the system. Or the country that
10 Ukrainians demanded in the Revolution of Dignity. A country
11 where rule of law is the system, corruption is tamed, and
12 people are treated equally, and according to the law.

13 During the 2019 presidential elections in Ukraine, the
14 people answered that question once again. Angered by
15 insufficient progress in the fight against corruption,
16 Ukrainian voters overwhelmingly voted for a man who said that
17 ending corruption would be his number one priority. The
18 transition, however, created fear among the political elite,
19 setting the stage for some of the issues I expect we will be
20 discussing today.

21 Understanding Ukraine's recent history, including the
22 significant tension between those who seek to transform the
23 country, and those who wish to continue profiting from the
24 old ways, is, I believe, of critical importance to
25 understanding the events you asked me here today to describe.

1 Many of these events, and the false narratives that emerge
2 from them, resulted from an unfortunate alliance between
3 Ukrainians who continue to operate within a corrupt system
4 and Americans who either did not understand that system, that
5 corrupt system, or who may have chosen, for their own
6 purposes, to ignore it.

7 It is seems obvious, but I think bears stating under the
8 circumstances, that when dealing with officials from any
9 country, or those claiming contacts -- or connections to
10 officialdom, one must understand their background, their
11 personal interest, and what they hope to get out of that
12 particular interaction before deciding how to evaluate their
13 description of events or acting on their information.

14 To be clear, Ukraine is full of people who want the very
15 things we have always said we want for the United States, a
16 government that acts in the interest of the people, a
17 government of the people, by the people, for the people. The
18 overwhelming support for President Zelensky in April's
19 election proved that. And it was one of our most important
20 tasks at the embassy in Kyiv to understand and act upon the
21 difference between those who sought to serve their people and
22 those who sought to serve only themselves.

23 With that background in mind, I would like to briefly
24 address some of the specific issues raised in the press that
25 I anticipate you may ask me about today. So just to repeat.

1 I arrived in Ukraine on August 22, 2016, and I left Ukraine
2 permanently on May 20, 2019. Several of the events with
3 which you may be concerned occurred before I was even in the
4 country before I was ambassador. Here are just a few:

5 The release of the so-called Black Ledger, and Mr.
6 Manafort's subsequent resignation from the Trump campaign.
7 The Embassy's April 2016 letter to the Prosecutor General's
8 Office about the investigation into the Anti-Corruption
9 Action Center or AntAC. And the departure from office of
10 former Prosecutor General Viktor Shokin, who I have never
11 met. These events all occurred before I arrived.

12 There are several events that occurred after I was
13 recalled from Ukraine. These include President Trump's
14 July 25th call with President Zelensky; all of the many
15 discussions that have been in the press surrounding that
16 phone call; and any discussion surrounding the reported delay
17 of security assistance to Ukraine in summer 2019. So that
18 happened after I departed.

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1 As for the events during my tenure in Ukraine. I really want
2 to make clear and I want to categorically state that I have
3 never, myself or through others, directly or indirectly, ever
4 directed, suggested, or in any other way asked, for any
5 government or government official in Ukraine or elsewhere to
6 refrain from investigating or prosecuting actual corruption.

7 As Mr. Lutsenko, the former Ukraine prosecutor general,
8 has recently acknowledged, the notion that I created or
9 disseminated or verbally told him a do-not-prosecute list is
10 completely false. And that is a story that Mr. Lutsenko
11 himself has since retracted.

12 Equally fictitious is the notion that I am disloyal to
13 President Trump. I have heard the allegation in the media
14 that I supposedly told our embassy team to ignore the
15 President's orders since he was going to be impeached. That
16 allegation is false. I have never said such a thing to my
17 embassy colleagues or anyone else.

18 Next, the Obama administration did not ask me to help
19 the Clinton campaign, or harm the Trump campaign, and if they
20 had, I would never have taken any such steps. I have never
21 met Hunter Biden, nor have I had any direct or indirect
22 conversations with him. Of course, I have met former Vice
23 President Biden several times over the course of our many
24 years in government, but neither he nor the previous
25 administration ever directly or indirectly raised the issue

1 either of Burisma or Hunter Biden with me.

2 With respect to Mayor Giuliani, I have only had minimal
3 contact with him, a total of three that I recall. None
4 related to the events at issue. I do not know Mr. Giuliani's
5 motives for attacking me. But individuals who have been
6 named in the press who have contact with Mr. Giuliani may
7 well have believed that their personal and financial
8 ambitions were stymied by our anti-corruption policy in
9 Ukraine.

10 Finally, after being asked by the Department in early
11 March to extend my tour, to stay on an extra year until 2020,
12 in late April, I was then abruptly asked to come back to
13 Washington from Ukraine on the next plane. You will
14 understandably want to ask why my posting ended so suddenly.
15 I wanted to learn that, too, and I tried to find out.

16 I met with the Deputy Secretary of State, who informed
17 me of the curtailment of my term. He said that the President
18 had lost confidence in me, and no longer wished me to serve
19 as an ambassador. He added that there had been a concerted
20 campaign against me, and that the Department had been under
21 pressure from the President to remove me since the summer of
22 2018. He also said that I had done nothing wrong, and that
23 this was not like other situations where he had recalled
24 ambassadors for cause. I departed Ukraine for good this past
25 May.

1 Although I understand, everyone understands, that I
2 served at the pleasure of the President, I was nevertheless
3 incredulous that the U.S. Government chose to remove an
4 ambassador based, as far as I can tell, on unfounded and
5 false claims by people with clearly questionable motives. To
6 make matters worse, all of this occurred during an especially
7 challenging time in bilateral relations with a newly elected
8 Ukrainian President. This was precisely the time when
9 continuity at the U.S. Embassy in Ukraine was most needed.

10 Before I close, I must share with you the deep
11 disappointment and dismay I have felt as these events have
12 unfolded. I have served this Nation honorably for more than
13 30 years. I have proudly promoted and served American
14 interests as the representative of the American people and
15 six different Presidents over the last three decades.
16 Throughout that time, I, like my colleagues at the State
17 Department, have always believed that we have enjoyed a
18 sacred trust with our government.

19 We make a difference every day. And I know many of you
20 have been out to embassies around the world, and you know
21 that to be true. Whether it's a matter of war and peace,
22 trade and investment, or simply helping an American citizen
23 with a lost passport. We repeatedly uproot our lives, and we
24 frequently put ourselves in harm's way to serve our Nation,
25 and we do that willingly, because we believe in America and

1 its special role in the world.

2 We also believe that in return, our government will have
3 our backs and protect us if we come under attack from foreign
4 interests.

5 That basic understanding no longer holds true. Today,
6 we see the State Department attacked and hollowed out from
7 within. State Department leadership with Congress needs to
8 take action now to defend this great institution, and its
9 thousands of loyal and effective employees. We need to
10 rebuild diplomacy as the first resort to advance America's
11 interest, and the front line of America's defense. I fear
12 that not doing so will harm our Nation's interest, perhaps
13 irreparably. That harm will come not just through the
14 inevitable and continuing resignation and loss of many of
15 this Nation's most loyal and talented public servants. It
16 also will come when those diplomats who soldier on and do
17 their best to represent our Nation, face partners abroad who
18 question whether the ambassador really speaks for the
19 President, and can be counted upon as a reliable partner.

20 The harm will come when private interests circumvent
21 professional diplomats for their own gain, not for the public
22 good. The harm will come when bad actors and countries
23 beyond Ukraine see how easy it is to use fiction and innuendo
24 to manipulate our system. In such circumstances, the only
25 interests that are going to be served are those of our

1 strategic adversaries like Russia, that spread chaos and
2 attack the institutions and norms that the U.S. helped create
3 and which we have benefited from for the last 75 years.

4 I am proud of my work in Ukraine. The U.S. Embassy
5 under my leadership represented and advanced the policies of
6 the United States Government as articulated first by the
7 Obama administration, and then by the Trump administration.
8 Our efforts were intended, and evidently succeeded, in
9 thwarting corrupt interests in Ukraine who fought back by
10 selling baseless conspiracy theories to anyone who would
11 listen. Sadly, someone was listening, and our Nation is
12 worse off for that.

13 So I want to thank you for your attention, and I welcome
14 your questions. Thank you.

15 THE CHAIRMAN: Thank you very much for your testimony.
16 Mr. Goldman.

17 MR. ROBBINS: Excuse me, just before we begin. Pardon
18 me, I have a terrible cold this morning and I apologize if
19 I'm hard to hear. Mr. Chairman, I'd just like to put the
20 following on the record before we begin today's deposition.

21 As you know, the Department of State, in which the
22 ambassador is still employed, has asserted that its lawyers
23 should be allowed to attend this deposition so that they can
24 assert privileges or objections the Department might wish to
25 assert on behalf of the executive branch. As we have told

1 both State Department lawyers and committee lawyers, it is
2 not our place to get in the middle of that or to take sides
3 in a dispute between the Congress and the executive branch,
4 and we don't intend to.

5 Ambassador Yovanovitch has been subpoenaed to testify,
6 and as we read the law, she is obliged to be here and
7 testify, and she will. We have repeatedly asked the State
8 Department's office of the legal advisor to provide us with a
9 written statement that we could read on their behalf so that
10 their concerns regarding what they term, quote, "executive
11 branch confidentiality interests," end quote, could be heard
12 by this committee. We have asked them to specify in writing
13 particular topics with respect to which they wish us to point
14 out their interests. And although we were told we would
15 receive such a statement, we have not.

16 So that Ambassador Yovanovitch can be as diligent as
17 possible in complying with her employer's wishes, I will do
18 my best, during the course of this hearing, to point out
19 questions that might elicit information that I understand to
20 fall within the scope of their concerns. I will also tell
21 you now that the Department told us that they don't want our
22 appearance today to be construed as a waiver of any
23 privileges they may hold.

24 I want to be clear that I am not asserting any of those
25 privileges on the client's behalf because, of course, we

1 don't have a right to assert those privileges at all. If
2 they exist, they belong to the Department, and we will, of
3 course, make those objections subject to whatever ruling the
4 chair chooses to make in the wake of those objections.

5 And with that on the record, I turn this over to counsel
6 for the majority.

7 THE CHAIRMAN: Thank you. Mr. Goldman.

8 MR. GOLDMAN: Thank you, Mr. Chairman. Thank you for
9 that opening statement, Ambassador Yovanovitch. I think
10 everyone recognizes and appreciates your long service to this
11 country.

12 EXAMINATION

13 BY MR. GOLDMAN:

14 Q We are going to get into the circumstances
15 surrounding your abrupt removal, but in order, I think, to
16 fully understand that, we need to back up a little bit. And
17 I want to focus at the outset on press reports and other
18 indications of Rudy Giuliani's involvement in Ukraine.

19 When did you first become aware that Rudy Giuliani had
20 an interest in or was communicating with anyone in Ukraine?

21 A Probably around November, December timeframe of
22 2018.

23 Q And describe those circumstances when you first
24 learned about it.

25 A Basically, it was people in the Ukrainian

1 Government who said that Mr. Lutsenko, the former prosecutor
2 general, was in communication with Mayor Giuliani, and that
3 they had plans, and that they were going to, you know, do
4 things, including to me.

5 Q So you first heard about it from the Ukrainian
6 officials?

7 A That's correct.

8 Q Did you understand how they were aware of this
9 information?

10 A So I can tell you what I think, you know, this is
11 perhaps not a fact. But the impression that I received is
12 that Mr. Lutsenko was talking rather freely about this in,
13 you know, certain circles, and so others heard about it who
14 wanted to let us know.

15 THE CHAIRMAN: Can you move the microphone a little
16 closer.

17 MS. YOVANOVITCH: Sorry.

18 BY MR. GOLDMAN:

19 Q Were these Ukrainian Government officials?

20 A Yes.

21 Q Can you describe for us who the former Prosecutor
22 General Lutsenko is, and give us some context as to his
23 background and what your assessment of him is?

24 A Yeah, he's a Ukrainian politician. He's been in
25 politics I would say, probably, the last 20 years or so, and

1 he has held many high government positions. He's a political
2 ally of former President Poroshenko, or at least was until
3 the time I left, I don't know where that status is now. And
4 he is a man who was the head of the Poroshenko faction and
5 the Rada, which is the Ukrainian parliament, until the spring
6 of 2016 when he was voted in to become the prosecutor
7 general.

8 Q Is he a lawyer?

9 A No.

10 Q So how did he become the prosecutor general?

11 A Because the Rada had to take a prior vote that
12 would allow that exception, which I believe is actually even
13 in the constitution, either constitution or law.

14 Q So he was the prosecutor general the entire time
15 that you were in Ukraine. Is that right?

16 A That's correct.

17 Q And can you just describe briefly what the role of
18 the prosecutor general is in Ukraine?

19 A Yes. And because Ukraine is a country in
20 transition, that role was in the process of becoming
21 reformed. So the prosecutor general's office is, or
22 position, is a very powerful one, it's a hold-over from the
23 Soviet Union days. And that individual is in charge of both
24 investigatory actions, like the FBI, for example, as well as
25 the actual prosecution. So it's tremendous power.

1 And Mr. Lutsenko was brought in to reform that office to
2 split the offices, investigatory and prosecutorial, and to
3 make real reforms so that -- because the PGO, Prosecutor
4 General's Office, was viewed as an instrument of corruption
5 basically, to grant people favors, they could open cases,
6 they could close cases based on money passing hands or
7 whatever was most opportune, and it trickled down to the
8 ordinary people's lives as well. So it was seen as a place
9 where ironically corruption thrived and he was brought in to
10 clean that up.

11 Q Was he successful in cleaning that up?

12 A No.

13 Q How would you assess his character?

14 A He's very smart. He can be very charming. He, I
15 think, is an opportunist and will ally himself, sometimes
16 simultaneously, I believe, with whatever political or
17 economic forces he believes will suit his interests best at
18 the time.

19 Q Would you call him someone who is corrupt?

20 A I have certainly heard a lot of people call him
21 corrupt, and there are certainly a lot of stories about his
22 actions that would indicate that.

23 Q You mentioned in your opening statement that there
24 were false statements that were spread about you. Was he one
25 of the individuals who spread those false statements about

1 you?

2 A Yes.

3 Q Now, let's go back to first learning about Rudy
4 Giuliani's involvement. What did you understand in late 2018
5 to be Mr. Giuliani's interest in Ukraine?

6 A I wasn't really sure, but he had clients in
7 Ukraine, so that was one possible thing. But he also
8 obviously is the President's personal lawyer. So I wasn't
9 really sure what exactly was going on.

10 Q Did you come to learn what his interest in Ukraine
11 was?

12 A Well, you know, I read the press and watch TV just
13 like everybody else in this room, so yeah, I learned.

14 Q Did you have any further conversations with
15 Ukrainian Government officials about Mr. Giuliani's
16 activities in Ukraine?

17 A Yes, I did. Most of the conversations were not
18 with me directly, people on the embassy staff, but yes, I did
19 have other conversations.

20 Q And from your staff members or your own
21 conversations, what did you come to learn about
22 Mr. Giuliani's interest in Ukraine?

23 A That basically there had been a number of meetings
24 between Mr. Lutsenko and Mayor Giuliani, and that they were
25 looking -- I should say that Mr. Lutsenko was looking to hurt

1 me in the U.S. I couldn't imagine what that was. But, you
2 know, now I see.

3 Q What do you see now?

4 A Well, that I'm no longer in Ukraine.

5 Q Fair enough. But describe the evolution of your
6 understanding as to how Mr. Lutsenko was trying to hurt you
7 in the U.S.?

8 A I think, and again, I am getting this partly from
9 conversations with people who may or may not know what really
10 happened, as well as what has been in the media, both in
11 Ukraine and here in the United States. So I'll tell you what
12 I think. I can't say that --

13 Q Let me just interrupt you there. Is some of your
14 knowledge based on Mr. Giuliani's statements himself?

15 A To the press.

16 Q Okay.

17 A So I think that there was -- Mr. Lutsenko was not
18 pleased that -- that we continued at the embassy to call for
19 cleaning up the PGO, the Prosecutor General's Office, and he
20 came into office with, you know, three goals: One was to
21 reform the office, one was to prosecute those who killed the
22 innocent people on the Maidan during the Revolution of
23 Dignity, and one was to prosecute money laundering cases to
24 get back the \$40 billion-plus that the previous president and
25 his cronies had absconded with. None of those things were

1 done. And we thought those were great goals, and we wanted
2 him to encourage him to continue with those goals. That did
3 not happen.

4 And so, we continued to encourage him, and I don't think
5 he really appreciated it. What he wanted from the U.S.
6 Embassy was for us to set up meetings with the Attorney
7 General, with the Director of the FBI, et cetera. And he
8 would say, I have important information for them. As perhaps
9 many of you know, there are, you know, usual processes for
10 that kind of thing. We don't have principals meet and, you
11 know, the foreign principal springs new information that may
12 or may not be valid to an American cabinet member, we just
13 don't do that.

14 And so what we kept on encouraging him to do was to meet
15 with the legat, the legal attache, the FBI at the embassy.
16 That is precisely why we have the FBI in countries overseas,
17 to work with host country counterparts and get information,
18 whatever that information might be, develop cases, et cetera.
19 He didn't want to share that information. And now, I think I
20 understand that that information was falsehoods about me.

21 Q What falsehoods about you?

22 A Well, for example, as I mentioned in the testimony,
23 in the statement, the opening statement, that I gave him a
24 do-not-prosecute list, a list of individuals that he should
25 not touch.

1 Q And did you do that?

2 A No.

3 Q Did you learn whether there was any additional
4 information that he wanted to share with U.S. Government
5 officials?

6 A Well, I think, you know, it was other things along
7 that line.

8 Q One of the things that has been publicized quite
9 significantly is information that Prosecutor General Lutsenko
10 may have had in connection to either Paul Manafort or the
11 2016 election?

12 A Uh-huh.

13 Q Did you come to learn anything about either of
14 those topics?

15 A He didn't share anything with me.

16 Q Did he share anything with any other Ukrainian
17 officials that you then learned about it from, or learned
18 about this from?

19 A I think, yeah, I think they may have been aware
20 that that was more broadly what he also might share with
21 Mr. Giuliani.

22 Q Well, let me ask the question this way: Other than
23 information about you --

24 A Uh-huh.

25 Q -- what other information did you come to learn

1 while you were at post about what Mr. Lutsenko wanted to
2 share with American officials?

3 MR. ROBBINS: So you're asking now while she was
4 ambassador as opposed to things she's read in the paper and
5 media since she was recalled?

6 BY MR. GOLDMAN:

7 Q Yes, I'm asking while you were there, what did you
8 understand?

9 A Yeah, it was very amorphous, because while there
10 was sort of that gossip out there, the gossip that I was
11 going to be recalled, and you know, people would ask me, and
12 I'd say No, no, I'm here, I'm working. But it was very
13 amorphous, and so at the time, I didn't know. When it became
14 clearer was on March 24th with the publication of The Hill
15 interview with Mr. Lutsenko.

16 So that, you know, that was sort of the first kind of
17 public, on the record, in the United States, and then over
18 the ensuing days there was more in the U.S. media,
19 Mr. Giuliani spoke publicly, and Donald Trump Jr. also
20 tweeted that I should be removed.

21 Q So let's separate out your removal from any of the
22 other information.

23 A Okay.

24 Q Because we are going to get to your removal, and
25 we're going to focus on that. But just to get the lay of the

1 land here. What did you -- when you referenced The Hill,
2 what did you come to learn from The Hill about information
3 that Lutsenko was trying to share?

4 A Well, I think, I mean, I think I've already told
5 you. So he shared information that there was -- he raised
6 questions -- again, this happened before I arrived, but he
7 raised questions about U.S. Government assistance to the PGO,
8 and whether there was a discrepancy in the funding and
9 whether he should be investigating it, and that the embassy
10 had assured him, again, before I arrived, that we had fully
11 accounted for all U.S. funds, and that we were not concerned
12 about this. So that was one line that he talked about.
13 There was the do-not-prosecute list. There was, I mean, you
14 know, a number of issues.

15 Q Was there anything about the 2016 election or Paul
16 Manafort?

17 A I think, yeah, I think that was in The Hill article
18 as well.

19 Q And what about former Vice President Joe Biden or
20 Burisma?

21 A I think that was in the article as well.

22 Q So after you learned about this in The Hill, did
23 you have any additional conversations with people, either
24 Americans in the embassy, or Ukrainian officials about the
25 reports?

1 A Well, in the embassy we were trying to figure out
2 what was going on. I also, of course, was in touch with
3 folks in Washington at the NSC, and at the State Department
4 to try to figure out what was this, what was going on.

5 Q What did you learn?

6 A Not much. I mean, I think people were not sure.
7 On the 25th, the day after The Hill article came out, the
8 State Department had a pretty strong statement that said that
9 Mr. Lutsenko's allegations were a fabrication, and then, you
10 know, over the weekend, there was a lot more in the media.
11 And, you know, the State Department was trying to figure out
12 how to respond, I think, during that time and the following
13 week. But I didn't get very much information.

14 Q At that point, were you aware that Mr. Giuliani had
15 met with Mr. Lutsenko previously?

16 A Yeah, I think it became pretty clear.

17 Q What do you mean by that?

18 A Because I think it was in the media, and I think
19 they said it.

20 Q So at this point, just so we're clear. Mr.
21 Giuliani was never an employee of the State Department,
22 right?

23 A Not to my knowledge.

24 Q You said that you met with him, I think, three
25 times. Can you describe those meetings?

1 A Uh-huh.

2 THE CHAIRMAN: Just ask -- before we get to that,
3 counsel. Did you know at the time or have you learned since
4 why Mr. Lutsenko was engaged in pushing out these smears
5 against you? Why did he want to get rid of you?

6 MS. YOVANOVITCH: Well, again, I can tell you what I
7 think, but I don't know for a fact.

8 THE CHAIRMAN: You know, based on what you've learned
9 from colleagues, what you've learned in the press, what is
10 your best understanding of why Lutsenko was trying to push
11 you out of Ukraine?

12 MS. YOVANOVITCH: I think that he felt that I and the
13 embassy were effective at helping Ukrainians who wanted to
14 reform, Ukrainians who wanted to fight against corruption,
15 and he did not -- you know, that was not in his interest. I
16 think also that he was, I mean, it's hard to believe, I think
17 he was personally angry with me that we weren't -- we did
18 work with the PGO's office, but he wanted us to work with him
19 in different ways, you know, and that we didn't have a closer
20 relationship, and that I was not facilitating trips for him
21 to the United States with our cabinet members, when there
22 was, frankly, nothing to talk about because he wasn't a good
23 partner for us.

24 THE CHAIRMAN: You had mentioned earlier that you were
25 trying to make sure that Ukrainian officials used proper

1 legal channels --

2 MS. YOVANOVITCH: Yes.

3 THE CHAIRMAN: -- if they had information that they
4 wanted to share with U.S. law enforcement?

5 MS. YOVANOVITCH: Right.

6 THE CHAIRMAN: Do you think that your insistence or
7 advocacy for following the proper procedures in terms of
8 using legat and legal channels was part of the reason why he
9 wanted you removed?

10 MS. YOVANOVITCH: Maybe. Maybe. I mean, he clearly
11 wanted to work around the system where I think there's less
12 transparency, there are more opportunities to, you know, kind
13 of fiddle the system, shall we say.

14 BY MR. GOLDMAN:

15 Q Okay. And when you say work around the system, did
16 you come to understand that that was a role that Mr. Giuliani
17 could play for him, for Mr. Lutsenko?

18 A Well, now it certainly appears that way.

19 Q But when did you come to understand that?

20 A You know, now, you know, with the advantage of
21 hindsight, you're going to think that I'm incredibly naive,
22 but I couldn't imagine all of the things that have happened
23 over the last 6 or 7 months, I just couldn't imagine it.

24 So we knew that there was something out there. We were
25 asking ourselves, you know, what is going on? But then it

1 became clear with The Hill interview and all the subsequent
2 things that came out in the press.

3 Q So the State Department issued a statement
4 essentially denying what was reported in The Hill?

5 A Uh-huh.

6 Q Did you ever receive any pressure from anyone at
7 the State Department to reconsider your position or in any
8 way consider some of the advocacy of Mr. Giuliani?

9 A I don't quite understand the --

10 Q I'm wondering if you got any messages or
11 suggestions or directions from the State Department that were
12 consistent with what Mr. Giuliani was discussing and what his
13 interests were?

14 A No.

15 Q You also said that, I believe, after this
16 information came out in The Hill in late March, you had a
17 number of conversations both with people in the embassy and
18 people back in Washington. Who were you speaking to within
19 the State Department about this issue?

20 A Assistant Secretary -- or Acting Assistant
21 Secretary Phil Reeker of the European Bureau, who is my boss.
22 I spoke once with David Hale, who is the Under Secretary for
23 Political Affairs. And at the NSC with Fiona Hill.

24 Q And what was the message that you generally
25 received from them?

1 A Total support.

2 Q They understood that this was a fabrication?

3 A Yeah, I mean, until today, nobody has ever actually
4 asked me the question from the U.S. Government of whether I
5 am actually guilty of all of these things I'm supposed to
6 have done. Nobody even asked, because I think everybody just
7 thought it was so outrageous.

8 Q Did you ever have any conversations after November,
9 December 2018, with Ukrainian officials about Mr. Giuliani up
10 until the time that you left in May?

11 A I think perhaps in the February time period, I did
12 where one of the senior Ukrainian officials was very
13 concerned, and told me I really needed to watch my back.

14 Q Describe that conversation.

15 A Well, I mean, he basically said, and went into some
16 detail, that there were two individuals from Florida,
17 Mr. Parnas and Mr. Fruman, who were working with Mayor
18 Giuliani, and that they had set up the meetings for
19 Mr. Giuliani with Mr. Lutsenko. And that they were
20 interested in having a different ambassador at post, I guess
21 for -- because they wanted to have business dealings in
22 Ukraine, or additional business dealings.

23 I didn't understand that because nobody at the embassy
24 had ever met those two individuals. And, you know, one of
25 the biggest jobs of an American ambassador of the U.S.

1 Embassy is to promote U.S. business. So, of course, if
2 legitimate business comes to us, you know, that's what we do,
3 we promote U.S. business. But, yeah, so --

4 Q So did you deduce or infer or come to learn that
5 the business interests they had were therefore not
6 legitimate?

7 A Honestly, I didn't know. I didn't know enough
8 about it at the time. I thought it was exceedingly strange.
9 And then later on in April -- at some point in April, there
10 was an open letter, as it's called, from somebody in the
11 energy business, Dale Perry, who kind of put out a lot of
12 information of meetings that individuals had had, and he also
13 indicated that these two individuals wanted a different
14 ambassador in place, that they had energy interests that they
15 were interested in, according to this open letter, that they
16 had energy interests, selling LNG to Ukraine.

17 Again, you know, that's like apple pie, motherhood,
18 obviously we would support exporting LNG to Ukraine at the
19 U.S. embassy.

20 Q Is that because in part --

21 MR. ROBBINS: For the benefit of the court reporter,
22 that's LNG, which stands for, I believe, liquefied natural
23 gas.

24 BY MR. GOLDMAN:

25 Q Can explain why you supported the export of LNG to

1 Ukraine?

2 A Well it never actually came up. But if an American
3 business walks through the door, we usually help them.

4 Q And am I correct that the importation of LNG into
5 Ukraine would alleviate Ukrainian dependence on oil from
6 other countries, including Russia?

7 A Yeah, I mean, multiple sources of supply are always
8 an important thing.

9 Q Who was the Ukrainian -- senior Ukrainian official
10 that you spoke to in February of Parnas and Fruman?

11 A Minister Avakov, A-V-A-K-O-V.

12 Q And just for the record, what is he the minister
13 of?

14 A He was then and he is still now in the new
15 administration, Minister of Interior.

16 Q Had he spoken with either Mr. Giuliani, Mr. Parnas,
17 or Mr. Fruman directly, to your knowledge?

18 A He told me that Mr. Giuliani was trying to reach
19 out to him, and had actually reached him when Mr. Avakov was
20 in the United States in either late January or early
21 February, and they had spoken briefly on the phone, but that
22 he didn't actually want to meet with Mayor Giuliani because
23 of his concerns about what they were doing.

24 Q What were his concerns as expressed to you?

25 A He thought it was -- so he thought it was very

1 dangerous. That Ukraine, since its independence, has had
2 bipartisan support from both Democrats and Republicans all
3 these years, and that to start kind of getting into U.S.
4 politics, into U.S. domestic politics, was a dangerous place
5 for Ukraine to be.

6 Q Why did he think that he would be getting into U.S.
7 domestic politics by speaking with Mr. Giuliani?

8 A Well, because -- well, he told me that, but because
9 of what you had mentioned before, the issue of the Black
10 Ledger. Mr. Manafort's resignation from the Trump campaign
11 as a result. And looking into that and how did all of that
12 come about; the issue of whether, you know, it was Russia
13 collusion or whether it was really Ukraine collusion, and,
14 you know, looking forward to the 2020 election campaign, and
15 whether this would somehow hurt former Vice President Biden.
16 I think he felt that that was just very dangerous terrain for
17 another country to be in.

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1 [11:39 a.m.]

2 BY MR. GOLDMAN:

3 Q So your understanding in February and your meeting
4 with Minister Avakov was that he was aware at that time of
5 Mr. Giuliani's interests in those topics?

6 A Yes.

7 Q Did you have an understanding as to whether other
8 Ukrainian Government officials were also aware of
9 Mr. Giuliani's interest in those specific topics?

10 A I -- I got the impression that it was relatively
11 openly discussed at the very, very most senior levels, but
12 nobody else was sharing this with me at that time.

13 Q And so, was it your understanding that the Minister
14 Avakov or other senior Ukrainian officials were aware of
15 Mr. Giuliani's connection to President Trump?

16 A Yes, everybody knew that.

17 Q What did they know?

18 A That he was the President's personal lawyer.

19 Q Was it your understanding that they believed that
20 Rudy Giuliani spoke on behalf of, or for the President?

21 A I think -- I think they didn't know. I think they
22 hoped that he did, and --

23 Q Hoped that he did or didn't?

24 A Hoped -- well, the individuals who were meeting
25 with Mr. Giuliani certainly hoped that Mr. Giuliani was

1 speaking on behalf of the President.

2 Q Why did they hope that?

3 A Because I think that they were hoping that -- so in
4 the case of Mr. Lutsenko, I think he was hoping that
5 Mr. Giuliani would open doors for him in Washington. I think
6 that he was also hoping in the early period -- you need to
7 remember that this was during presidential elections in
8 Ukraine. And President Poroshenko, the polling numbers were
9 not good for him.

10 And so I think there was always a hope that President
11 Trump would endorse President Poroshenko. And so this is
12 something that President Poroshenko wanted. And I think
13 Lutsenko -- Mr. Lutsenko was hoping that maybe, as a result
14 of providing information that is of interest to Mr. Giuliani
15 that maybe there could be an endorsement.

16 Q So in addition to Mr. Lutsenko, were the other
17 Ukrainian officials that you spoke to, such as Minister
18 Avakov, also aware of this connection?

19 A Which connection?

20 Q Sorry, between Mr. Giuliani and Mr. Trump.

21 A Yes.

22 Q And did they under -- I guess I'm trying to
23 understand why it was of concern to the more anticorrupt or
24 democratic Ukrainian officials about Mr. Giuliani's
25 activities there, and what they perceived Mr. Giuliani to be

1 representing.

2 A Well, I think, first of all, they weren't entirely
3 sure, right? And they -- but I think that what they hoped is
4 that they could -- you know, that they would get something
5 out of the relationship as well.

6 Am I not understanding the question?

7 THE CHAIRMAN: Let me ask one clarification. You
8 described the conversation you had with Minister --

9 MS. YOVANOVITCH: Avakov.

10 THE CHAIRMAN: -- Avakov, and the minister raising
11 concerns about how the actions of these two individuals or
12 Mr. Giuliani might pull Ukraine into U.S. politics. And you
13 mentioned the Manafort ledger. You mentioned the issue of
14 Ukraine collusion versus Russian collusion.

15 Did the issue also come up in that conversation or
16 others about the Giuliani and his associates' interest in the
17 Bidens and Burisma?

18 MS. YOVANOVITCH: Yeah. I mean, looking backwards to
19 what happened in the past, with a view to finding things that
20 could be possibly damaging to a Presidential run.

21 THE CHAIRMAN: By Joe Biden?

22 MS. YOVANOVITCH: Uh-huh.

23 BY MR. GOLDMAN:

24 Q That was a yes, just for the record?

25 A Yes.

1 Q Thank you.

2 You mentioned this Minister Avakov, who still is the
3 Interior Minister. Are you aware of whether he took a trip
4 to the United States in or about April of this year?

5 A I'm not aware of that. It doesn't mean he didn't,
6 but I'm not aware.

7 Q As the ambassador, how involved were you in
8 organizing any government-led trips for any Ukrainians to go
9 to the United States?

10 A So it really depends. I mean, Ukrainians are here
11 probably in many of your offices every day of the week. And
12 sometimes, the embassy is facilitating that, the embassy in
13 Kyiv is facilitating that, and sometimes people are making
14 independent trips and so forth.

15 You know, when it's higher level, for Ministers in this
16 example, you know, often people have private visits to the
17 United States, like Mr. Lutsenko did when he met with Mr.
18 Giuliani in January. Mr. Avakov came to the United States
19 and was promoting a book once, for example. And we didn't --
20 obviously, that is not U.S. Government business, so we
21 didn't, you know, facilitate all of that. But when he was
22 going officially and meeting with counterparts, we would
23 definitely facilitate with that.

24 Q After your conversation with Mr. Avakov in
25 February, did you report back to the State Department what he

1 said?

2 A Yes.

3 Q And what was the feedback that you got from your
4 superiors at the State Department?

5 A Well, you know, everybody is sort of shocked. We
6 have a long relationship with Mr. Avakov, and the things he
7 has told us are mostly credible. You know, we kind of tried
8 to find out more about that and what was going on, but, you
9 know, not with any results.

10 Q Was there concern that Mr. Giuliani was actively
11 involved at the highest levels of the Ukrainian Government at
12 this point?

13 MR. ROBBINS: Sorry, concern by whom?

14 BY MR. GOLDMAN:

15 Q Within the State Department.

16 A Yes, but, you know, I mean, we now have lots more
17 information than we did at the time. And so, you know, we
18 were trying to put our arms around it. We weren't quite sure
19 what was going on.

20 Q Was Mr. Giuliani representing the State Department
21 when he was having these conversations with Ukrainians?

22 A No, no.

23 Q And after this meeting with Minister Avakov, who
24 did you speak to at the State Department?

25 A I don't really recall, but it would either have

1 been Phil Reeker, the Acting Assistant Secretary of State --
2 and I'm pausing because maybe he wasn't already encumbering
3 that job -- or it would have been Deputy Assistant Secretary
4 George Kent.

5 Q Did you communicate -- how did you communicate
6 usually with Washington from the embassy?

7 A On -- well, we communicate with Washington in many
8 different ways, but on this, it was either on a secure phone
9 or in what we call a SVTC, a secure video teleconference.

10 Q Any cables on the topic?

11 A No.

12 Q Why not?

13 A It just felt too political.

14 Q So your concern at this point was that this was
15 political, that this related to domestic politics, which --
16 and explain why that was a concern of yours?

17 A Well, you know, as I stated in my opening
18 statement, in the Foreign Service at embassies, we have to
19 leave politics in the United States. I mean, we represent
20 all Americans. We represent our policy. And for us to
21 start, you know, meddling around in, you know, Presidential
22 elections, politics, et cetera, we lose our credibility that
23 way. We need to be, you know, as credible to this side of
24 the aisle as to that side of the aisle. And so, we didn't
25 know what was going on, but I was not comfortable with

1 putting anything in front channel.

2 Q You mentioned this information from Dale Perry.
3 Who is Dale Perry?

4 A He had an energy company in the Ukraine, which,
5 according to this open letter that he put out in April, he
6 was kind of putting on pause for a while.

7 Q He was putting his company on pause?

8 A I said that kind of loosely, but I think that he
9 was going to be -- it's been a long time since I've read it.
10 He was going to, you know, focus on his business in the
11 United States rather than in the Ukraine. Maybe that's a
12 better way of putting it.

13 Q And can you describe the sum and substance of this
14 open letter and why it caught your eye in particular?

15 A Well, because it was the first -- except for the
16 meeting with Mr. Avakov, it was the first time that I heard
17 the names of Mr. Parnas and Fruman. And there was some
18 detail there about meetings and so forth.

19 Q And what did you come to understand about
20 Mr. Parnas and Mr. Fruman?

21 MR. MALONEY: Excuse me. Would it be possible for the
22 witness to speak into the microphone?

23 MS. YOVANOVITCH: Yes, of course. I'm sorry.

24 I'm sorry, what was the question?

25 BY MR. GOLDMAN:

1 Q I asked what the open letter revealed about
2 Mr. Parnas and Mr. Fruman?

3 A That they had business interests in the United
4 States, that they were looking to, I think expand is probably
5 a better way of putting it, their business interests in
6 Ukraine through this energy company, and that they needed a
7 better ambassador to sort of facilitate their business'
8 efforts here.

9 Q And at that point, did you understand what their
10 concern was about you?

11 A Not really. I found it completely mysterious.

12 Q And did you learn whether Mr. Giuliani shared the
13 concerns of Mr. Parnas and Mr. Fruman in and around April?

14 A I don't recall when, you know, when -- well,
15 actually, I think Mr. Avakov actually mentioned it to me in
16 February, that these were the two individuals that had helped
17 Mr. Lutsenko make contact with Mr. Giuliani.

18 Q And did you become aware of whether Mr. Parnas and
19 Mr. Fruman met with any other senior Ukrainian officials?

20 A I'm not aware of it.

21 Q Other than encouraging your -- or speaking out
22 against you, was there anything else in that Dale Perry open
23 letter that was particularly relevant to your role as the
24 ambassador in Ukraine?

25 A I don't recall. I mean, I simply don't recall.

1 Q Now, let's talk for a second about the three
2 contacts you had with Mr. Giuliani. Can you describe those
3 for us?

4 A Uh-huh. The first time I met Mr. Giuliani was in
5 the 2003-2004 timeframe, and I was the deputy at the embassy
6 in Ukraine. And Mayor Giuliani placed a courtesy call with
7 his wife on our ambassador at the time, Ambassador Herbst.
8 And the ambassador asked me to sit in on that call.

9 Q Okay. Did you -- let me ask it this way: While
10 you were ambassador of Ukraine, did you ever meet with
11 Mr. Giuliani?

12 A Yes, I met with him twice. The first time was in
13 the spring, I think it was June of 2017, 2017. And -- yes,
14 it was 2017. It was at a dinner that one of the -- Victor
15 Pinchuk, who's a businessman/oligarch in Ukraine, and he has
16 a YES Foundation where he invites prominent people from all
17 over the world, not just Americans, to come and address
18 students and do various things. And then he always has a
19 dinner where he invites, you know, top Ukrainian politicians
20 and several ambassadors.

21 So it was a dinner for about 25 people, and then at the
22 end of that dinner, I introduced myself to Mayor Giuliani as
23 the ambassador.

24 Q And did you talk about anything more substantively
25 than small talk?

1 A No. I mean, I introduced myself. I told him, you
2 know, if there was anything I could do to help him, I'd be
3 happy to help.

4 Q And then when was the next time?

5 A And then the next time was that fall in November of
6 2017, where he invited me -- he was coming to Ukraine, and
7 through one of his associates, he invited me to a breakfast
8 at the hotel that he was staying in.

9 Q Who was his associate?

10 A John Huvane, H-u-v-a-n-e.

11 Q And what was the purpose of the breakfast?

12 A I wasn't exactly sure. But, you know, obviously
13 Mayor Giuliani is an important person in the United States,
14 and so I agreed to go. And he -- yeah. So not quite clear
15 why he wanted me there.

16 Q What did you discuss at the breakfast?

17 A He -- it was -- he had just been in Kharkiv, which
18 is a city to the north in Ukraine, and he had -- some of the
19 people who were present -- I don't recall all of the people
20 who were present -- are from -- were from Kharkiv, one of the
21 Rada deputies from Kharkiv, also a businessman and oligarch
22 named Fuchs from Kharkiv.

23 So he had just been up there, and he had been talking to
24 the mayor, Mayor Kernes, about helping them set up a system
25 similar to our 911 system; and then the other thing is

1 helping them set up police forces, city police, municipal
2 police forces similar to our own, because in Ukraine it's all
3 run at the national level.

4 Q And so you never -- you didn't speak to him
5 since --

6 A No.

7 Q -- November 2017?

8 A No.

9 Q Are you aware of whether Mr. Giuliani spoke to
10 anyone else in the embassy in Kyiv?

11 A I don't think so. I think they would have told me
12 if that had been the case.

13 Q How about Mr. Parnas or Mr. Fruman?

14 A No. When the open letter came out, I did ask our
15 economic and couns -- excuse me, commercial attaches whether,
16 you know, I mean, did these individuals reach out and were
17 they interested in setting stuff up and how did we help them,
18 because clearly we hadn't helped them very well. And nobody
19 had heard those names before.

20 Q Was it your view that what you understood
21 Mr. Giuliani's efforts to be in Ukraine, did they contradict,
22 to your understanding, U.S. policy in Ukraine?

23 MR. ROBBINS: I'm sorry, are you asking whether she
24 formed that view while she was in office or whether, in
25 retrospect, she has that view today?

1 BY MR. GOLDMAN:

2 Q Let's start while you were in office. In the
3 February meeting with Minister Avakov, where you understood
4 that Mr. Giuliani was promoting -- well, let me ask you, was
5 he promoting investigations related to Paul Manafort and the
6 collusion and Burisma and Joe Biden?

7 A It wasn't entirely clear to me what was going on.
8 I mean, I'm sorry to be not specific, but it wasn't entirely
9 clear.

10 Q But you understood that he was speaking to the
11 Prosecutor General Lutsenko about those topics?

12 A Uh-huh, uh-huh.

13 Q Sorry, you need to say yes.

14 A Yes. Excuse me.

15 Q And what was your assessment of whether those
16 interests -- or how did those interests relate to official
17 U.S. policy?

18 A Well, I mean, when I think about official U.S.
19 policy, I think of people who are in government shaping that
20 policy, creating the policy, or implementing it, whether they
21 are in the executive branch or, you know, in Congress.
22 Obviously, there's a partnership there for that. So private
23 individuals, for the most part, I mean, that's not official
24 U.S. anything.

25 Q Right. And so, as someone who was effecting

1 official U.S. policy, what was your view of Mr. Giuliani's
2 efforts there?

3 A Well, we were concerned, like I said. You know, I
4 mean, we talked to Washington, what do you think is going on
5 here? It was worrisome, in the sense that the Ukrainians
6 also didn't know how to understand it. And obviously, some
7 felt that they could -- like Mr. Lutsenko, that they could
8 manage that relationship and it would benefit them.

9 Q Now, you came to understand, right, that
10 Mr. Giuliani was pushing Mr. Lutsenko to open investigations
11 into these topics, is that right, while you were there?

12 A You know, it's hard to remember when exactly I sort
13 of put it together.

14 Q Well, Mr. Lutsenko -- while you were still there,
15 Mr. Lutsenko announced the initiation of investigations on
16 these topics. Do you recall that?

17 A I guess I haven't at the moment, but --

18 Q I'm sorry?

19 A No.

20 THE CHAIRMAN: Let me, just for clarification, follow up
21 on my colleague's question. He asked you about whether what
22 you understood at the time to be the efforts of Mr. Giuliani
23 and his associates were furthering, or antagonistic to U.S.
24 policy interests.

25 If Mr. Giuliani and his associates were pushing Ukraine

1 to involve itself in U.S. domestic politics, let alone the
2 2020 election, would that have been inconsistent with U.S.
3 policy, inconsistent with U.S. interests?

4 MS. YOVANOVITCH: I mean, I think the short answer is
5 probably yes. I mean, I don't think we had a policy --
6 because this is sort of unprecedented. It's not like we had
7 a policy that Ukraine should not become involved in our
8 domestic politics or, you know, somehow become involved in
9 2020 elections, but clearly, that is not in U.S. interests
10 for Ukraine to start playing such a role.

11 THE CHAIRMAN: And it wouldn't be in Ukraine's interests
12 either?

13 MS. YOVANOVITCH: No.

14 BY MR. GOLDMAN:

15 Q Would you call that, to some extent,
16 antidemocratic?

17 A Let me just say that I think that American
18 elections should be for Americans to decide.

19 Q Do you recall a speech you gave on March 5th?

20 A I do.

21 Q And I believe in that speech, you said that it
22 is -- I don't remember the exact quote, but it is
23 inappropriate for governments to engage in domestic politics
24 in other countries. Is that right?

25 A Yes.

1 Q Or, actually, in their own -- I don't think you
2 specified as to other countries, right?

3 A I don't actually recall saying that particular
4 thing, but I'll take your word for it.

5 Q It was an interesting quote so -- here it is. I
6 believe you said: Government resources should never be used
7 to target political opponents.

8 A Yes.

9 Q What did you mean by that at that time?

10 THE CHAIRMAN: Could you move the microphone a little
11 closer.

12 MS. YOVANOVITCH: Yes. Thank you for reminding me.
13 What I meant was -- I mean, this was a speech where it was
14 during Presidential elections, and what we were seeing was
15 that President Poroshenko's polls were going down. There
16 were a lot of people afraid that Poroshenko was going to lose
17 and what would that mean for them and their interests. And
18 so we were seeing the rollback of some reforms that the
19 Poroshenko administration had done, and that we had, you
20 know, thought was very important that we had helped them
21 with.

22 And so that was the purpose of that speech was to say,
23 these are important accomplishments, and you need to keep on
24 working at that and don't roll it back.

25 And so that particular point was that in the former

1 Soviet Union, in a number of countries, including Ukraine at
2 one time, if you're in power you have a lot of what they call
3 administrative resources, especially in a country where there
4 is, you know, a vertical power, as they call it, where the
5 President can tell the mayor, or the governor, because they
6 appoint those individuals, you need to, you know, bring out
7 this crowd, here's money to pay off voters or whatever. And
8 so that was a reference to that, that that is not an
9 acceptable practice.

10 Q So you were trying to promote in Ukraine the idea
11 that politicians targeting their political rivals was
12 inappropriate, right?

13 A Well, I mean, democracy is all about the
14 competition between political rivals, but one needs to do it
15 in an appropriate way and not take government resources to do
16 so.

17 Q Would that also apply to using government resources
18 to impact elections in other countries?

19 A Yeah. I mean, I would think so, although, again,
20 that was not the purpose of this speech.

21 Q Understood. Were you aware, after you expressed
22 your concerns back to the State Department in D.C., were you
23 aware whether anyone tried to curtail Mr. Giuliani's
24 activities in Ukraine?

25 A I -- curtail? I don't know. I don't know. I

1 mean, I think there was concern.

2 Q Okay. And did anyone act on that concern in any
3 way?

4 A I'm not sure. I'm not sure.

5 Q You don't know of anything, but you can't be sure
6 whether anyone did or not?

7 A Yes.

8 Q Did you document these concerns anywhere?

9 A Yes. At the request -- and as I said before, I
10 don't -- I didn't want to put anything in writing, certainly
11 not front channel; but at the request of Under Secretary
12 Hale, he asked me to send him a classified email, sort of
13 putting out what -- this would have been like about March,
14 like, maybe 27th, 28th, that Sunday that the tweet came out.
15 And he asked me to send him an email on the classified system
16 putting down my understanding of what was going on, which was
17 very unformed still, and then why were people doing this.
18 And so I did send that email to him.

19 Q Did this follow the conversation that you had with
20 Mr. Hale?

21 A Yes.

22 Q Can you describe the nature of that -- the nature
23 and substance of that conversation with Mr. Hale?

24 A Well, I had told -- I had sent an email to the
25 State Department, because there was just an avalanche of

1 attacks on me, on the embassy, in the press, and sort of
2 Twitter storms and everything else. And so, I had told David
3 Hale, among others, via email, that the State Department
4 needed to come out and come out strong, because otherwise it
5 just wasn't a sustainable position.

6 Q Why not?

7 A Well, if you have the President's son saying, you
8 know, we need to pull these clowns, or however he referred to
9 me, it makes it hard to be a credible ambassador in a
10 country.

11 Q And so what did you want Mr. Hale to do?

12 A What I wanted was the Secretary of State to issue a
13 statement that said that, you know, I have his full
14 confidence or something like that, to indicate that I, in
15 fact, am the ambassador in Ukraine, and that I speak for the
16 President, for the Secretary of State, for our country.

17 Q In contrast to Mr. Giuliani?

18 A I didn't put it that way.

19 Q But was that what you meant?

20 A Well, what I meant was that -- exactly what I just
21 said.

22 Q So it wasn't necessarily in direct relation to
23 Mr. Giuliani. It was as much in response to the attacks on
24 you from --

25 A Yes.

1 Q -- others, including the President's son?

2 A Yes.

3 Q And what did Mr. Hale say in response to that
4 request?

5 A He said he would talk to the Secretary.

6 Q Did you ever hear back about that?

7 A No.

8 Q Was a statement ever issued?

9 A No.

10 Q Did you ever speak to the Secretary directly --

11 A No.

12 Q -- about any of this?

13 A No.

14 Q Did you ever speak to Ulrich Brechbuhl directly
15 about this?

16 A No. So I spoke with the Acting Assistant Secretary
17 Phil Reeker, and he was talking I think to people on the
18 seventh floor about this.

19 Q So Mr. Reeker was relaying messages?

20 A Uh-huh.

21 Q And did he relay back to you what the responses
22 were from the seventh floor?

23 A Yes.

24 Q And what were those?

25 A I was told that there was caution about any kind of

1 a statement, because it could be undermined.

2 Q I'm sorry, it could be what?

3 A It could be undermined.

4 Q The statement could be undermined?

5 A Uh-huh.

6 Q By whom?

7 A The President.

8 Q In what way?

9 A Well, a tweet or something. I mean, that was not
10 made specific to me.

11 THE CHAIRMAN: I just want to make sure I'm
12 understanding. The statement you're talking about, is that
13 the requested statement by the Secretary of State?

14 MS. YOVANOVITCH: Yeah.

15 THE CHAIRMAN: So you were informed, basically, that the
16 statement was not going to be issued by the Secretary of
17 State because it could be undermined by the President?

18 MS. YOVANOVITCH: Yes. No statement was going to be
19 issued, not by the Secretary, not by anybody else.

20 THE CHAIRMAN: Because if the Secretary did issue a
21 statement, it might be undermined by the President?

22 MS. YOVANOVITCH: Uh-huh.

23 THE CHAIRMAN: Is that a yes?

24 MS. YOVANOVITCH: Yes, that is a yes.

25 BY MR. GOLDMAN:

1 Q Now, you say you sent this email to Mr. Hale on the
2 classified system, but were any of the contents of the email
3 actually classified or was it just in order to maintain
4 confidentiality?

5 A I think it was just that it was so sensitive that,
6 you know, I wouldn't have wanted to put it on the open
7 system.

8 Q Okay. I'll probably circle back to this a little
9 bit in the next -- in our next round, but I want to just jump
10 for the last couple minutes to the April 21st phone call that
11 President Trump had on election night with President
12 Zelensky.

13 A Yes.

14 Q Did you know that that call was going to happen?

15 A Yeah, uh-huh.

16 Q When did you learn that it was going to happen?

17 A We had been recommending it, because it was clear
18 that Zelensky was going to win, and win in a landslide. So
19 we had been recommending it, you know, probably the previous
20 week and, you know, as we thought about elections, even prior
21 to that, you know, what is our engagement going to be with
22 the new team and so forth?

23 And so most appropriate is for the President of the
24 United States to make a call, and he did, on that Sunday
25 night I think it was, Ukraine night.

1 Q Did you help prepare the President for the call in
2 any way?

3 A No.

4 Q Were you on the call?

5 A No.

6 Q Did you listen in?

7 A No.

8 Q Were you provided with a transcript or a summary of
9 it?

10 A No.

11 Q Did you get a readout of what --

12 A All I was told is that it was a good call and the
13 two Presidents hit it off.

14 Q Who --

15 A And that it was a short call.

16 Q Who told you this?

17 A I -- I don't recall, actually. It was somebody in
18 the State Department probably.

19 THE CHAIRMAN: Can I just ask on that, would it be
20 customary for the ambassador to get a readout of a
21 conversation between the President of the United States and
22 the President of the country to which they're the ambassador?

23 MS. YOVANOVITCH: It depends on the administration.

24 THE CHAIRMAN: Okay. Would it be useful, as ambassador,
25 to know --

1 MS. YOVANOVITCH: It would be very useful.

2 BY MR. GOLDMAN:

3 Q And when you say, it depends on the administration,
4 what happened in the Obama administration?

5 A We would get a transcript.

6 Q You would get a transcript?

7 A Uh-huh.

8 Q And what happened during your tenure in the Trump
9 administration?

10 A And when I say "transcript," I mean, sometimes it
11 was a transcript, sometimes it was a summary.

12 And what was your question?

13 Q And what happened in the Trump administration?

14 A Well, there weren't that many calls, at least to
15 Ukraine. And, you know, sometimes we would get sort of an
16 oral readout or, you know, brief little points, but never
17 a -- to my recollection, at least, never a full, you know,
18 transcript.

19 Q And what about in the Bush administration, when you
20 were an ambassador in W. Bush?

21 A Right. Again, because I was in Kyrgyzstan and
22 Armenia, there weren't that many Presidential calls.

23 Q Understood.

24 MR. GOLDMAN: I think our time is up. So we'll resume
25 after the minority, but would you like to take a quick

1 bathroom break?

2 MR. ROBBINS: For sure.

3 THE CHAIRMAN: Let's take a 5-minute break and resume.

4 [Recess.]

5 THE CHAIRMAN: All right, folks. Let's come back to
6 order. Counsel for the minority, you have one hour.

7 BY MR. CASTOR:

8 Q Good afternoon, Ambassador, Steve Castor with the
9 Republican staff. Thanks for coming in. And I'd like to
10 state at the outset, I'm not a career Foreign Service person.
11 I'm a congressional staffer and have been for some time,
12 specializing in investigations.

13 So, to the extent I mispronounce some of these names or
14 mix up something, please accept my apologies in advance. I
15 mean no disrespect. Our staff, and certainly our members,
16 have the utmost respect for you and for the men and women of
17 the Foreign Service, and they do such an important job on the
18 front lines of diplomacy. So --

19 A Thank you.

20 Q Can you just help us understand the direction
21 you've been given, in terms of what constitutes executive
22 branch confidentiality and privileges?

23 MR. ROBBINS: So anything she would know, Mr. Castor, on
24 that subject, she would know through advice of counsel. So
25 would you just as soon get that information from me, since it

1 would be privileged coming from her?

2 MR. CASTOR: Certainly, sir.

3 MR. ROBBINS: So I tried to share that with you at the
4 outset. The State Department has advised us, in discussions
5 that we've had with them, that there may be communications as
6 to which they would wish to assert not executive privilege as
7 such, because that's a privilege that belongs to the
8 President, but, rather, a different category of privilege
9 which extends, in their view, to executive communications
10 between members of the executive branch other than direct
11 communications with the President himself.

12 Because I thought it appropriate to assert on their
13 behalf such privileges where they were appropriate, I invited
14 them to give us a document, a letter, if you will. I believe
15 I shared this fact with you over the phone.

16 I had reason until yesterday to believe that we would,
17 in fact, receive such a letter, which I had told them I would
18 share with the committee at the outset of these proceedings
19 so that the scope of their objections would be clear at the
20 outset, and it would spare me the obligation of having to
21 anticipate what those objections might be.

22 In the end, for reasons I cannot provide, because I
23 don't know, I never received such a letter. So I guess I
24 could do my best to tell you what I think they think, but I
25 can't be sure I'm right.

1 MR. CASTOR: Thank you.

2 BY MR. CASTOR:

3 Q Ambassador, do you believe you're authorized to
4 testify here today, on behalf of the State Department?

5 MR. ROBBINS: That sounds like a -- calls for a legal
6 conclusion. I can tell you, as her counsel, that -- and I
7 believe, again, you know all these things since I've shared
8 them all with you as I have with majority counsel -- she
9 received a direction by the Under Secretary to decline to
10 appear voluntarily.

11 It did not address the question whether she should or
12 should not appear in response to a subpoena. A subpoena
13 thereafter issued. She is here pursuant to that subpoena. I
14 have shared with both sides of the aisle a letter explaining
15 why, in my view, it was appropriate, indeed required, for her
16 to appear pursuant to that subpoena.

17 The question whether she is, quote/unquote, "authorized"
18 strikes me as a question of law. As I expect you know, she
19 is not a lawyer, and anything she would venture on that
20 question would be the result of privileged communications,
21 which I am directing her not to reveal.

22 BY MR. CASTOR:

23 Q Can you help us understand the Washington chain of
24 command, how administration policy was communicated to you?

25 A Yes. I mean, you know, it happens in different

1 ways, but, you know, we communicate by phone, through cable
2 traffic, through emails. And because Ukraine, you know, it
3 was a very challenging period during the time that I was
4 there. It was a very challenging period during the time that
5 I was there. And so we often would have interagency meetings
6 via secure teleconferencing. And so, you know, through all
7 those ways, you know, we work as a team together.

8 Q And who did you report to back in Washington?

9 A Either Assistant Secretary Wess Mitchell, and then
10 when he left, Acting Assistant Secretary Phil Reeker. They
11 are my, you know, formal bosses, shall we say. The
12 day-to-day was generally with the Deputy Assistant Secretary.
13 So in the beginning, it was Bridget Brink, and then it was
14 George Kent.

15 And just to clarify, not all communication goes through
16 me. We have a big interagency at the embassy, and so, you
17 know, there's lots of communication back and forth.

18 Q And what communications did you have with the White
19 House or the National Security Council?

20 A There was less of that. The State Department, as
21 you may know, likes to manage that themselves through
22 Washington, and -- but often, they were on emails. Sometimes
23 I would reach out, hopefully always copying my colleagues at
24 the State Department, and that sort of thing.

25 Q You mentioned --

1 A And they would be obviously running the interagency
2 meetings.

3 Q You mentioned Dr. Fiona Hill this morning --

4 A Yes.

5 Q -- as one of the National Security Council
6 officials that was in your -- in this area of interest?

7 A Uh-huh. Yes.

8 Q Any other National Security Council officials? Was
9 she your primary liaison at NSC?

10 A Uh-huh.

11 Q And how frequently did you communicate with her?

12 A Not that often.

13 Q By "not that often," is that weekly, monthly?

14 A Yeah. I mean, on the phone, fairly rarely. You
15 know, interagency meetings, you know, we would have them.
16 She wouldn't always chair them, but, you know, sometimes --
17 it would depend what would happen, but every 2 weeks.

18 I'm being helped here.

19 Yes. And -- I'm sorry, I've lost my train of thought.

20 So how often --

21 Q Communicate with Fiona Hill?

22 A But she would be on emails too.

23 Q Was she providing direction to you, or were you
24 providing direction to her? How did that information flow?

25 A Well, it's a partnership. I mean, obviously, the

1 NSC works for the President directly. And so, you know, they
2 may share information or tell us what to do, and we provide
3 information about what's going on in the field. We provide
4 suggestions. You know, in the previous example about the
5 telephone call between -- the first telephone call between
6 President Trump and President Zelensky, we thought that that
7 was an important first step in engaging a new administration,
8 for example.

9 Q Can you tell us about the political environment in
10 the Ukraine leading up to the election of President Zelensky?

11 A Well, it was -- so 5 years after the Revolution of
12 Dignity. And the Revolution of Dignity really sparked a big
13 change in Ukraine. I think the Poroshenko administration did
14 a lot, but, clearly, the electorate felt that it didn't do
15 enough.

16 And so Zelensky in two rounds won over 70 percent of the
17 vote. I mean, that's a pretty big mandate. And I think it
18 seemed to be based on this issue of corruption. He said it
19 was his number one goal, although he was also very focused on
20 bringing peace to the country in the Donbass.

21 And I think that there was, you know, as is true, I
22 think, probably in any country during Presidential elections,
23 a lot of -- a lot of concerns among people. This was I think
24 a big surprise for the political elite of Ukraine, which is
25 relatively small. And so, I don't think they saw it coming

1 really until the very end. And, so, there was surprise and,
2 you know, all the stages of grief, anger, disbelief, how is
3 this happening?

4 Q When did you and the embassy first realize that
5 Zelensky may be elected?

6 A Well, we were watching the polls. I mean, you
7 know, that's one of the things we do. And he was rising in
8 the spring and kind of over the summer, but, you know, not
9 much happens over the summer. So I asked to meet with him
10 for the first time in September of 2018.

11 Q And at what point did you realize that he was
12 likely to win?

13 A You know, it's hard to look back and actually know
14 without sort of reference to notes and stuff. I think -- I
15 mean, we were taking him seriously, very seriously by
16 December. And, you know, January, February, I think we felt
17 he was probably going to be the next President.

18 Q And how did you feel about that? What were your
19 views of Zelensky? Did you think he was going to be a good
20 advocate for the anticorruption initiatives, as he was
21 campaigning on?

22 A We didn't know. I mean, he was an untried
23 politician. Obviously, he has a background as a comedian, as
24 an actor, as a businessperson, but we didn't know what he
25 would be like as a President.

1 Q And what were your views on President Poroshenko?

2 A I think President Poroshenko, you know, like many
3 leaders, is a very complicated man. And so he has worked
4 in -- he has been active in Ukrainian politics since, I want
5 to say, the late 1990s, certainly the early 2000s, when I was
6 there before. He is a businessman and very accomplished in
7 many different ways.

8 And he came into office -- I believe he might be the
9 only President who was voted into office in the first round,
10 not going to a second round. People really wanted to give
11 him that mandate, because the country was in a surprising war
12 in 2014, and they thought that even though he was an oligarch
13 himself, that he could bring the country forward.

14 And I think what we've seen in his administration is
15 that he made a lot of important changes. There were more
16 reforms in Ukraine during President Poroshenko's term than,
17 frankly, in all the preceding -- under all the preceding
18 Presidents.

19 But I think that, you know, as time passed, as the,
20 shall we say the old system wasn't as scared anymore as they
21 were in 2014, as they felt there was more space to kind of
22 pursue their own interests, it became harder to pursue those
23 reforms and there was less interest. Because when you
24 reform, especially on the very sensitive issue of corruption
25 issues, every time you make a decision, you're probably going

1 against your own interests or a friend's interests or
2 something like that when you make a new law or whatever it
3 might be. And so it's hard.

4 And so there was kind of a slowing down. And I think
5 what we've seen in 2014, in 2019, is that what the Ukrainian
6 people want is transformation. They don't want just a couple
7 of changes here and there and kind of sugarcoating it on the
8 top.

9 Q So the Ukrainian people thought that he wasn't
10 changing fast enough?

11 A That is our analysis.

12 Q And that first became real crystal clear in
13 December 2018, or --

14 A Well, no. I mean, he was -- in about 2016, he was
15 starting to go down in the polls, before I arrived. And I
16 think it's because there was a lot of political in-fighting
17 between him and his prime minister. People apparently didn't
18 like that. But I think there was also a sense in the country
19 that he was attending to his own personal interests as well,
20 and people didn't appreciate that.

21 Q And can you explain a little bit about how, as the
22 ambassador, you have to toggle between the current President,
23 the incumbent President, and what could be a new President?

24 A Right, right. So, you know, our role is obviously
25 to represent the United States, but it's also to, you know,

1 meet with as many different kinds of people as possible, as
2 many political forces as possible, not just me, but, you
3 know, there's a whole embassy that is involved in this, and,
4 you know, to get information, obviously, so that we can let
5 Washington know what we think is happening in a country, what
6 our analysis is of this, what it means for our interests, and
7 provide advice, policy options for how to move forward.

8 I mean, often Presidents don't like it when you are
9 meeting with their political rivals, but, I mean, we're
10 pretty transparent, and we let people know that, you know,
11 this is what the U.S. does. We meet with everybody who's a
12 legitimate political force out there. And, you know, often
13 the other -- we wouldn't, you know, publicize it, but often,
14 the people that we are meeting with do. So it wasn't like
15 there were any secrets or anything like that.

16 And, you know, you do business with the current
17 President. You do -- you -- we talked to his campaign
18 manager often about, you know, where they were, what their
19 strategies were, what they thought was going to happen, et
20 cetera, et cetera. We met with, you know, not just Zelensky
21 but with the others who were running for President. And we
22 conveyed that back to Washington.

23 Q And what do you think President Zelensky felt about
24 you?

25 A Well, until I read the -- you know, the summary of

1 the conversation of the July 25th call, I thought he liked
2 me.

3 Q So the transcript of the July 25th call took you by
4 surprise?

5 A Yes.

6 Q And do you have any reason to know why President
7 Zelensky felt that way?

8 A Well, I can't say I know. I can't say I know.

9 Q What do you think?

10 A Well, what I think is that he thought that that
11 would be something pleasing for President Trump.

12 Q Do you think that some of the interested parties
13 that you discussed in the first round this morning had gotten
14 to Zelensky, or do you think Zelensky had just --

15 MR. ROBBINS: Do you really want her to engage in that
16 degree of speculation? I mean, she'll answer the question,
17 but she's already made clear that she was totally surprised
18 by the contents of that conversation. So anything she could
19 tell you -- and she will respond, but it's all guesswork. If
20 that's what you'd like, that's what she'll give you.

21 BY MR. CASTOR:

22 Q Have you learned anything since that information
23 came out to help you better understand exactly what happened
24 leading up to that call?

25 A The July 25th call?

1 Q Yes.

2 A No.

3 Q The various anticorruption initiatives in Ukraine,
4 could you walk us through sort of the landscape of the
5 various entities? There's, you know, the National
6 Anticorruption Bureau, and then the prosecutor general has a
7 special prosecutor. Could you sort of walk us through the
8 anticorruption institutions?

9 A Uh-huh. So after the 2014 elections, the Ukrainian
10 people had made clear in that election that they were done
11 with corruption, and they wanted to live a life with dignity,
12 called the Revolution of Dignity. And what that term means
13 for Ukrainians is that it's rule of law, that what applies to
14 you applies to me. It doesn't matter whether, you know, we
15 hold different jobs or different status in society. It
16 should be about the rule of law. And we wanted to support
17 that effort, and there was kind of an all-out effort.

18 And in the very, very beginning, one of the things --
19 and the Ukrainians, and we supported them in other ways on
20 anticorruption issues, but I will just address the question.
21 So they thought that it would be a good idea to set up this
22 architecture, as you call it, of a special investigative
23 office that would be all about the crimes of corruption above
24 a certain level of public officials. And so it would be
25 devoted to that. So they would set up that organization,

1 kind of like an FBI, but for a particular mission.

2 Secondly, there would be a special independent
3 anticorruption prosecutor, which, as you said, reported to
4 Mr. Lutsenko. And then there would be a special
5 anticorruption court. So that you would have, you know, this
6 continuum of new organizations with vetted individuals who
7 are trained who are handling these crimes, people who would
8 get reasonable salaries so that they wouldn't actually be
9 forced to go out and take bribes.

10 And so when I arrived in the summer of 2016, August
11 2016, the NABU, the investigatory branch had already been
12 established, as had the anticorruption prosecutor, they were
13 all -- they were both established. The court was not
14 established until much later, and it only started working in
15 September of this year, September 2019.

16 So, you know, first of all, I mean, there's so many
17 forces working against these courts, but it was -- against
18 these institutions, but it was also kind of an issue that
19 when they had court cases ready to go, they would go into the
20 same old court system as before, which had not been reformed
21 at that time.

22 Q And who was the special prosecutor?

23 A Mr. Kholodnitsky.

24 Q Was he the only special prosecutor or did somebody
25 precede him?

1 A He's the only one.

2 Q And he's still there today?

3 A Yes. I believe so. Yes.

4 Q What is your impression of his work? Better than
5 Lutsenko, worse?

6 A Well, if I may, I don't think that comparisons are
7 helpful here. I think that in the beginning, perhaps
8 Kholodnitsky was committed, you know, to his mission, but I
9 think over time, there's a lot of pressure, as I said, from
10 all of the forces that will, you know, help you with funding,
11 shall we say, or, alternatively, have what they call
12 kompromat, or compromising information on you. They play
13 hardball there.

14 And so I think it became harder and harder to resist,
15 and it appeared that he was not making progress in the way
16 that we had originally hoped. And then he was -- there was a
17 tape that was revealed where he was heard coaching
18 individuals on how to testify and various other things. And
19 so that's clearly not an acceptable practice for a
20 prosecutor.

21 Q Who was he trying to coach?

22 A I don't recall at the moment.

23 Q Was he trying to coach people that were under
24 actual investigation?

25 A Yes. I'm sorry, I didn't realize. I thought you

1 wanted the name. Yeah.

2 Q And he reported to Lutsenko?

3 A Yeah. It was kind of complicated. I think it
4 was -- he did. Although it was sort of more of a dotted
5 line, but yes, he did report to Mr. Lutsenko.

6 Q And what was your relationship with Kholodnitsky?
7 Did you have meetings with him? Did you have an exchange of
8 ideas?

9 A I mean, yes, but not very often. We had a -- you
10 know, many other people in the embassy handled that
11 relationship.

12 Q Now, during your tenure, did you ever have to call
13 for the resignation or firing of any Ukrainian official?

14 A In the speech that you referred to on March 5th,
15 when we were very concerned about some of the rollbacks, as I
16 said, as they were looking at the Presidential elections
17 coming up. And one of the things I said is that it was
18 inappropriate, or words to that effect, for somebody who had
19 engaged in those kinds of activities to still be in his job.

20 Q Was that taken as that you were calling for
21 Kholodnitsky's ouster?

22 A Uh-huh.

23 Q And was that position something that you carefully
24 thought out before the speech, or was it just a product of
25 where the conversation took you? Did you go into the speech

1 knowing that you were going to be --

2 A Yes.

3 Q You did, okay.

4 And was that the position of the embassy?

5 A Yes.

6 Q And, so, you planned that out, and before you did
7 that, did you make any -- your position known? Did you try
8 anything on the nonpublic side?

9 A Yes.

10 Q And could you describe those efforts?

11 A We worked with Mr. Lutsenko on that, because he was
12 one of the individuals -- there were various stages, and he
13 was one of the people who was responsible at the end.

14 Q This do-not-prosecute list -- and you'll have to
15 excuse me if -- you know, you've stated that it's been --
16 Lutsenko's recanted various statements about the
17 do-not-prosecute list, but if I may, can I walk through with
18 you your understanding of where this comes from?

19 A Uh-huh.

20 Q Okay. How many -- how frequently did you meet with
21 Lutsenko?

22 A Maybe about 10 or 12 times over 3 years, maybe
23 more.

24 Q Was it a regular -- did you have like a regular
25 standing meeting --

1 A No.

2 Q -- or did you just meet with him when he asked you?

3 A As with, you know, Mr. Kholodnitsky, we have a
4 pretty big embassy in Ukraine, and so there are a number of
5 offices that handle law enforcement or prosecutorial, et
6 cetera, issues.

7 And so those people mostly handle those relationships.
8 And, you know, if there was a need for me to meet with him
9 then I would meet with him, or if he requested a meeting, for
10 example.

11 Q When did the do-not-investigate list first come
12 into your awareness?

13 A From --

14 MR. ROBBINS: I'm sorry, forgive me, but that question
15 sort of presupposes that it's an actual thing.

16 MR. CASTOR: Well, it's an allegation that Lutsenko has
17 made.

18 MR. ROBBINS: Would you mind just rephrasing it? When
19 did the allegation of such a list come to your attention as
20 opposed to presupposing that it's an actual thing in the
21 world, which it is not.

22 BY MR. CASTOR:

23 Q When did this allegation first come to your
24 attention, and when do you think Lutsenko is alleging the
25 communication happened between you and him?

1 A Well, according to the article, or the interview in
2 The Hill, from, I think, it was March 24th, that's when I
3 first became aware of these allegations. And he claims that
4 it was -- in that interview, he claimed that it was in the
5 first meeting with me.

6 Q And when was the first meeting with him, if you can
7 remember generally?

8 A October 2016.

9 Q So clearly, this took you by surprise. Is that
10 fair?

11 A That is very fair.

12 Q And did you communicate your surprise or your anger
13 to Lutsenko's office or him directly after it came to your
14 attention?

15 A I don't think so. I didn't think there would have
16 been any point in that.

17 Q Or by that time, had your relationship soured to
18 the point where it wasn't worth it to you?

19 A Well, I wasn't aware until I read that article of
20 how sour the relationship was.

21 Q After the article, did you have any meetings with
22 Lutsenko?

23 A No.

24 Q When is the last time you met with him?

25 A You know, maybe in the fall of 2018.

1 Q Did you develop any intelligence between the fall
2 of 2018 and March 24th that the relationship with Lutsenko
3 has gone south?

4 A Well, as I described previously, Mr. Avakov let me
5 know that Mr. Lutsenko was communicating with Mr. Giuliani.

6 Q When was the meeting with Avakov, again?

7 A In February of 2019.

8 Q When you read about this allegation, why didn't you
9 try to reach out to Lutsenko and holler at him and say, Why
10 are you saying this? This is completely untrue.

11 A I didn't really think there was any point.

12 Q Did any of your embassy staff communicate at a
13 lower level?

14 A I'm sure they did, but I don't know.

15 Q But not at your behest?

16 A No.

17 Q When you were in your opening statement this
18 morning, which, by the way, I'm not sure if you brought
19 copies of that, but it might be helpful for the members.

20 MR. ROBBINS: We're happy to provide whatever you need.

21 MR. CASTOR: You're making some copies, okay. We heard
22 during the break that The Washington Post has it and there's
23 all sorts of discussion about it, and so here in the secure
24 environment, we --

25 MS. LI WAI SUEN: It was provided electronically before.

1 We provided an electronic copy to the House staff.

2 MR. CASTOR: Okay, me? Okay. We didn't get a copy of
3 it so --

4 MS. RUBENSTEIN: We provided it to the security folks,
5 is that who? It wasn't provided to either Democratic or
6 Republican staff, as we understand it.

7 BY MR. CASTOR:

8 Q Anyway, it's apparently been provided to The
9 Washington Post, so some of our members during the break
10 asked me to ascertain if you know how that may have happened.

11 MR. ROBBINS: Anything she would know about that, she
12 would know through counsel, so she's not going to answer
13 that.

14 MR. CASTOR: Did you provide it to The Washington Post?

15 MR. ROBBINS: I'm not going to answer that either.

16 MR. CASTOR: Why?

17 MR. ROBBINS: Because I'm not going to answer that.

18 MR. MEADOWS: Steve, can I ask one follow-up?

19 MR. CASTOR: Certainly, sir.

20 MR. MEADOWS: So, Counselor, if, indeed, you gave it to
21 The Washington Post, did you believe that that was something
22 that would be supported by this committee?

23 MR. ROBBINS: I'm sorry, I'm not going to engage in any
24 answers regarding work product or attorney-client privilege,
25 and I'm not the witness. So if you have another pending

1 question for the ambassador, you should ask it.

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1 [12:57 p.m.]

2 MR. MEADOWS: Ambassador, are you aware of anyone
3 connected to you that might have given that to The Washington
4 Post?

5 MR. ROBBINS: Anything she would know regarding that,
6 she would know through counsel, if at all, and she's not
7 going to answer that question.

8 MR. ZELDIN: Are you saying that it's subject to an
9 attorney-client privilege, your communications with The
10 Washington Post?

11 MR. ROBBINS: I'm sorry. Any communication that she may
12 have had between -- no, no. Well, they have a copy. We made
13 the copies available to the security -- to the security folks
14 for the committee from either side of the aisle.

15 Anything that the witness knows -- and I'm not saying
16 she knows anything -- but anything she knows, she would know
17 through counsel, and she's instructed not to answer that
18 question.

19 MR. ZELDIN: Are you asserting an attorney-client
20 privilege for communications that you have had with The
21 Washington Post?

22 MR. ROBBINS: No. Let me try it again. I'm asserting
23 an attorney-client privilege with respect to communications
24 between me and the witness.

25 The question is pending to the witness. The question

1 was, does the witness know how, if at all, The Washington
2 Post got a copy of this document. That calls for privileged
3 communications, period. That's the subject of my objection.

4 MR. JORDAN: I think that, Mr. Chairman, you can
5 instruct him to answer that question, I believe. And I would
6 also ask, did --

7 THE CHAIRMAN: Counsel will please direct their
8 questions to the witness and leave the counsel for the
9 witness to advise the witness of what the witness can answer
10 or not answer based on attorney-client privilege.

11 MR. JORDAN: Did -- if I could, Ambassador, did prior --
12 if, in fact, you did -- did you talk to the State Department
13 about the possibility of releasing your opening statement to
14 the press?

15 MS. YOVANOVITCH: I haven't talked to the State
16 Department.

17 MR. ROBBINS: You can answer that.

18 MS. YOVANOVITCH: I haven't talked to the State
19 Department.

20 MR. JORDAN: Did your counselor talk to the State
21 Department about releasing your opening statement to the
22 press?

23 MR. ROBBINS: Same exact objection. She would know
24 that, if at all, only by virtue of privileged communications
25 between the lawyers and her, and she's not going to answer

1 that.

2 Next question.

3 MR. CASTOR: There's a -- you know, part of our
4 deposition rules, there's a prohibition against disclosing
5 the contents of the testimony. And so in case that's helpful
6 for you to understand why there's some concern.

7 MR. ROBBINS: Yeah. I'm totally mindful of that.

8 MR. ZELDIN: Ambassador Yovanovitch --

9 THE CHAIRMAN: Let me clarify for the Members. There's
10 no prohibition on what this witness can say to us or to the
11 public. The Members are prohibited from discussing the
12 contents of the deposition.

13 MR. ZELDIN: Ambassador Yovanovitch, do you believe that
14 it is appropriate for your opening statement to be provided
15 to The Washington Post?

16 MR. ROBBINS: If you have an opinion on that, you can
17 answer it.

18 MS. YOVANOVITCH: I think that there's a lot of interest
19 in this deposition.

20 MR. ZELDIN: Is it your opinion that only your opening
21 statement should be provided to The Washington Post?

22 MR. ROBBINS: If you have a view on that, you can answer
23 it.

24 MR. BITAR: Sorry. For the record, the opening
25 statement is being circulated in hard copy. It was provided

1 prior to the interview to the nonpartisan security staff of
2 the House Intelligence Committee. They had not made
3 sufficient copies at the time, but at the request, more
4 copies were made and they are circulating now, so all Members
5 should have a copy. Thank you.

6 MR. ZELDIN: Ambassador Yovanovitch, would you like to
7 answer that question? Do you believe that only your opening
8 statement should be provided to the press?

9 [Discussion off the record.]

10 MR. ROBBINS: If you have an opinion, you can answer his
11 question.

12 MS. YOVANOVITCH: Okay. I actually don't really have an
13 opinion on that. I haven't thought about this in terms of
14 what is most appropriate or not appropriate to share with the
15 greater public, but I do know that there is a lot of interest
16 in this.

17 BY MR. CASTOR:

18 Q How did the -- how does the embassy and the State
19 Department collect information from social media?

20 A I'm sorry. Could you repeat?

21 Q Could you help us understand how the embassy and
22 the State Department back in Washington collects information
23 on social media?

24 A I can't really answer the question, because I don't
25 know all the inner details of how the press section works to

1 gather information. But they provide us with a press
2 summary, or they used to provide me, I mean. They provide
3 the embassy with a press summary and it goes out to other
4 people at the State Department as well.

5 Q And is part of that monitoring social media
6 accounts from --

7 A Yeah. I mean, in today's age, yeah, social media
8 is really important.

9 Q And who determines which social media accounts are
10 monitored?

11 A I don't really know. I mean, I think it's probably
12 a corporate decision in the press section of what are the
13 issues that we're most interested in at the time. And I'm
14 sure that over time it often changes, because, you know,
15 different media influencers, or whatever you call them, you
16 know, are into different topics that might be of interest to
17 us.

18 Q And when the efforts to bring you back took shape,
19 did the embassy begin to step up their efforts in trying to
20 figure out where these initiatives were coming from by
21 looking at social media accounts?

22 A Well, I think what the embassy was -- you know,
23 after the March 24th Hill article, I think then -- and then
24 there was just an explosion in parts of the media and on
25 social media. And so -- so we, you know, were interested in,

1 you know, kind of keeping track of the story so that we would
2 know what was going on.

3 Q And --

4 A Because, I mean, there's an interest -- obviously,
5 I had an interest since I was being directly attacked --

6 Q Yeah.

7 A -- but there's also -- I mean, it's not like the
8 Ukrainians where we were working were not following this as
9 well. And so, you know, one had to be aware.

10 Q Are you familiar with something called CrowdTangle?

11 A No.

12 Q It's a software for mining open source materials.

13 A Uh-huh.

14 Q So you're not familiar with that?

15 A No.

16 Q At any point did you -- did you know who, you know,
17 which Americans were being monitored?

18 MR. ROBBINS: I'm sorry. By "monitored," you mean --

19 MR. CASTOR: On the social media. We were talking about
20 social media, mining social media, trying to better
21 understand --

22 MR. ROBBINS: I'm sorry. Mining? That is to say, like,
23 data mining?

24 MR. CASTOR: Yes.

25 MR. ROBBINS: Okay. Are you presuming that there was

1 data mining going on?

2 MR. CASTOR: Presuming that social media -- it's my
3 understanding of her testimony that social media accounts
4 were studied and examined and --

5 MR. ROBBINS: I'm sorry. Do you want to restate your
6 testimony as to how social media is followed in the embassy
7 at the time you were ambassador, because I think there may be
8 a misunderstanding about the nature of that work?

9 MS. YOVANOVITCH: Yeah. And, honestly, I don't really
10 know. I mean, I received the finished product, which is a
11 summary of what folks in the press section thought was the
12 most important, you know, whether it's hard print, a CNN or a
13 FOX interview, you know, tweets or Facebook postings or
14 whatever. I'm not -- I'm just not involved in the details of
15 how -- how things happen, you know, how --

16 BY MR. CASTOR:

17 Q And do you know if the embassy staff that dealt
18 with this liaised with Washington for extra assistance or did
19 they handle it all themselves?

20 A At a certain point, to take advantage of the 7-hour
21 time difference, because this was, you know, kind of a
22 pretty -- pretty big task for our press section, they did
23 request assistance from -- from Washington, yes.

24 Q And who in Washington is responsible for that?

25 A Public Affairs in the European Bureau was who I

1 think that they reached out to.

2 Q And did you have any discussions with any officials
3 in D.C. about that?

4 A Yeah. I felt that our staff in Kyiv was really
5 being kind of run ragged, and could we get some more
6 assistance.

7 Q And who did you speak with?

8 A I know I spoke with George Kent. I'm not sure if I
9 spoke with anybody else. And he was, just to remind, he was
10 the deputy assistant secretary. So -- yeah.

11 Q And did you have a request or did your media
12 affairs officials put the request through? Did you just ask
13 for resources or did you ask for a specific request?

14 A Well, we thought that what would be most helpful,
15 since it was a 7-hour time difference, that, you know, when
16 we, you know, go home, that maybe Washington could take over,
17 like, looking and seeing what, you know, what's playing out
18 in real time, and they could do a little summary and, you
19 know, send it back to us so that we could have that kind of
20 really good coverage.

21 Q And did that occur?

22 A No.

23 Q And did you ask for reasons why that didn't occur?

24 A Well, I mean, what we were told is that folks in
25 Washington were too busy to do this, et cetera, et cetera. I

1 mean, it's always kind of a, you know, personnel or resource
2 issue and so forth.

3 Q Okay. How many times did you discuss this with
4 George Kent?

5 A I don't know. Maybe once or twice.

6 Q Once or twice.

7 A I mean, I don't recall.

8 Q Is it possible your staff was having additional
9 communications with George Kent's folks?

10 A Oh, I'm sure, yeah.

11 Q And did they get any feedback as to why they
12 couldn't support the request?

13 A Yeah. I mean, it was a resourcing issue, is my
14 understanding.

15 Q It was a resource issue?

16 A Yeah.

17 Q Were there certain political --

18 A And so, I mean, so they would -- you know,
19 obviously it's dealt with at the working level first. And
20 then when there was no, shall we say, the kind of response we
21 would have liked, then I talked to George at some point and
22 saying, Really, you know, you really can't help us? And the
23 answer was no.

24 Q In your opening statement, I guess it's page 6 --

25 A I might have different pagination.

1 Q Oh, okay.

2 A Okay. I have different pagination, I believe, from
3 you, so you might have to --

4 Q It's page 6 of the statement, the bullet point. It
5 begins with, "As for events during my tenure in Ukraine."

6 A Uh-huh.

7 Q "I want to categorically state that I have never
8 myself or through others directly or indirectly ever
9 directed, suggested, or in any way asked for any government
10 or government official in Ukraine or elsewhere to refrain
11 from investigating or prosecuting actual corruption."

12 Was there ever an initiative to urge the, you know, any
13 of these prosecutors from not prosecuting good government,
14 you know, people that were interested in good government and
15 anticorruption initiatives?

16 A Could you restate that question?

17 Q Was there ever any communication to the prosecutors
18 offices whether they should not prosecute people in favor of
19 supporting anticorruption initiatives, good government
20 actors? Were the good government actors ever at risk for
21 prosecution?

22 A Yeah. I mean, it happens all the time. It's one
23 of the ways that a corrupt government can pressure people.

24 Q And did you or the embassy ever urge the prosecutor
25 not to prosecute those individuals that were in favor of good

1 government and anticorruption initiatives?

2 A Well, what we would say is that any kind of
3 prosecution of whoever, whether they are, you know, good
4 actors or bad actors, needs to be done according to the law
5 and there needs -- and it needs to be not politically
6 motivated.

7 Q And so the question is, did you ever think that
8 someone was being prosecuted wrongly because they were a good
9 government actor, they were trying to support anticorruption
10 initiatives?

11 A I think there was probably a lot of politically
12 motivated prosecution going on in Ukraine.

13 Q And did you ever urge the prosecutor not to
14 prosecute those individuals or entities?

15 A I think that -- I think there's kind of a line
16 there. And so, you know, conversations about you need to be
17 sure that, you know, there is a real case that is not
18 politically motivated, that this isn't just harassment and
19 pressure, so those conversations, you know, certainly took
20 place.

21 Q And were names used?

22 A Yeah, probably.

23 Q And entities?

24 A I'm not -- no.

25 Q Can you remember the names?

1 A I think that the -- the head of NABU was -- there
2 were a number of cases that looked like harassment cases to
3 us that were opened up against him.

4 Q And can you think of anybody else? Who's the head
5 of NABU?

6 A You know, I'm sorry, I'm blanking on his name right
7 now.

8 Q Can you think of anybody else, other than the head
9 of NABU, that was -- that you urged not to prosecute?

10 A I wouldn't say it like that.

11 Q Okay. How would you say it?

12 A I would say that when we had conversations, we
13 would say that any prosecutions need to be done, you know,
14 legally, by the law, not politically motivated.

15 Q But then you indicated that actual names did come
16 up from time to time?

17 A Well, the only one I can recall is NABU, and I'm
18 not even recalling that, but I will in a second.

19 Q Is Sintac the right name?

20 A Sytnyk.

21 Q Sytnyk. Okay.

22 A Thank you.

23 Q Can you remember any other names?

24 A No.

25 Q But there were names?

1 A No. I don't think so.

2 Q So there weren't names?

3 A I think we just discussed one person, Mr. Sytnyk.

4 Q Okay. So it's a name, not names?

5 A To the best of my recollection.

6 Q And I guess what I'm getting to is, is it possible
7 Lutsenko took that name as an example of somebody not to
8 prosecute?

9 A I can't really speak for his motivations or what
10 was in his mind.

11 Q Before the removal of Lutsenko's predecessor,
12 Shokin, there was effort on behalf of the U.S. Government,
13 including Vice President Biden, to have Shokin removed,
14 correct?

15 A Well, one thing, just to remind, as I said in my
16 opening statement, which you now have, I was not present at
17 that time, but I can tell you what I understand to be the
18 case.

19 Q Yes. Please do.

20 A So Vice President Biden, the IMF, pretty much
21 every -- every country that is present in Ukraine all felt
22 that Mr. Shokin as prosecutor general was not doing his job.

23 Q Which led to calls to oust him?

24 A Yes.

25 Q And the legislature has to remove him. Is that

1 correct?

2 A Yes, that's correct.

3 Q And then that occurred.

4 A Yes.

5 Q And then Lutsenko comes on board.

6 A Yes.

7 Q And was he, in your experience -- because you're
8 very knowledgeable about the region, so when I ask you in
9 your opinion, you have a very informed opinion -- was
10 Lutsenko better or worse than Shokin?

11 A I mean, honestly, I don't know. I mean, I think
12 they're cut from the same cloth.

13 Q Equally bad?

14 A I'm not sure that these comparisons are helpful.

15 Q Okay. And there was also an issue with the special
16 prosecutor, Kholodnitsky?

17 A Uh-huh.

18 Q Were there any -- any other beacons of hope in the
19 prosecutorial world of Ukraine?

20 A Well, it was kind of an unreformed office, shall we
21 say. So I think -- I think some of the people, who I didn't
22 actually personally know, but some of the people who came in
23 in the early days after the Revolution of Dignity, were
24 considered to be quite good. And I think some of them have
25 been brought back again under -- under this new President,

1 Zelensky. So, you know, I'm always hopeful about the
2 possibility for change.

3 Q There was never as much of a clamor to remove
4 Lutsenko as there was Shokin. Is that fair to say?

5 A Yeah, I think that's fair.

6 Q And what do you account for that?

7 A I would say that there was, I think, still a hope
8 that one could work with Mr. Lutsenko. There was also the
9 prospect of Presidential elections coming up, and as seemed
10 likely by, you know, December, January, February, whatever
11 the time was, that there would be a change of government.
12 And I think we certainly hoped that Mr. Lutsenko would be
13 replaced in the natural order of things, which is, in fact,
14 what happened.

15 We also had more leverage before. I mean, this was not
16 easy. President Poroshenko and Mr. Shokin go way back. In
17 fact, I think they are godfathers to each other's children.
18 So this was, you know, this was a big deal. But we had
19 assistance, as did the IMF, that we could condition.

20 MR. GOLDMAN: Could I just make one point of
21 clarification? You said President Poroshenko and Mr. Shokin
22 go way back?

23 MS. YOVANOVITCH: Yes.

24 MR. GOLDMAN: Do you mean Shokin or Lutsenko?

25 MS. YOVANOVITCH: Well, I think they probably all go way

1 back. It's a small elite. But President Poroshenko and
2 Shokin go way back, because my understanding is that they are
3 each other's -- godparents for each other's children.

4 BY MR. CASTOR:

5 Q What do you know about the investigation of
6 Burisma?

7 A Not very much. And, again, that happened before I
8 arrived.

9 Q Do you know when they were being investigated and
10 what exactly for?

11 A So was it -- actually, I think I'm more familiar
12 with the case against Zlochevsky, the head of Burisma. Is
13 that what you're talking about?

14 Q Both.

15 A Okay.

16 Q Do you know if Burisma was under investigation
17 separate from its leader?

18 A I believe so. And I believe that -- and, again, I
19 need to stress that this all happened before I arrived. But
20 I believe that with Burisma, the -- as I understand it,
21 again, mostly from media reports -- that the investigation
22 was dormant by the time that Lutsenko came to be prosecutor
23 general, and that -- but I also understand, you know, from
24 things in Ukrainian media and people would sort of mention,
25 that the investigation was never formally closed by Lutsenko,

1 because it's, frankly, useful to keep that company hanging on
2 a hook, right? And so -- so it was dormant, but it wasn't
3 fully closed and done with.

4 Q There was a -- press reports in the Ukraine that --
5 shortly before you came back the end of March -- that the
6 Ukrainian state prosecutor's office was reexamining issues
7 related to Burisma. Do you have any familiarity with that?

8 A Well, that question was asked earlier, and I don't
9 actually remember that. So, no, I don't.

10 Q Do you have any idea why the -- why Burisma --
11 again, this is before your time, but just wondering if you
12 have any idea why they would make an effort to put U.S.
13 people on their board.

14 A I mean, I don't know, but I can give you an
15 opinion.

16 MS. YOVANOVITCH: Is that --

17 MR. ROBBINS: Is it more than a guess?

18 MS. YOVANOVITCH: I mean, it's an opinion. It's a
19 guess.

20 MR. MEADOWS: Yeah. I would think, Ambassador, it would
21 be an informed opinion. Ambassador Volker was able to give
22 us some of the same commentary. We would like to hear it
23 from your perspective since he held you in very high regard.

24 MS. YOVANOVITCH: I -- so just to be clear, I mean, I
25 don't actually know, but I think that they probably did it

1 for the same reason most companies put, you know, people with
2 name recognition, experts, et cetera, on their boards, to
3 increase prestige, to let people know that they are good
4 companies, well valued, and so forth.

5 BY MR. CASTOR:

6 Q Do you know if they sought out experts in corporate
7 governance for their boards?

8 A I'm not familiar with that. I don't know.

9 Q Or experts in fighting corruption for their boards?

10 A I don't know.

11 Q Or did they just pick names of, you know, prominent
12 people?

13 A I really don't know. I mean, I don't know how they
14 went about selecting them.

15 Q Did a lot of the Ukrainian companies do this? Is
16 it a fairly widespread practice that sophisticated companies
17 in Ukraine, you know, name U.S. officials to their board?

18 A Well, I'm not sure they're officials.

19 Q Or U.S. persons. Sorry.

20 A So, yes. I think, you know, over time, this has --
21 this has been happening. So DTEK, which is one of the
22 largest companies in Ukraine, owned by a Ukrainian, has a
23 number of internationally recognized people.

24 I had mentioned Victor Pinchuk earlier, who hosted Mayor
25 Giuliani and other -- other people for his foundation. On

1 his foundation are, you know, former officials from around
2 the world, including Americans.

3 So, yeah, I mean, I think that people feel that this
4 gives greater gravitas, shall we say, to their board, whether
5 it's a foundation or whether it's a company.

6 Q Do you think it has any effect? Do you think --

7 A I don't know. You know, what do you mean by
8 "effect"?

9 Q Does it foster, you know, anti -- you know, an
10 anticorruption environment? Does it --

11 A Well, I mean, just to say I'm not sure that that's
12 why people put, you know, luminaries on their board, to
13 foster an anticorruption environment.

14 Q Do you know if NABU encourages people to --
15 encourages companies to put officials like this on a board,
16 or U.S. persons, or AntAC?

17 A There -- one of the ideas for good governance -- so
18 this is separate from private corporations or private
19 foundations, such as the YES Foundation that Pinchuk ran.

20 One of the things that I think started after the
21 Revolution of Dignity was that the state monopolies, and
22 there are many in Ukraine, that they would establish boards
23 for those organizations.

24 Is that maybe what you're talking about?

25 Q Uh-huh.

1 A And so what the government did was they would run
2 these open and transparent kind of competitions for who would
3 be on those boards. And the idea was you get experts and you
4 do get people who would, you know, foster an open environment
5 and so forth.

6 So -- and, you know, to your point, I mean there were
7 international experts on those boards, for the gas monopoly,
8 Naftogaz, and others.

9 Q And do you think that worked? Do you think that it
10 helped?

11 A I do think it -- you know, in -- with the public
12 companies, the monopolies, yes, I do think it was helpful.

13 MR. CASTOR: And my time is just about up, but I wanted
14 to turn to see if any of our Members had something quickly.

15 MR. ZELDIN: How much time do we have?

16 MS. LAX: Less than a minute.

17 MR. CASTOR: Oh. Sorry. So we're -- we'll --

18 MS. YOVANOVITCH: We're done?

19 MR. CASTOR: We'll take a break with our first hour.

20 MS. YOVANOVITCH: Okay.

21 MR. CASTOR: Thank you.

22 THE CHAIRMAN: Ambassador, would you like to take a
23 brief lunch break?

24 MS. YOVANOVITCH: Sure. I mean, I'm at your disposal,
25 I'm ready to go.

1 THE CHAIRMAN: Why don't we resume at 2 o'clock?

2 MS. YOVANOVITCH: Okay.

3 THE CHAIRMAN: Give people a chance to grab a bite to
4 eat. And so we'll resume at 2 o'clock.

5 MS. YOVANOVITCH: Okay. Thank you.

6 [Recess.]

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1 [2:07 p.m.]

2 THE CHAIRMAN: Before I turn it back to Mr. Goldman, I
3 wanted to just follow up on one of the questions that my
4 colleagues in the minority asked.

5 They asked you, Ambassador, about what advice you had
6 given Ukraine in terms of whether they should engage in
7 politically motivated prosecutions or prosecutions that were
8 not based on the law or facts, what in themselves would be
9 corrupt.

10 And I think you said that you gave general guidance
11 along those lines, that they shouldn't -- they should follow
12 the rule of law and they shouldn't engage in political
13 prosecutions. And you mentioned that one of the -- or the
14 one person you mentioned in this context that was by specific
15 name was the head of NABU.

16 MS. YOVANOVITCH: Uh-huh.

17 THE CHAIRMAN: And then you were asked, well, could this
18 have been the do not prosecute list that Lutsenko was
19 referring to.

20 I just want to ask again, Lutsenko recanted that whole
21 allegation, right?

22 MS. YOVANOVITCH: Yes.

23 THE CHAIRMAN: So when counsel for the minority asked
24 you, well, could that have been what Lutsenko was referring
25 to, Lutsenko himself has said it was nonsense.

1 MS. YOVANOVITCH: Yes, that is true.

2 THE CHAIRMAN: Mr. Goldman.

3 MR. GOLDMAN: Thank you, Mr. Chairman.

4 BY MR. GOLDMAN:

5 Q We left off a little bit on the April 21st call
6 between President Zelensky and President Trump right after
7 President Zelensky won the election, and you said you got a
8 general readout of the call afterwards. Who did you speak to
9 to get that readout?

10 A I don't recall. I don't recall. And when I say
11 "general," I mean really general: It was a good call, they
12 hit it off.

13 Q Did you speak to any Ukrainian officials about the
14 call?

15 A I don't recall, because, I mean, that happened on a
16 Sunday night. On Wednesday night, I got the call to return
17 to the United States. So there wasn't a lot of time in
18 there.

19 Q Okay. So let's move into that, then. It was just
20 3 days after that call that you got a call to go back to the
21 States?

22 A Yes.

23 Q Who called you to order you to do that?

24 A The director general of the State Department.

25 Q Who's that?

1 A Carol Perez.

2 Q What did she say to you?

3 A Well, in the first call, which happened at quarter
4 of 10 in the evening Kyiv time, she said that she was giving
5 me a heads-up, that things were going wrong, kind of off
6 the -- off the track, and she wanted to give me a heads-up.
7 She didn't know what was happening, but there was a lot of
8 nervousness on the seventh floor and up the street.

9 Q What did she mean by "up the street"?

10 A The White House.

11 Q Did you understand what she meant about
12 nervousness?

13 A No. And I asked her. I said, well, thanks for
14 giving me a heads-up. What's the problem? Tell me what's
15 going on. And she said she didn't know.

16 I asked her, well, is this, you know, about the
17 allegations about me by Lutsenko -- and, of course, now it
18 was also by Mayor Giuliani.

19 And she didn't seem to be aware of that, and she said, I
20 don't know, I don't know anything about that.

21 And she said that she would try to get more information
22 and she would call me back.

23 Because I said, Okay. So we have this heads-up that
24 there's a problem, but what's the next step? Because I don't
25 know what the problem is.

1 And she said she would try to get more information and
2 she would try to call me at midnight.

3 Q Did she say whether anyone had asked her to call
4 you to give you this heads-up?

5 A I got that impression, but now I don't recall. I
6 mean, that's kind of the impression I have now.

7 Q And when you said by now Giuliani was also speaking
8 out against you, do you mean that by that time you were aware
9 that Giuliani was --

10 A Uh-huh.

11 Q -- make -- calling --

12 A Yes.

13 Q -- for your removal?

14 A Yes.

15 Q Who else were you aware of who was publicly calling
16 for your removal?

17 A Well, as I recounted earlier, there were -- you
18 know, there was a lot in social media from various people,
19 including Donald Trump, Jr. So, I mean, there was a lot out
20 there.

21 Q What about from the President himself? Were you
22 aware of his feelings towards you at that point?

23 A No, but he had posted some things. There were some
24 tweets out there, not directly about me, but some tweets out
25 there about, you know, Ukraine, concerns about Ukraine.

1 Q And you obviously understood that -- well, I won't
2 put words in your mouth.

3 Did you understand that if Donald Trump, Jr., is
4 speaking and Rudy Giuliani is speaking, that they represented
5 to some extent the President's views as well at that point?

6 A I didn't know, but, you know, that was certainly an
7 inference one could draw and --

8 Q Well, would that inference -- go ahead.

9 A And I would also add that I told you in my opening
10 statement that I had been asked to extend. But then about, I
11 would say, the week after the Hill article, the State
12 Department, Phil Reeker in this case, was saying, well, it's
13 not going to be possible to extend you -- I mean, I obviously
14 realized that as well -- and we'll have to talk about dates
15 for your departure.

16 So there was already discussion of when I would go. But
17 when I got the call from Carol, and I think that was the 24th
18 of April, or I should say Ambassador Perez, she -- I had
19 understood and Phil Reeker had understood that there was
20 agreement at the State Department that I could stay on
21 through July 2019, after the July Fourth party, which is
22 our -- it's the biggest representational thing that we do in
23 a host country, and that had been my original plan for
24 departure. And I thought, well, we can just go back to plan
25 A. And there seemed to have been agreement about that. And

1 then I got the call from Ambassador Perez.

2 Q Okay. I want to go through this step by step. But
3 just going back to what your understanding was as the
4 motivating factor for Ambassador Perez's call to you, to that
5 point you had only received support from the State Department
6 all the way up to the seventh floor. Is that right?

7 A Yeah. I mean, they -- I mean, they took back the
8 offer of an extension, but were working with me on, you know,
9 what a good departure date would look like and so forth.

10 Q And did you get the sense that the State Department
11 had issues with your performance in any way?

12 A Quite the opposite.

13 Q So I think that's sort of what I'm getting at. So
14 from the State Department's perspective, everyone on up to
15 Secretary Pompeo supported the work that you were doing in
16 Ukraine and had no problems with your performance, to your
17 knowledge?

18 A Yes. That is my understanding.

19 Q Okay. And then you see on social media that Donald
20 Trump, Jr., and Rudy Giuliani are calling for your ouster.
21 Is that right?

22 A Yes.

23 Q And then Ambassador Perez calls you and says, just
24 a heads-up. There's some nervousness, I think was your term.

25 A Uh-huh.

1 Q I mean, there don't seem to me to be too many
2 conclusions, but I don't want to put any words in your mouth.
3 What did you think was driving this concern at that
4 point?

5 A Well, that's why I asked her, is this about, you
6 know, the allegations against me that are out there. And she
7 said she didn't know, but that she would try to find out and
8 would try to call me back.

9 Q So what happened when --

10 THE CHAIRMAN: Can I ask you one clarifying question?
11 My colleague asked, as far as you knew in the State
12 Department, everyone was pleased with your performance,
13 indeed, they wanted you to extend another year.

14 MS. YOVANOVITCH: Yes.

15 THE CHAIRMAN: And I think my colleague asked you, all
16 the way up to the Secretary? But did you, in fact, know
17 where the Secretary was in all of this?

18 MS. YOVANOVITCH: I had understood that -- well, I'm not
19 exactly sure who decides on extensions of this kind, but I
20 had understood that there was a seventh floor blessing, if
21 not the Secretary himself, those around him who are, you
22 know, long-term colleagues and that he trusts and that can
23 speak for him.

24 So I had understood that there was a blessing of that
25 extension. But to answer your question, I don't really know.

1 THE CHAIRMAN: And did you ever find out when, you know,
2 the allegations were being made or the attacks were being
3 made by Donald Trump, Jr., or Rudy Giuliani, did you ever
4 find out what the Secretary of State's position, whether the
5 Secretary of State was going to defend you or not, apart from
6 the refusal by the Secretary to issue a statement in your
7 defense?

8 MS. YOVANOVITCH: What I was told by Phil Reeker was
9 that the Secretary or perhaps somebody around him was going
10 to place a call to Mr. Hannity on FOX News to say, you know,
11 what is going on? I mean, do you have proof of these kinds
12 of allegations or not? And if you have proof, you know, tell
13 me, and if not, stop.

14 And I understand that that call was made. I don't know
15 whether it was the Secretary or somebody else in his inner
16 circle. And for a time, you know, things kind of simmered
17 down.

18 THE CHAIRMAN: I mean, does that seem extraordinary to
19 you that the Secretary of State or some other high-ranking
20 official would call a talk show host to figure out whether
21 you should be retained as ambassador?

22 MS. YOVANOVITCH: Well, I'm not sure that's exactly what
23 was being asked.

24 THE CHAIRMAN: Well, they were asking if -- what basis
25 they -- was Hannity one of the people criticizing you?

1 MS. YOVANOVITCH: Yes.

2 THE CHAIRMAN: So some top administration official was
3 going to him to find out what the basis of this FOX host was
4 attacking you for?

5 MS. YOVANOVITCH: Uh-huh.

6 THE CHAIRMAN: And did you ever get any readout on what
7 the result of that conversation was?

8 MS. YOVANOVITCH: No, I didn't, although I was told that
9 it did take place.

10 But what we thought we saw was, you know, as a result of
11 the media monitoring, which I'm sure everybody does, what we
12 thought we saw was that there -- it simmered down for a
13 while.

14 THE CHAIRMAN: Until what point?

15 MS. YOVANOVITCH: Well, there would be, you know, like,
16 little blips and stuff. But I think when it took off was
17 really after the elections, the 21st of April, the second
18 round.

19 THE CHAIRMAN: And so you don't know who it was that
20 reached out to Mr. Hannity, but at some point after that
21 conversation, things settled until after the election?

22 MS. YOVANOVITCH: That's what it appeared to us. And I
23 should add, to the best of my recollection.

24

25

1 BY MR. GOLDMAN:

2 Q Do you recall when this conversation that the
3 Secretary or someone close to him had with Sean Hannity was?

4 A So the article, I think, was on the -- was on the
5 26th -- is that right? -- 26th or the 24th of April, the Hill
6 article, that sort of --

7 Q Of April or March?

8 A Of March. Thank you. And so it would have been
9 the following week.

10 Q So soon after the Hill, and --

11 A Yes.

12 Q -- so it simmered down, you said, through the
13 election?

14 A That's what I seem to recall. There were -- you
15 know, it was -- it was out there, but it seemed to be, you
16 know, simmering rather than at a high peak.

17 Q Do you know whether there was anyone else publicly
18 advocating for your removal? You just added Sean Hannity. I
19 just want to make sure we have the full universe of people
20 that you recall.

21 A Well, there were a lot of people opining about --
22 about me and what should be done. I can't remember
23 everything that everybody said, but there were a lot of
24 people out there.

25 Q Okay. So Sean Hannity, Donald Trump, Jr., and Rudy

1 Giuliani. Did you have an understanding that these were all
2 close advisers of the President?

3 A Well, they appeared to be close to the President
4 from, you know, far, far away.

5 Q From Ukraine?

6 A Yeah.

7 Q Understood.

8 A From my vantage point from far away, I should say.

9 Q Did you ever learn about any public concerns
10 expressed back in 2018 by Congressman Pete Sessions about
11 your performance?

12 A I learned about it in that article from The Hill by
13 John Solomon.

14 Q So you didn't know about it in realtime?

15 A No.

16 Q You had only heard about it --

17 A No.

18 Q -- in that article?

19 A So you -- when there were discussions, I think you said,
20 on the seventh floor -- well, let me take a step back.

21 Q When were you given the offer of an extension?

22 A So the Undersecretary for Political Affairs, David
23 Hale, was in Ukraine. He arrived the evening of the 5th,
24 stayed a couple days. And at the end of that trip to Ukraine
25 he said that, you know, with elections coming up and, I mean,

1 he could see how complicated it was. At that time we thought
2 parliamentary elections would be in October. Obviously it's
3 always complicated to -- sorry -- it's always complicated to
4 get another ambassador named and confirmed. It's a long,
5 drawn-out process.

6 And so concerns about having Kyiv be empty at the top.
7 And so he asked me to -- whether I would consider staying for
8 another full year. I -- yeah.

9 Q And you said the 5th. Is that -- what month?

10 A Of March.

11 Q 5th of March.

12 A Same day as --

13 Q Around the time you gave the speech?

14 A Yeah.

15 Q And did you agree to do that?

16 A Not initially. You know, it's a tough post. I
17 mean, I loved my work there, I thought we did great work,
18 but, you know, it was a tough post. But in the end, I did
19 agree.

20 Q Around when did you agree?

21 A He asked me to call him, like, that following
22 Monday or something -- or be in touch. I think I emailed him
23 the following Monday.

24 Q Now, you also just referenced a conversation you
25 had with Phil Reeker shortly after the Hill articles came

1 out? Is that right?

2 A Uh-huh. Yeah.

3 Q And what did he say to you about this potential
4 extension?

5 A Well, Phil was the person -- so David Hale broached
6 this with me. And then Phil was the person who was kind of
7 working it through the system with the personnel people,
8 Director General Carol Perez, with whoever on the seventh
9 floor needs to bless these decisions and so forth.

10 And my understanding was that it had been -- it had been
11 approved and that, you know, then they were going to go
12 forward for the formal paperwork.

13 Q I guess I just want to understand, when you had the
14 conversation you described with Phil Reeker where he said --
15 he indicated to you that you were not going to be able to
16 stay for the full year --

17 A Oh, yeah. That was --

18 Q -- you went back to plan A?

19 A Yeah.

20 Q So that was after the Hill articles, right?

21 A Well, the Hill article was at the end of March, and
22 then there was a little bit of a pause in all of this. Then
23 the second round of Presidential elections was the 21st of
24 April. And then the 24th -- yeah -- the 24th of April was
25 when I got the call from Ambassador Perez, and -- yeah.

1 So the conversation with Phil was shortly after --
2 you're right -- shortly after the -- about a week after the
3 Hill article came out that probably --

4 Q So this would be early April?

5 A Yeah, very early April. Perhaps even the end of
6 March.

7 Q Why -- well, did Mr. Reeker explain you to why it
8 would be impossible for you to stay for your year only 2 or
9 3 weeks after you had agreed to do it?

10 A Not really. I mean, it was pretty clear why.

11 Q And what was pretty clear? Can you explain?

12 A Well, that this was -- you know, my presence at
13 post was a sensitive issue for the administration.

14 Q So he didn't explain to you, he just assumed that
15 you understood?

16 A Yeah.

17 Q And why did you understand that it was -- had
18 become a sensitive issue? Because of the article in The
19 Hill?

20 A Because of the article in The Hill, because of all
21 of the attendant, you know, tweets and postings and
22 interviews and talk shows and various other things, and the
23 fact that, as we discussed earlier, the State Department did
24 not feel that they could actually even issue, in the face of
25 all of this, a full-throated kind of statement of support for

1 me.

2 Q And can you explain again why you understood that
3 the State Department could not issue a statement of support?

4 A What I was told is that there was concern that the
5 rug would be pulled out from underneath the State Department
6 if they put out something publicly.

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1 [2:27 p.m.]

2 BY MR. GOLDMAN:

3 Q By whom?

4 A The President.

5 Q And in what way would the rug be pulled out from
6 under them?

7 A You know, that perhaps there would be a tweet of
8 disagreement or something else.

9 Q Did you have an understanding that the State
10 Department brass or the State Department executives
11 understood that the President did not support you?

12 A I mean, yeah, that seemed to be the conclusion.

13 Q And did you understand why?

14 A Well, again, I assumed that it was as a result of
15 the partnership, if that's the right word, between Mr.
16 Lutsenko and Mr. Giuliani.

17 Q And then the relationship between Mr. Giuliani and
18 Mr. Trump?

19 A Yeah, I think that's a fair conclusion.

20 Q So you said Ambassador Perez said she would get
21 back to you at midnight on the night of April 24th. Did she
22 call you then?

23 A She called me about an hour later, so it's now
24 1 a.m. in the Ukraine.

25 Q And what did she say to you then?

1 A She said that there was a lot of concern for me,
2 that I needed to be on the next plane home to Washington.

3 And I was like, what? What happened? And she said, I
4 don't know, but this is about your security. You need to
5 come home immediately. You need to come home on the next
6 plane.

7 And I said, physical security? I mean, is there
8 something going on here in the Ukraine? Because sometimes
9 Washington has intel or something else that we don't
10 necessarily know. And she said, no, I didn't get that
11 impression, but you need to come back immediately.

12 And, I mean, I argued with her. I told her I thought it
13 was really unfair that she was pulling me out of post without
14 any explanation, I mean, really none, and so summarily.

15 Q She didn't give you an explanation for why it had
16 to be so soon?

17 A She said it was for my security, that this was for
18 my well-being, people were concerned.

19 Q What did you understand that to mean?

20 A I didn't know because she didn't say, but my
21 assumption was that, you know, something had happened, some
22 conversations or something, and that, you know, now it was
23 important that I had to leave immediately because -- I didn't
24 really know.

25 Q So what did you do next?

1 A Well, I went home and I told, you know, my
2 secretary, my staff assistant, and the number two at the
3 embassy, the management officer, I asked them to come to my
4 residence at 8 a.m. in the morning -- I, of course, had a
5 full slate of meetings that day -- and to, you know, to start
6 the wheels going in motion to buy me a ticket. I couldn't
7 leave on the next -- I mean, there wasn't a next plane
8 because it was 1 a.m. when I got this news, right? So the
9 next plane was at 6 a.m. or something like that on Friday
10 morning. To get tickets. To inform them what had happened.
11 To sort of give advice and instruction.

12 I didn't know how long I would be in Washington. Carol
13 couldn't tell me that. And I had asked -- I said, you know,
14 well, this doesn't look good. I mean, I can see where this
15 is going. So could you just leave me here for another week,
16 I will pack out and I will go.

17 And she said, no, you have to be, you know, you have to
18 leave immediately. This is for you. We're concerned about
19 you. And I said, well, you will let me come back to pack
20 out, and she couldn't even give me an answer on that.

21 Q Did you speak to anybody else at the State
22 Department about this directive?

23 A Yeah.

24 MR. ROBBINS: Do you mean then or ever?

25

1 BY MR. GOLDMAN:

2 Q No. Sorry. The day after you got the call and you
3 were in the embassy trying to get everything organized, did
4 you -- prior to flying back to D.C., I think that's the best
5 way to put it -- did you speak to anybody else other than
6 Ambassador Perez at the State Department about the request
7 for you to come home?

8 A I'm sure I did. I don't recall right now. And,
9 actually, I wasn't really in the embassy that day because the
10 embassy is a little bit outside of town. I mean, I kept my
11 meeting schedule for that day.

12 Q Okay. Before you flew home, did you have a better
13 sense of why you were --

14 A No.

15 Q -- requested to come home?

16 A No.

17 Q What did you do when you arrived in D.C.?

18 A Well, it was a Friday afternoon, and so I had the
19 whole weekend to think about this. And my niece lives here,
20 so I saw her, I saw friends.

21 Q Who did you first meet at the State Department
22 after arriving in Washington?

23 A So that would be Monday morning. And there wasn't
24 really any -- there weren't any meetings on Monday morning.
25 At about 1 o'clock, I think it was, I met with Assistant

1 Secretary Phil Reeker, who previewed the next meeting, which
2 was with Deputy Secretary Sullivan, which took place at
3 around 4 o'clock.

4 Q What did Mr. Reeker say to you at that point?

5 A Mr. Reeker said that I, you know, I would need to
6 leave. I needed to leave as soon as possible. That
7 apparently, as I stated in my statement, the President had
8 been -- had wanted me to leave since July of 2018 and -- or
9 the summer, I should say, the middle of the summer of 2018 --
10 and that the Secretary had tried to protect me but was no
11 longer able to do that.

12 Q Who had concerns as of July of 2018?

13 A President Trump.

14 Q And was that the first that you had heard of that?

15 A Yes.

16 Q What did you say in response?

17 A I was shocked.

18 Q Did he explain why President Trump had concerns?

19 A No. No. I think there was just a general
20 assumption that it must have had to do with the information
21 that Mr. Lutsenko provided to Mr. Giuliani. But we really
22 didn't get into that because, you know, we, Phil and I had --
23 or Ambassador Reeker and I had had previous discussions about
24 this. And, yeah, there just didn't seem to be much point.

25 Q Can you, without getting into all the details, can

1 you summarize those previous discussions just so we
2 understand what knowledge you had going into that meeting?

3 A Well, most of the discussions with Ambassador
4 Reeker, you know, first it was about extending me for a year.
5 Then after the Hill article he wanted to -- he was talking to
6 me about, you know, my departure plans.

7 Initially he had thought it would be good if I went to
8 work for -- to be a political adviser to one of our four-star
9 generals. He had just departed EUCOM, so General Scaparotti
10 (ph) did not have a political adviser and he thought that
11 maybe I could leave Ukraine early and go and incumber that
12 position. And initially I was sort of thinking about that,
13 and then I just didn't have the heart for it, frankly.

14 And so then -- then it became, well, when would you
15 leave Ukraine? And then I thought we had -- I mean, I think
16 we all thought that we had come to an agreement that I could
17 leave right after the big representational event in July to
18 honor our Independence Day.

19 Q Okay. And just to be clear, in any of those
20 conversations with Mr. Reeker, Ambassador Reeker, leading up
21 to what I guess was the April 29th meeting on that Monday --

22 A Uh-huh.

23 Q -- had he indicated to you that the concerns about
24 you had escalated all the way up to President Trump?

25 A No, I don't think -- no.

1 Q So when you -- when he said that to you in that
2 meeting, that was the first you had heard of that?

3 A Yes.

4 Q And in addition to any shock, did you say anything
5 else to him? Did you ask why? Did you get an explanation as
6 to why?

7 A I'm sure I did ask why, and I'm sure, you know, I
8 expressed my anger, I'm sure I did all those things, but now
9 I can't really recall the conversation.

10 Q Can you -- and then you then met with the Deputy
11 Secretary?

12 A Uh-huh.

13 Q Can you describe that meeting for us? What did he
14 say to you?

15 A Yeah. So the Deputy Secretary said that, you know,
16 he was sorry this was all happening, that the President had
17 lost confidence, and I would need to depart my post. That,
18 you know, he had -- you know, I said, what have I done wrong?
19 And he said, you've done nothing wrong. And he said that he
20 had had to speak to ambassadors who had been recalled for
21 cause before and this was not that.

22 And he, you know, expressed concern for what I would do
23 next, and, you know, kind of how I would -- you know, kind of
24 my state of mind, shall we say.

25 And he also, I think, he repeated what Phil had already

1 told me, which is that this was coming from President Trump,
2 this was, you know, final, and that I -- that the reason they
3 pulled me back is that they were worried that if I wasn't,
4 you know, physically out of Ukraine, that there would be, you
5 know, some sort of public either tweet or something else from
6 the White House. And so this was to make sure that I would
7 be treated with as much respect as possible.

8 He said that my departure date was up to me. If I
9 wanted to keep the previously agreed upon date of, you know,
10 after the July Fourth event, that would be okay, but he could
11 not guarantee what would happen.

12 Q What did you say to him?

13 A Well, you know, I expressed my dismay and my
14 disappointment. I asked him what this meant for our policy,
15 what was the message that --

16 MR. GOLDMAN: Do you want to take a minute?

17 MS. YOVANOVITCH: Yeah, just a minute. I'm just going
18 to exit it for 1 minute.

19 MR. GOLDMAN: Yeah, we can go off the record. Can we
20 pause the time?

21 [Discussion off the record.]

22 MR. GOLDMAN: Back on the record, and start the clock.

23 Ambassador Yovanovitch, we understand this is a
24 difficult and emotional topic, and we thank you for your
25 honest recollection and answers.

1 MR. ROBBINS: Is there a pending -- I just want to hear
2 if is there a pending question that she had not finished
3 answering or if you just want to ask a new one.

4 MR. GOLDMAN: I'll just ask a new one.

5 BY MR. GOLDMAN:

6 Q I think where we were was I had asked you, you were
7 explaining what your reaction to Deputy Secretary Sullivan
8 was?

9 A I was upset. And I, you know, I wanted an
10 explanation because this is rather unusual. But he could not
11 offer one beyond the fact that the President had made a
12 decision. And it is the President's to make, as we know.

13 I did ask him though, you know, what does this mean for
14 our foreign policy? What does it mean for our position on
15 anticorruption? What message are we sending to the
16 Ukrainians, to the world? How were, you know, I mean, beyond
17 me, how were we going to explain this? And what are we going
18 to say, you know, not only to the people at U.S. Embassy
19 Kyiv, but more broadly to the State Department?

20 And I told him I thought that this was a dangerous
21 precedent, that as far as I could tell, since I didn't have
22 any other explanation, that private interests and people who
23 don't like a particular American ambassador could combine to,
24 you know, find somebody who was more suitable for their
25 interests. That, you know, it should be the State

1 Department, the President, who makes decisions about which
2 ambassador. And, obviously, the President did make a
3 decision, but I think influenced by some who are not
4 trustworthy.

5 Q Who are you referring to?

6 A Mr. Lutsenko.

7 Q You don't have any information that President Trump
8 ever met with Mr. Lutsenko, though, do you?

9 A There was a rumor in Kyiv that during the meeting
10 between Mr. -- Mayor Giuliani and Mr. Lutsenko in January
11 that the President got on the line.

12 Q Did you ever verify whether that was true or not?

13 A No.

14 Q But your understanding is the information came from
15 Lutsenko via intermediaries to the President?

16 A Yes.

17 Q And if this -- you asked what this would do to the
18 anticorruption message. What do you mean by that?

19 A Well, I felt that -- I felt that in the public
20 discussion of this, in social media and in other media, they
21 were portraying this as, you know, Lutsenko going after me
22 because I had stymied what he wanted to do, and that I was,
23 you know, upholding our policy about helping the Ukrainians
24 transform their -- themselves so that it wouldn't be a system
25 of corruption.

1 And if I were to leave as the symbol of that effort, I
2 think it would send a message. And I wanted to know how the
3 State Department was going -- was thinking about that, how
4 they were going to manage that message in a way that would be
5 least damaging to our interests.

6 Q Now, you referenced the specific attacks on you.
7 Were you also aware by this point of public statements
8 encouraging Ukraine to investigate Joe Biden or some sort of
9 collusion between Ukraine and the Democratic National
10 Committee in 2016 by that point?

11 A Yeah, I think I was probably aware of that at that
12 point.

13 Q For example, Rudy Giuliani on the morning of
14 April 24th, went on "FOX and Friends," said, quote, "Keep
15 your eye on Ukraine," unquote, and discussed both of those
16 investigations. Were you aware of that?

17 A Yes, I aware of that. And, actually, I do now
18 recall that actually Minister Avakov also laid that out in
19 February.

20 Q Are you also aware that on the night of April 25th
21 that President Trump went on Sean Hannity's show and
22 discussed Ukraine?

23 A Yes. He was asked a question about Russia and he
24 answered by responding about Ukraine.

25 Q And what was your reaction to that?

1 A Well, you know, I mean, I was concerned about what
2 this would all mean.

3 Q In what way?

4 A Well, obviously, for me personally, not to make it
5 all about me, but for me personally. But also, what does
6 this mean for our policy? Where are we going?

7 Q And can you just briefly describe would it be
8 beneficial -- well, I'll get to that in a minute.

9 So you understood in realtime as you were being recalled
10 suddenly that there was a flurry of media activity in
11 connection to these investigations in Ukraine. Is that
12 right?

13 A Yes.

14 Q Now, did you have any understanding of the nature
15 of these investigative theories? Did you know whether they
16 were accurate or inaccurate or factual or had been
17 investigated? Did you know anything about them by this
18 point?

19 A I mean, my understanding, again, from the press was
20 that, you know, the allegation that there was Ukrainian
21 interference in our elections in 2016, that it wasn't Russia,
22 it was Ukraine, that that had been debunked long ago.

23 But, again, it wasn't the subject of my work. And so
24 I -- again, because it's so political, I mean, it really kind
25 of crosses the line into what I feel is proper for a foreign

1 service officer, you know, I didn't go digging into that.

2 Q But were you aware that the Intelligence Community
3 had uniformly concluded that Russia was responsible for the
4 interference in the election?

5 A Yes.

6 Q And were you aware by that point that Robert
7 Mueller, the special counsel, had issued a dozens-of-page
8 indictment detailing in great detail the Russian interference
9 in the election?

10 A Yes.

11 Q Would it benefit Russia if Ukraine were -- if the
12 allegations that Ukraine was involved in the 2016 election
13 were true?

14 A I think so.

15 Q How so?

16 A Because, you know, I think most Americans believe
17 that there shouldn't be meddling in our elections. And if
18 Ukraine is the one that had been meddling in our elections, I
19 think that the support that all of you have provided to
20 Ukraine over the last almost 30 years, I don't know that -- I
21 think people would ask themselves questions about that.

22 Q Is there anything else about the meeting with
23 Deputy Secretary Sullivan that you recall?

24 MR. ROBBINS: You mean the first meeting?

25

1 BY MR. GOLDMAN:

2 Q The meeting on April 29th.

3 A No, not right now.

4 Q Did you meet with anybody else after you met with
5 Deputy Secretary Sullivan while you were in Washington, D.C.,
6 about this matter?

7 A Well, at his request I met with him again the
8 following day, which I think --

9 Q I'm sorry, when you say "him," Deputy Secretary
10 Sullivan?

11 A Yes, sorry. And, I mean, it was a relatively short
12 meeting. I think he just wanted to make sure I was okay.
13 And, you know, he was kind of trying to point me to the
14 future on "So what do you think you would like to do next in
15 the Foreign Service" type thing. So --

16 Q Did you feel like the State Department supported
17 you still at this point?

18 A Yes. I mean, I think it was not a well-known story
19 at that time, but I think that anybody who was aware of it
20 was very supportive of me.

21 Q And did you meet with Secretary Pompeo at all while
22 you were in Washington?

23 A No.

24 Q Did you ever meet with him after that point?

25 A No.

1 Q Did you ever receive any communication from him?

2 A No.

3 Q Did you meet with any anybody else from the State
4 Department on the 30th or around that time?

5 A So maybe it was April or May 1st, the Wednesday of
6 that week, I met with Carol Perez, who is the head of
7 personnel, the Director General. She, you know -- so Deputy
8 Secretary Sullivan had said, you know, help her, you know,
9 find -- find employment basically.

10 And so Carol asked me what I would like to do next. And
11 I asked whether it would be possible to be a fellow at
12 Georgetown University. And that was arranged for me, and I'm
13 very grateful.

14 Q Just going back to Secretary Pompeo. Did you ever
15 ask to meet with him or speak to him?

16 A No. I asked to speak with the counselor, Ulrich
17 Brechbuhl, who had been handling this matter.

18 Q What do you mean by handling this matter?

19 A Exactly what I said. I mean, he was -- he seemed
20 to be the point person that Ambassador Reeker was talking to.

21 Q Did you speak with Counselor Brechbuhl?

22 A No.

23 Q Why not?

24 A He didn't accept the meeting request.

25 Q What effect, if any, do you think that this abrupt

1 recall has had on your career?

2 A Well, I mean, I wasn't planning a long career
3 afterwards. I mean, my plan A had been that I would come
4 back after my tour, a normal tour in the Ukraine, and retire.
5 So it's not like I was expecting an ambassadorship or
6 anything else. So I don't think from a State Department
7 point of view it has had any effect.

8 Q Because you were able to land at Georgetown, that's
9 been --

10 A Yes.

11 Q On May 14th, so this would have been about 2 weeks
12 later, Rudy Giuliani told a Ukrainian journalist that you
13 were recalled, quote, because you were part of the efforts
14 against the President, unquote. Do you recall that
15 statement?

16 A I do.

17 Q How did you react to that?

18 A You know, it was just more of the same. I mean, I
19 had no idea what he was talking about.

20 Q Did you ever badmouth President Trump in Ukraine?

21 A No.

22 Q Do you ever speak ill of U.S. policy in Ukraine?

23 A No. You know, I mean, I was the chief spokesperson
24 for our policy in Ukraine. And I actually felt that in the
25 3 years that I was there, partly because of my efforts, but

1 also the interagency team, and President Trump's decision to
2 provide lethal weapons to Ukraine, that our policy actually
3 got stronger over the three last 3 years.

4 Q You were very focused on anticorruption efforts in
5 Ukraine. Is that right?

6 A Uh-huh.

7 Q What impact do you think --

8 A Yes.

9 Q -- it would have -- what impact do you think it had
10 for someone acting as an agent of the President to be
11 encouraging Ukraine to open investigations for U.S. political
12 purposes? How did that impact the U.S. anticorruption
13 message?

14 A Well, I would say it's not -- could you rephrase
15 the question or repeat the question?

16 Q Sure. I was just asking that if Rudy Giuliani is
17 promoting these investigations that are related to American
18 politics --

19 A Uh-huh.

20 Q -- and you have testified here today about how part
21 of the anticorruption message is that investigations in
22 Ukraine should be conducted devoid of any political
23 influence, how would that impact your message, your
24 anticorruption message, if an agent of the President is
25 promoting investigations related to political interests?

1 A Well, that's what I was concerned about, and that's
2 what I asked the Deputy Secretary.

3 MR. GOLDMAN: Okay. I think our time is up.

4 THE CHAIRMAN: Let me ask you before we turn it over,
5 and what was his response when you raised that concern?

6 MS. YOVANOVITCH: Well, he said he'd have to think about
7 that.

8 THE CHAIRMAN: I yield to minority.

9 BY MR. CASTOR:

10 Q Were you aware of the President's deep-rooted
11 skepticism about Ukraine's business environment?

12 A Yes.

13 Q And what did you know about that?

14 A That he -- I mean, he shared that concern directly
15 with President Poroshenko in their first meeting in the Oval
16 Office.

17 Q What else did you know about it? Was it a source
18 of discussion at the embassy that the President was not
19 confident in Ukraine's ability to move past their corruption
20 issues?

21 MR. ROBBINS: So I should just say that we have been
22 instructed by the State Department that conversations
23 directly with the President of the United States are subject
24 to a potential executive department-based privilege. I don't
25 know exactly which one they would invoke if they were here,

1 but I rather suspect that a direct communication, as your
2 question is addressing, would elicit such an objection. It
3 isn't an objection that we hold.

4 MR. CASTOR: Okay.

5 MR. ROBBINS: It's one that we have pledged to assert.

6 MR. CASTOR: Got it. I got it.

7 BY MR. CASTOR:

8 Q The administration had concerns about corruption in
9 Ukraine, correct?

10 A We all did.

11 Q And were there efforts --

12 A We all did.

13 Q -- you know, once President Zelensky was elected,
14 were there efforts to convince the White House, convince the
15 National Security Council, that Zelensky was a genuine
16 reformer?

17 A That really would have been after I left. So he
18 was elected President on the 21st of April. I had the phone
19 conversation with Carol Perez on Wednesday the 24th. I
20 departed the Ukraine for the first time on the 26th of April.

21 On the 29th, I basically, even though I was still
22 ambassador technically, I basically took myself out of all --
23 kind of all of these sorts of issues because I didn't feel it
24 was proper, to tell you the truth.

25 And so I was in Washington for a couple weeks. I went

1 back to Ukraine to pack out for a week. And the day that I
2 departed Ukraine permanently was May 20th, which is the same
3 day that President Zelensky was inaugurated. So I didn't --
4 I wasn't privy to whatever the conversation was.

5 Q Can you testify to the difference the changes in
6 aid to Ukraine with the new administration starting in 2017?
7 The different initiatives, you know, as far as providing
8 lethal weapons and --

9 A Yeah. Well, I think that most of the assistance
10 programs that we had, you know, continued, and due to the
11 generosity of the Congress actually were increased. And so
12 that was a really positive thing, I think, for Ukraine and
13 for us.

14 In terms of lethal assistance, we all felt it was very
15 significant that this administration made the decision to
16 provide lethal weapons to Ukraine.

17 Q Did you advocate for that?

18 A Yes.

19 Q And did you advocate for that prior to the new
20 administration back in 2016?

21 A Well, yeah.

22 Q What was the hold up there? What was the issue
23 preventing it?

24 A So I arrived in Ukraine towards the end of August,
25 August 22nd of 2016, and President Trump was elected that

1 November, and then there was the inauguration in January.

2 So there wasn't -- there wasn't as much discussion about
3 all those things. I mean, I certainly had a strong view that
4 this would be a good thing. That was held by the interagency
5 both in Ukraine and I think in Washington as well. But there
6 were not, you know, just given the end of the administration,
7 there was not sort of a big ongoing discussion about that
8 issue at that time.

9 Q Was it a heavy lift to change the policy in the new
10 administration?

11 MR. ROBBINS: So, again, we have been given advice by
12 the State Department that questions of internal policy
13 discussions within the State Department are subject to some
14 executive department-based --

15 MR. MEADOWS: But, counsel, with all due respect, this
16 is not a personal conversation. This is policy that
17 obviously affected Ukraine that we are all very well aware
18 of. And so to suggest for her commenting on policy that has
19 already been implemented that somehow violates some
20 privilege, that just doesn't add up.

21 MR. ROBBINS: And I hope the Congressman will appreciate
22 that I'm not making this objection, I'm just relaying --

23 MR. MEADOWS: What I'm saying is that objection in the
24 obscure manner in which you're invoking it goes contrary to
25 all the other testimony that she's been giving. You know,

1 it's amazing, every hour you wake up, every other hour you
2 wake up.

3 And so I think it's totally appropriate, the chairman, I
4 believe, would agree, totally appropriate for her to give her
5 personal professional opinion on Ukrainian policy.

6 THE CHAIRMAN: Let me just interject here.

7 The State Department has not provided counsel with any
8 itemized list, as counsel requested, about what questions
9 could be answered or could not. They chose not to give any
10 guidance.

11 In light of that, it is the position of the chair that
12 the question is appropriate and the witness should be
13 permitted to answer it.

14 MR. MEADOWS: I thank the chairman.

15 MS. YOVANOVITCH: Could you repeat the question?

16 BY MR. CASTOR:

17 Q Basically trying to understand the difference in
18 the Obama administration to the Trump administration in aid
19 and support that was provided to Ukraine. You indicated --
20 you testified that you were in favor of lethal weapons. And
21 I think I had asked, was it a heavy lift on your end or your
22 allies to get the lethal weapons?

23 A These are big decisions, and so properly there is a
24 lot of discussion about it. And I can't compare, because I
25 was not in those discussions in the Obama administration.

1 But I think -- I'm trying to remember exactly when the
2 President made the decision. But it was -- there was a long,
3 a long lead up to it. I think it was a year and a half into
4 the administration.

5 I also would say, these are big decisions, especially
6 for a new administration.

7 Q What was the rationale not to provide lethal
8 weapons?

9 A I think that some may have had concerns that it
10 could be escalatory.

11 Q But ultimately you felt that the lethal weapons
12 were more important?

13 A Are you asking for my opinion?

14 Q Yes.

15 A Yes. I felt that it was important, although it was
16 also important -- I mean, I think, just to be clear, it's not
17 like we were providing unlimited numbers of Javelins. We
18 were providing a very set amount, and there are a lot fewer
19 Javelins than there are Russian tanks.

20 So it was a symbolic message to Russia and also to the
21 Ukrainians that we support Ukraine. And it was, I think, you
22 know, every Russian tanker knew that those Javelins were
23 coming to Ukraine -- or maybe were already in Ukraine -- and
24 it gives them pause when they are given an order.

25 So I thought it was important that if this war became a

1 tank war again, because it isn't right now, it was important
2 that Ukraine have them at their disposal for that kind of
3 massive onslaught. But its primary import was the symbolic
4 message that it sent.

5 Q Were you satisfied that the administration was
6 doing what was necessary to support Ukraine?

7 A In what respect?

8 Q In, you know, helping them deter Russian
9 aggression, helping them with foreign aid, foreign
10 assistance?

11 A Yeah.

12 Q Was it enough?

13 A I think that, you know, I was the ambassador to
14 Ukraine, so you always want more, right? So I think on the
15 nonmilitary side, we actually were sort of at capacity in
16 terms of what the Ukrainian government, Ukrainian civil
17 society could absorb.

18 I think on the other side, on the military security
19 side, I think we were still exploring ways that we could
20 provide additional assistance to Ukraine.

21 Q But things were moving in the right direction. Is
22 that a fair statement? Increasing?

23 A Certainly in the interagency. And, yes,
24 increasing.

25 Q Were you encouraged by that?

1 A Yes, I thought that was a positive.

2 Q And so were you pleased with the direction the
3 administration was heading with Ukraine policy?

4 A On the official policy side everything seemed to be
5 in order.

6 Q And on the unofficial side?

7 A Well, we had these other issues that were sending
8 perhaps a contradictory message to the Ukrainians.

9 Q But outside of the Lutsenko and the Giuliani?

10 A Well, I have to say that it was, you know, people
11 would ask me, are you being recalled?

12 Are you speaking for the President? Our country needs a
13 representative, whether it's me or somebody else, that speaks
14 for the administration.

15 Q That didn't -- you mentioned earlier this morning
16 that that didn't really take root until the fall of 2018. Is
17 that fair? Or did it start happening earlier?

18 A So --

19 Q You had about 2 years, right, before the Lutsenko
20 allegations really.

21 A Yeah. So my understanding -- or one of the things
22 I've heard, and maybe that's a rumor, is that the first
23 meeting, we actually heard this from one of Mr. Lutsenko's
24 deputies, that the first meeting between Mr. Lutsenko and
25 Mayor Giuliani was actually in June of 2018. There was the

1 Pete Sessions letter. There was, you know, as I now know,
2 the President's concerns that started in the summer of 2018.

3 I think that, you know, since there seems to be a back
4 channel, shall we say, between Ukrainian officials and
5 American officials -- or American people -- I think that
6 while I may not have been in the loop, I think others were.

7 Q Backing up a little bit, what was Vice President
8 Biden's role with Ukraine policy, to your knowledge?

9 A He was --

10 Q Did he have an official responsibility?

11 A Well, he was the Vice President. And he was the
12 one who sort of led the effort, an interagency effort on
13 helping Ukraine after 2014, the Maidan (ph), pulling our
14 assistance together, pulling our policy together. He was
15 very active in terms of managing the relationship with
16 President Poroshenko and with the prime minister.

17 Q And you may have mentioned this when we were
18 speaking before lunch, but when did the issues related to
19 Burisma first get your attention? Was that as soon as you
20 arrived in country?

21 A Not really. I first became aware of it when I was
22 being prepared for my Senate confirmation hearings. So I'm
23 sure you're familiar with the concept of questions and
24 answers and various other things.

25 And so there was one there about Burisma, and so, you

1 know, that's when I first heard that word.

2 Q Were there any other companies that were mentioned
3 in connection with Burisma?

4 A I don't recall.

5 Q And was it in the general sense of corruption,
6 there was a company bereft with corrupt?

7 A The way the question was phrased in this model Q&A
8 was, what can you tell us about Hunter Biden's, you know,
9 being named to the board of Burisma?

10 Q Once you arrived in country did the embassy staff
11 brief you on issues relating to Burisma?

12 A No, it was -- it was not -- I don't recall that I
13 was briefed on that. But I was drinking from a fire hose
14 when I arrived. I mean, there were a lot of things that were
15 going on. And as we spoke before, Burisma and the Zlochevsky
16 case was dormant. Not closed, but dormant.

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1 [3:09 p.m.]

2 BY MR. CASTOR:

3 Q Was it the general understanding that Burisma was a
4 company Burisma was a company that suffered from allegations
5 of corruption?

6 A Yes.

7 Q And it's -- the head of the company?

8 A Mr. Zlochevsky?

9 Q Yes, the former minister.

10 A What about him?

11 Q That he had at various times been under
12 investigation.

13 A Yes.

14 Q And was that characteristic of other oligarchs in
15 the Ukraine, or was that specific to him?

16 A Well, it is characteristic that there are --

17 Q Are they all under investigation? Do they all
18 battle allegations of corruption or --

19 A They all battle allegations of corruption. Some of
20 them are investigated, some for cause, some because it's an
21 easy way, as we discussed before, to put forward political
22 pressure on your political opponents. So yeah.

23 Q Did Burisma ever come up in your meetings with
24 Lutsenko?

25 A I don't believe so. I mean, to the best of my

1 recollection, I don't think so.

2 Q So subsequently, when Lutsenko raised issues of
3 Burisma, that caught you by surprise?

4 A Yeah.

5 Q Did Lutsenko mention any other companies in his --
6 you know, in his allegation that --

7 A I don't believe so.

8 Q -- you know, he was given instruction not to
9 investigate?

10 A I don't believe so.

11 Q Did anyone at the State Department -- when you were
12 coming on board as the new ambassador, did anyone at the
13 State Department brief you about this tricky issue, that
14 Hunter Biden was on the board of this company and the company
15 suffered from allegations of corruption, and provide you
16 guidance?

17 A Well, there was that Q&A that I mentioned.

18 Q But once you became the ambassador, did you have
19 any debriefings with the State Department that alerted you to
20 this, what could be a tricky issue?

21 A No. It was, as I mentioned, it just wasn't a front
22 burner issue at the time.

23 Q And did it ever become front burner?

24 A Well, only when Mr. Giuliani and Mr. Lutsenko kind
25 of raised it to what you see now, starting with that Hill

1 interview.

2 Q You talked about the Vice President, Vice President
3 Biden's advocating for the removal of Shokin, among other
4 institutions. The IMF was advocating for his removal, you
5 mentioned. Did the -- did anyone ever formally call for
6 Lutsenko's resignation in the same public way, whether it was
7 the IMF or --

8 A I don't believe so.

9 Q Okay. And can you account for why that is? Is it
10 because Lutsenko wasn't quite as bad as Shokin, or it just
11 hadn't -- it hadn't reached the dramatic climax there?

12 A Well, as I mentioned before, when you asked me this
13 question, I think that, you know, we were hopeful in the
14 beginning that we could have a really good working
15 relationship with him. He had three goals that he wanted to
16 pursue, and so, we were hopeful in the beginning, even though
17 we weren't seeing progress.

18 And then, of course, it got closer to Presidential
19 elections. It was pretty clear that Mr. Zelensky was going
20 to win, which he did. And we were hopeful that he would
21 replace Mr. Lutsenko, which he has done.

22 The other thing I would say is that, you know, as I said
23 before, you know, it's -- these are -- to use your phrase,
24 these are heavy lifts, and you need to make sure that the
25 international community is speaking with one voice and you

1 have to have a certain amount of leverage to do it, because
2 Mr. Lutsenko was a close -- I mean, not without controversy,
3 but he had a close working relationship with President
4 Poroshenko.

5 Q When you called for the removal of Kholodnitsky in
6 March, could you -- and I know I asked you this this morning,
7 and I apologize for asking you again, if you think I am, but
8 could you just walk us through all the facts that you had
9 that led to your decision to call for his removal, to the
10 extent you can remember them.

11 Obviously, this is earlier this year, many months have
12 elapsed, but if you could just walk us through the thought
13 process there, I think that might be helpful.

14 A Yeah. We were very concerned that there was a
15 tape, which he acknowledged was genuine, and that everybody
16 would understand once the circumstances were out, where he is
17 coaching witnesses for how to avoid prosecution, et cetera,
18 in anticorruption cases that, as I understood it, were in
19 front of both NABU and his office.

20 That seemed to us -- not just to us but to the entire
21 international community and any Ukrainian that was paying
22 attention, to be beyond the pale. I mean, this is a man who
23 was put in his position to fight corruption, and yet there he
24 is on tape coaching witnesses how to obstruct justice.

25 And so there was a process that the Ukrainian Government

1 went through. Mr. Lutsenko, in the end, made a decision
2 that, you know, he was not going to remove Mr. Kholodnitsky.
3 And I would say that it really undermined the credibility of
4 the special anticorruption prosecutor when you have the guy
5 who's there at the top not holding true to the mission of
6 that office.

7 Q Was there any blow-back to your call for removal?

8 A Yes. There was -- there was a lot of criticism.

9 Q On which different fronts?

10 A Well, the -- Kholodnitsky himself, as you can
11 imagine, was not happy with that. There were -- you know,
12 there was other criticism in kind of pro-Poroshenko,
13 pro-administration media and so forth.

14 Civil society, others who, you know, perhaps are more
15 genuine in their desires to transform Ukraine, were very
16 happy. So, you know, as always, in any controversy, there's
17 two sides.

18 Q And your decision to call for the removal, was that
19 something that was the product of just people on -- you know,
20 U.S. officials in country, or was that something you
21 socialized with Washington before you did it?

22 A I believe -- you know, I'm forgetting now, but I
23 believe I socialized it with Washington. If I didn't,
24 somebody else did.

25 Q And was it more of a heads-up or is that something

1 you need to get authorization for?

2 A I think it was more of a heads-up.

3 Q But nobody expressed any concerns?

4 A No.

5 MR. CASTOR: I want to pivot to Mr. Zeldin.

6 Twenty-two minutes.

7 MR. ZELDIN: Ambassador, going back to page 6 of your
8 opening statement this morning, we discussed the bullet
9 starting with "as for events during my tenure in Ukraine."
10 And there was a brief discussion to follow in question and
11 answer with regards to which cases you did, in fact, end up
12 asking the government to refrain from investigating or
13 prosecuting, and the NABU case was the only specific case
14 that was referenced in that Q&A this morning.

15 MS. YOVANOVITCH: And if I may just correct the record,
16 that I think what I said is there was a discussion. I don't
17 believe I have ever said, you know, don't prosecute this
18 individual. But what I did say is that it's important to do
19 these things according to the rule of law and not on a
20 politically motivated basis.

21 MR. ZELDIN: Do you recall how many cases you discussed
22 with Ukraine?

23 MS. YOVANOVITCH: No.

24 MR. ZELDIN: Was the NABU -- can you give us an
25 estimate? I mean, are we talking about 5, 20, 50, 100?

1 MS. YOVANOVITCH: Honestly, I don't know. And as I told
2 your colleague, the -- most of the relationship with any of
3 these law enforcement offices was not -- that's not what I
4 did. There were others in the embassy, whether it was the
5 FBI, whether it was other State Department officers, other
6 agencies. They were the ones who handled those
7 relationships.

8 MR. ZELDIN: But in addition to the NABU case, did you
9 discuss any other individual cases with Ukraine?

10 MS. YOVANOVITCH: Yeah, probably.

11 MR. ZELDIN: And can you estimate? Are we talking about
12 five or are we talking about 5,000? Can you give us some
13 perspective as to how many individual cases you discussed
14 with Ukraine?

15 MS. YOVANOVITCH: Well, it certainly isn't 5,000. I
16 wish there were that many cases on anticorruption in Ukraine.
17 But honestly, I don't know, and I don't want to mislead you.

18 MR. ZELDIN: But the number is more than one, but you
19 can't tell us anything beyond that?

20 MS. YOVANOVITCH: Yes, that is correct.

21 MR. ZELDIN: And when you would discuss individual cases
22 with Ukraine, how would you reference the case in your
23 conversation? Earlier, there was back-and-forth where you
24 stated that there was -- you don't recall ever discussing an
25 entity and you only recall discussing a name once. So how

1 would you reference the case in your conversation with
2 Ukraine if you weren't referencing it by entity or name?

3 MS. YOVANOVITCH: Well, earlier, what we were
4 specifically talking about was the allegations against me,
5 that I was giving instructions not to prosecute, right? So
6 when you asked the question, you were asking did we talk
7 about cases. That's a different set of circumstances.

8 MR. ZELDIN: Okay. I'm asking how many cases,
9 individual cases did you speak to Ukraine about? The only
10 answer I've been able to get so far is that the answer is
11 more than one. You can't recall ever referencing entities in
12 that conversation, and you only recall referencing a name
13 once. So I'm asking, in that conversation with Ukraine about
14 individual cases, how did you reference the case if you
15 weren't referring to entity or name?

16 MS. YOVANOVITCH: I mean, I'm sorry, I don't -- I can't
17 answer your question. I don't know.

18 MR. ZELDIN: Did you use case numbers? Did you -- was
19 there code? How did you reference these individual -- how
20 did you have a conversation with Ukraine about an individual
21 case, not referencing name or entity?

22 MS. YOVANOVITCH: I mean, I -- ask me again. I just
23 don't know what you're trying to get at.

24 MR. ZELDIN: Okay. You stated that you spoke to Ukraine
25 about individual cases of corruption. You stated that you

1 spoke to them about more than one case, but you don't know
2 how many cases. How did you engage in a conversation with
3 Ukraine on -- how did you reference an individual case with
4 Ukraine if you weren't referencing entity or name?

5 MS. YOVANOVITCH: So here's the thing: I know that we
6 spent a lot of today talking about anticorruption cases.
7 That's not the whole universe out there. So when I spoke to
8 you about Mr. Sytnyk in that respect, I mean, that is what I
9 recall in that sphere, but I know there were other areas.
10 And how would we have referred to it? Certainly not by case
11 number, I'm not in the weeds like that, but by somebody's
12 name. But --

13 MR. ZELDIN: How many corruption cases -- aside from
14 NABU, did you speak to Ukraine about other corruption cases?

15 MS. YOVANOVITCH: Well, at this point, I only recall
16 that -- you know, and in this context where you are asking me
17 whether -- or one of you was asking me whether I told people
18 not to prosecute, right? So, in that context, what I recall
19 now is the conversation with regard to Mr. Sytnyk.

20 MR. ZELDIN: Okay. But just to clarify so that there's
21 no misunderstanding, my question is, how many individual
22 cases did you speak to Ukraine about related to corruption?
23 Is your answer one, or is your answer more than one?

24 MS. YOVANOVITCH: You know, at this point, I can't
25 recall anything else.

1 MR. ZELDIN: To clarify one other thing about your
2 opening statement, turning to page 7, the next bullet after
3 the one that we were just discussing, there's a sentence that
4 said: I have heard the allegation in the media that I
5 supposedly told the embassy team to ignore the President's
6 orders, quote, "since he was going to be impeached." That
7 allegation is false.

8 Just to clarify, so we understand the wording of your
9 opening statement, when you say, "that allegation is false,"
10 is that specifically with regards to that quote, or are you
11 saying that you never told the embassy team to ignore the
12 President's orders?

13 MS. YOVANOVITCH: Both. I never told anybody in the
14 embassy or anyplace else to ignore the President's orders.
15 That would be wrong.

16 MR. ZELDIN: That's why I'm asking the question, just so
17 we're on the same page. Go ahead.

18 MR. ROBBINS: She hadn't finished her answer. Are you
19 done?

20 MS. YOVANOVITCH: Yeah. I just I guess also wanted to
21 say that I certainly never said that the President was going
22 to be impeached, because I didn't believe that at the time, I
23 mean, you know, when I was still in Ukraine.

24 MR. ZELDIN: Thank you. I wanted to understand what you
25 were saying when you said the allegation is false, to make

1 sure you weren't specifically just referring to your quote
2 and you were, in fact, talking about --

3 MS. YOVANOVITCH: Thank you for clarifying.

4 MR. ZELDIN: Have you read the July 25th transcript of
5 the call between President Trump and President Zelensky?

6 MS. YOVANOVITCH: Yes.

7 MR. ZELDIN: And did you read what President Zelensky
8 had to say about you?

9 MS. YOVANOVITCH: Yes.

10 MR. ZELDIN: When did you first meet President Zelensky?

11 MS. YOVANOVITCH: In September of 2018.

12 MR. ZELDIN: And how would you characterize your
13 relationship with President Zelensky?

14 MS. YOVANOVITCH: I mean, I didn't meet him often enough
15 to have, you know, kind of a relationship, but I thought that
16 we were off to a good start. I met with him for over an hour
17 on the 20th of April, the day before the final round of
18 Presidential elections.

19 All of us thought that that was a really positive sign
20 of, you know, Ukrainian -- the new administration's, because
21 we were pretty sure he was going to win, interest in a strong
22 relationship with the United States. And so I thought it was
23 a pretty good relationship.

24 MR. ZELDIN: So President Zelensky, as you know, in the
25 transcript didn't have some nice things to say about you. He

1 referred to you as, quote, "a bad ambassador." This is going
2 to be hard to hear, but in order to ask the question. Quote:
3 Her attitude towards me was far from the best, as she admired
4 the previous President and she was on his side. She would
5 not accept me as a new President well enough.

6 Is there anything in your interactions with President
7 Zelensky directly that you recall that would support that
8 statement of President Zelensky?

9 MS. YOVANOVITCH: No. I was very surprised by that
10 statement.

11 MR. ZELDIN: Do you know where President Zelensky formed
12 his opinion about your loyalty to the prior ambassador, your
13 attitude towards President Zelensky, calling you a bad
14 ambassador? Do you know where President Zelensky got that
15 from?

16 MS. YOVANOVITCH: I have no idea.

17 MR. ZELDIN: And how would you characterize your
18 relationship with Poroshenko?

19 MS. YOVANOVITCH: Complicated.

20 MR. ZELDIN: Did you get along with him? Was it
21 cordial, adversarial?

22 MS. YOVANOVITCH: It was cordial, but I think he
23 believed that I was insufficiently supportive, that I -- I
24 and the embassy talked too much about the things that still
25 needed to be done without giving proper credit with the

1 things that had been done and had been accomplished.

2 MR. ZELDIN: How would you characterize your
3 relationship with former Vice President Biden?

4 MS. YOVANOVITCH: I mean, I've met him, I don't know, a
5 handful of times over, you know, the years that I've been in
6 government service.

7 MR. ZELDIN: What was the closest that you've worked
8 with Vice President Biden? What position? When? When did
9 you have that opportunity to interact with him the most?

10 MS. YOVANOVITCH: Probably when I was ambassador to
11 Ukraine in the waning days of the Obama administration, where
12 there -- I only met him once in that period of time in
13 January of 2017, his last trip to Ukraine.

14 But there were phone calls between former Vice President
15 Biden and the Prime Minister and the President, and so there
16 would be preparatory calls to, you know, get him up to speed
17 on the issues, and then we would often be on the line as
18 well.

19 MR. ZELDIN: Earlier, you were asked about Burisma and
20 Hunter Biden. Vice President Biden was the point man for
21 relationships between the Obama administration and Ukraine.
22 Were you aware at that time of Hunter Biden's role with
23 Burisma?

24 MS. YOVANOVITCH: Yes. As I mentioned, I became aware
25 during the Q&A in the prep for my testimony.

1 MR. ZELDIN: Were you aware of just how much money
2 Hunter Biden was getting paid by Burisma?

3 MS. YOVANOVITCH: No, I wasn't aware of that.

4 MR. ZELDIN: Did you know that he was getting paid by
5 Burisma?

6 MS. YOVANOVITCH: I can't say that as a fact, but I
7 assumed he was.

8 MR. ZELDIN: You have -- you now know that Hunter Biden
9 was getting paid money from Burisma for his position?

10 MS. YOVANOVITCH: Yes, according to the news reports.

11 MR. ZELDIN: But while you were serving with Vice
12 President Biden, you were not aware of, at any point, Hunter
13 Biden being paid for that position?

14 MS. YOVANOVITCH: Well, as I said, I assumed he was
15 since it is, you know, corporate practice that you pay board
16 members, but this was not, as we discussed earlier -- Burisma
17 wasn't a big issue in the fall of 2018 -- 2016, when I
18 arrived.

19 MR. ZELDIN: When you state that Burisma, the
20 investigation was dormant, if I understand your testimony at
21 the beginning of the day, you base that word from press
22 reports that you read?

23 MS. YOVANOVITCH: Yeah, but I think there was also --
24 you know, I think there was other -- other information, and I
25 don't recall exactly what. But the impression that I had was

1 that it wasn't closed because it was convenient to -- it was
2 a convenient lever to put pressure on Burisma or the owner of
3 the company.

4 MR. ZELDIN: What's your source outside of press
5 reports?

6 MS. YOVANOVITCH: I don't recall.

7 MR. ZELDIN: Is it possible that you didn't -- I'm
8 trying to understand, because -- I'm trying to understand
9 your testimony, because earlier in the day you said that,
10 based on press reports, your understanding was that it was
11 dormant. You may have had additional information it was
12 dormant, or you don't know?

13 MS. YOVANOVITCH: Yes. And all I can tell you is it was
14 a long time ago and it just wasn't a big issue.

15 MR. ZELDIN: So I just want to understand your position.
16 Obviously, you knew that Burisma was dormant, based on press
17 reports. That was what you stated earlier.

18 MS. YOVANOVITCH: Uh-huh.

19 MR. ZELDIN: But you're saying that you may have had
20 other information, but you don't recall that now?

21 MS. YOVANOVITCH: I may have had other information, but
22 I don't recall how I had that impression that it was being
23 used as a lever to turn the pressure on and off. Maybe that,
24 too, came from the press, or maybe it was, you know, somebody
25 who told me that. I just don't recall.

1 MR. ZELDIN: Are you aware of a May 4th, 2018, letter
2 sent to Lutsenko from three Senate Democrats, Menendez,
3 Leahy, and Durbin?

4 MS. YOVANOVITCH: 2018?

5 MR. ZELDIN: May 4th of 2018?

6 MS. YOVANOVITCH: Can you refresh my memory?

7 MR. ZELDIN: May 4th, 2018, there was a letter sent to
8 the prosecutor general from three Democratic Members of the
9 United States Senate: Robert Menendez, Patrick Leahy, and
10 Richard Durbin.

11 THE CHAIRMAN: Mr. Zeldin, can you show her the letter?

12 MR. ZELDIN: Yes, we can enter it into an exhibit if we
13 want to make a copy if we want to pause the time.

14 THE CHAIRMAN: Do you have only the one copy?

15 MR. ZELDIN: I would be happy if there's a way to make a
16 copy, we can formally enter it into as an exhibit.

17 So we'll come back to the question with regards to May
18 4, 2018. I'm going to turn it over to Mr. Jordan.

19 MR. JORDAN: Ambassador, so in your testimony on page 4,
20 you talk about two wars, the war with Russia and, of course,
21 the war on corruption, which we've talked a lot about today.
22 I just want to make sure I got everything straight from the
23 first hour with questioning from, I believe, Mr. Goldman and
24 maybe Mr. Castor.

25 So Shokin and Poroshenko were good friends. You said

1 they were godfather to each other's children.

2 MS. YOVANOVITCH: Yes.

3 MR. JORDAN: Right?

4 MS. YOVANOVITCH: Yes.

5 MR. JORDAN: And Mr. Shokin is a bad guy. Everyone, I
6 think you said that pretty much the whole darn world wanted
7 him fired. Is that right?

8 MS. YOVANOVITCH: Yes. And just to recall, that was
9 before I arrived.

10 MR. JORDAN: But then the guy they replaced him with is
11 also a friend of Mr. -- of the President, right?

12 MS. YOVANOVITCH: I don't know if they're friends in the
13 same way, but they've certainly, you know, been political
14 allies for a great many years, on and off.

15 MR. JORDAN: I think you said in the first hour this
16 morning, you said Mr. Lutsenko is cut from the same cloth as
17 Mr. Shokin. Is that right?

18 MS. YOVANOVITCH: Yes.

19 MR. JORDAN: And you've indicated here several times
20 that Mr. Lutsenko is not the kind of prosecutor we want when
21 you're dealing with a war on corruption.

22 MS. YOVANOVITCH: That's certainly my opinion.

23 MR. JORDAN: In your testimony, your written testimony,
24 you said that in oligarch-dominated Ukraine, where corruption
25 is not just prevalent, it is the system -- so this is like

1 this is as important as it gets. So the one bad guy goes,
2 the other bad guy comes in, and Mr. Poroshenko is the guy
3 responsible for both of these bad guys being the top guy to
4 deal with corruption. Is that fair?

5 MS. YOVANOVITCH: Uh-huh.

6 MR. JORDAN: Then, as Mr. Zeldin indicated --

7 THE CHAIRMAN: I'm sorry, can you just say yes or no?

8 MS. YOVANOVITCH: Yes.

9 MR. JORDAN: As Mr. Zeldin indicated -- oh, in your
10 statement then on the same page, you said: In the 2019
11 Presidential election, you got this reformer coming along who
12 has made ending corruption his number one priority. See that
13 on page 4, middle of page 4?

14 MS. YOVANOVITCH: Uh-huh.

15 MR. JORDAN: And that's referring to current President
16 Zelensky. Is that right?

17 MS. YOVANOVITCH: That's correct.

18 MR. JORDAN: So this is like this is what you want, this
19 is the guy. You got Poroshenko, who had Shokin, who's bad,
20 Lutsenko he replaced him with, who's just as bad, cut from
21 the same cloth. And now you get a guy elected who is as good
22 as it gets, right?

23 MS. YOVANOVITCH: Well, let me just recast that, if
24 possible, and if my counsel allows. So just as I don't
25 believe Ukrainians should be interfering in our elections, I

1 don't think Americans should be interfering in Ukrainian
2 elections.

3 MR. JORDAN: I'm not asking that. I'm just saying --
4 I'm just looking at what you said. You said, this guy
5 Zelensky's number one priority, what he ran the entire
6 campaign on was ending corruption. Fair enough?

7 MS. YOVANOVITCH: That's what he said, but let me just
8 tell you, assuming I can say this, what my advice was to the
9 State Department, that we don't -- you know, we can't really
10 make -- there were many people very comfortable with
11 Mr. Poroshenko. But we don't have either the pull nor should
12 we try to indicate in any way that we have favorites, number
13 one.

14 Number two, all three of the top candidates -- there was
15 also Yuliya Timoshenko, who you probably know. All three of
16 the top candidates are flawed in some way, as, you know,
17 frankly, all of us are. But we could probably work with each
18 of them. And that what we need to do in the preelectoral
19 period is to -- somebody, I think you asked, you know, how do
20 we do that outreach during campaigns and everything.

21 We need to keep those lines open so that whoever wins,
22 we will be able to get in through the door and start
23 advancing our -- continuing our advances, if it was
24 Poroshenko, of the advance of U.S. interests, or start
25 advancing those interests with new partners. So that's what

1 was the most important thing. So we didn't have a dog in
2 that fight. I just want to make that clear.

3 MR. JORDAN: I'm not asking that. I'm just saying, this
4 guy comes along, runs a campaign base, on your testimony,
5 your written testimony, that his number one focus was dealing
6 with corruption, and he wins overwhelmingly. So he wins, he
7 gets elected, and yet, when he's having a call with the
8 President of the United States, he says he's glad you're
9 being recalled.

10 And I'm wondering, like, how does that happen? The guy
11 who is all about dealing with anticorruption and focused on
12 that who wins a major overwhelming win, how does he form that
13 judgment if that has been the entire focus and, as you say,
14 an actual war that goes on in his country dealing with
15 corruption?

16 MS. YOVANOVITCH: I don't know. As I told you before,
17 everybody before, I was very surprised, because I thought we
18 had a good beginning to a good relationship.

19 MR. JORDAN: But I think you said to Mr. Goldman, you
20 thought he was responding to what President Trump said to him
21 when he said that you were bad news. Is that -- you said
22 that earlier?

23 MS. YOVANOVITCH: I think there's a certain element to
24 that.

25 MR. JORDAN: But he didn't just -- it seems to me if he

1 was responding that way, he would say, okay, Mr. President, I
2 agree with you, but he didn't say that. He said, she admired
3 the previous President and was on his side. And you just
4 told me you don't do that.

5 So I'm wondering how the current President of Ukraine
6 felt that you were on the side of Mr. Poroshenko and said
7 this to the President of the United States.

8 MS. YOVANOVITCH: I have no idea, because I think if you
9 ask President Poroshenko, he would not agree with that
10 statement.

11 THE CHAIRMAN: The time is expired. Would you like to
12 take a little break?

13 MR. ROBBINS: Thank you.

14 THE CHAIRMAN: Why don't we take about a 5- or 10-minute
15 break.

16 [Recess.]

17 THE CHAIRMAN: Okay, let's go back on the record.

18 I just had a couple follow-up questions and then I want
19 to pass it over to Mr. Mitchell.

20 My colleague in the minority asked you if official
21 policy towards the Ukraine was, in your view, good policy,
22 and I think you said that it was. Is that right?

23 MS. YOVANOVITCH: Yes.

24 THE CHAIRMAN: And, indeed, you were the spokesperson
25 for that official policy?

1 MS. YOVANOVITCH: Yes.

2 THE CHAIRMAN: I think what you've described, though, is
3 the problem wasn't the official policy. The problem was the
4 unofficial or back channel being executed by Mr. Giuliani,
5 his associates, and possibly others. Was that the issue?

6 MS. YOVANOVITCH: Yes. It complicated things.

7 THE CHAIRMAN: And it complicated things, not the least
8 in part because the message you were advocating, as the
9 representative of the United States, was, Ukraine, you should
10 be fighting corruption; and here you had people that were
11 potentially engaging in corruption, advocating through a back
12 channel to the White House?

13 MS. YOVANOVITCH: So when we say "people," are we
14 talking about Ukrainian people?

15 THE CHAIRMAN: Well, it may involve Ukrainian people,
16 but if the policy of the United States is not to be engaging
17 in political prosecutions or political investigations, and
18 you have a lawyer for the President advocating with Ukrainian
19 officials to do exactly that, to engage in political
20 investigations and prosecutions, didn't that run directly
21 contrary to U.S. policy and an anticorruption message?

22 MS. YOVANOVITCH: I believe it did.

23 THE CHAIRMAN: I also wanted to ask you, Mr. Zeldin read
24 you a portion of the call record in which he quoted the call
25 record as saying, referring to you: Her attitude towards me

1 was far from the best, as she admired the previous President,
2 et cetera. Mr. Zeldin didn't read you the line immediately
3 before that, so let me read that to you. President Zelensky
4 says: It was great that you were the first one who told me
5 that she was a bad ambassador, because I agree with you 100
6 percent.

7 Now, do you know whether President Zelensky is referring
8 to the fact that the President had brought you up in the
9 conversation first, or whether the President had brought you
10 up in a prior conversation?

11 MS. YOVANOVITCH: I don't know. I had assumed it was
12 the April 21st phone call, that first phone call, because
13 that, to my knowledge, is the only time -- other time that
14 they talked. But you're right, I mean, maybe it could be
15 earlier in this transcript.

16 THE CHAIRMAN: Do you know whether part of the reason
17 you didn't get a readout of the first call may have involved
18 the President bashing you in the first call?

19 MS. YOVANOVITCH: It's possible.

20 THE CHAIRMAN: Now, President Zelensky desperately
21 wanted a meeting with the President at the White House,
22 didn't he?

23 MS. YOVANOVITCH: Yes.

24 THE CHAIRMAN: And that kind of a meeting is important
25 for a new President to show they have a relationship with the

1 U.S. President?

2 MS. YOVANOVITCH: Yes.

3 THE CHAIRMAN: And this is at a time in which Ukraine is
4 militarily dependent on the United States?

5 MS. YOVANOVITCH: Yes.

6 THE CHAIRMAN: Economically dependent on the United
7 States?

8 MS. YOVANOVITCH: To a certain extent, yes.

9 THE CHAIRMAN: Diplomatically dependent on the United
10 States?

11 MS. YOVANOVITCH: We are the most important partner for
12 Ukraine.

13 THE CHAIRMAN: And because we're the most important
14 partner for Ukraine, the President is the most important
15 person in that partnership with the United States?

16 MS. YOVANOVITCH: Yes.

17 THE CHAIRMAN: So maintaining, establishing a
18 relationship is really important to this new President
19 Zelensky?

20 MS. YOVANOVITCH: Critical.

21 THE CHAIRMAN: And does President Zelensky, therefore,
22 in this conversation, have an incentive to agree with the
23 President?

24 MS. YOVANOVITCH: Yes, I think so.

25 THE CHAIRMAN: And if he believes that the President

1 doesn't like the former U.S. Ambassador to the Ukraine, does
2 it make sense for him to express his agreement with the
3 President?

4 MS. YOVANOVITCH: Yeah, absolutely, especially since I
5 was already gone.

6 THE CHAIRMAN: And prior to this call, there had been an
7 effort to get Ukraine to initiate two investigations that
8 would be politically beneficial to the President, one
9 involving the 2016 election and one involving the Bidens. Is
10 that right?

11 MS. YOVANOVITCH: Yes.

12 THE CHAIRMAN: And those efforts you now can tell us
13 involved Rudy Giuliani and some of his associates?

14 MS. YOVANOVITCH: So yes, I think that's true. Yes.

15 THE CHAIRMAN: My colleague will ask you more questions
16 about this, but at the time that this was going on -- and
17 most of our questions to you have been what you knew at the
18 time that this was going on when you were the ambassador.
19 You now know a lot more has come out since and text messages
20 and whatnot.

21 Generally, what can you tell us now, looking back on
22 what was going on that you only dimly understood, what can
23 you tell us now that was going on in the run-up to this call?

24 MS. YOVANOVITCH: I -- I mean, I don't have -- I mean,
25 since I wasn't there, I mean, I left May 20th, and this -- of

1 course, this phone call took place 2 months later. So I -- I
2 can't actually really tell you beyond what I've seen of the
3 texts back and forth and so forth that, you know, this
4 investigation unearthed.

5 THE CHAIRMAN: Now, when you got recalled as ambassador,
6 were you replaced as ambassador?

7 MS. YOVANOVITCH: Bill Taylor, Ambassador Bill Taylor
8 went out as Charge.

9 THE CHAIRMAN: And what was Ambassador Sondland's role?

10 MS. YOVANOVITCH: Ambassador Sondland is, of course, our
11 ambassador to the EU, and he took a special interest in
12 Ukraine and Georgia I know. I don't know whether he took on
13 other countries.

14 THE CHAIRMAN: And had he taken on that interest while
15 you were still there or that happened after you left?

16 MS. YOVANOVITCH: It started while I was still there.
17 And he came in February. He and Ambassador Volker sort of
18 put together a delegation of EU important figures to come to
19 Odessa, Ukraine, when we had a ship visit. And so, that was
20 actually a really good initiative to show the U.S. and Europe
21 together supporting Ukraine. This, as you will recall, was
22 several months after the Russians seized three ships and the
23 21 sailors.

24 THE CHAIRMAN: Mr. Mitchell.

25 BY MR. MITCHELL:

1 Q Good afternoon.

2 A Hi.

3 Q You testified earlier that the first time you
4 became aware of the May 2018 letter from then-Congressman
5 Sessions was the following year in approximately late March
6 of 2019, as a result of the John Solomon article in The Hill.
7 Is that correct?

8 A That is correct.

9 MR. HECK: Mr. Mitchell, please pull the mic closer.

10 BY MR. MITCHELL:

11 Q Are you aware of the reporting that Mr. Parnas and
12 Mr. Fruman, who we've discussed earlier are associates of
13 Mr. Giuliani, had dinner with Congressman Sessions the day
14 that that letter was sent?

15 A Well, I've become aware of reporting to that effect
16 recently.

17 Q And you testified earlier that you learned from, I
18 believe, a deputy of Mr. Lutsenko that there were rumors that
19 Mr. Giuliani had met with Mr. Lutsenko sometime in the summer
20 of 2018. Is that correct?

21 A Yes.

22 Q That's around the same time that Congressman
23 Sessions sent this letter about you?

24 A Yes.

25 Q You also testified earlier today about a meeting

1 that you had, I believe, with Mr. Giuliani in approximately
2 June of 2017. Is that right?

3 A Uh-huh.

4 Q In connection with the Victor Pinchuk Foundation?

5 A Yes.

6 Q And you indicated obviously, Mr. Giuliani was there
7 and you were there?

8 A Yes.

9 Q Was Mr. Poroshenko there as well?

10 A No.

11 [Majority Exhibit No. 1
12 was marked for identification.]

13 BY MR. MITCHELL:

14 Q I'm going to hand you a press release from the
15 Pinchuk fund. I'm going to mark it as Majority Exhibit No.
16 1. Take your time reading it, ma'am, but I'm going to direct
17 your attention to the very last paragraph.

18 A [Witness reviewed the document.]

19 Q So I'm going to direct your attention to the very
20 last paragraph. This is a point that I think we can quickly
21 dispatch with. It says: Besides giving the lecture, Rudy
22 Giuliani met with the President of Ukraine, Petro Poroshenko,
23 the Prime Minister, the Kyiv mayor, as well as Prosecutor
24 General of Ukraine, Yuriy Lutsenko. Do you see that?

25 A Yes, I do.

1 Q Were you part of that meeting?

2 A No.

3 Q Were you aware that Mr. Giuliani met with
4 Mr. Lutsenko in connection with this Victor Pinchuk
5 Foundation?

6 A I don't think I knew that.

7 Q Have you seen the indictment against Mr. Parnas,
8 Mr. Fruman, and others that was unsealed yesterday, I believe
9 it was?

10 A I haven't read it, but I've read about it.

11 [Majority Exhibit No. 2
12 was marked for identification.]

13 BY MR. MITCHELL:

14 Q I'm going to hand you Majority Exhibit No. 2, and,
15 again, I'm going to direct you to particular spots in the
16 indictment. I'm going to start the bottom of page 7.
17 Paragraph 17, are you there?

18 A Yes.

19 Q It says in the middle: These contributions were
20 made for the purpose of getting influence with politicians so
21 as to advance their own personal financial interests and the
22 political interests of Ukrainian Government officials.

23 A I'm sorry, where are you reading?

24 Q Page 7, paragraph 17.

25 A Okay. I'm with you now.

1 MR. ROBBINS: You're starting in the middle of a
2 sentence.

3 MR. MITCHELL: Correct.

4 BY MR. MITCHELL:

5 Q I'll start at the beginning: Much as with the
6 contributions described above, these contributions were made
7 for the purpose of gaining influence with politicians so as
8 to advance their own personal financial interests and the
9 political interests of Ukrainian Government officials,
10 including at least one Ukrainian Government official with
11 whom they were working.

12 Do you know who the Ukrainian Government officials with
13 whom they were working?

14 A No.

15 Q On page 8, the following page, the paragraph in the
16 middle, it's paragraph number 1. It says: At and around the
17 same time Parnas and Fruman committed to raising those funds
18 for Congressman 1, Parnas met with Congressman 1 and sought
19 Congressman 1's assistance in causing the U.S. Government to
20 remove or recall the then U.S. Ambassador to Ukraine, the
21 ambassador. Do you understand that reference to be to you?

22 A I do.

23 Q And then the next sentence says: Parnas' efforts
24 to remove the ambassador were conducted, at least in part, at
25 the request of one or more Ukrainian Government officials.

1 Do you know who those one or more Ukrainian Government
2 officials are?

3 A No.

4 Q What was your reaction when you first saw these
5 allegations concerning you in this indictment?

6 A Again, I mean, just feel shock.

7 Q Do you have any reason to believe that the
8 Ukrainian Government officials referenced here could involve
9 Mr. Lutsenko?

10 A I think that would be a good guess.

11 Q Now, you testified earlier, with regard to
12 Mr. Lutsenko, that the Burisma investigation was dormant --
13 and I might have written this down incorrectly, but I want to
14 make sure I have it correct -- because it was useful to have
15 that hook I think is what I wrote down. Do I have that
16 right?

17 A Yes.

18 Q What did you mean by that?

19 A That because -- because Ukraine is not yet a rule
20 of law country, prosecutions are used as leverage over people
21 for -- to acquire funds, to get them to do certain things or
22 whatever. And so, if you have a case that is not completely
23 closed, it's always there as a way of keeping somebody, as I
24 said before, on the hook. That was, you know, something that
25 I had understood by that phrase "dormant."

1 Q So it could keep Burisma on the hook?

2 A Yes.

3 Q It could keep anyone involved in Burisma on the
4 hook?

5 A Uh-huh.

6 Q You have to answer yes or no.

7 A Yes. Yes.

8 Q And it could keep anyone interested in the
9 investigation on the hook?

10 A What do you mean by that?

11 Q So if Mr. Lutsenko, as I believe you are
12 suggesting -- correct me if I'm wrong -- had the Burisma
13 investigation in his back pocket, and that he had the
14 authority or the power to revive the investigation at will --

15 A Yes.

16 Q -- he could use that as a hook to, or as leverage
17 against Burisma, correct?

18 A Yes.

19 Q Against people involved with Burisma --

20 A Yes.

21 Q -- or people who would actually want that
22 investigation to go forward?

23 A Uh-huh.

24 Q Is that correct?

25 A Yeah.

1 Q You testified a little bit about the July 25th
2 call.

3 A Yes.

4 Q And that was long after you had left --

5 A Yes.

6 Q -- the ambassadorship in Ukraine, and since you've
7 been working at Georgetown. Is that correct?

8 A Yes.

9 Q When did you first learn of the contents of the
10 July 25th call between President Trump and President
11 Zelensky?

12 A The day it was made public, like about 2 weeks ago,
13 by the White House.

14 Q What about the general subject matter of that call?
15 Did you learn anything about what was discussed between the
16 two Presidents from sources other than simple press
17 reporting?

18 A Yes. In passing, Deputy Assistant George Kent had
19 mentioned that there was this phone call.

20 Q And did Deputy Assistant George Kent say anything
21 about what took place during that call?

22 A He -- I mean, I'm trying to recall now exactly what
23 he said, but he -- he did indicate that there had been a
24 request by the President for assistance, as we now know, but
25 my understanding of that conversation with Mr. Kent was that

1 President Zelensky had not sort of agreed, and that he noted
2 that, you know, it was the previous administration that was
3 responsible for some of these things and that he was going to
4 have his own prosecutor.

5 Q And what was your reaction to Mr. Kent's recitation
6 of the substance of this call?

7 A My reaction was that, you know, to be frank, a
8 little bit of dismay that President Trump had made those
9 requests. And I was happy that President Zelensky had
10 apparently not acceded.

11 Q And, again, that was based on information that
12 Mr. Kent had provided to you and what you believed to be the
13 truth at the time?

14 A Yes.

15 Q And since then, you've read a copy of the rough
16 transcript of that call?

17 A Yes.

18 Q And it turns out that Mr. Kent's recitation was
19 inaccurate at least in one regard. Is that right?

20 A Yeah. I mean, I think there's room for
21 interpretation, but yeah, I now have a different view.

22 Q And do you happen to have a copy of that call in
23 front of you now?

24 A Yes. This call, is that what you're talking about?

25 MR. GOLDMAN: Yes. It's marked as an exhibit.

1 MS. YOVANOVITCH: No, that's our copy.

2 MR. MITCHELL: Let's go ahead and mark it.

3 MR. ROBBINS: You're not going to mark our copy.

4 MR. MITCHELL: No, We'll go ahead and mark it as
5 exhibit No. 3.

6 [Majority Exhibit No. 3
7 was marked for identification.]

8 BY MR. MITCHELL:

9 Q Prior to me getting to the text of this call, what
10 was Mr. Kent's reaction to the substance of the call when you
11 had that initial discussion about it?

12 A So just to clarify, he was not on the call so he
13 was getting, you know, readouts, et cetera. I think he
14 thought it was, you know, a relatively positive reaction from
15 the Ukrainian President.

16 Q So, in other words, the fact that President
17 Zelensky did not accede to this request by President Trump
18 was viewed positively by both you and Mr. Kent?

19 A Yes.

20 Q I'll take you to page 3 of the call. And President
21 Trump at the bottom says: Good, because I heard you had a
22 prosecutor who was very good and he was shut down and that's
23 really unfair.

24 Do you know -- who do you believe President Trump was
25 talking about when he said, you had a prosecutor who was very

1 good and was shut down?

2 A Well, I don't know, but I believe that it's
3 Mr. Lutsenko.

4 Q Mr. Lutsenko was still in office at the time of
5 this call, correct?

6 A Yes.

7 Q But had Mr. -- excuse me, President Zelensky
8 announced by the time of this call, July 25th, that
9 Mr. Lutsenko was going to be replaced?

10 A Yes, I believe he had.

11 Q Do you have any opinion as to why you believe that
12 President Trump would speak positively about Mr. Lutsenko?

13 A I mean, the only thing I can conclude is that he
14 had been told good things about Mr. Lutsenko.

15 Q By people who had possibly met with Mr. Lutsenko?

16 A Uh-huh. Yes.

17 Q Like Mr. Giuliani?

18 A Most likely.

19 Q Do you know whether anyone in the State Department
20 at the time had generally a positive view of Mr. Lutsenko?

21 A Well, you know, it's hard to speak for everybody,
22 but certainly the people that I knew did not have a good
23 opinion of Mr. Lutsenko.

24 Q For all the reasons that you testified about
25 earlier?

1 A Uh-huh.

2 THE CHAIRMAN: Yes?

3 MS. YOVANOVITCH: Yes. Excuse me.

4 BY MR. MITCHELL:

5 Q So despite President Trump's comments to President
6 Zelensky, wouldn't Mr. Lutsenko's removal have been viewed
7 positively by your colleagues at the Department of State?

8 A Yes.

9 Q On page 2, going back a page, at the bottom, the
10 very bottom, last sentence, it says: We are ready to
11 continue to cooperate for the next steps. Specifically, we
12 are almost ready to buy more Javelins from the United States
13 for defense purposes. And that's President Zelensky,
14 correct?

15 A Yes.

16 Q And you testified a little bit earlier about
17 Javelins being U.S.-made anti-tank missiles. Is that right?

18 A Yes.

19 Q Made by Raytheon?

20 A Yes.

21 Q If you know, did the Ukrainians believe that it was
22 important for them to have Javelins for their own defense?

23 A Yes, they thought it was important.

24 Q And were you involved, when you were ambassador to
25 Ukraine, about any discussions involving providing Javelins

1 to the United States -- or, excuse me, to Ukraine?

2 A Yes.

3 Q And I believe you testified earlier that you were
4 supportive of providing those. Is that correct?

5 A Yes.

6 Q Because it was not only in Ukraine's best
7 interests, but it was also in the best interests of the
8 United States as well for Ukrainians to have these anti-tank
9 missiles. Is that correct?

10 A I thought it strengthened the bilateral
11 relationship and sent a powerful signal of our support for
12 Ukraine.

13 Q Then immediately after President Zelensky mentions
14 the Javelins, on the top of page 3, President Trump mentions
15 CrowdStrike, and then he also says, The server, they say
16 Ukraine has it.

17 A Yeah.

18 Q Do you have any understanding of what the President
19 was talking about there?

20 A Well, I didn't at the time that I first read this
21 summary, but obviously, there has been explanation in the
22 news.

23 Q And what's your understanding?

24 A Well, that the server that was used to hack the DNC
25 was somehow in Ukraine or moved to Ukraine, controlled by the

1 Ukrainians. The Ukrainians then put out some sort of
2 disinformation that it was Russia. And that this is what the
3 President is referring to that it's important to get to the
4 bottom of it.

5 Q In that same paragraph he continues, and I'm not
6 starting at the beginning of the sentence, but he mentions
7 Robert Mueller and he says: They say a lot of it started
8 with Ukraine. Whatever you can do, it's very important that
9 you do it if that's possible. Do you see that?

10 A Yes.

11 Q Do you have any understanding of what the President
12 is referring to there?

13 A I think it's the belief that Ukraine was behind
14 interference in our 2016 elections.

15 Q And then President Trump continues at the top of
16 page 4, and he mentions: The other thing, there's a lot of
17 talk about Biden's son, that Biden stopped the prosecution
18 and a lot of people want to find out about that. So whatever
19 you can do with the Attorney General would be great. Biden
20 went around bragging that he stopped the prosecution, so if
21 you can look into it. It sounds horrible to me. Do you see
22 that?

23 A Yes.

24 Q And you testified earlier that your understanding
25 here is that the President, President Trump, was encouraging

1 President Zelensky to conduct an investigation involving
2 Hunter Biden. Is that correct?

3 A That's how I understood it.

4 Q And what was your reaction when you saw this
5 transcript for the first time, and particularly, these
6 requests that we just went through by President Trump?

7 A Well, I was surprised and dismayed.

8 Q And in your experience, do U.S. Presidents
9 typically ask foreign governments to conduct particular
10 investigations like the ones that are requested here, or are
11 they just general requests, such as fighting corruption, for
12 example?

13 A I think generally -- generally, there's preparation
14 for phone calls and there are talking points that are
15 prepared for the principal. And obviously, it's up to the
16 principal whether they choose to, you know, keep it general,
17 keep it more specific, whatever the case might be. But it's
18 usually vetted and it's usually requests that would be in our
19 national security interests, right?

20

21

22

23

24

25

1 [4:26 p.m.]

2 MR. MITCHELL: As opposed to the President's personal
3 political interests?

4 MS. YOVANOVITCH: Correct.

5 MR. MITCHELL: Which is what was happening on this call.
6 Is that correct?

7 MR. ROBBINS: Again, she was not present for this call.
8 She was not the ambassador during this call. All she can do
9 is interpret it as a reader after the fact, and I don't
10 really think this is within the compass of her expertise.

11 BY MR. MITCHELL:

12 Q Well, based on your decades of experience,
13 Ambassador, did you find this call and these requests to be
14 outside of the norm?

15 A Usually specific requests on prosecutions and
16 investigations goes through the Department of Justice through
17 our MLAT process. That's the mutual legal assistance treaty.

18 Q Is it your understanding that that's what happened
19 here?

20 A Well, as far as -- as far as I know, no.

21 Q Also on page 4, at the top, President Trump said,
22 "The former ambassador from the United States, the woman, was
23 bad news and the people she was dealing with in the Ukraine
24 were bad news, so I just want to let you know that."

25 Do you see that?

1 A Yes.

2 Q What was your reaction when you saw that?

3 A Again, I hate to be repetitive, but I was shocked.
4 I mean, I was very surprised that President Trump would --
5 first of all, that I would feature repeatedly in a
6 Presidential phone call, but secondly, that the President
7 would speak about me or any ambassador in that way to a
8 foreign counterpart.

9 Q At the bottom of that same page, President Trump
10 says, "Well, she's going to go through some things."

11 What did you understand that to mean?

12 A I didn't know what it meant. I was very concerned.
13 I still am.

14 Q Did you feel threatened?

15 A Yes.

16 Q Did you feel that you might be retaliated against?

17 A You know, there's a universe of what it could mean.
18 I don't know.

19 Q Well, what did you interpret it to be?

20 A Maybe. I was wondering -- you know, soon after
21 this transcript came out there was the news that the IG
22 brought to this committee, all sorts of documentation, I
23 guess, about me that had been transferred to the FBI.

24 You know, I was wondering, is there an active
25 investigation against me in the FBI? I don't know. I mean,

1 I just simply don't know what this could mean, but it does
2 not leave me in a comfortable position.

3 Q Are you concerned about your employment?

4 A Yes.

5 Q Are you concerned about your pension?

6 A Yes.

7 Q Do you have concerns about your personal safety?

8 A So far, no.

9 Q But you hesitate in saying, "So far, no," or you
10 condition that on what might happen in the future. So what

11 --

12 A Well, I would say a number of my friends are very
13 concerned.

14 Q You talked about earlier that you spoke to Mr. Kent
15 prior to the release of this transcript. Have you spoken
16 with anybody at the Department of State after the release of
17 this transcript about this transcript?

18 A Yes, but not anybody who is, like, working on these
19 issues. So I have friends at the State Department who are
20 not necessarily, you know, focused on these issues. So, yes,
21 but not in a work context, if that's what you're asking.

22 Q So you didn't speak to Mr. Kent, for example?

23 A [Nonverbal response.]

24 Q I'm sorry.

25 A Oh, no, I did not.

1 Q What about any Ukrainian officials that you may
2 still be in contact with? Have you had an opportunity to
3 talk to them about this call after it was released?

4 A No. I mean, I have talked to Ukrainians, but not
5 about this.

6 Q When you read this call transcript, did you raise
7 any concerns about the transcript through any sort of
8 official channels with the Department of State?

9 A No.

10 Q And did anyone at the Department of State reach out
11 to you about their concerns concerning this call after the
12 transcript was released?

13 A Yes.

14 Q Other than the friends who don't work on these
15 issues?

16 A Yes.

17 Q And who was that?

18 A Mike McKinley.

19 Q I'm sorry?

20 A Mike McKinley.

21 Q What was your conversation with Mr. McKinley about?

22 A He wanted to see how I was doing, and he was
23 concerned that there had been no outreach to me.

24 Q And what --

25 A I should also -- oh, yeah. He wanted to know how I

1 was doing and he was concerned that there had been no
2 outreach and no kind of public support from the Department.

3 I also wanted to say that that's from kind of a senior
4 level. The European Bureau did have a deputy director of an
5 office, of the Ukraine office, reach out to me. The deputy
6 director of the Ukraine office was also instructed to reach
7 out to me.

8 Q Was also instructed to reach out to you?

9 A Uh-huh.

10 Q And what's the name of that individual?

11 A Brad Freden.

12 Q And who instructed Mr. Freden to reach out to you?

13 A The principal deputy assistant secretary for EUR,
14 so Phil Reeker's deputy.

15 Q And can you just describe generally that
16 conversation that you had with Mr. Freden?

17 A Yeah. I mean, he called to see how I was doing --
18 you know, obviously we had worked very closely together
19 before, when I was in Ukraine -- and said that, you know,
20 everybody was concerned and wanted to see how I was doing and
21 did I need anything.

22 Q And did he have any sort of reaction about the call
23 itself or was he just -- was he just reaching out to see how
24 you were doing?

25 A He was reaching out to see how I was doing.

1 Q What about the conversation with Mr. McKinley?

2 A He also wanted to see how I was doing, wanted to
3 know, you know, kind of what communication with the
4 Department had been like.

5 Q Did you call -- did you discuss the contents of the
6 call with Mr. McKinley?

7 A I think, you know, if we did, it doesn't -- it
8 doesn't come back to me. I mean, I think it was the meta of,
9 you know, everything else that's going on.

10 Q Have you spoken to Mr. McKinley about his
11 resignation?

12 A He called me before it became public to let me
13 know.

14 Q Other than just notifying you that this was going
15 to happen, did he talk to you about why he was resigning?

16 A Yes. He said that he was concerned about how the
17 Department was handling, you know, this cluster of issues.

18 Q Can you elaborate further, please?

19 A I think he felt that the Department should stand by
20 its officers.

21 Q And was he referring to you in that regard?

22 A Yes.

23 Q Was he referring to others as well?

24 A I think perhaps George Kent as well. And for all I
25 know, there may have been others as well.

1 Q Can you explain why he was referring to George
2 Kent?

3 A Well, he's also been asked to come and testify.

4 Q All right. So Mr. Kent has been asked to testify,
5 and Mr. McKinley indicated that he was disappointed that the
6 Department was not standing behind its employees. Is that
7 correct?

8 A Yes.

9 Q Okay. So did he explain to you why he believed
10 that the Department was not standing behind Mr. Kent?

11 A He did. He noted that there had been a difficult
12 conversation with the State Department lawyers and that
13 George had shared that with him.

14 Q A difficult conversation between the State
15 Department lawyers and?

16 A George Kent.

17 Q And Mr. Kent. Okay. About coming to testify?

18 A I think it was about the response to the subpoena
19 for documents. I think that was the issue where there was a
20 disagreement.

21 Q What did Mr. McKinley say in that regard?

22 A That he was concerned about the way George had been
23 treated.

24 Q But did he explain how George had been treated?

25 A He said that there had been an argument and that he

1 was going to, you know, share this further up, is what he
2 said -- I don't know what "up" means or who that means -- and
3 that -- because he didn't feel that ostracizing employees and
4 bullying employees was the appropriate reaction from the
5 Department.

6 Q What was the argument?

7 A I don't exactly know, but I do know that it had to
8 do with the subpoena for documents.

9 Q So Mr. McKinley didn't describe to you exactly the
10 nature of the document -- or excuse me, the nature of the
11 argument, simply that it was about the documents?

12 A Yeah. And that George and at least one lawyer,
13 perhaps more, had had a disagreement about that.

14 Q Okay. And just to be clear, when we say "the
15 documents" and you said disagreement about that, what we're
16 talking about is a production of documents in response to a
17 congressional request. Is that right?

18 A Yes, I believe that's correct.

19 Q And at the time -- when did you have this
20 conversation with Mr. McKinley?

21 A Well, it was the Sunday after -- actually, I think
22 I'm conflating two conversations now.

23 I think he first just reached out to me, you know, as a
24 human being, basically. And then I think he called me later,
25 perhaps sometime midweek last week, maybe, to just share the

1 information and ask me whether -- you know, how I was being
2 treated.

3 Q Okay. It was during this more recent conversation
4 that you discussed this disagreement about the production of
5 documents?

6 A Right, right.

7 Q So that would have been in response to a
8 congressional subpoena. Is that correct?

9 A Yes.

10 Q And do you know whether the disagreement surrounded
11 on whether the Department of State should produce documents
12 in response to the subpoena?

13 A Actually, I don't know.

14 Q Do you know whether Kent was arguing for the
15 production of documents?

16 A I can't tell you. I don't know.

17 Q Do you know whether the argument was at all related
18 to whether Mr. Kent should come and testify before this
19 committee?

20 A He -- Mike didn't say that, so I don't know.

21 THE CHAIRMAN: If I can just interject with a question.

22 Are you aware of any specific documents for which there
23 was a concern that they may be provided to the committee?

24 MS. YOVANOVITCH: No. I have been instructed by my
25 lawyers --

1 MR. ROBBINS: Ah, ah, ah, ah, ah.

2 MS. YOVANOVITCH: Okay. Sorry.

3 THE CHAIRMAN: Any -- anything --

4 MR. ROBBINS: That's only one time an hour that I wake
5 up.

6 THE CHAIRMAN: Any time a witness --

7 MR. ROBBINS: That's the moment.

8 MR. MEADOWS: Let the record reflect there was one time
9 you woke up for the other side.

10 THE CHAIRMAN: I'll yield back to Mr. Mitchell.

11 BY MR. MITCHELL:

12 Q Without divulging any communications that you may
13 have had with your attorney --

14 A Okay. Yeah.

15 Q -- have you had any disagreements with the
16 Department of State about any production of documents
17 concerning you?

18 A No.

19 Q All right.

20 A But I should also say, I haven't had --

21 MR. ROBBINS: Ah.

22 MS. YOVANOVITCH: Okay. All right.

23 MR. MITCHELL: Were you about to say that you have not
24 had any conversations with the Department of State about
25 these matters?

1 MR. ROBBINS: Her lawyers have done all the talking.

2 BY MR. MITCHELL:

3 Q I believe you said that -- I believe you used the
4 word "bullying." Is that right?

5 A Yes.

6 Q What did you mean by that?

7 A Well, it wasn't my word. It's what -- it's what
8 Mike said.

9 Q And in the context of the way in which Mr. McKinley
10 used the word "bullying," what was your understanding of that
11 term?

12 A My understanding was that in this dispute,
13 whatever it was between L, the legal people and Mr. Kent,
14 that the lawyers bullied George. That was my understanding,
15 but he didn't go into the details and I don't know what form
16 that would have taken.

17 Q All right. Did Mr. McKinley mention any other
18 individuals from the Department of State who may have been
19 involved in this dispute regarding the production of
20 documents?

21 A I can't recall whether he named anybody.

22 Q Do you recall whether Mr. McKinley mentioned
23 Secretary Pompeo during the course of this call?

24 A Not -- not that I recall. I mean, no, I don't
25 think he did.

1 Q And you said that Mr. McKinley said that the
2 Department is not supporting the employees. What did you
3 understand that to mean?

4 A Well, I think, you know, as we had discussed
5 earlier, that there are all sorts of attacks and allegations
6 out there, and the Department is not saying anything about
7 it. That's very unusual if, in fact, there is no cause for
8 my removal.

9 MR. MITCHELL: I think my time is up.

10 THE CHAIRMAN: And just to let Members know, we are
11 going to turn the air back on. It's feast or famine here,
12 and we're -- my staff tells me it started to smell like a
13 locker room in here.

14 So we'll turn it over to the minority and we'll turn the
15 air back on.

16 Mr. CASTOR: Mr. Jordan.

17 MR. JORDAN: Ambassador, last hour with Mr. Mitchell,
18 you mentioned -- you were talking some about your
19 conversation with George Kent.

20 What's George Kent's title again at the State
21 Department?

22 MS. YOVANOVITCH: Deputy Assistant Secretary of State in
23 the European Bureau.

24 MR. JORDAN: Okay. And you'd dealt with him before?

25 MS. YOVANOVITCH: Yes.

1 MR. JORDAN. Okay. And you officially left your duties
2 in the Ukraine?

3 MS. YOVANOVITCH: May 20th.

4 MR. JORDAN. May 20th. And then when were you hired at
5 Georgetown for the teaching position?

6 MS. YOVANOVITCH: I took home leave, and I started on I
7 think it was July 25th.

8 MR. JORDAN. July 25th. Okay. And Mr. -- yeah. That's
9 interesting.

10 MS. YOVANOVITCH: I hadn't actually made that
11 connection.

12 MR. JORDAN. Mr. Mitchell said you talked to Mr. Kent
13 about the call that President Trump had with President
14 Zelensky. Is that right?

15 MS. YOVANOVITCH: Yes, uh-huh.

16 MR. JORDAN. And can you give me the date of that
17 conversation you had?

18 MS. YOVANOVITCH: No. I mean, some time after that.

19 MR. JORDAN. Some time after what?

20 MS. YOVANOVITCH: After the call.

21 MR. JORDAN: Okay. And some time before September 25th?

22 MS. YOVANOVITCH: Yes.

23 MR. JORDAN: Was it in September? Was it in August?
24 Was it in July?

25 MS. YOVANOVITCH: I don't recall exactly, but it was

1 probably some -- well, it might even have been in September.

2 I would say probably August, but I also know that they
3 were on vacation, so maybe it was even in September.

4 MR. JORDAN. So you got a readout of what transpired --
5 you were not on the call.

6 MS. YOVANOVITCH: No.

7 MR. JORDAN. Right? Mr. Kent was not on the call?

8 MS. YOVANOVITCH: No.

9 MR. JORDAN. But you got a readout from what happened on
10 the call prior to any of us in the public knowing about the
11 contents of the call between President Trump and President
12 Zelensky?

13 MS. YOVANOVITCH: I think readout is a, you know, a big
14 term.

15 MR. JORDAN. And you --

16 MS. YOVANOVITCH: He shared with me some -- some
17 information about it.

18 MR. JORDAN. And you think that was in August or early
19 September?

20 MS. YOVANOVITCH: [Nonverbal response.]

21 MR. JORDAN. So weeks before the -- September 25th, the
22 date the rest of us got to see what was in that --

23 MS. YOVANOVITCH: Right.

24 MR. JORDAN: -- and got the transcript and it was
25 public. So you got that information weeks before?

1 MS. YOVANOVITCH: Yes.

2 MR. JORDAN. Why did you get that information? Did you
3 have any other responsibilities with -- continuing
4 responsibilities with Ukraine and your former position there?

5 MS. YOVANOVITCH: No.

6 MR. JORDAN: Why would Mr. Kent share that with you?

7 MS. YOVANOVITCH: I think he knows that I still care
8 about the bilateral relationship and I'm still interested.

9 MR. JORDAN. Is that normal?

10 MS. YOVANOVITCH: Yeah. I mean, I think that -- that
11 there are conversations about, you know, all sorts of things
12 that take place.

13 MR. JORDAN. I guess what I'm asking is you got a call
14 between two heads of state. You have certain staff, I assume
15 NSC staff, some State Department staff, potentially Justice
16 Department, I don't know who's all on that call, but it's
17 probably not something that should be shared and probably not
18 common knowledge. And yet the Deputy Assistant Secretary of
19 State shares it with someone who is no longer involved with
20 Ukraine, who's teaching a course at Georgetown. And I'm just
21 wondering, is that -- has that ever happened before, to your
22 knowledge?

23 MS. YOVANOVITCH: I'm sure it has.

24 MR. JORDAN. Really?

25 MS. YOVANOVITCH: Yeah.

1 MR. JORDAN. People would just share the contents of two
2 heads of states, the President of the United States' call
3 with someone who's not working in that particular area?

4 MS. YOVANOVITCH: I -- I mean, you're asking me my
5 opinion.

6 MR. JORDAN. Okay.

7 MS. YOVANOVITCH: So I'm sharing my opinion that I'm
8 sure something like that has happened before.

9 MR. JORDAN: Did anyone else talk to you about the
10 contents of the call between President Trump and President
11 Zelensky prior to September 25th when it was made public?

12 MS. YOVANOVITCH: No.

13 MR. JORDAN. Did Mr. Kent say that he had shared this
14 information with anyone else prior to when the rest of the
15 country got to see it?

16 MS. YOVANOVITCH: No. I mean, I don't think he said
17 that.

18 MR. JORDAN. Okay.

19 MR. CASTOR: Have you talked to anybody else about your
20 testimony?

21 MR. ROBBINS: I'm sorry. Could I hear that question
22 again?

23 MR. CASTOR: Have you talked to anybody else at the
24 State Department since you've been invited to testify about
25 some of the facts here?

1 MS. YOVANOVITCH: No. But I was subpoenaed to testify.

2 MR. JORDAN. Hey, Steve, just give me one second. Just
3 a quick follow. I apologize, Steve.

4 That call is classified? The call between President
5 Trump and President Zelensky, do you know if it was
6 unclassified at the time that he shared information about the
7 contents of the call?

8 MS. YOVANOVITCH: I don't know.

9 MR. JORDAN: Okay.

10 BY MR. CASTOR:

11 Q Other than with your lawyer, who have you had
12 discussions with about your testimony today?

13 A My brother. My brother has come up --

14 Q And your family members. I'm sorry. I don't want
15 to ask you about discussions with your family.

16 A Yes. I have not discussed my testimony with
17 anybody.

18 Q Okay. So since you've been invited to testify, or
19 subpoenaed -- initially it was a voluntary invite and then it
20 turned into a subpoena -- you haven't had any discussions
21 with the key players?

22 A No.

23 MR. CASTOR: I want to mark as exhibit -- are we up to
24 4?

25 MR. GOLDMAN: Yes.

1 MR. CASTOR: And we don't need to do majority, minority?
2 We just call it No. 4?

3 MR. GOLDMAN: We're all friends.

4 MR. ROBBINS: Sorry. Could we have just one moment?

5 Mr. CASTOR: Sure.

6 [Discussion off the record.]

7 [Majority Exhibit No. 4
8 was marked for identification.]

9 MR. ROBBINS: I have a -- for minority counsel.

10 MR. CASTOR: Sure.

11 MR. ROBBINS: The witness would like to expand on a
12 prior answer --

13 Mr. CASTOR: Of course.

14 MR. ROBBINS: -- that she gave a moment ago.

15 Mr. CASTOR: Please, please. At any time, feel free to
16 do that. There's nothing wrong with --

17 MS. YOVANOVITCH: Thank you.

18 So you had asked me about discussions with State
19 Department lawyers, and I answered that I wasn't having any
20 conversations with State Department lawyers.

21 But I've been reminded that in August one of the
22 staffers reached out to me on my personal email, and I
23 alerted the State Department about that, the request to, you
24 know, come and talk to the committee.

25 And so subsequently, and I think it was the week before

1 Labor Day, I had a telephone conversation with Cliff Johnson,
2 [REDACTED] from the State Department Legal Affairs office, as
3 well as [REDACTED] from the Legislative office.

4 So just to be sure that I'm absolutely factual.

5 BY MR. CASTOR:

6 Q We've marked Exhibit 4. This is a letter. I'll
7 give it to you first.

8 A Thank you.

9 Q This is the letter we are referring to in the last
10 round with Mr. Zeldin. I'll ask some questions and then I'll
11 ask Mr. Zeldin if he has any additional.

12 This is the letter to Lutsenko from Senators Menendez,
13 Durbin, and Leahy, dated May 4th, 2018?

14 A Yes.

15 Q Do you need a little bit of time to look at it
16 or -- are you familiar with this letter? Is this the first
17 time you've seen it?

18 A I don't think I've seen it before.

19 Q But this was during your tenure as the ambassador?

20 A Yes. Yeah, but Congress doesn't always and doesn't
21 have to share correspondence with foreign governments with
22 us.

23 Q Of course. I'm just asking if you've seen it or if
24 you know of anybody at the embassy that was aware of this
25 issue.

1 A I -- you know, I just don't recall ever having seen
2 this before.

3 Q When senators, especially senators involved with
4 the committees of jurisdiction, transmit letters, is that
5 ordinarily something that gets called to the embassy's
6 attention?

7 A It just depends.

8 Q Or does it happen so frequently that it's not
9 necessarily an issue?

10 A I would say it just depends.

11 Q Okay. And so you had no advance notice this letter
12 was coming? Nobody at the -- on any of the Senate staffs
13 communicated with the embassy, to your knowledge?

14 A I don't believe so.

15 Q And do you know if anybody at Lutsenko's office
16 communicated with the embassy that they received this letter?
17 Do you know how they handled this letter?

18 A I don't know that Mr. Lutsenko or anybody in his
19 office communicated with us about this, and I don't know
20 whether they responded, or any of that.

21 Q Is there anything else about this communication,
22 about this set of facts, that you can share with us that you
23 do remember, whether it was at the time or subsequently?

24 A I mean, do you want to ask me a more specific
25 question?

1 Q I'm just asking if --

2 A Yeah.

3 Q -- if you can recall anything else about this
4 letter, three senators, I believe they're all on the Foreign
5 Relations Committee, writing to express great concern about
6 reports that Lutsenko's office has taken steps to impede
7 cooperation with the Mueller probe.

8 A Uh-huh. Yeah.

9 Q So the question is, can you recall any additional
10 set of facts about this particular letter?

11 A No. No, I can't.

12 Q And do you have any facts about the Mueller probe
13 and officials in Ukraine cooperating or not cooperating with
14 the Mueller probe outside of this letter?

15 A No.

16 Q Did you know it was an issue or an alleged issue?

17 A No, I didn't. But, you know, before I was saying
18 that we have a mutual legal assistance treaty with Ukraine.
19 And so when there are matters, you know, that appropriately
20 would be taken up by DOJ or the FBI or something like that,
21 they go through those channels.

22 And they don't always, depending on what the issue is,
23 whether it's either so insignificant or whether it's, you
24 know, compartmentalized and very closely held, they don't
25 always share with us those things.

1 I'm assuming -- well, yeah. So I'm not aware.

2 Mr. CASTOR: Mr. Zeldin, do you have any additional
3 follow-up on this one?

4 MR. ZELDIN: Ambassador, you just testified that someone
5 had reached out to you personally in August on your personal
6 device?

7 MS. YOVANOVITCH: I'm sorry?

8 MR. ZELDIN: In clarifying an answer to a question asked
9 by the majority, I just want to understand what you were
10 saying. A staffer or somebody reached out to you in August?

11 MS. YOVANOVITCH: Oh, yeah. Uh-huh. Yeah. On my
12 personal email.

13 MR. ZELDIN: And what was that about?

14 MS. YOVANOVITCH: They -- from the Foreign Affairs
15 Committee, and they wanted me to come in and talk about, I
16 guess, the circumstances of my departure.

17 MR. ZELDIN: Come in and talk where? Who -- where were
18 they calling from?

19 MS. YOVANOVITCH: No. This was an email.

20 MR. ZELDIN: An email. Where were they emailing you
21 from?

22 MS. YOVANOVITCH: I presume Washington. It was House
23 Foreign Affairs.

24 MR. ZELDIN: A House Foreign Affairs staffer --

25 MS. YOVANOVITCH: Yeah.

1 MR. ZELDIN: -- reached out to you in August?

2 MS. YOVANOVITCH: Uh-huh.

3 MR. ZELDIN: Do you remember when in August that was?

4 MS. YOVANOVITCH: I want to say, like, maybe August --
5 mid-August, maybe. Maybe mid-August.

6 MR. ZELDIN: Did you know this person?

7 MS. YOVANOVITCH: Yes.

8 MR. ZELDIN: And how did -- where did you know that
9 person from?

10 MS. YOVANOVITCH: She had previously worked at the State
11 Department.

12 MR. ZELDIN: And how do you know that person at the
13 State Department?

14 MS. YOVANOVITCH: Because she worked at the State
15 Department.

16 MR. ZELDIN: Where did you work together at the State
17 Department?

18 MS. YOVANOVITCH: Well, I'm not exactly sure. I think
19 she worked in DRL and in the office that handles human
20 rights, and it must have been either in connection with my
21 Ukraine work or previous work in the European Bureau. I
22 don't recall exactly when we met.

23 MR. ZELDIN: And when was -- how often do you
24 communicate with this person?

25 MS. YOVANOVITCH: That was the only time.

1 MR. ZELDIN: When was the last time you had communicated
2 with that person?

3 MS. YOVANOVITCH: Well, I should actually clarify. So
4 she emailed me. I alerted the State Department and, you
5 know, asked them to handle the correspondence. And she
6 emailed me again and said, you know, who should I be in touch
7 with?

8 MR. ZELDIN: To try to get you to come in and testify to
9 the House Foreign Affairs Committee?

10 MS. YOVANOVITCH: It wasn't clear to me whether it was
11 going to be -- whether this was a discussion with her,
12 whether this was a discussion with other staffers, whether it
13 was a deposition. I mean, it just didn't get that far,
14 because I transferred that information to the State
15 Department lawyers -- well, H, actually.

16 MR. ZELDIN: And what specifically was she asking you to
17 speak about?

18 MS. YOVANOVITCH: I think -- I think it was the
19 circumstances of my departure, or maybe she just kept it more
20 general and said to catch up, but I understood it as that.

21 MR. ZELDIN: Do you know if she had reached out to other
22 people about that?

23 MS. YOVANOVITCH: I don't know.

24 MR. ZELDIN: And you -- one more time. And what did you
25 do after you received the email?

1 MS. YOVANOVITCH: I alerted the State Department,
2 because I'm still an employee and so matters are generally
3 handled through the State Department.

4 MR. ZELDIN: Was that person responded to by you or
5 someone else?

6 MS. YOVANOVITCH: I believe, yes, by [REDACTED] in
7 the Legislative Affairs office.

8 MR. ZELDIN: Did you receive any subsequent requests to
9 testify to the House Foreign Affairs Committee or to come in
10 to speak to someone at the House Foreign Affairs Committee
11 following that initial email? Was there any follow-up?

12 MS. YOVANOVITCH: Well, as I said, there was the second
13 email where she said, oh, okay, you know, who should I be
14 talking to?

15 I didn't respond to that email, because I had already
16 transferred everything to the State Department and I figured
17 they would be in touch, and they were.

18 MR. ZELDIN: Shifting gears, a question. Do you know
19 who a member of the Ukraine parliament is named Andrei
20 Derkach?

21 MS. YOVANOVITCH: Yes.

22 MR. ZELDIN: And what can you tell us about Andrei
23 Derkach? Did you have any personal interaction with this
24 person?

25 MS. YOVANOVITCH: I don't think so. I don't think so.

1 He was the son of a former intel chief and was a Rada deputy,
2 as you just pointed out.

3 MR. ZELDIN: Was this -- was Andrei Derkach respected in
4 the Ukraine, not respected? Do you know anything about his
5 character or reputation?

6 MS. YOVANOVITCH: I think he was generally believed to
7 be kind of part of the old system, shall we say, and so not
8 terribly respected by those who were trying to reform
9 Ukraine.

10 MR. ZELDIN: Are you aware of Andrei Derkach ever lying
11 about anything stated publicly?

12 MS. YOVANOVITCH: I just don't know him and know him
13 that well, and I can't recall at this time.

14 MR. PERRY: Good afternoon, Ambassador. Scott Perry
15 from Pennsylvania.

16 You strike me as a person who loves her country and
17 loves her enterprise.

18 MS. YOVANOVITCH: Thank you.

19 MR. PERRY: I appreciate your indulgence and patience
20 today.

21 MS. YOVANOVITCH: Thank you.

22 MR. PERRY: I want to go back to your opening statement,
23 page 7 for me here. I don't know where it is for you. But
24 the line in quotes, "since he was going to be impeached,"

25 And I'm just wondering, you said the allegation is

1 false, but would there be anything that you could think of
2 where one of your team members or somebody close to you
3 would -- you might imply something that you said would imply
4 or that they would infer a negative connotation regarding the
5 administration, administration policy, the President
6 particularly, other than that exact verbiage? Like, instead
7 of saying "since he was going to be impeached," you might
8 say, "Well, he's not going to be around very long," anything
9 like that at all?

10 MS. YOVANOVITCH: No.

11 MR. PERRY: Nothing at all that you would think that
12 would be negative that you -- they could imply or infer?

13 MS. YOVANOVITCH: Not -- not what -- not what you're
14 talking about, no.

15 MR. PERRY: Okay, ma'am.

16 Moving on. Ukrainian oligarch Victor Pinchuk, I
17 think -- I'm hoping you're aware, so I'm going to ask you a
18 couple questions. I think he's a donor to the Clinton
19 Foundation and the Atlantic Council. Also Mr. Pinchuk and
20 Burisma helped fund the Atlantic Council.

21 And the Atlantic Council, I don't know whether you're
22 aware, but I'm asking to ask you if you are, released a
23 report regarding their assertion of Shokin's corruption. Are
24 you aware of that?

25 MS. YOVANOVITCH: No, but it's in line with the kind of

1 work that they do.

2 MR. PERRY: Okay. And that, like I said, Victor Pinchuk
3 and Burisma both helped to fund the Atlantic Council and
4 maybe even some of the Burisma members are on the board of
5 the Atlantic Council.

6 Once they released that report, shortly thereafter,
7 Shokin got fired, and then very shortly thereafter Burisma
8 went to the new prosecutor general and asked for a reset.

9 Does that -- and I know that earlier you kind of implied
10 that you didn't want to get involved or didn't see it as your
11 position to get involved in the politics, the elections,
12 et cetera, of kind of either country in some way, the United
13 States of America or Ukraine, but because of some of the
14 relationships there, are you -- do you know who Victor
15 Pinchuk is? Do you have a relationship with him?

16 MS. YOVANOVITCH: Yes.

17 MR. PERRY: What is your relationship?

18 MS. YOVANOVITCH: He's one of the wealthiest men in
19 Ukraine. He's the son-in-law of former President Kuchma.
20 And so he is wealthy and obviously very involved in his
21 businesses.

22 But he also is interested in politics, I think funds,
23 you know, various political actors. At one time, he had his
24 own political party. At one time, he was a Rada deputy
25 himself.

1 And he also has this YES Foundation, the Yalta Economic
2 Summit, which previously was held in Crimea, now is held in
3 Kyiv every year, and he invites all sorts of luminaries from
4 all over the world to come to that.

5 And then throughout the year he does various events
6 where he'll invite somebody, like Mayor Giuliani, for
7 example, and then they'll have events, and one of the events
8 is a dinner.

9 So they do all sorts of things with --

10 MR. PERRY: But it didn't strike you at all
11 concerning -- I mean, with corruption being a kind of a --
12 one of the hallmarks, unfortunately, of the country of
13 Ukraine, it didn't strike you -- well, you didn't know
14 anything about the Atlantic Council's report?

15 MS. YOVANOVITCH: Well, it sounds from the way you're
16 describing the timeline of events --

17 MR. PERRY: Chain of events, correct.

18 MS. YOVANOVITCH: -- that that would -- that the release
19 of that article or report would have been well before I
20 arrived in Ukraine.

21 MR. PERRY: Okay.

22 MS. YOVANOVITCH: And as I said before, I wasn't aware
23 of that particular report from the Atlantic Council.

24 MR. PERRY: Fair enough, then. But then moving on,
25 regarding the 2016 elections, and you arrived in August

1 of 2016, did you have any concerns regarding corruption about
2 Ukraine's involvement in the Manafort investigation, Burisma
3 Holdings, et cetera, and the fact that in December of '18, so
4 that's about 2 years -- a little over 2 years after you
5 arrived, there were two convictions in Ukraine regarding
6 election interference of the United States? So did that
7 concern you?

8 And just as a curiosity for me, and maybe everybody
9 else, what do you see the ambassador's role in that,
10 especially with the collaborative agreement that the United
11 States has with Ukraine with this alleged or actual
12 corruption and the convictions?

13 MS. YOVANOVITCH: Well, my understanding is that the
14 lower court -- are you talking about Mr. Leshchenko?

15 MR. PERRY: There were two convictions. I don't have
16 the individuals' names at this time. But I'm sure we can get
17 them.

18 MS. YOVANOVITCH: Well, there was -- so I'll tell you
19 what I know.

20 MR. PERRY: Sure.

21 MS. YOVANOVITCH: There was a court case, and you're
22 correct that in the lower courts, they were found guilty.
23 And I'm not exactly sure what the charge was, but it was
24 overturned in the upper courts.

25 MR. PERRY: But it wasn't overturned until recently?

1 MS. YOVANOVITCH: That's correct.

2 MR. PERRY: So at that time, you're the ambassador at
3 that time, and, of course, you see everything that's going on
4 in the United States regarding the charge of Russian
5 collusion and Russian interference into the election, and
6 even though I think you said at some point that the Ukrainian
7 involvement was debunked, apparently it wasn't debunked in
8 2018 when these two individuals were convicted.

9 What was your role, if any, or what did you see your
10 role as in regarding our collateral relationship in the form
11 of a treaty regarding corruption between the United States
12 and Ukraine, you as the ambassador? Did you have any
13 interest? Did you do anything? Should you have done
14 anything?

15 MS. YOVANOVITCH: I -- so you put a lot of things on the
16 table, and so if I could just separate them out.

17 MR. PERRY: Yes, ma'am.

18 MS. YOVANOVITCH: So the issue of Burisma, I think, has
19 been addressed. Or do you have other, more specific
20 questions?

21 MR. PERRY: Well, I mean, it was part of -- it seems to
22 be an ongoing part of the conversation, whether in the past
23 with Pinchuk during the investigation heretofore, because you
24 knew it was out there, it had been started, it was, what was
25 the word you called?

1 MS. YOVANOVITCH: Dormant.

2 MR. PERRY: It was dormant, but it was hanging out there
3 maybe as leverage. And now, of course, it's come to light
4 again and has been in some light.

5 So, again, to me corruption's a big issue. We've got a
6 new President who just won a 70 percent election on
7 corruption itself. There's all this corruption conversation
8 going around, but quite honestly, no disrespect intended, I
9 don't know what the ambassador's involvement is in dealing
10 with that, so that's why I'm asking.

11 What is it? What should it be? What do you view your
12 role to be? What was the expectation from the State
13 Department?

14 MS. YOVANOVITCH: I think -- I mean, my role was to set
15 direction, to support various offices. We had the FBI there,
16 we had the narcotics law enforcement office, the State
17 Department has a big presence there. We have a number of
18 different offices, USAID, et cetera, et cetera, all of whom
19 have, you know, some portion of some of the issues that
20 you've raised.

21 And so my job is to set direction, provide support, and,
22 you know, kind of be the public persona. I don't get
23 involved in everything. People raise issues as they think
24 it's appropriate or I need to get involved.

25 So I don't know if that gives you a sense --

1 MR. PERRY: Did you have any conversations with the
2 Department of State, your bosses, George Kent or otherwise,
3 regarding Burisma, regarding the fact that it was involved in
4 the investigation, and that Mr. Biden, Vice President Biden's
5 son was a board member, or any -- or with the Department of
6 Justice? Did you have any conversations at all regarding
7 those proceedings and those occurrences over that course of
8 time?

9 MS. YOVANOVITCH: So Mr. Kent was the deputy in the
10 embassy until last summer, so we worked obviously very
11 closely together at that time. We, to my knowledge, we never
12 discussed Hunter Biden and his board role and all of that, or
13 to my recollection, I should say.

14 MR. PERRY: Okay.

15 MS. YOVANOVITCH: He did share with me his understanding
16 of what happened, what occurred with regard to the British
17 court case against Zlochevsky, the head of Burisma. That,
18 you know, again, happened before my arrival. That was, you
19 know, pretty much it.

20 MR. PERRY: So it was Leshchenko who was one of the two
21 persons convicted in 2018. Both were convicted of attempting
22 to influence the 2016 U.S. election. I'm sure you must have
23 had a keen awareness of it and the conviction. Just, do you
24 have any further thoughts on that and what you were thinking
25 at the time?

1 MS. YOVANOVITCH: Yeah. I mean, honestly, I didn't
2 believe the charges. I thought that they were politically
3 motivated against Leshchenko. We -- I guess all of these
4 things are judgment calls, but --

5 MR. PERRY: Okay.

6 MS. YOVANOVITCH: -- I did not feel --

7 MR. MEADOWS: So let me make sure. I want the spelling
8 of this. Is this L-e-s-h-c-h-e-n-k-o? Is that Leshchenko?

9 MS. YOVANOVITCH: Yes. Yeah. I mean --

10 MR. MEADOWS: Go ahead.

11 MS. YOVANOVITCH: -- there's many different ways you can
12 spell it, but that's one.

13 MR. MEADOWS: Well, for this North Carolina guy, that's
14 as close as I'm going to get. All right.

15 Go ahead. I didn't mean to interrupt. I'm sorry.

16 MS. YOVANOVITCH: So I felt it was kind of a politically
17 motivated charge against Mr. Leshchenko, and I -- again, you
18 know, it felt too political to me. There were no
19 instructions from the State Department or DOJ or, you know,
20 Washington to, you know, go in and do X, Y, or Z, and so I
21 really felt that we wanted to stay away from --

22 MR. PERRY: Okay.

23 MS. YOVANOVITCH: -- what seemed to be internal
24 Ukrainian political fights kind of using us.

25 MR. PERRY: It didn't concern you as the ambassador,

1 with everything that we were embroiled here in the United
2 States, that you didn't hear anybody, anything from higher up
3 in the State Department or in the Department of Justice
4 regarding the conviction, regardless of what your view of it
5 was? Does that seem -- because it was affecting the United
6 States election. And I don't have to probably remind you of
7 what's been going on for the last 2-1/2, 3 years here.

8 So it didn't strike you that you didn't get a phone
9 call, an email, or anything, you know, saying what's
10 happening here? Is this legitimate? Should we be concerned?
11 Is this something we should pursue?

12 MS. YOVANOVITCH: The court system in Ukraine, and
13 certainly at the time that we're talking about, was still not
14 reformed, and so the court system didn't have a great deal,
15 and still does not enjoy, a great deal of credibility.

16 MR. PERRY: Okay.

17 MS. YOVANOVITCH: So I think people, you know, just
18 didn't find it to be credible.

19 MR. MEADOWS: So, Ambassador -- excuse me, Scott, if I
20 can jump in, because I want to follow up, I guess, on a
21 couple of questions that have come up earlier.

22 MS. YOVANOVITCH: Uh-huh.

23 MR. MEADOWS: Because you've said that you have not
24 gotten involved really in the political sense, and yet here
25 we have --

1 MS. YOVANOVITCH: I try very hard.

2 MR. MEADOWS: Here we have a conviction of U.S.
3 meddling, and you just viewed that as not being significant
4 and you just dismissed it?

5 I just find that -- you know, everything else you've
6 been saying today, you know, that just is hard to believe
7 that, based on the backdrop of what we have, that you just
8 dismissed that and suggested that it just wasn't credible.

9 MS. YOVANOVITCH: Well, that was our view, that it
10 wasn't credible. The court process was continuing. And in
11 the end, they were acquitted.

12 MR. MEADOWS: So let me go a little bit further.

13 MS. YOVANOVITCH: Okay.

14 MR. MEADOWS: So you're saying -- sorry, I jumped on the
15 end of your statement. The court process was continuing and
16 they've been -- it's been overturned by a higher court now.
17 Is that what you were going to say?

18 MS. YOVANOVITCH: Yes.

19 MR. MEADOWS: So earlier you were asked about people
20 that you might have mentioned, when Mr. Zeldin was asking you
21 questions, and you could only recall.

22 MS. YOVANOVITCH: Mr. Sytnyk.

23 MR. MEADOWS: And so I've got some names that I just
24 want to kind of lay out for you to maybe would refresh your
25 memory. And one the of those names, actually the reason why

1 I spelled it out, was this very individual that Mr. Perry is
2 bringing up, that according to some of our sources would
3 indicate that the State Department and your group may have
4 mentioned that you wanted certain guardrails around
5 Mr. Leshchenko. Is that correct?

6 MS. YOVANOVITCH: No.

7 MR. MEADOWS: So you've never had a conversation with
8 anybody at the State Department regarding Mr. Leshchenko in
9 terms of saying, well, we need to make sure that he's off
10 limits?

11 MS. YOVANOVITCH: No.

12 MEADOWS: No special treatment for him?

13 MS. YOVANOVITCH: No.

14 MR. MEADOWS: All right. Well, you mentioned, was it
15 Nayem? Is that correct? Have you mentioned that before?

16 MS. YOVANOVITCH: Have I mentioned what?

17 MR. MEADOWS: So who was the one individual you said
18 that you weighed in on?

19 Mr. CASTOR: Sytnyk.

20 MS. YOVANOVITCH: Sytnyk. Sytnyk.

21 MR. MEADOWS: All right. How about AntAC? Does that
22 name ring a bell to you?

23 MS. YOVANOVITCH: Yes.

24 MR. MEADOWS: So have you weighed in verbally with
25 regards to any special treatment for AntAC?

1 MS. YOVANOVITCH: No. But here's the thing. What I
2 have consistently done is said that any prosecutions need to
3 be done according to the law and not be politically
4 motivated.

5 MR. MEADOWS: And that's consistent with your earlier
6 testimony. However, earlier, when Mr. Zeldin was asking you
7 about individual cases that you might have brought up and he
8 was saying case numbers, there seemed to be a little bit of
9 confusion. I guess is this one of the cases that you might
10 have brought up with other individuals at the State
11 Department?

12 MS. YOVANOVITCH: There was -- at the State Department?
13 We probably --

14 MR. MEADOWS: Or anywhere else.

15 MS. YOVANOVITCH: Yeah. So there was -- one of the
16 leaders of AntAC was -- there were demonstrations, I think,
17 in the -- I can't remember whether it was the fall or the
18 spring of 2016, and one of the individuals that leads AntAC
19 was -- there was, like, some hooliganism charge or something
20 like that where he had -- there was some charge like that.
21 Again, I'm sorry, it was a long time ago. I don't recall the
22 details.

23 So this is, again, not an anticorruption case. But,
24 again, cases should be dealt with in a consistent manner,
25 and, again, not politically motivated, and according to the

1 rule of law.

2 And I think, you know, in that hooliganism case, I think
3 members of the embassy probably did raise the issue that he
4 seemed to be scapegoating and being held to a different
5 standard than others who were maybe more aligned with the
6 administration.

7 MR. MEADOWS: So you did weigh in on that one in terms
8 of --

9 MS. YOVANOVITCH: It was not an anticorruption issue.

10 MR. MEADOWS: Okay. So let me give you another name,
11 then. Is it Shabunin, S-h-a-b-u-n-i-n?

12 MS. YOVANOVITCH: That's actually the name of the
13 individual.

14 MR. MEADOWS: All right. So that's the individual with
15 AntAC?

16 MS. YOVANOVITCH: That was up on hooliganism charges.

17 MR. MEADOWS: All right. And how about Nayem,
18 N-a-y-e-m? Does that ring a bell?

19 MS. YOVANOVITCH: Mustafa (ph) Nayem?

20 MR. MEADOWS: I'm sorry. I'm not Ukrainian. So you --

21 MS. YOVANOVITCH: Neither am I. Yeah. I don't recall
22 him actually --

23 MR. MEADOWS: So you don't recall weighing in with
24 regards to that individual in any --

25 MS. YOVANOVITCH: I don't think he was ever arrested or

1 charged with anything.

2 MR. MEADOWS: I didn't say that. I said did you weigh
3 in in terms of putting guardrails in terms of --

4 MS. YOVANOVITCH: No.

5 MR. MEADOWS: -- the treatment of that particular
6 individual with anyone from the embassy?

7 MS. YOVANOVITCH: And can I -- and I would also say, we
8 don't put guardrails on individuals.

9 MR. MEADOWS: Okay. Well, let's change the words,
10 because those are my words. So obviously you're saying we're
11 looking at it a little differently. And obviously with
12 regards to the one individual, you did say you felt like they
13 were getting a bum deal. Is that correct?

14 MS. YOVANOVITCH: Yeah. I think what we try to do is to
15 talk about the principles that should govern the way, you
16 know, whether it's law enforcement or other things are
17 conducted, but we don't say yea or nay.

18 MR. MEADOWS: Yeah. And so I want to make sure I'm --
19 you know, I'm saying weighing in. It was actually weighing
20 in with the prosecutor, is what I'm talking about.

21 So when you've weighed in with the prosecutor on any of
22 these four people, or the four names that I've given you,
23 have you weighed in with the prosecutor from the embassy to
24 the prosecutor in Ukraine at all?

25 MS. YOVANOVITCH: I'm not sure that conversation took

1 place with the prosecutor.

2 MR. MEADOWS: Well, with anyone associated with the
3 prosecutor?

4 And I think you know where I'm going with this, but if I
5 need to spell it out, I'm willing to do that.

6 MS. YOVANOVITCH: So --

7 MR. MEADOWS: I just want to -- I want to make sure you
8 clarify the record, because you've seemed like you're trying
9 to get the testimony right, and that's why I'm giving you
10 these names.

11 MS. YOVANOVITCH: Uh-huh. So you're saying that I
12 weighed in.

13 What was actually happening is that on this particular
14 case with Mr. Shabunin, the Presidential administration was
15 weighing in with me and with us at the embassy, because they
16 felt that we had influence with Mr. Shabunin and to see
17 whether he could, you know, curtail his criticism, shall we
18 say, of Mr. Poroshenko and events in Ukraine.

19 And they -- when there was this incident, which I don't
20 recall very well, they raised that and said, you know, you
21 see clearly he's a bad apple -- my words now, not theirs.
22 And, you know, again, I said, well, you know, I mean,
23 obviously you have processes, but they need to be according
24 to the principles that we've been talking about for all this
25 time.

1 MR. MEADOWS: So let me switch gears real quickly,
2 because I don't know that we've got much time left.

3 How much time do we have left.

4 Mr. CASTOR: The time expires at 5:27, so we've got
5 about 7 minutes.

6 MR. MEADOWS: All right. So let me switch gears and
7 follow up on something that Mr. Jordan had asked about. He
8 was talking about the conversation you had in August with
9 Mr. Kent.

10 MS. YOVANOVITCH: Yes.

11 MR. MEADOWS: And Mr. Kent shared, I guess, the details
12 or his perception of a classified phone conversation between
13 two leaders with you. Is that --

14 THE CHAIRMAN: If I could just interject. No one has
15 said it was classified except --

16 MR. MEADOWS: Well, I mean, we had to have it
17 unclassified for us to see it. I mean, it says
18 "unclassified" on the top.

19 THE CHAIRMAN: Well, you're positing, though, that the
20 witness has said that this is a classified call or that
21 that's an established fact.

22 MR. MEADOWS: Well, let her answer that.

23 Did he indicate that it was a classified call?

24 MS. YOVANOVITCH: No.

25 MR. MEADOWS: Did you have any idea that it perhaps

1 could be a classified call between two foreign leaders?

2 MS. YOYANOVITCH: [Nonverbal response.]

3 MR. MEADOWS: You're a career diplomat. I can't imagine
4 that --

5 MS. YOYANOVITCH: Yeah. I didn't think that the
6 particular thing, the particular part that he shared with me
7 actually was classified.

8 MR. MEADOWS: What particular part did he share with
9 you?

10 MS. YOYANOVITCH: Well, as I said --

11 MR. MEADOWS: Did he talk about a whistleblower at all
12 in that conversation?

13 MS. YOYANOVITCH: No, no.

14 MR. MEADOWS: So why did he reach out to you?

15 MS. YOYANOVITCH: I'm not sure he reached out to me.

16 MR. MEADOWS: Well, you said he called you, right?

17 MS. YOYANOVITCH: No, I didn't. I mean, I think --
18 again, I can't recall whether it was in -- I think you were
19 asking me whether it was in August or September. But we, you
20 know, at a meeting or something, we spoke about this. It
21 wasn't over a phone.

22 MR. MEADOWS: So at a meeting at Georgetown? Where was
23 the meeting? I mean, because you weren't in your official
24 capacity. I'm just trying to --

25 MS. YOYANOVITCH: Yeah.

1 MR. MEADOWS: -- get a sense of why all of a sudden the
2 two of you would be talking about something that we didn't
3 find out about until weeks later.

4 MS. YOVANOVITCH: Right. I'm sorry. I can't remember
5 the circumstances of the conversation.

6 MR. MEADOWS: Do you remember where the conversation
7 took place?

8 MS. YOVANOVITCH: I do not. I do not.

9 MR. MEADOWS: So you just know that it took -- so it may
10 have been in a meeting or it may have been in a phone call,
11 but you don't recall?

12 MS. YOVANOVITCH: Well, I'm pretty sure it wasn't a
13 phone call, because -- I'm pretty sure it wasn't a phone
14 call.

15 But I -- you know, as to -- so you're asking why? I
16 think because he knew that I was still interested, still
17 interested in Ukraine.

18 MR. MEADOWS: So he was -- he knew you were interested
19 in a phone call that took place that you didn't know had --

20 MS. YOVANOVITCH: Interested in the bilateral
21 relationship.

22 MR. MEADOWS: I beg your pardon?

23 MS. YOVANOVITCH: Interested in the bilateral
24 relationship, and, you know, hoping --

25 MR. MEADOWS: So did he say anything negative about the

1 President of the United States in that conversation with you?

2 MS. YOVANOVITCH: No, I wouldn't say that.

3 MR. MEADOWS: So it was a -- he said it in a positive
4 manner about -- I mean, help -- bring me into the room, into
5 the conversation. How did he characterize the President's
6 actions, in a positive or negative manner?

7 MS. YOVANOVITCH: I think it was just a factual manner,
8 that this occurred and this was Zelensky's response.

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