

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

MICHAEL T. FLYNN,

Defendant

Crim. No. 17-232 (EGS)

UNITED STATES' SUPPLEMENTAL MEMORANDUM IN AID OF SENTENCING

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby respectfully submits its Supplemental Memorandum in Aid of Sentencing for defendant Michael T. Flynn. In its initial sentencing memorandum, the government recommended that the defendant receive a sentence at the low end of the Guidelines range. *See* Government's Memorandum in Aid of Sentencing, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 4, 2018) (Doc. 46) ("Gov't Sent'g Mem."). At that time, the government represented that the defendant had accepted responsibility, and it filed a motion for a downward departure pursuant to Section 5K1.1 of the United States Sentencing Guidelines ("U.S.S.G." or "Guidelines").

At the initial sentencing hearing in December 2018, the Court raised concerns about proceeding to sentencing without "fully understanding the true extent and nature" of the defendant's assistance. Hearing Transcript at 31, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 18, 2018) ("12/18/2018 Hearing Tr."). Upon a motion of the defendant predicated on a desire to "complete his cooperation" in the case of *United States v. Bijan Rafiekian*, No. 18-cr-457, in the U.S. District Court for the Eastern District of Virginia ("EDVA"), the Court continued his sentencing. 12/18/2018 Hearing Tr. at 46-47.

The defendant is now scheduled to be sentenced almost exactly three years from the date of his primary criminal conduct – lying to the FBI – and the intervening years have included periods where the defendant has sought to assist and aid the government, and periods where the defendant has sought to thwart the efforts of the government to hold other individuals, principally Bijan Rafiekian, accountable for criminal wrongdoing. Given the serious nature of the defendant’s offense, his apparent failure to accept responsibility, his failure to complete his cooperation in – and his affirmative efforts to undermine – the prosecution of Bijan Rafiekian, and the need to promote respect for the law and adequately deter such criminal conduct, the government recommends that the court sentence the defendant within the applicable Guidelines range of 0 to 6 months of incarceration.

I. Background

On December 1, 2017, the defendant entered a plea of guilty to a single count of “willfully and knowingly” making material false statements to the Federal Bureau of Investigation (“FBI”) regarding his contacts with the Government of Russia’s Ambassador to the United States (“Russian Ambassador”) during an interview with the FBI on January 24, 2017 (“January 24 interview”), in violation of 18 U.S.C. § 1001(a)(2). *See* Information, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Nov. 30, 2017) (Doc. 1); Statement of Offense at ¶¶ 3-4, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 1, 2017) (Doc. 4) (“SOF”). In addition, at the time of his plea, the defendant admitted making other material false statements and omissions in multiple documents that he filed on March 7, 2017, with the Department of Justice (“DOJ”) pursuant to the Foreign Agents Registration Act (“FARA”), which pertained to his work for the principal benefit of the Government of Turkey. *See* SOF at ¶ 5. These additional material false statements are relevant conduct that the Court can and should consider in determining where within the Guidelines range to sentence the defendant.

The defendant was initially scheduled to be sentenced by this Court on December 18, 2018, even though the defendant had not completed his cooperation. The parties sought to hold the hearing at that time because the defendant had expressed a desire to be sentenced as soon as possible. The government assented to his request because the sole outstanding area of cooperation pertained to the *Rafiekian* case, and the defendant had already testified under oath before a federal grand jury in that matter. The government expected that, in the event the *Rafiekian* case went to trial, the defendant would testify at trial consistent with that grand jury testimony and the Statement of Offense.

In anticipation of that hearing, the parties filed sentencing memoranda. As part of its submission, the government requested that the Court grant a downward departure for providing substantial assistance to the government. The government provided a detailed accounting of the defendant's assistance to the government in several ongoing investigations, including the investigation by the Special Counsel's Office ("SCO"). *See* Addendum to Government's Memorandum in Aid of Sentencing, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 19, 2019) (Doc. 146) ("Addendum"). Notably, only the assistance he had provided in the *Rafiekian* case was deemed "substantial." *Id.* at 2. The government recognized that "some of that benefit [of the defendant's substantial assistance] may not be fully realized at this time," but it represented that the government and the defendant "agree that sentencing at this time is nonetheless appropriate because sufficient information is available to allow the Court to determine the import of the defendant's assistance to his sentence." *Id.* at 2. In addition to asking the Court to credit the defendant with providing substantial assistance, the government recommended that the defendant receive credit for accepting responsibility. For the reasons detailed below, the government now withdraws both requests.

The defendant was not sentenced at the December 18 hearing. The Court first engaged in an “extension . . . of the plea colloquy.” Hearing Transcript at 5, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 18, 2018) (“12/18/2018 Hearing Tr.”). Based upon the defendant’s responses, the Court found that the defendant entered his earlier guilty plea while “competent and capable.” *Id.* at 16. The Court then engaged in a colloquy with the government, during which the government represented that “based on the totality of the assistance that the defendant had provided at that point,” it believed that a motion for a downward departure based on his substantial assistance was warranted. *Id.* at 27. The government further stated that based not only on “the assistance he provided, but the nature of the investigations . . . , that the defendant had provided the vast majority of cooperation that could be considered,” concluding that the Court “was in a position to consider the vast majority of not just the cooperation, but the *potential* benefit of that cooperation.” *Id.* (emphasis added). The Court inquired whether the defendant could have been charged as a co-defendant in the *Rafiekian* case, and the government affirmed that the defendant could have been charged with various offenses in connection with his false statements in his FARA filings, consistent with his Statement of Offense. *Id.* at 28.

With respect to sentencing, the Court reminded the defendant that he could be sentenced to a term of imprisonment, and reminded the defendant of the government’s representation that some of the benefit of his cooperation “may not be fully realized at this time.” *Id.* at 30. The Court then asked whether the defendant therefore wished to fully complete his cooperation with the government in order to improve potentially his sentence. *Id.* at 30-34, 44. The defendant noted that any remaining cooperation consisted of testifying at the *Rafiekian* trial, and requested that the Court continue the sentencing hearing. *Id.* at 46-47.

It is within the government’s sole discretion to determine whether the defendant has “substantially assisted” the government. In light of the complete record, including actions

subsequent to December 18, 2018, that negate the benefits of much of the defendant's earlier cooperation, the government no longer deems the defendant's assistance "substantial."

Based on the defendant's conduct since the time of the December 18, 2018, sentencing hearing, the government also does not believe the defendant should receive credit for acceptance of responsibility. Indeed, the government has reason to believe, through representations by the defendant's counsel, that the defendant has retreated from his acceptance of responsibility in this case regarding his lies to the FBI. For that reason, the government asks this Court to inquire of the defendant as to whether he maintains those apparent statements of innocence or whether he disavows them and fully accepts responsibility for his criminal conduct.

II. Factual Summary of the Defendant's Conduct Relevant to Sentencing

The underlying facts in this case should not be in dispute. As the Court has noted, the defendant admitted to the underlying criminal conduct "when he entered his guilty pleas in this case." *See* Memorandum Opinion at 4, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 16, 2019) (Doc. 144) ("Mem. Opinion"). At sentencing, just one year ago, the defendant reiterated that he "d[id] not take issue" with the government's description of that conduct. *See* Defendant's Memorandum in Aid of Sentencing at 7, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 11, 2018) (Doc. 50) ("Def. Sent'g Mem."). In his recent filings and statements, however, the defendant has disputed that conduct and the underlying facts. Accordingly, the government below highlights relevant facts for purposes of sentencing. As described in the Statement of Offense, this case is about multiple false statements that the defendant made to various DOJ entities. The defendant's first series of false statements occurred during an interview with the FBI about his communications with the Russian Ambassador. The defendant also made a second series of false statements in his FARA filings that pertain to his work for the Government of Turkey.

i. *False Statements to the FBI About Communications with the Russian Ambassador*

In July 2016, the FBI opened an investigation into the Russian government's efforts to interfere in the 2016 presidential election, including the nature of any links or coordination between the Russian government and individuals associated with the campaign of then-candidate Donald J. Trump ("FBI counterintelligence investigation"). The inquiry included examining relationships between individuals associated with the campaign and the Russian government, as well as identifying actions of such individuals that would have benefited the Russian government. During the presidential election, the defendant served as a surrogate and national security advisor for the campaign of Donald J. Trump. *See* SOF at ¶ 1. After the election, the defendant became a senior member of the President-Elect's transition team and was chosen to become the National Security Advisor. *Id.*

On December 28, 2016, then-President Barack Obama signed an executive order that implemented a series of sanctions against Russia in response to that government's actions to interfere with the 2016 presidential election; concurrently, the Obama Administration expelled 35 Russian government officials and closed two Russian government-owned compounds in the United States (collectively, "sanctions"). *See* SOF at ¶ 3; SPECIAL COUNSEL ROBERT S. MUELLER III, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 PRESIDENTIAL ELECTION (Mar. 2019) ("Special Counsel Report"), Vol. I. at 168-69. The U.S. Intelligence Community assessed that Russian President Vladimir Putin "ordered an influence campaign in 2016 aimed at the US presidential election[.]" with a goal of "undermin[ing] public faith in the US democratic process." INTELLIGENCE CMTY. ASSESSMENT, "ASSESSING RUSSIAN ACTIVITIES AND INTENTIONS IN RECENT US ELECTIONS," at ii (Jan. 6, 2017).

That evening, the Russian Ambassador texted the defendant, "can you kindly call me back at your convenience." Special Counsel Report, Vol. I. at 169. At the time, the defendant

was on vacation, while multiple senior officials from the transition team were with President-Elect Trump in Palm Beach, Florida. *See* SOF at ¶ 3. When the sanctions were announced publicly on December 29, 2016, the defendant texted a transition team member: “Russian AMBO reaching out to me today.” Special Counsel Report, Vol. I. at 170. The defendant then spoke to K.T. McFarland, the incoming Deputy National Security Advisor who was in Palm Beach, to discuss what to communicate to the Russian Ambassador about the sanctions. That conversation included a discussion that the transition team did not want Russia to escalate the situation, and that the defendant would relay such a message to the Russian Ambassador. *See* SOF at ¶ 3. Immediately after speaking with McFarland, the defendant spoke with the Russian Ambassador and discussed the sanctions, among other topics. *Id.* With respect to the sanctions, the defendant requested that Russia not escalate the situation and only respond in a reciprocal manner. *Id.* After the conversation, the defendant reported to McFarland his discussion of sanctions with the Russian Ambassador. *Id.*

The next day, Putin released a statement that Russia would not take retaliatory measures in response to the sanctions at that time. *Id.* On December 31, 2016, the Russian Ambassador called the defendant and told him the request had been received at the highest levels and that Russia had chosen not to retaliate to the sanctions in response to the request. *See* Special Counsel Report, Vol. I. at 171. Later that day, the defendant spoke with McFarland and relayed his conversation with the Russian Ambassador. *See* SOF at ¶ 3.

In the days that followed, the Russian government’s actions to interfere in the election remained a significant topic for the transition team and the public. On January 6, 2017, the U.S. Intelligence Community briefed the President-Elect and members of his national security team—including the defendant—on a joint assessment that concluded with high confidence that Russia

had interfered in the election. *See* Special Counsel Report, Vol. II. at 27. A declassified version of the assessment was publicly released that same day.

A few days later, on January 12, 2017, the *Washington Post* (“*Post*”) published a story alleging that the defendant had spoken with the Russian Ambassador on December 29, 2016, the day the sanctions were announced. *See* David Ignatius, *Why did Obama Dawdle on Russia’s hacking?*, WASH. POST (Jan. 12, 2017). The *Post* story queried whether the defendant’s actions had undercut the sanctions and violated the Logan Act. In response, the defendant had K.T. McFarland contact the *Post* on January 13 and convey false information about his communications with the Russian Ambassador. *See* Government’s Reply to Defendant’s Memorandum in Aid of Sentencing at 2, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 14, 2018) (Doc. 56) (“Gov’t Reply to Def. Sent’g Mem.”).

Over the next two weeks, the defendant repeated the same false statements about the sanctions to multiple members of the transition team, including Vice President-Elect Michael Pence, who repeated those false statements on national television.¹ On January 23, 2017, the White House Press Secretary recounted that he had recently spoken with the defendant, and the defendant had again denied speaking to the Russian Ambassador about sanctions. *See White House Briefing by Sean Spicer – Full Transcript*, Jan. 23, 2017, CBS NEWS (Jan. 24, 2017).

The following day, as part of the FBI counterintelligence investigation, the FBI interviewed the defendant about his conversations with the Russian Ambassador. During the

¹ *See, e.g., Face the Nation transcript January 15, 2017: Pence, Manchin, Gingrich*, CBS NEWS (Jan. 15, 2017) (Vice President Pence recounting that defendant told him he did not discuss sanctions with the Russian ambassador); *Meet The Press 01/15/17*, NBC NEWS (Jan. 15, 2017) (Priebus recounting that he had talked to the defendant and “[t]he subject matter of sanctions or the actions taken by the Obama [sic] did not come up in the conversation [with the Russian ambassador]”).

interview, the defendant disclosed some communications that he had had with Russian government officials, but omitted his communications with the Russian Ambassador about the sanctions. *See* Notice (Official Record of January 24 Interview Report), *United States v. Flynn*, No. 17-cr-232 (D.D.C. June 6, 2019) (Doc. 85). The defendant also omitted references to his communications with the Russian Ambassador in December 2016 about requesting that Russia vote against or delay a United Nations Security Council resolution. *Id.* The defendant's request was contrary to the position of the then-current administration, and was relevant to the FBI's investigation. When the interviewing agents attempted to refresh the defendant's recollection about his conversations with the Russian Ambassador about the sanctions, the defendant continued to deny that such conversations had occurred. *Id.* It was material to the FBI's counterintelligence investigation to know the full extent of the defendant's communications with the Russian Ambassador, and why he lied to the FBI about those communications.

On February 8, 2017, the defendant spoke to the *Post*, and again denied that he had discussed sanctions with the Russian Ambassador. The next day, the *Post* reported that U.S. officials stated that the defendant had discussed sanctions with the Russian Ambassador. *See* Greg Miller, et al., *National security adviser Flynn discussed sanctions with Russian ambassador, despite denials, officials say*, WASH. POST (Feb. 9, 2017). The defendant then changed his story, and started claiming that "he couldn't be certain that the topic [of sanctions] never came up." *Id.* Four days later, on February 13, 2017, President Trump asked for the defendant's resignation, and the defendant complied.

ii. *False Statements to the DOJ About his Work for the Government of Turkey*

The defendant's false statements to the DOJ pertain to work that he and his company, the Flynn Intel Group ("FIG"), performed for the Government of Turkey. On July 15, 2016, a coup d'état was attempted in Turkey. The Government of Turkey maintained that a cleric living in the

United States, Fethullah Gulen, was responsible for the failed coup. Just twelve days later, the defendant and Rafiekian (Vice Chairman of FIG) began exchanging emails with Ekim Alptekin, a Turkish national with connections to high-level Government of Turkey officials, about assisting the Government of Turkey's effort to obtain custody of Gulen. *See* Attachment 1 (selected trial exhibits from *United States v. Bijan Rafiekian*, No. 18-cr-457, 2019 WL 4647254 (E.D. Va. Sept. 24, 2019)), Ex. 8B.² The decision to hire the defendant and his company was based in part on the defendant's work for and relationship with then-presidential candidate Trump.

The defendant, Rafiekian, and Alptekin devised a campaign pertaining to Gulen, which they called the "Truth" campaign, with the direction, support, and authorization of the Government of Turkey. For example, on August 8, 2016, Alptekin reported that he had just had a "long meeting with [the Turkish] Minister of Economy upon the referral of [Turkish Minister of Foreign Affairs Mevlut] Cavusoglu. I explained what we can offer. He agreed to discuss in general lines at the council of ministers today and subsequently with [Turkish Prime Minister Binali] Yildirim in more detail." *See* Attachment 1, Ex. 14A. Just two days later, Alptekin informed the defendant and Rafiekian that he had just "finished in Ankara after several meetings today with Min of Economy and [Minister of Foreign Affairs] Cavusoglu. I have a green light to discuss confidentiality, budget and the scope of the contract." *See* Attachment 1, Ex. 16. On September 8, 2016, Alptekin reported that he "will send the agreement // just left [Prime Minister]'s office." *See* Attachment 1, Ex. 67J. That same day, the defendant and Alptekin signed a contract that would pay FIG \$600,000 for 90 days of work. *See* Attachment 1, Ex. 58.

² Exhibits in Attachment 1 are not consecutively numbered, and are referred to by the exhibit number used in the *Rafiekian* trial.

One of the first actions that the defendant and Rafiekian took after signing the contract and receiving payment was attending a meeting in New York City with Turkish ministers. On September 19, 2016, the defendant, Rafiekian, Alptekin, and two other FIG associates met with Turkish Minister of Foreign Affairs Cavusoglu and the Turkish Minister of Energy. *See In re Grand Jury*, Testimony of Michael T. Flynn (June 26, 2018) (“Grand Jury Tr.”) at 22-25 (Attachment 2); Attachment 1, Ex. 61. The conversation centered on Gulen and the Government of Turkey’s efforts to obtain custody of Gulen. *See, e.g.*, Attachment 1, Ex. 26B (talking points for the meeting).

After receiving feedback from those Turkish officials, work on the project began.³ During September and October 2016, members of the team lobbied a member of Congress, a Congressional staffer, and a state government official about Gulen, including the prospect of holding Congressional hearings on Gulen. *See* Attachment 1, Exs. 30A, 30B, 61. The team also discussed publishing an op-ed about Gulen. During a meeting towards the end of the project, on November 2, 2016, Alptekin expressed frustration with the team’s lack of progress. In response, later that day, Rafiekian emailed Alptekin a draft of an op-ed that urged the United States to extradite Gulen. *See* Attachment 1, Ex. 45A. In that email, Rafiekian wrote, “A promise made is a promise kept.” *Id.* The next day, Rafiekian emailed the defendant that Rafiekian had asked an editor to “review and edit my 1000 word draft to make sure it is tight before I send it out to you.” Attachment 1, Ex. 47. Four days later, on November 8, 2016, the day of the presidential

³ The Government of Turkey provided supervision and direction throughout the project. For example, the defendant sent a text message on October 22, 2016, explaining that he had just talked to Alptekin who thought FIG’s social media analysis was “worth talking to [Minister of Foreign Affairs Cavusoglu] about as well as all the other talking points.” Attachment 1, Ex. 40. The district judge in *Rafiekian* ruled that this exhibit was not admissible as a coconspirator statement, based in part on the defendant’s decision to intervene against the government, in a legal, evidentiary argument. *See infra*, at 24-25.

election, the op-ed, credited as authored by the defendant, was published in *The Hill*. *See* Attachment 1, Ex. 50; *see also* Grand Jury Tr. at 31-32. The op-ed blamed Gulen for the attempted coup and urged the U.S. government to deny him refuge in the United States. At no point during FIG's lobbying efforts or in the op-ed did the defendant disclose his affiliation with the Government of Turkey.

Following the publication of the defendant's op-ed, the FARA Unit of the DOJ sent the defendant a letter requesting information in order to determine whether the defendant had an obligation to register as an agent of a foreign government under FARA. *See* Attachment 1, Ex. 90. From December 2016 to March 2017, the defendant worked with attorneys from the law firm of Covington & Burling ("Covington") to determine whether he and his company had an obligation to register and to draft such registration documents. On March 7, 2017, the defendant and Rafiekian filed multiple documents with the DOJ pursuant to FARA. *See* Attachment 1, Ex. 56 (Registration Statement); Ex. 58 (Exhibits A and B); Ex. 61 (Supplemental Statement); Ex. 64 (Short Form Registration Statement – Flynn); Ex. 65 (Short Form Registration Statement – Rafiekian). All but one of the filings was signed by the defendant. *Id.*

The FARA filings contained multiple false statements and made at least one material omission, including:

1. The filings affirmatively stated that FIG did not know whether or the extent to which the Republic of Turkey was involved in the Turkey project. *See* Attachment 1, Ex. 58 (Registration Statement, Exhibit A).
2. The filings omitted that officials from the Republic of Turkey provided supervision and direction over the Turkey project. *See, e.g.*, Attachment 1, Ex. 56 (Registration Statement, Para. 7 & 8).
3. The filings affirmatively stated that FIG "understood the engagement to be focused on improving U.S. business organizations' confidence regarding doing business in Turkey." *See* Attachment 1, Ex. 61 (Supplemental Statement, Attachment).

4. The filings affirmatively stated that the defendant published the op-ed “on his own initiative;” and it was not undertaken at the direction or control of a foreign principal. *See* Attachment 1, Ex. 61 (Supplemental Statement, Paragraph 13).

These false statements were described in the Statement of Offense, and at the time of his initial guilty plea, the defendant admitted under oath that these statements were material and false. *See* SOF at ¶ 5.

The evidence and the defendant’s sworn testimony before the grand jury in the *Rafiekian* case demonstrate overwhelmingly that these three affirmative statements are false, and that the omitted statement is true. With respect to #1 and #2, the defendant’s and Rafiekian’s communications with Alptekin show that work on the project did not begin until the Government of Turkey approved the work and the budget. *See, e.g.*, Attachment 1, Exs. 14A, 16, 40, 67J. The defendant also testified before the grand jury that the project “was always on behalf of elements within the Turkish government,” and Turkish officials were involved throughout the project. *See* Grand Jury Tr. at 5-12. With respect to #3, the defendant denied before the grand jury that the project focused on improving U.S. business organizations’ confidence regarding doing business in Turkey. *See, e.g.*, Grand Jury Tr. at 9 (“Q: Was any work done regarding business opportunities and investment in Turkey? A: Not that I’m aware of.”). And with respect to #4, the emails between the defendant, Rafiekian, and Alptekin show that the op-ed was drafted immediately after Alptekin expressed frustration with the lack of progress on the project, and Rafiekian indicated that the op-ed was part of his “promise” to Alptekin. *See, e.g.*, Attachment 1, Exs. 45A, 47. The defendant likewise testified before the grand jury that Rafiekian drafted the op-ed, that it was a deliverable for the project, and that it was necessary because FIG “needed to

show [they] had done something because [they] really hadn't done much by that point." Grand Jury Tr. at 31-32.⁴

III. Sentencing Recommendation and Analysis

The defendant's multiple lies to various DOJ entities warrant a sentence within the Guidelines range that is "sufficient, but not greater than necessary, to comply with' the purposes of federal sentencing, in light of the Guidelines and other § 3553(a) factors." *Freeman v. United States*, 564 U.S. 522, 529 (2011) (citing 18 U.S.C. § 3553(a)).

"Federal sentencing law requires the district judge in every case to impose 'a sentence sufficient, but not greater than necessary, to comply with' the purposes of federal sentencing, in light of the Guidelines and other § 3553(a) factors." *Freeman*, 564 U.S. at 529 (citing 18 U.S.C. § 3553(a)). When weighing the § 3553(a) factors as part of its calculus of an appropriate sentence, the Court should consider not only the nature and circumstances of the offense and the history and characteristics of the defendant, but also the applicable sentencing objectives—that is, that the sentence: (1) reflect the seriousness of the offense; (2) promote respect for the law; (3) provide just punishment; (4) afford adequate deterrence; (5) protect the public; and (6) effectively provide the defendant with needed educational or vocational training and medical care. *See* 18 U.S.C. §§ 3553(a)(1) and (2). Furthermore, the sentence should reflect "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct." 18 U.S.C. § 3553(a)(6).

⁴ Rafiekian was not charged in EDVA with making false statements in the FARA filings, which is the relevant conduct as to defendant Flynn that the government highlights in this submission, and to which the defendant admitted in the Statement of Offense. Instead, Rafiekian was charged with being an agent of the Government of Turkey without notifying the Attorney General, in violation of 18 U.S.C. § 951, and conspiring to do so and to violate FARA, in violation of 18 U.S.C. § 371.

In *United States v. Booker*, 543 U.S. 220 (2005), the Supreme Court ruled that the Guidelines are no longer mandatory. However, “[a]s a matter of administration and to secure nationwide consistency, the Guidelines should be the starting point and the initial benchmark” for determining a defendant’s sentence. *Gall v. United States*, 552 U.S. 38, 49 (2007) (citations omitted). The Supreme Court has “recognized that, in the ordinary case, the Commission’s recommendation of a sentencing range will ‘reflect a rough approximation of sentences that might achieve § 3553(a)’s objectives.’” *Kimbrough v. United States*, 552 U.S. 85, 109 (2007) (quoting *Rita v. United States*, 551 U.S. 338, 350 (2007)). As one member of this Court has held, “*Booker* requires judges to engage in a two-step analysis to determine a reasonable sentence.” *United States v. Doe*, 412 F. Supp. 2d 87, 90 (D.D.C. 2006) (Bates, J.). Accordingly, after reviewing the Guidelines calculation, “the [court] should then consider all of the § 3553(a) factors to determine whether they support the sentence requested by a party. In so doing, [the court] may not presume that the Guidelines range is reasonable . . . [but] must make an individualized assessment based on the facts presented.” *Gall*, 552 U.S. 38 at 49-50 (citations omitted).

A. United States Sentencing Guidelines Calculation

The government submits that under the Guidelines, the appropriate total offense level is six, which based on the defendant’s criminal history category of I, results in a Guidelines range of 0 to 6 months of incarceration and a fine of \$1000-\$9500. With respect to other relevant Guidelines provisions, the Court should consider the defendant’s lies to the DOJ in connection with his FARA filings as relevant conduct for the purpose of determining his sentence within the applicable Guidelines range under U.S.S.G. §§ 1B1.3 and 1B1.4. Based on the assertions made in recent defense filings, and absent the defendant clearly and credibly disavowing those assertions during a colloquy with the Court at the sentencing hearing, the defendant is not

entitled to credit under U.S.S.G. § 3E1.1(a) for accepting responsibility. Finally, the government is no longer moving for a departure under U.S.S.G. § 5K1.1 for providing substantial assistance to the government.

i. Base Offense Level

The government agrees with the Presentence Report (“PSR”) that the appropriate Guidelines for the criminal conduct at issue here, violating 18 U.S.C. § 1001, is U.S.S.G. § 2B1.1(a)(2), results in a base offense level of six. *See* PSR at ¶ 27. That conclusion also reflects the parties’ Guidelines calculation in the plea agreement. *See* Plea Agreement at 2, *United States v. Flynn*, No. 17-cr-232 (D.D.C. Dec. 1, 2017) (Doc. 3) (“Plea Agmt”).

ii. Relevant Conduct Analysis

In fashioning its sentence, the Court must consider all relevant criminal conduct. Under the Guidelines, “the sentencing range for a particular offense is determined on the basis of all ‘relevant conduct’ in which the defendant was engaged and not just with regard to the conduct underlying the offense of conviction.” *Witte v. United States*, 515 U.S. 389, 393 (1995) (citing U.S.S.G. § 1B1.3, “[c]onduct that is not formally charged or is not an element of the offense of conviction may enter into the determination of the applicable guideline sentencing range.” U.S.S.G. § 1B1.3, comment, backg’d). Section 1B1.4 of the Guidelines further provides: “[i]n determining the sentence to impose within the Guidelines range, or whether a departure from the Guidelines is warranted, the court may consider, without limitation, any information concerning the background, character and conduct of the defendant, unless otherwise prohibited by law.” U.S.S.G. § 1B1.4 (citing 18 U.S.C. § 3661). Courts may consider such relevant conduct in determining the sentence within the range prescribed by the base offense level. *See United States v. Dorcelly*, 454 F.3d 366, 276 (D.C. Cir. 2006) (upholding as reasonable the District Court’s reliance on acquitted conduct in sentencing the defendant to 24 months in a false

statements case); *see also United States v. Pinnick*, 47 F.3d 434, 438 (D.C. Cir. 1995) (citing *United States v. Wood*, 924 F.2d 399, 403 (1st Cir. 1991) (the court may consider conduct related to other offenses when selecting the specific sentence within that range)).

Here, in determining where within the Guidelines range to sentence the defendant, the Court should consider not just the defendant's lies to the FBI regarding his contact with the Russian Ambassador, but also his lies to the DOJ in his FARA filings concerning his work on behalf of the Government of Turkey. *See* SOF at ¶ 5. His lies pertaining to FARA constitute relevant conduct under Section 1B1.3(a)(1)(A) ("all acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, or willfully caused by the defendant"). Those lies are particularly relevant here, as they demonstrate a pattern of lies to DOJ entities that, collectively, deprived the DOJ of the ability to learn about foreign governments' efforts to influence the public and our government.

The defendant's false statements to the FBI were significant. When it interviewed the defendant, the FBI did not know the totality of what had occurred between the defendant and the Russians. Any effort to undermine the recently imposed sanctions, which were enacted to punish the Russian government for interfering in the 2016 election, could have been evidence of links or coordination between the Trump Campaign and Russia. Accordingly, determining the extent of the defendant's actions, why the defendant took such actions, and at whose direction he took those actions, were critical to the FBI's counterintelligence investigation.

For similar reasons, the defendant's materially false statements and omissions in his FARA filings are relevant conduct, and should be considered by the Court in determining where within the applicable Guidelines range to sentence the defendant.⁵ The purpose of FARA is to

⁵ The defendant now asserts that the FARA paragraph in the Statement of Offense, Paragraph 5, is "meaningless" because the word "willful" was not included in the Statement of

provide transparency on efforts by foreign entities, in particular foreign governments, to influence the American public and our government. FARA ensures that the public and our government know when foreign actors are behind activity intended to influence policy or opinion, so that policymakers and the public can properly evaluate the activity. Here, the defendant was working under the “supervision and direction” of the Government of Turkey, but never made such disclosures. SOF ¶5. During the entirety of the defendant’s time as the National Security Advisor and a senior advisor to the Presidential Transition Team, the public and our government did not know about his relationship with the Government of Turkey. When he published an op-ed seeking to remove a U.S. resident from the United States, the public was not informed that he and his company had been paid to do so at the behest of the Government of Turkey. Instead, he falsely represented in his FARA filings that the op-ed was written at his own

Offense when describing the defendant’s false statements to the FARA Unit. *See* Defendant’s Response to the Court’s Order of July 9 and Government’s Filing of July 10 at 7, *United States v. Flynn*, 17-cr-232 (D.D.C. July 11, 2019) (Doc. 98) (“Def. Resp. to Court”) (“Nowhere, however, did [the defendant] sign or recite that he willfully allowed the filing to proceed”); SOF at ¶ 5. The defendant’s new position on the FARA offense is contradicted by his prior statements, his prior conduct, and the evidence. As the government noted in its reply to the defendant’s original sentencing memo, the defendant “chose to make” those false statements after receiving an explicit warning that providing false information was a federal offense. *See* Gov’t Reply to Def. Sent’g Mem. at 5. The defendant did not object when the government represented at the defendant’s initial sentencing hearing that the Statement of Offense represented the defendant’s “unlawful” conduct, or that he could have been indicted in EDVA for that conduct. *See* 12/18/2018 Hearing Tr. at 27-28, 35. The defendant’s lack of objection at that time was not surprising in light of the evidence. One year earlier, he told the FBI that he had seen FIG’s FARA application prior to it being filed. *See* June 25, 2018, Interview of Defendant at 4 (Attachment 3). When one of the defendant’s attorneys who was helping him prepare the filings sent the defendant an email with a draft of the FARA filings, which requested that he review the filings, the defendant responded, “Yes, approved, this is as discussed.” July 3, 2019 Interview of Robert Kelner at 5 (Attachment 4). Multiple Covington attorneys similarly informed the FBI that the defendant reviewed the FARA filings. *See* June 21, 2018 Interview of Brian Smith at 6 (Attachment 5); June 21, 2018 Interview of Robert Kelner at 7 (Attachment 6). And when the defendant signed five of the FARA filings, he affirmed, “under penalty of perjury,” that he “read the information” in the filings, was “familiar with the contents thereof[,] and that such contents are in their entirety true and accurate.” *See* Attachment 1, Ex. 56 p. 6; Ex. 58 pp. 2, 5; Ex 61 p. 9; Ex. 64 p. 2.

initiative. And when individuals hired by his company lobbied federal and state officials, those individuals never disclosed that their activity was all being done under the “supervision and direction” of the Government of Turkey.

Accordingly, the defendant’s false statements regarding his work for the Government of Turkey are relevant conduct for purposes of sentencing.

iii. *Based on the Current Record, the Defendant Has Failed to Accept Responsibility*

Based on statements made in recent defense filings, the defendant has not accepted responsibility for his criminal conduct, and therefore is not entitled to any such credit unless he clearly and credibly disavows those statements in a colloquy with the Court. The Guidelines provide for a two-level reduction “[i]f the defendant *clearly* demonstrates acceptance of responsibility for his offense.” U.S.S.G. § 3E1.1(a) (emphasis added). A “defendant who enters a guilty plea is not entitled to an adjustment . . . as a matter of right.” *United States v. Saani*, 650 F.3d 761, 767 (D.C. Cir. 2011) (quoting U.S.S.G. § 3E1.1 cmt. n.3). The defendant bears the burden of convincing the Court that he is entitled to a downward adjustment for acceptance of responsibility. *See United States v. McLean*, 951 F.2d 1300, 1302 (D.C. Cir. 1991). The plea agreement mirrors the Guidelines, conditioning credit for accepting responsibility on the defendant “*clearly* demonstrat[ing] acceptance of responsibility, *to the satisfaction of the Government*, through [the defendant’s] allocation, adherence to every provision of this Agreement, and conduct between entry of the plea and imposition of sentence.” Plea Agmt at 2 (emphasis added). The defendant has made no such demonstration, clear or otherwise.⁶

At the time of the defendant’s initial sentencing hearing on December 18, 2018, the government supported the defendant receiving credit for accepting responsibility because the

⁶ The PSR was prepared over one year ago, on November 20, 2018. On December 26, 2019, the government informed the Probation Office that due to the defendant’s recent conduct,

defendant appeared to have accepted responsibility for all of his criminal conduct. During the hearing, the Court engaged in a dialogue with the defendant concerning arguments in his sentencing memorandum that appeared to challenge the circumstances of the January 24 interview. *See* 12/18/2018 Hearing Tr. at 6-7. However, when questioned by the Court, the defendant declined to challenge the circumstances of that interview. *Id.* at 8. When pressed by the Court about whether he wanted to proceed with his guilty plea “[b]ecause you are guilty of this offense,” the defendant unequivocally responded, “Yes, Your Honor.” *Id.* at 16. And when the Court asked whether he was “continuing to accept responsibility for [his] false statements,” the defendant replied, “I am, Your Honor.” *Id.* at 10. The defendant’s recent conduct and statements dramatically differ from those representations to the Court, which he made under oath.

Six months later, in June 2019, the defendant began retracting those admissions and denying responsibility for his criminal conduct. Far from accepting the consequences of his unlawful actions, he has sought to blame almost every other person and entity involved in his case, including his former counsel. Most blatantly, the defendant now professes his innocence. *See, e.g.,* Reply in Support of His Motion to Compel Production of *Brady* Material and to Hold the Prosecutors in Contempt at 2, 6, *United States v. Flynn*, 17-cr-232 (D.D.C. Oct. 22, 2019) (Doc. 129-2) (“Reply”) (“When the Director of the FBI, and a group of his close associates, plot to set up an innocent man and create a crime . . . ;” alleging that text messages provided by the government “go to the core of Mr. Flynn’s . . . innocence”). With respect to his false statements to the FBI, he now asserts that he “was honest with the agents [on January 24, 2017] to the best

it did not believe the defendant was entitled to a two-level reduction for accepting responsibility pursuant to U.S.S.G. § 3E1.1(a). As of the date of this filing, the government has not had the opportunity to meet with the Probation Office to explain its position.

of his recollection at the time.” Reply at 23. Such a claim is far from accepting responsibility for his actions. As the defendant admitted in his plea agreement and before this Court, during the January 24 interview the defendant knew he was lying to the FBI, just as he knew he was lying to the Vice President of the United States.

The defendant has also chosen to reverse course and challenge the elements and circumstances of his false statements to the FBI. *See, e.g.*, June 6, 2019 Sidney Powell Letter to the Attorney General (Doc. 122-2) (“Powell Letter to AG”). The defendant now claims that his false statements were not material, *see* Reply at 27-28, and that the FBI conducted an “ambush-interview” to trap him into making false statements, *see* Reply at 1. The Circuit Court recently stated in *United States v. Leyva*, 916 F.3d 14 (D.C. Cir. 2019), *cert. denied*, No. 19-5796, 2019 WL 5150737 (U.S. Oct. 15, 2019), that “[i]t is not error for a district court to ‘require an acceptance of responsibility that extended beyond the narrow elements of the offense’ to ‘all of the circumstances’ surrounding the defendant’s offense.” *Id.* at 28 (citing *United States v. Taylor*, 937 F.2d 676, 680-81 (D.C. Cir. 1991)). A defendant cannot “accept responsibility for his conduct and simultaneously contest the sufficiency of the evidence that he engaged in that conduct.” *Id.* at 29. Any notion of the defendant “clearly” accepted responsibility is further undermined by the defendant’s efforts over the last four months to have the Court dismiss the case. *See* Reply at 32.⁷

⁷ Even where defendants have asserted a defense of entrapment, it is permissible for a court to bar a defendant from receiving an acceptance of responsibility reduction. *See United States v. Layeni*, 90 F.3d 514, 524 (D.C. Cir. 1996) (no error where court used entrapment arguments to find a defendant had not accepted responsibility); *United States v. Hoenscheidt*, 7 F.3d 1528, 1532 (10th Cir. 1993) (no error where sentencing court acknowledged entrapment defense does not necessarily bar Section 3E1.1 reduction and “used his entrapment arguments to find [he] had not accepted responsibility”).

iv. *The Defendant Has Not Substantially Assisted the Government*

At the time of his initial sentencing on December 18, 2018, the government represented to the Court that the defendant had provided substantial assistance. As described in the Addendum to its original sentencing memorandum, at that time the government represented that the defendant had assisted in three investigations, but only deemed his assistance in the *Rafiekian* case as “substantial.” See Addendum at 2. In reference to the *Rafiekian* case, the government informed the Court that “the defendant’s cooperation and assistance have been critical to [the government’s] investigation;” that the defendant had interviewed multiple times with the prosecutors, “testified before the Grand Jury in EDVA, and provided materials that substantially aided its investigation;” and that the defendant’s assistance had “cemented” the prosecutors’ decision to charge Rafiekian and Alptekin. *Id.* at 2-3.

In reference to the SCO’s investigation, the government stated that the defendant had assisted the SCO’s investigation on “a range of issues,” through the course of 19 interviews, and it provided three examples of such assistance. *Id.* at 3-5. The government also highlighted the timeliness of the defendant’s assistance, stating: “The usefulness of the defendant’s assistance is connected to its timeliness. The defendant began providing information to the government not long after the government first sought his cooperation. His early cooperation was particularly valuable because he was one of the few people with long-term and firsthand insight regarding events and issues under investigation by the SCO. Additionally, the defendant’s decision to plead guilty and cooperate likely affected the decisions of related firsthand witnesses to be forthcoming with the SCO and cooperate.” *Id.* at 5.

Although the government noted that “some of th[e] benefit” of the defendant’s assistance “may not be fully realized at th[at] time,” it proceeded to sentencing because it believed the defendant’s anticipated testimony in the *Rafiekian* case had been secured through his grand jury

testimony and the Statement of Offense.⁸ The Court, however, expressed that “courts are reluctant to proceed to sentencing unless and until cooperation has been completed . . . [b]ecause the Court wants to be in a position to fully evaluate someone’s efforts to assist the government.” 12/18/2018 Hearing Tr. at 26. The Court’s concern that the parties had prematurely proceeded to sentencing was prescient.

The defendant retained new counsel in June 2019. Less than three weeks before the *Rafiekian* trial, as prosecutors were in the process of preparing for the defendant’s testimony, his new counsel proffered a new version of events surrounding the FARA filings. That version of events was, in the view of the *Rafiekian* prosecutors, among other things, contradicted by the defendant’s sworn grand jury testimony, statements he had made to the FBI in several interviews, and the testimony of other expected trial witnesses. In light of that view, the *Rafiekian* prosecutors made a rational, strategic decision not to call the defendant as a witness, and promptly disclosed the proffered new version of events to *Rafiekian*’s counsel.⁹

The most serious charge against Bijan Rafiekian was acting as an agent of a foreign government without notifying the Attorney General, in violation of 18 U.S.C. § 951. The contested issue at trial with respect to that charge was whether Rafiekian knew that the Government of Turkey was exercising direction and control over the Turkey project. The defendant’s anticipated testimony at trial would have provided the best and most direct evidence

⁸ While the defendant provided information that was “useful” to the SCO investigation, Addendum at 4, his assistance in that investigation was never “substantial.”

⁹ Rafiekian’s counsel characterized the “new Flynn version of events” as “an unbelievable explanation, intended to make Flynn look less culpable than his signed December 1, 2017 Statement of Offense and consistent with his position at his sentencing hearing. In short, Flynn wants to benefit off his plea agreement without actually being guilty of anything.” See Defendant’s Memorandum Regarding Correction at 5, *United States v. Bijan Rafiekian*, No. 18-cr-457 (E.D. Va. July 5, 2019) (Doc. 262).

of that allegation, to include that his knowledge of the Government of Turkey's role came from what Rafiekian told him. *See* Grand Jury Tr. at 5, 6, 12-13.¹⁰

Once the *Rafiekian* prosecutors made the rational, strategic determination not to call the defendant as a witness, the government moved to designate the defendant as a coconspirator in order to admit an exhibit as a statement of a coconspirator pursuant to FED. R. EVIDENCE 801(d)(2)(E). *See* Notice of Correction to the Record at 2, *United States v. Bijan Rafiekian*, No. 18-cr-457 (E.D. Va. July 3, 2019) (Doc. 261); *see also* Hearing Transcript at 23-25, *United States v. Bijan Rafiekian*, No. 18-cr-457 (E.D. Va. July 12, 2019) (Doc. 309). This designation would have permitted the introduction at the *Rafiekian* trial of a single email, Exhibit 40, discussed *supra* at 11, authored by the defendant, which would have provided some evidence of the direction and control exercised over the project by the Government of Turkey.¹¹ Remarkably, the defendant, through his counsel, then affirmatively intervened in the *Rafiekian* case and filed a memorandum opposing the government's theory of admissibility on the grounds that the defendant was not charged or alleged as a coconspirator. *See* Flynn Memorandum Opposing Designation, *United States v. Bijan Rafiekian*, No. 18-cr-457 (E.D. Va July 8, 2019) (Doc. 270). This action was wholly inconsistent with the defendant assisting (let alone

¹⁰ The import of such testimony is evidenced by the district judge's decision to overturn the guilty verdict in the case, which was based in part on his finding that there was "no substantial evidence that Rafiekian agreed to operate subject to the direction or control of the Turkish government." *United States v. Rafiekian*, No. 18-cr-457, 2019 WL 4647254, at *12 (E.D. Va. Sept. 24, 2019). The district judge's decision to overturn the verdict is currently on appeal to the Fourth Circuit. *United States v. Rafiekian*, No. 19-4803 (4th Cir. Oct. 31, 2019).

¹¹ Because the Court found that there was insufficient evidence that Rafiekian was, himself, a member of a conspiracy, this document was entered into evidence only to show that it had been received by Rafiekian, not for its truth.

substantially assisting) or cooperating with the government in that case.¹² Accordingly, while the defendant initially helped the prosecutors in EDVA bring the *Rafiekian* case, he ultimately hindered their prosecution of it.

The Guidelines provide for a downward departure, upon “motion of the government,” if the “defendant has provided substantial assistance in the investigation or prosecution of another person who has committed an offense.” U.S.S.G. § 5K1.1. As the Guidelines make clear, the discretion to seek such a departure rests with the government. The plea agreement is explicit on that point, stating that the “[g]overnment determines” whether the defendant “has provided such substantial assistance” to merit a departure, and that such a determination “is within the *sole* discretion of the Government and not reviewable by the Court.” Plea Agmt at 9 (emphasis

¹² Any claim by the defendant that the *Rafiekian* prosecution was aided by his agreement to waive the attorney-client privilege and the attorney work-product doctrine regarding his attorneys’ preparation and filing of the FARA documents would be unfounded. The defendant explicitly did not waive any privileges or protections with respect to the preparation and filing of the FARA documents. No waiver occurred because the government (and the defendant’s attorneys) did not believe a waiver for such information was necessary—information provided to a lawyer for the purposes of a public filing is not privileged. The district judge in *Rafiekian* agreed with that conclusion, and permitted the defendant’s attorneys to testify about what the defendant and Rafiekian told them because those statements were not privileged or protected as opinion work product. *See United States v. Rafiekian*, No. 18-cr-457, 2019 WL 3021769, at *2, 17-19 (E.D. Va. July 9, 2019).

added).¹³ Here, in the sole exercise of its discretion, the government withdraws its prior motion for a downward departure pursuant to Section 5K1.1.¹⁴

B. Analysis of Factors Enunciated in 18 U.S.C. § 3553(a)

The factors enunciated in Section 3553(a) all favor the imposition of a sentence within the Guidelines range. The defendant's offense is serious, his characteristics and history present aggravating circumstances, and a sentence reflecting those factors is necessary to deter future criminal conduct. Similarly situated defendants have received terms of imprisonment.

i. Nature and Circumstances of the Offense

Public office is a public trust. The defendant made multiple, material and false statements and omissions, to several DOJ entities, while serving as the President's National Security Advisor and a senior member of the Presidential Transition Team. As the government represented to the Court at the initial sentencing hearing, the defendant's offense was serious. *See* Gov't Sent'g Mem. at 2; 12/18/2018 Hearing Tr. at 32 (the Court explaining that "[t]his crime is very serious").

The integrity of our criminal justice depends on witnesses telling the truth. That is precisely why providing false statements to the government is a crime. As the Supreme Court has noted:

¹³ The government does not believe it is prudent or necessary to relitigate before this Court every factual dispute between the defendant and the *Rafiekian* prosecutors. The above explanation of the decision not to call the defendant as a witness in the *Rafiekian* trial is provided as background for the Court to understand the basis for the government's decision to exercise its discretion to determine that the defendant has not provided substantial assistance to the government. The government is not asking this Court to make factual determinations concerning the defendant's interactions with the *Rafiekian* prosecutors, other than the undisputed fact that the defendant affirmatively litigated against the admission of evidence by the government in that case.

¹⁴ The government notes its decision to withdraw its motion for substantial assistance has no impact on the applicable Guidelines range, which will remain 0 to 6 months of incarceration.

In this constitutional process of securing a witness' testimony, perjury simply has no place whatsoever. Perjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings. Effective restraints against this type of egregious offense are therefore imperative. The power of subpoena, broad as it is, and the power of contempt for refusing to answer, drastic as that is -- and even the solemnity of the oath -- cannot insure truthful answers. Hence, Congress has made the giving of false answers a criminal act punishable by severe penalties; in no other way can criminal conduct be flushed into the open where the law can deal with it.

United States v. Mandujano, 425 U.S. 564, 576 (1975); *see also Nix v. Whiteside*, 457 U.S. 157, 185 (1986) (“[t]his Court long ago noted: ‘All perjured relevant testimony is at war with justice, since it may produce a judgment not resting on truth.’”) (quoting *In re Michael*, 326 U.S. 224, 227 (1945)). All persons carry that solemn obligation to tell the truth, especially to the FBI.

The defendant's repeated failure to fulfill his obligation to tell the truth merits a sentence within the applicable Guidelines range. As the Court has already found, his false statements to the FBI were material, regardless of the FBI's knowledge of the substance of any of his conversations with the Russian Ambassador. *See* Mem. Opinion at 51-52. The topic of sanctions went to the heart of the FBI's counterintelligence investigation. Any effort to undermine those sanctions could have been evidence of links or coordination between the Trump Campaign and Russia. For similar reasons, the defendant's false statements in his FARA filings were serious. His false statements and omissions deprived the public and the Trump Administration of the opportunity to learn about the Government of Turkey's covert efforts to influence policy and opinion, including its efforts to remove a person legally residing in the United States.

The defendant's conduct was more than just a series of lies; it was an abuse of trust. During the defendant's pattern of criminal conduct, he was the National Security Advisor to the President of the United States, the former Director of the Defense Intelligence Agency, and a retired U.S. Army Lieutenant General. He held a security clearance with access to the

government's most sensitive information. The only reason the Russian Ambassador contacted the defendant about the sanctions is because the defendant was the incoming National Security Advisor, and thus would soon wield influence and control over the United States' foreign policy. That is the same reason the defendant's fledgling company was paid over \$500,000 to work on issues for Turkey. The defendant monetized his power and influence over our government, and lied to mask it. When the FBI and DOJ needed information that only the defendant could provide, because of that power and influence, he denied them that information. And so an official tasked with protecting our national security, instead compromised it.

ii. *History and Characteristics of the Offender*

The defendant's extensive military record, as described in his prior sentencing submission, presents a clear factor in mitigation. *See* Def. Sent'g Mem. at 7-12. However, that extensive record and government service, at the highest levels of the national security apparatus, and his "many years" of working with the FBI, should have made him particularly aware of the harm caused by providing false statements to the government. *See id.* at 13. That work also exposed him to the threat posed by foreign governments, in particular Russia, seeking to covertly influence our government and democracy.

iii. *The Need for Adequate Deterrence and to Promote Respect for the Law*

The sentence should adequately deter the defendant from violating the law, and to promote respect for the law. It is clear that the defendant has not learned his lesson. He has behaved as though the law does not apply to him, and as if there are no consequences for his actions. That has been reinforced by his failure to accept responsibility and by his affirmative litigation against the admission of evidence proffered by the government in the *Rafiekian* case.

The sentence should also to deter others from lying to the government. The FBI protects our homeland from terrorism, espionage, cyber-based attacks, and all other manner of threats.

Lying to the FBI, in any context, cannot be tolerated. That is particularly true in a counterintelligence investigation targeting efforts by a foreign government to interfere in our democratic process—a threat that continues to this day. Our criminal justice system depends on the solemn obligation of witnesses to tell the truth, regardless of their motives to do otherwise. Minimizing the seriousness of the defendant’s actions would tempt future witnesses to flout that obligation. Similarly, FARA is at the focal point of the government’s efforts to combat covert foreign influence. That is particularly the case for senior government officials, who should be held to a higher standard when it comes to being honest and transparent, especially when those officials hold positions of trust and power.

iv. Avoiding Unwarranted Sentencing Disparities

It goes without saying that this case is unique. *See* 12/18/2018 Hearing Tr. at 43 (Court noting that “[t]his case is in a category by itself”). Few courts have sentenced a high-ranking government official and former military general for making false statements. And the government is not aware of any case where such a high-ranking official failed to accept responsibility for his conduct, continued to lie to the government, and took steps to impair a criminal prosecution. Accordingly, while Section 3553(a)(6) requires the court to consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct,” there are no similarly situated defendants.

Although other persons investigated by the SCO pleaded guilty to lying to the FBI and were sentenced to varying terms of incarceration, those individuals and their conduct are easily distinguishable. *See id.* at 42-43 (“The Court’s of the opinion that those two cases aren’t really analogous to this case. I mean, neither one of those individuals was a high-ranking government official who committed a crime while on the premises of and in the West Wing of the White House.”). Alex van der Zwaan lied to the SCO, pled guilty to violating 18 U.S.C. § 1001, and

was sentenced to 30 days incarceration and a fine of \$20,000. *See United States v. van der Zwaan*, No. 18-cr-31 (ABJ). George Papadopoulos likewise lied to the SCO, pled guilty to violating 18 U.S.C. § 1001, and was sentenced to serve 14 days incarceration, to perform 200 hours of community service, and pay a fine of \$9,500. *See United States v. Papadopoulos*, No. 17-cr-182 (RDM). Neither defendant was a high-ranking government official, held a position of trust vis-à-vis the United States, held a security clearance, had a special understanding of the impact of providing misleading information to investigators, or denied responsibility for his unlawful conduct.

The most recent sentencing pertaining to an individual charged by the SCO is also distinguishable. Last month, Richard W. Gates III was sentenced to 45 days of intermittent confinement during a 36-month probationary period for lying to the SCO and conspiring to commit multiple offenses, including tax fraud and violating FARA. *See United States v. Richard W. Gates III*, 17-CR-201-2 (ABJ). As Judge Amy Berman Jackson noted at the sentencing hearing, Gates' assistance was "extraordinary," including more than 50 interviews and truthful testimony in three different federal trials (Paul Manafort, Gregory Craig, and Roger Stone). *See Sentencing Hearing Transcript at 30, 35, United States v. Richard W. Gates III*, 17-CR-201-2 (D.D.C. Dec. 17, 2019). Moreover, Gates accepted responsibility for all of his unlawful conduct, including uncharged conduct. *See id.* at 26, 30-31 ("it is telling and it is particularly positive that this defendant has accepted responsibility"). The Court granted the government's motion for a significant downward departure pursuant to Section 5K1.1 for providing substantial assistance, gave Gates credit for accepting responsibility, and still sentenced him to 45 days of confinement. *See id.* at 8, 38.

Just over one year ago, James A. Wolfe, who had served as the Director of Security for the Senate Select Committee on Intelligence for 30 years, was sentenced to two months of

incarceration and a fine of \$7,500 for lying to the FBI. *See United States v. James A. Wolfe*, 17-CR-170 (KBJ). At sentencing, Judge Ketanji Brown Jackson stressed that “[l]ying to the FBI is a serious crime, especially when it is committed by a government official who understands the importance of truthfulness in the context of a national security investigation.” *See Sentencing Hearing Transcript at 60, United States v. James A. Wolfe*, 17-CR-170 (D.D.C. Dec. 20, 2018). The court concluded that Wolfe’s position—which was far less significant than the defendant’s position as National Security Advisor—was an aggravating factor to consider at sentencing, and one that distinguished his case from those of Papadopoulos and van der Zwaan. Moreover, in that case, the defendant received credit for accepting responsibility.

In the above cases, a term of imprisonment was imposed. The government acknowledges that the defendant’s history of military service, and his prior assistance to the government, though not substantial, may distinguish him from these other defendants. The government asks the Court to consider all of these factors, and to impose an appropriate sentence within the Guidelines range.

CONCLUSION

For the foregoing reasons, the government submits that a sentence within the Guidelines range is appropriate and warranted.

Respectfully submitted,

JESSIE K. LIU
United States Attorney
D.C. Bar No. 472845

By: _____/s/_____

Brandon L. Van Grack
Special Assistant U.S. Attorney
950 Pennsylvania Ave., NW
Washington, DC 20530
(202) 233-0968

Jocelyn Ballantine
Assistant United States Attorney
555 4th Street, NW
Washington, D.C. 20530
(202) 252-7252

Dated: January 7, 2020

CERTIFICATE OF SERVICE

I, Jocelyn Ballantine, certify that I caused to be served a copy of the foregoing by electronic means on counsel of record for the defendant on January 7, 2020.

/s/

Jocelyn Ballantine
Assistant United States Attorney
555 4th Street, NW
Washington, D.C. 20530
(202) 252-7252
Attorney for the United States of America

Attachment 1

From: Bijan Kian <kian@flynnintelgroup.com>
Sent: Wednesday, July 27, 2016 1:40 PM
To: Ekim Alptekin
Subject: Re: All good to go

I had a detailed discussion with my MF last night. We are ready to engage on what needs to be done. Turkey's security and stability is extremely important to world security. RTE can lead the campaign against Radical Islam to protect the image of Islam. No other leader in the world of Islam has the power to lead this campaign.

I just wanted to let you know that we are all on the same page. Please let me know if you would like to talk on Skype. I will make time and it will be my pleasure. Looking forward to working together again. At the right time, I will include our partners in the communications. Perhaps we can connect on Friday to update.

All the best

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com



FLYNN INTEL GROUP INC.

Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

On Wed, Jul 27, 2016 at 11:41 AM, Ekim Alptekin <ekimalptekin@gmail.com> wrote:

Hi Bijan - Thats good news. Im seeing the MFA in Ankara tomorrow to confer before their imminent US visit. Anything new we need to discuss tonight before my meeting? If not I will report back tomorrow night.

Best,

Ekim

Sent from [Virtru](#) for iPhone

On 27 Tem 2016 18:19, Bijan Kian <bjankian@gmail.com> wrote:

Dear Ekim:

We are ready. I look forward to speaking with you.

All the best

Bijan

Sent from my iPhone

From: [Bijan Kian](#)
To: [Ekim Alptekin](#)
Cc: [Michael Flynn](#)
Subject: Re: Truth
Date: Monday, August 08, 2016 2:44:05 PM

Thank you Ekim for your kind update. This is an important engagement and we will give it priority on our side.

Looking forward to seeing you soon,

Bijan

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com



Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

On Mon, Aug 8, 2016 at 12:36 PM, Ekim Alptekin <ekimalptekin@gmail.com> wrote:

Dear Bijan, General Flynn,

I had a long meeting with the Minister of Economy upon the referral of MFA Cavusoglu. I explained what we can offer. He agreed to discuss in general lines at the council of ministers today and subsequently with PM Yildirim in more detail.

I will get back to you shortly.

Best regards,

Ekim

Sent from [Virtru](#) for iPhone

On 4 Agu 2016 18:22, Bijan Kian <kian@flynnintelgroup.com> wrote:

Thank you Ekim.

GOVERNMENT
EXHIBIT
14A
1:18-CR-457

I echo General Flynn's sentiment on the significance of unlocking the facts. It is sometimes natural for complex situations to turn into a Rorschach test of a giant ink blot. Precision investigative work takes off the masks layer by layer until the real picture can emerge from the masked ink blot. Time plays a key factor in such precision work. The longer the time distance between an event and active start of a Special Investigation, the lesser the effect of revealing the "truth". The main event becomes "old news" and the findings less relevant.

Let me give you a real life experience: 1978: A soft spoken cleric sitting under an apple tree in Neauphle-le-Chateau in France looked so harmless. Spoke of equality and spirituality, declared that if he were to gain power, he will go to a religious shrine and will not get into politics and governance.

Sounds familiar?

Well, the world neglected to take the layers off the ink blot in 1978. One year later, from the place under the apple tree, The soft spoken spiritual man led the Islamic Revolution in Iran and turned the clock back 1400 years. An ancient country and culture was turned into a Pariah State that Iran is today.

37 years later, "truth" is being revealed page by page, story by story of "what" and "who" helped out the monster dressed as the soft spoken spiritual man. No matter how piercing the facts, too much time has passed. The world has changed. In this information age, we don't need to wait 37 years. 37 minutes can change the world.

The world needs a strong leader with credibility in the Islamic faith to shape a new understanding of the religion and its place in the hearts of the Muslims. The weapon of choice in the Age of Information is the "word" and not the "sword".

General Flynn and I will return with more thoughts shortly. Looking forward to working together on this important engagement. We are arranging key pieces needed for operationalizing our plan.

All the best,

Bijan

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com



Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

On Thu, Aug 4, 2016 at 5:11 AM, Ekim Alptekin <ekimalptekin@gmail.com> wrote:

Dear Bijan, General Flynn,

First off, I look forward to meeting in person and thrilled at the prospect of working together.

Thank you for the eloquent outline. I met with the MFA and explained our proposed approach. He is receptive and indicated he would like to meet with us during his upcoming visit to DC.

As soon as the visit dates are scheduled and confirmed, I will inform you and we can strategize how best to approach the meeting.

PS1: Sec. Kerry appears to be visiting TR on August 21. Do we know anyone in his team?

PS2: This article shows the depth of the crisis we are facing: <http://nyti.ms/2avkkES>

Warm regards,

Ekim Alptekin

Sent from [Virtru](#) for iPhone

On 30 Tem 2016 20:32, Bijan Kian <kian@flynnintelgroup.com> wrote:

Ekim:

It was my pleasure continuing our conversation today. General Flynn and I have discussed broad contours of the "truth" campaign.

In brief, we need:

PHASE ZERO: DEFINE THE ARENA and THE CHALLENGE

- To secure your active participation in the project.
- Define the opposing force.
- Develop an accurate, objective and reliable account of "Where we are now". (undesired state)
- A clear path to "where we would like to be" (desired state)
- Define dependencies, uncertainties, expected and unexpected consequences.
- Define options from "narrow" and "extremely tactical" to "broad" and "strategic" with a clear cost/benefit matrix. (Net Assessment)
- Apply the "Expected Value Analysis" model to options.
- Define "possibilities" as distinct from "probabilities" of success and failure.
- Measure second and third order effects on both "possibilities" and "probabilities".

Executing these key 9 steps are essential in defining the arena and measuring the challenge. In the field of opposing forces, the adversary has already set the "intensity and complexity standard". A side by side comparison of the logistics/tools in the arena shows clearly that the adversary has made seriously more superior choices in battle preparations.

We need to discuss a PHASE ZERO execution now at a managed cost and time frame. PHASE ZERO can move to a more expanded design and implementation of selected path forward based on phase Zero within the next 90 days (August, September, October 2016). Please give us your thoughts.

At this time, this conversation shall remain limited to you, General Flynn and myself. Needless to say, these are extremely critical times and our key motivation is to make sure that we do what we can to secure a better future for our grandchildren.

I look forward to resuming our conversation tomorrow.

All the best to you and your family,

Bijan

Hon. Bijan R. Kian

*Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.*

703-313-7040 (office)

858-449-8997 (mobile)

kian@flynnintelgroup.com



Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

Subject: Re: Truth
From: Ekim Alptekin <ekimalptekin@gmail.com>
Date: 8/10/2016, 2:55 PM
To: Bijan Kian <kian@flynnintelgroup.com>
CC: Michael Flynn <flynn@flynnintelgroup.com>

Gentlemen - I just finished in Ankara after several meetings today with Min of Economy Zeybekci and MFA Cavusoglu.

I have a green light to discuss confidentiality, budget and the scope of the contract.

I am flying to LA tomorrow at the request of MFA with ETA 13:35. Can we talk some time early evening EDT tomorrow?

Best regards,

Ekim Alptekin

Sent from [Virtu](#) for iPhone

On 8 Ağu 2016 21:44, Bijan Kian <kian@flynnintelgroup.com> wrote:

Thank you Ekim for your kind update. This is an important engagement and we will give it priority on our side.

Looking forward to seeing you soon,

Bijan

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com

GOVERNMENT
EXHIBIT
16
1:18-CR-457

Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

On Mon, Aug 8, 2016 at 12:36 PM, Ekim Alptekin <ekimalptekin@gmail.com> wrote:

Dear Bijan, General Flynn,

I had a long meeting with the Minister of Economy upon the referral of MFA Cavusoglu. I explained what we can offer. He agreed to discuss in general lines at the council of ministers today and subsequently with PM Yildirim in more detail.

I will get back to you shortly.

Best regards,

Ekim

Sent from [Virtru](#) for iPhone

On 4 Ağu 2016 18:22, Bijan Kian <kian@flynnintelgroup.com> wrote:

Thank you Ekim.

I echo General Flynn's sentiment on the significance of unlocking the facts. It is sometimes natural for complex situations to turn into a Rorschach test of a giant ink blot. Precision investigative work takes off the masks layer by layer until the real picture can emerge from the masked ink blot. Time plays a key factor in such precision work. The longer the time distance between an event and active start of a Special Investigation, the lesser the effect of revealing the "truth". The main event becomes "old news" and the findings less relevant.

Let me give you a real life experience: 1978: A soft spoken cleric sitting under an apple tree in Neauphle-le-Chateau in France looked so harmless. Spoke of equality and spirituality, declared that if he were to gain power, he will go to a religious shrine and will not get into politics and governance.

Sounds familiar?

Well, the world neglected to take the layers off the ink blot in 1978. One year later, from the place under the apple tree, The soft spoken spiritual man led the Islamic Revolution in Iran and turned the clock back 1400 years. An ancient country and culture was turned into a Pariah State that Iran is today.

37 years later, "truth" is being revealed page by page, story by story of

"what" and "who" helped out the monster dressed as the soft spoken spiritual man. No matter how piercing the facts, too much time has passed. The world has changed. In this information age, we don't need to wait 37 years. 37 minutes can change the world.

The world needs a strong leader with credibility in the Islamic faith to shape a new understanding of the religion and its place in the hearts of the Muslims. The weapon of choice in the Age of Information is the "word" and not the "sword".

General Flynn and I will return with more thoughts shortly. Looking forward to working together on this important engagement. We are arranging key pieces needed for operationalizing our plan.

All the best,

Bijan

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com

Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

On Thu, Aug 4, 2016 at 5:11 AM, Ekim Alptekin <ekimalptekin@gmail.com> wrote:

Dear Bijan, General Flynn,

First off, I look forward to meeting in person and thrilled at the prospect of working together.

Thank you for the eloquent outline. I met with the MFA and explained our proposed approach. He is receptive and indicated he would like to meet with us during his upcoming visit to DC.

As soon as the visit dates are scheduled and confirmed, I will inform you and we can strategize how best to approach the meeting.

PS1: Sec. Kerry appears to be visiting TR on August 21. Do we know anyone in his team?

PS2: This article shows the depth of the crisis we are facing: <http://nyti.ms/2avkkES>

Warm regards,

Ekim Alptekin

Sent from [Virtru](#) for iPhone

On 30 Tem 2016 20:32, Bijan Kian <kian@flynnintelgroup.com> wrote:

Ekim:

It was my pleasure continuing our conversation today. General Flynn and I have discussed broad contours of the "truth" campaign.

In brief, we need:

PHASE ZERO: DEFINE THE ARENA and THE CHALLENGE

- To secure your active participation in the project.
- Define the opposing force.
- Develop an accurate, objective and reliable account of "Where we are now". (undesired state)
- A clear path to "where we would like to be" (desired state)
- Define dependencies, uncertainties, expected and unexpected consequences.
- Define options from "narrow" and "extremely tactical" to "broad" and "strategic" with a clear cost/benefit matrix. (Net Assessment)
- Apply the "Expected Value Analysis" model to options.

- Define "possibilities" as distinct from "probabilities" of success and failure.
- Measure second and third order effects on both "possibilities" and "probabilities".

Executing these key 9 steps are essential in defining the arena and measuring the challenge. In the field of opposing forces, the adversary has already set the "intensity and complexity standard". A side by side comparison of the logistics/tools in the arena shows clearly that the adversary has made seriously more superior choices in battle preparations.

We need to discuss a PHASE ZERO execution now at a managed cost and time frame. PHASE ZERO can move to a more expanded design and implementation of selected path forward based on phase Zero within the next 90 days (August, September, October 2016). Please give us your thoughts.

At this time, this conversation shall remain limited to you, General Flynn and myself. Needless to say, these are extremely critical times and our key motivation is to make sure that we do what we can to secure a better future for our grandchildren.

I look forward to resuming our conversation tomorrow.

All the best to you and your family,

Bijan

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com

Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the

intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

Background and Talking Points

FOR FLYNN INTEL PRINCIPALS ONLY

January 1978

In 1978, a soft spoken, gray beard elderly Shia cleric sat under an apple tree in Neauphle-Le-Chateau near Paris. He claimed that he is a man of God, set out to topple a dictator. He said he has no intention of taking over the government. He spoke of love and compassion. He said his goal is to go to the mosque and pray. He said he will lead the people to topple a dictator.

**A perfect picture of peace and harmony aimed at liberating the oppressed.
The elderly cleric's name was Ayatollah Ruhollah Khomeini.**

Washington believed the Ayatollah. On January 23, 1979, New York Times reported that Ramsey Clark, former U.S.A. Attorney General visited this old cleric on January 22, in France. Mr. Clark returned to Washington with a message repeating the Ayatollah's words. "This is a courageous man opposed to a dictator. He has the backing of the Iranians". Washington's policies were shaped based on such feedback. On January 7th, 1979, President Carter had dispatched U.S. Air Force General Robert E. Huyser to Tehran. General Huyser's mission was to deliver a message to the Iranian Armed Forces leaders to stand down and accept "The will of the people". Ayatollah Khomeini became the leader of the Islamic Revolution in Iran and the founder of the Islamic Republic which is today the top state sponsor of terrorism in the world. Mr. Clark and others supporting his position on the Ayatollah neglected to see the Ayatollah for who he really was. A terrible mistake that has raised the cost of international security for good and has given rise to an intensified growth in radical Islam. The Islamic Republic's role in Iraq and Syria is what provided the main impetus behind the rise of ISIS. Iranian Quds Force partnered with Shia government in Iraq to massacre the Sunni population of Iraq. Disguised as a "Republic", Iran is one of the most active promoters of Radical Islam and the top State sponsor of terror in the world. One of Iran's key allies in the region is The Hezbollah. Syria provides the transport and logistical route to Hezbollah for Iran. Leaders in Iran have declared that "Bashar Assad" of Syria is their "Red Line". Had Washington studied Ayatollah Khomeini closer before becoming an "echo chamber" of repeating his claims (as if they were facts), U.S. policies would have taken a different shape and direction and the world will be in an entirely different shape.

September 18, 2016

A soft spoken, gray haired, elderly Muslim cleric lives in a secluded compound in Poconos, Pennsylvania. He claims to be a man of peace. He encourages devout Muslims to build schools and not mosques. He publicly promotes the ideas of tolerances and denounces violence. According to close observers, his followers jump if he orders them to jump. What his staff and followers do not deny is that his "movement" runs 130 or more publicly funded charter schools in 26 states all over the United States with at least 36 of such charter schools in Texas. The schools don't teach Islamic studies. Their focus is on math and science.

**A perfect picture of Peace and harmony aimed at liberating the oppressed.
The Elderly Cleric's name is Fetullah Gulen.**

GOVERNMENT
EXHIBIT
26B
1:18-CR-457

QUESTIONS

Is Washington about to buy two copies of the same Newspaper?

Is Washington acting as an “echo chamber” repeating the claims of Mr. Gulen about the peaceful intentions of the movement?

Does a radicalized person need directions to commit an act of terror? Can they be simply “inspired” to take a terrorist action?

1. Is Mr. Gulen another Ayatollah Khomeini with a long term plan for Muslim domination?
2. What are the true intentions and long term goals of Mr. Gulen and his movement? Does he follow Hasan Al Banna’s edict or a version of it? “Islam is the basis of all legislation”. Hasan Al Banna. Founder of Muslim Brotherhood in 1928. Is this an obfuscated operation to lead to Sharia Law at the “right” time?
3. Do American Tax payers need to finance 130 charter schools where teachers are imported from Turkey?
4. Are American teachers so inadequately trained that these charter schools have to import math and science teachers from Turkey?
5. Does a teacher have to teach Islam in order to capture the hearts and minds of the American youth in these charter schools? Can a teacher just develop a mentor/mentee relationship with students?
6. Why do the schools ask for visas for “English” teachers from Turkey to teach American students? (An interview with one of the teachers from Turkey reveals a thick, almost unintelligible English accent).
7. How does the Gulen movement obtain public funding for 130 charter schools in the U.S.? Is there any undue influence involved?

8. Do some or all of the teachers from Turkey pay a significant portion of their salaries back to the “Gulen Movement”? (40% in one case). What are the legal implications of such paybacks? On what basis does the Gulen Movement collect such paybacks from the teachers?
9. Does the Gulen Movement perform a different function other than educating American kids? What are the possibilities? What does Mr. Gulen mean when he refers to “Sleeping Soldiers”? (VIDEO)
10. Is there a possibility of immigration fraud committed by the charter schools?
11. Why is it that Mr. Gulen never visits any of the charter schools? Does he not wish to be associated with them? Why?
12. What is the relationship of Mr. Gulen’s supporters with elected officials in the United States? Non Profit entities?
13. Are there (or have there been) any illegal political contributions made to campaigns by Mr. Gulen or his supporters?
14. Are the movement supporters encouraged to donate to political campaigns? Any violations of the United States campaign contribution laws?
15. What are the characteristics of four stages of “Jihad”? Any signs of the early stages of Jihad in the “movement”? Is the movement in the first stage of Jihad? (Long preparation for the subsequent stages)
16. Is Mr. Fetullah Gulen the next Ayatollah Khomeini?
17. What are the direct and indirect contributions of the movement to instability around the world?
18. Does the movement capitalize on capturing the hearts and minds of the youth around the world in preparation for control?
19. What is the relationship of the movement with the 2016 U.S. elections?

20. Does the movement have (now or ever) an indirect or direct relations with any of the presidential candidates?

- Who is the most qualified leader in the Muslim World to combat and defeat Radical Islam?
- What are such qualifications?
- Who has the power, credibility and the political will of their people behind them to win the fight against death and destruction of DAESH.

NOTE: U.S. Chairman of the Joint Chiefs and General Akar, Chief of Staff of the Turkish Armed Forces have met and agreed to join forces in combatting ISIS.

Subject: Congressional Outreach

From: "Michael Boston" <boston@flynnintelgroup.com>

Date: 10/12/2016, 1:25 AM

To: "'Graham Miller'" <graham@sphereconsulting.com>, "'Bijan Kian'" <kian@flynnintelgroup.com>

CC: "'BRIAN MCCAULEY'" <fb1mccauley@gmail.com>, <emalee@whitecanvasgroup.com>

Graham:

In reference to your question about congressional outreach and coordination, I am including Bijan in this thread, since he has already met with the National Security Advisor in Chairman McCaul's office. He suggests we prepare a detailed brief and get scheduled with them in the next couple of weeks.

CONGRESSIONAL OUTREACH - I think we have determined Chairman McCaul is our first and primary contact. We have informally reached out to our contacts close with the office to make sure we have the best contact there.

However, since other members of the team are approaching (or have already) the office, we want to make sure that outreach is coordinated. Do you know the nature of that contact to date?

Brian and Emalee: Information you respectively want to submit will be included in the brief.

Best,
Mike

GOVERNMENT
EXHIBIT
30A
1:18-CR-457

Subject: mid-week update
From: jgrahammiller@gmail.com
To: boston@flynnintelgroup.com
Date: Wednesday, Oct 12, 2016 - 7:10pm

Virtru Encrypted Message

Mike,

I wanted to provide a mid-week update and use the opportunity to send through some of the draft materials we have been working on.

--GM

Housekeeping:

1) LDA Registration - I spoke with Bob Kelly and we are in sync on LDA registration. We can put this to bed now.

2) How Sphere/SGR represents ourselves/client to policymakers and media - We have been vague to date. Barring any concerns, we will avoid the issue but when it comes up we say we are working with a European company with interests in the economic and political stability of Turkey. As a last resort, we will disclose that the client is Inovo.

Activity:

3) Ohio Complaint - While it was disappointing the complaint was released before we could get it to journalists, I don't think we could have realistically competed with Amsterdam's team given their ability to hold a press conference, speak on the record about the complaint, and provide detailed commentary on their findings. As I mentioned last week, we thought this would largely be covered by state level media. The publications and many of the journalists we identified and circulated on Monday were indeed the ones that covered the complaint. Ultimately, this adds to the growing national narrative, but I'm not convinced that it is enough for an new expose by itself, given recent investigative pieces such as the Wall Street Journal.

Nevertheless, we have engaged:

Drudge Report and have followed up with several different articles and angles. (Clinton foundation connections, etc.) Drudge Report has an unprecedented active readership and even if they don't use this development, I am confident our outreach this week will serve as a strong foundation for future coverage.

Politico Morning Education - We have also compiled this week's coverage of both Ohio and California (LA TIMES (<http://www.latimes.com/local/education/la-me-edu-magnolia-turkish-teachers-20161011-snap-story.html>)) coverage in hopes of inclusion in tomorrow (Thursday) morning's daily email. Politico is a leading policy outlet and the "Morning Education" email is a subscription based news aggregator received by top education policy influencers in DC and the around the country.

GOVERNMENT
EXHIBIT
30B
1:18-CR-457

automatic resistance to all things related to charter schools. While our most impactful messaging might be on the homeland security front, the education/teachers angle could be a valuable flank that appeals to Democratic policymakers, whereas Homeland Security might appeal more to Republicans. As such I initiated contact today with:

Gene Bruskin, formerly of the American Federation of Teachers and author of "The Story Behind the Gulen Charter Schools and Their Reclusive Founder" (<https://dianeravitch.net/2016/09/06/gene-bruskin-the-story-behind-the-gulen-charter-schools-and-their-reclusive-founder/>). I have requested a phone meeting to compare notes and gauge his interest in participating in and assisting with the organization of an effort to coalesce issue experts in his field to persuade policy makers to take action. I will update you with developments on this front as I get them.

5) Gulenopoly - I am attaching both a draft "wireframe" version of the board and a citation document that provides public record of the "accusations" within the board. We welcome any and all feedback and will continue working to build out a more "produced" version with graphics, etc.

6) Policymaker Fact Sheet - Per this morning's emails, Sphere is producing a briefing document ahead of a policymaker meetings and will circulate a draft by midday Thursday. Attaching **incomplete draft** for reference.

7) High Ranking State Level Elected Official - Sphere has engaged in conversation with a high ranking elected official in a state with multiple Gulen Charter Schools. He is "extremely interested" and we are briefing him soon, but wish to keep this outreach confidential at the moment per his wishes. Happy to discuss in more detail over the phone or in person.

Gulenopoly Board.pdf.tdf (745.6 kb)

Gulenopoly Citations.docx.tdf (244.5 kb)

Gulen Briefing Sheet.docx.tdf (142.1 kb)

Virtru respects your privacy. Learn more about Virtru's privacy benefits. (<http://www.youtube.com/watch?v=sErf3VCeaHE>)

Start Time: Date	Participants	Source	From	Body
10/22/2016	Michael Boston 8441 0435 8997 Bijan Khan 3146 Michael Flynn 5428 Doe John	Message: michaelboston	3146 Michael Flynn	<p>Team, Overall a Very good call. I may be meeting with him early next week during an American Turkish conference in WDC. We discussed the long term effort, as well as the tax issue that Mike B and I discussed this morning. I walked him through the social media analysis which he found very interesting and worth talking to the FM about as well as all other talking points (thank you for pulling those together). Regarding RA...he felt a phone call between Us would work best. We can discuss who is best to do that call, between Brian and Mike but this is something we should do. I mentioned that if a parallel effort I'm okay. We don't want to trip over each other however. I also walked him through the monopoly and its status as well as the videos. He was happy to hear where those efforts are at.</p> <p>Next strategic step: We need to put together an initial formal assessment / report w attachments and initial videos (if they're ready) nlt next weekend. Let me know if this is doable. Seems to me we have all the info to put together a solid assessment with facts, assumptions, our analysis, data backing up what we've learned and initial conclusions and recommendations. Among the recommendations is to take this effort to a long term relationship. We discussed the business side of what we're doing and I told him we have many irons in the fire and at some point very soon I need a commitment beyond the initial 90 days. He agreed.</p> <p>Bottom line, a good call and we are on the right track.</p> <p>Mike</p>

Team, Overall a Very good call. I may be meeting with him early next week during an American Turkish conference in WDC. We discussed the long term effort, as well as the tax issue that Mike B and I discussed this morning. I walked him through the social media analysis which he found very interesting and worth talking to the [Turkish Minister #1] about as well as all other talking points (thank you for pulling those together). Regarding RA. ... he felt a phone call between Us would work best. We can discuss who is best to do that call, between Brian and Mike but this is something we should do. I mentioned that if a parallel effort I'm okay. We don't want to trip over each other however. I also walked him through the monopoly and its status as well as the videos. He was happy to hear where those efforts are at.

Next strategic step: We need to put together an initial formal assessment/ report w attachments and initial videos (if they're ready) nlt next weekend. Let me know if this is doable. Seems to me we have all the info to put together a solid assessment with facts, assumptions, our analysis, data backing up what we've learned and initial conclusions and recommendations. Among the recommendations is to take this effort to a long term relationship. We discussed the business side of what we're doing and I told him we have many irons in the fire and at some point very soon I need a commitment beyond the initial 90 days. He agreed.

Bottom line, a good call and we are on the right track.

Mike

From: Bijan Kian <kian@flynnintelgroup.com>
Sent: Wednesday, November 2, 2016 10:36 PM
To: Ekim Alptekin <ekimalptekin@gmail.com>; Bob Kelley <kelley@flynnintelgroup.com>
Subject: Getting Turkey Wrong
Attach: GETTING TURKEY WRONG.docx

Ekim:

A promise made is a promise kept. Please see attached 1000 word article. I appreciate it if you take a look and give me your thoughts at your earliest convenience. I am not certain how much of the text will survive review and edits but as you can see, the humble author is not shy.

I am copying Bob as we move forward with executing the plan.

All the best,

Bijan

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com



FLYNN INTEL GROUP INC.

Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

[GETTING TURKEY WRONG.docx .tdf \(138.5 kb\)](#)

**GOVERNMENT
EXHIBIT
45A
1:18-CR-457**

GETTING TURKEY WRONG

United States needs to understand Turkey's unique position not just as an important NATO ally but also as a key player in maintaining balance of power in a region enflamed in conflict. We will ignore this fact at our own peril. The U.S. needs to show Turkey that we understand the importance of keeping our alliance in the interest of regional and global security. Sadly, This administration is doing the opposite. President Obama's administration continues to give refuge to Fetulah Gulen, a shady cleric who President Clinton calls "his friend" in a well circulated video. Gulen has allegedly called the United States "the number one enemy". He has publicly boasted about his "soldiers" waiting for his order to do whatever he directs them to do. For those of us who have closely studied Seyed Qutb and Hasan Al Bana, the founder of Muslim Brotherhood, these words sound very familiar. Much similar to Gulen, Seyed Qutb was the author of 24 books on education and the arts. Much like Gulen, Qutb's inner circle consisted of influential politicians, intellectuals, poets and literary figures. Contrary to this well masked façade, Qutb's writings

**GOVERNMENT
EXHIBIT
45B
1:18-CR-457**

CONFIDENTIAL

FIG_EDVA_00005473

US_v_Kian_00001326

provided the inspiration for violent terrorist groups like Al-Qaeda.

To professionals in the Intelligence Community, the stamp of terror is all over Mullah Gulen's statements. Hasan Al Bana defined the first phase of pre-emptive Jihad as a long and quiet process that can take as long as a quarter of a century to prepare the forces for a decisive strike. Al Bana famously declared that the only acceptable form of legislation is Sharia Law. Gulen's vast, global network has all the right markings to fit the description of a dangerous sleeper terror network. From Turkey's point of view, Washington is harboring Turkey's Usama Bin Laden. Washington's silence speaks volumes when we hear the incredulous claim that the democratically elected president of Turkey staged a military coup, bombed his own parliament and killed the confidence in Turkey's strong economy just so that he could purge his political opponents. This ridiculous claim places the intelligence of its promoters in serious question. It is also a dark reminder of the vicious rumors spread by our enemies that 9/11 was an inside job by the American Intelligence apparatus as an excuse to invade Muslim lands to grab their oil! To add

insults to injury, American tax payers are financing Fettulah Gulen's 160 charter schools in the United States. His charter schools have been granted more H1B visas than Google. It is inconceivable to imagine that our visa officers have approved thousands of visas for English teachers whose English is incomprehensible. A CBS 60 Minutes program documented a conversation with one such imported English teacher from Turkey whose English was impossible to understand. Several law suits including some in Ohio and Texas point to irregularities in the operation of said schools. However, as money is no object for Gulen's network, hired legal guns and influential charitable organizations keep the lucrative source of income for Gulen and his network. Influential charities such as Cosmos Foundation continue their support for Gulen's charter schools. Incidentally, Cosmos Foundation is a major donor to Clinton Foundation. No wonder President Clinton calls Mullah Gulen "his friend". It is now no secret that Ms. Huma Abedin, Secretary Clinton's close aide and confidant worked for 12 years as the associate editor for a journal published by the London based Institute of Minority Muslim Affairs. The institute has promoted the

thoughts of radical Muslim thinkers such as Seyed Qutb and Qaradawi.

The American public is lulled into believing that this elder cleric is a Sufi scholar who promotes the teachings of Rumi, the Persian poet, works to expand interfaith dialogue and does a great job by providing American youth great education in math and science as well as English. Voices of concern about this shady Mullah are quickly muffled by his vast network of public relations and legal professionals. He has established a false façade that he is a freedom fighter set to topple Turkey's autocratic leader. This image is a stark reminder of another era and a great American mistake that has raised the cost of international security forever. We all remember another quiet bearded elder cleric who sat under an apple tree in Neauphle-Le-Chateau in the suburbs of Paris in 1978. He claimed to be a man of God who wanted to topple a dictator and return the power to the people. Washington believed him. Sadly, shortly after his rise to power through the Iranian revolution, we watched in horror as our diplomats were taken hostage for 444 days as we betrayed one of our strongest allies in the Middle East. The world has never been the same

since that irreversible mistake. Ayatollah Khomeini, the quiet man of God under the apple tree created the world's top sponsor of terror. His revolutionary guards created Hezbollah, the world's famous Lebanon based terror organization. Ayatollah's terrorists killed American servicemen, slaughtered Iraqi Sunnis by the thousands and his brutal Quds Force killed innocent Sunni civilians in Syria. Ultimately, ISIS became the radical Sunni's response to the mayhem caused by our friendly Mullah under the apple tree. History does not repeat itself without people repeating the mistakes of the past. It is time we take a fresh look at the importance of Turkey and place our priorities in proper perspective. It is unconscionable to militate against Turkey, our NATO ally as Washington is hoodwinked by this masked source of terror and instability nestled comfortably in our own backyard in Pennsylvania. We need to adjust our foreign policy to place Turkey as a priority. We need to see the world from Turkey's perspective. What would we do if right after 9/11 we heard the news that Usama Bin Laden lives in a nice villa at a Turkish resort while running 160 charter schools funded by the Turkish tax payers? Time to end our romanticized foreign policy

directives written by fiction writers and echo chamber specialists by their own blatant confessions.

--

1002 Words.

From: Bijan Kian <kian@flynnintelgroup.com>
Sent: Thursday, November 03, 2016 3:55 PM
To: LTG R Mike Flynn
Subject: Re: Tim Kaine congratulates Gülenists in a letter - Ragıp Soylu - Daily Sabah

Thank you Mike. I asked Hank Cox to review and edit my 1000 word draft to make sure it is tight before I send it out to you. The plan is to go out with the piece on Monday. When we get a chance to talk, I will explain. Please expect the piece in an hour or two.

Had a good meeting with Sphere this morning.

See you soon!

Bijan

Hon. Bijan R. Kian
Vice Chairman of the Board of Directors
Flynn Intel Group, Inc.

703-313-7040 (office)
858-449-8997 (mobile)
kian@flynnintelgroup.com



FLYNN INTEL GROUP INC.

Notice of Confidentiality

The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system.

On Thu, Nov 3, 2016 at 2:21 PM, LTG R Mike Flynn <flynn@flynnintelgroup.com> wrote:
FYI.

NEW YORK TIMES BESTSELLER

"The Field of Fight, How We Can Win the Global War Against Radical Islam and Its Allies"

-Lt. General Michael T Flynn and Michael Ledeen

-St. Martin's Press

ORDER TODAY!!

Individual Orders

<http://bit.ly/FieldofFightAmazon>

**GOVERNMENT
EXHIBIT**

47

1:18-CR-457



Our ally Turkey is in crisis and r our support

BY LT. GEN. MICHAEL T. FLYNN (R), CONTRIBUTOR - 11/08/16 05:46 PM EST

2,348 SHARES

SHARE

TWE

Just In...

**Sarah Sanders denies
Trump walk-out was
premeditated**

ADMINISTRATION — 4M 18S AGO

**Samantha Bee slams 2020
Democrats who go on Fox
News**

CAMPAIGN — 4M 52S AGO

**Poll: Women move up the
leader board in Democratic
primary**

CAMPAIGN — 6M 36S AGO

**Indictment of
Massachusetts judge
invades state court
independence**

OPINION — 6M 37S AGO

**Trump Jr. slams
Republican committee
chairman: 'Too weak to
stand up to the Democrats'**

ADMINISTRATION — 14M 55S AGO

**Swalwell becomes second
2020 candidate to accept
cryptocurrency donations
after Yang**

TECHNOLOGY — 15M 29S AGO

**George Conway contrasts
Trump denying 'cover-ups'
with check to Michael
Cohen**

BLOG BRIEFING ROOM

— 17M 35S AGO

**Buttigieg: Trump faked
being disabled to get out of
Vietnam**

CAMPAIGN — 21M 5S AGO



© Getty Images

It is fair to say that most Americans don't know exactly what to make of our ally Turkey these days, as it endures a prolonged political crisis that challenges its long-term stability. The U.S. media is doing a bang-up job of reporting the Erdoğan government's crackdown on dissidents, but it's not putting it into perspective.

We must begin with understanding that Turkey is vital to U.S. interests. Turkey is really our strongest ally against the Islamic State in Iraq and Syria (ISIS), as well as a source of stability in the region. It provides badly needed cooperation with U.S. military operations. But the Obama administration is keeping Erdoğan's government at arm's length — an unwise policy that threatens our long-standing alliance.

The primary bone of contention between the U.S. and Turkey is Fethullah Gülen, a shady Islamic mullah residing in Pennsylvania whom former President Clinton once called his "friend" in a well circulated video.

GOVERNMENT
EXHIBIT
50
1:18-CR-457

VIEW ALL

Related News

by

|



Drivers who switch to Progressive save an...

Sponsored | Progressive



Trump jokingly suggests serving as many as five...



Coke bringing back 'New Coke' campaign in



Schwarzenegger won't press charges against...

Bill Clinton: Fethullah Gulen's Contribution to the World, T...



Gülen portrays himself as a moderate, but he is in fact a radical Islamist. He has publicly boasted about his "soldiers" waiting for his orders to do whatever he directs them to do. If he were in reality a moderate, he would not be in exile, nor would he excite the animus of Recep Tayyip Erdoğan and his government.

Gülen says his soldiers are 'sleeping', awaiting an order to...



For those of us who have closely studied the careers of Seyed Qutb and Hasan al Bana, the founders and followers of the [Muslim Brotherhood](#), Gülen's words and activities are very familiar.

The late [Seyed Qutb](#) in particular was very much in the Gülen mold. The author of [24 books](#) on education and the arts, he assembled an inner circle of intellectuals and influential politicians. But contrary to this well-masked façade, Qutb's writings provided the [inspiration](#) for terrorist groups like Al-Qaeda. Qutb was [hanged](#) in 1966 in Egypt for instigating rebellion.

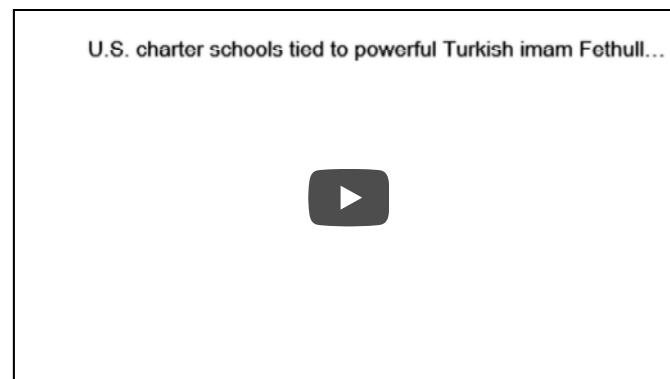
Likewise, Hasan al Bana, an Egyptian who died in 1949, defined the first phase of pre-emptive jihad as a long and quiet process that can take as long as a quarter of a century, to prepare the forces for a decisive strike. Al Bana [famously declared](#) that the only acceptable form of law is Sharia.

To professionals in the intelligence community, the stamp of terror is all over Mullah Gülen's statements in the tradition of Qutb and al Bana. Gülen's vast global network has all the right markings to fit the description of a dangerous sleeper terror network. From Turkey's point of view, Washington is harboring Turkey's Osama bin Laden.

Washington's silence on this explosive topic speaks volumes when we hear the [incredulous claim](#) that the democratically elected president of Turkey staged a military coup, bombed his own parliament and undermined the confidence in Turkey's strong economy, just so that he could purge his political opponents.

This baseless claim is a dark reminder of the vicious rumors spread by our enemies that 9/11 was an inside job by the American intelligence apparatus as an excuse to invade Muslim lands to grab their oil!

To add insult to injury, [American taxpayers are helping finance](#) Gülen's 160 charter schools in the United States. These schools have been granted [more H1-B visas than Google](#). It is inconceivable that our visa officers have approved thousands of visas for English teachers whose English is incomprehensible. A CBS "60 Minutes" program documented a conversation with one such imported English teacher from Turkey. Several [lawsuits](#), including some in Ohio and Texas, point to irregularities in the operation of these schools.



However, funding seems to be no problem for Gülen's network. Hiring attorneys work to keep the lucrative government source of income for Gülen and his network going. Influential charities such as Cosmos Foundation [continue their support](#) for Gülen's charter schools.

Incidentally, [Cosmos Foundation is a major donor to Clinton Foundation](#). No wonder Bill Clinton calls Mullah Gülen "his friend." It is now no secret that Humayun Abedin, Hillary Clinton's close aide and confidante, worked for 12 years as the [associate editor](#) for a journal published by the London-based Institute of Minority Muslim Affairs. This institute has promoted the thoughts of radical Muslim thinkers such as Qutb, al Bana and others.

The American public is being lulled into believing that Gülen is a Sufi scholar who promotes the teachings of Rumi, the Persian poet, works to expand interfaith dialogue and does a great job of providing American youth high-quality education in math and science as well as English.

Voices of concern about this shady character are quickly muffled by his vast network of public relations and legal professionals. He has established a false façade that he is a moderate at odds with Turkey's autocratic leader.

This image is a stark reminder of a great American mistake from another era — one that has raised the cost of international security forever. We all remember another [quiet, bearded, elder cleric who sat under an apple tree in Neauphle-le-Château in the suburbs of Paris in 1978](#).

He claimed to be a man of God who wanted to topple a dictator and return the power to the people. Washington believed him. Sadly, shortly after his rise to power through the [Iranian revolution](#), we watched in horror as our diplomats were taken [hostage for 444 days](#) in what was once one of our strongest allies in the Middle East.

The world has never been the same since that irreversible mistake. Ayatollah Khomeini, the quiet man of God under the apple tree, created the world's top sponsor of terror. His revolutionary guards created Hezbollah, the famous Lebanon-based terror organization.

The Ayatollah's terrorists have killed American servicemen and slaughtered Iraqi Sunnis by the thousands, and his brutal Quds Force killed innocent Sunni

Get the latest from The Hill

Sign up for our daily email

Sign Up

civilians in Syria. Ultimately, ISIS became the radical Sunni's response to the mayhem caused by our friendly mullah under the apple tree.

History repeats itself when people repeat the mistakes of the past. It is time we take a fresh look at the importance of Turkey and place our priorities in proper perspective. It is unconscionable to militate against Turkey, our NATO ally, as Washington is hoodwinked by this masked source of terror and instability nestled comfortably in our own backyard in Pennsylvania.

We need to adjust our foreign policy to recognize Turkey as a priority. We need to see the world from Turkey's perspective. What would we have done if right after 9/11 we heard the news that Osama bin Laden lives in a nice villa at a Turkish resort while running 160 charter schools funded by the Turkish taxpayers?

The forces of radical Islam derive their ideology from radical clerics like Gülen, who is running a scam. We should not provide him safe haven. In this crisis, it is imperative that we remember who our real friends are.

Lt. Gen. Michael T. Flynn (ret.) is the former director of Defense Intelligence Agency and the author of New York Times Bestseller "The Field of Fight."

The views expressed by contributors are their own and not the views of The Hill.

TAGS [HILLARY CLINTON](#) [BILL CLINTON](#)

SHARE

TWEET



THE HILL 1625 K STREET, NW SUITE 900 WASHINGTON DC 20006 | 202-628-8500 TEL | 202-628-8503 FAX
THE CONTENTS OF THIS SITE ARE ©2019 CAPITOL HILL PUBLISHING CORP., A SUBSIDIARY OF NEWS COMMUNICATIONS, INC.

U.S. Department of Justice
Washington, DC 20530

Registration Statement

**Pursuant to the Foreign Agents Registration Act of
1938, as amended**

I-REGISTRANT

1. Name of Registrant

Flynn Intel Group, Inc.

2. Registration No. (To Be Assigned By the FARA Registration Unit)

6406

3. Principal Business Address

44 Canal Center Plaza, Alexandria VA 22314

4. If the registrant is an individual, furnish the following information:

(a) Residence address(es)

(b) Other business address(es), if any

(c) Nationality

(d) Year of birth

(e) Present citizenship

(f) If present citizenship not acquired by birth, state when, where and how acquired

(g) Occupation

5. If the registrant is not an individual, furnish the following information:

(a) Type of organization: Committee ☐ Association ☐ Partnership ☐ Voluntary group ☐

Corporation ☒

Other (specify) _____

(b) Date and place of organization Delaware Secretary of State, June 12, 2015

(c) Address of principal office 44 Canal Center Plaza, Alexandria VA 22314

(d) Name of person in charge Michael T. Flynn and Bijan Rafiekian

(e) Locations of branch or local offices N/A

(f) If a membership organization, give number of members N/A

**GOVERNMENT
EXHIBIT**

56

1:18-CR-457

FORM NSD-1
Revised 03/14

Received by NSD/FARA Registration Unit 03/07/2017 6:02:45 PM

US_v_Kian_00000368

(PAGE 2)

(g) List all partners, officers, directors or persons performing the functions of an officer or director of the registrant.

Name	Residence Address(es)	Position	Nationality
Michael T. Flynn	Provided separately to the	Chairman and CEO	U.S.
Bijan Rafiekian	Department of Justice.	Vice-Chairman, Director, Secretary, and Treasurer	U.S.
Philip Oakley		President	U.S.

(h) Which of the above named persons renders services directly in furtherance of the interests of any of the foreign principals?
Michael T. Flynn, Bijan Rafiekian

(i) Describe the nature of the registrant's regular business or activity.
Flynn Intel Group is a consulting firm that provided intelligence research and advisory services.

(j) Give a complete statement of the ownership and control of the registrant.
Ownership as of November 31, 2016, was as follows: Michael T. Flynn (350,000 shares), Bijan Rafiekian (300,000 shares), Philip Oakley (250,000 shares), Dr. Payman Arabshahi (5,000 shares), Darkshore LLC (1,000 shares). The corporation acts pursuant to its bylaws, under which the Board of Directors governs the organization. Directors include Michael T. Flynn, Bijan Rafiekian, and Philip Oakley.

6. List all employees who render services to the registrant directly in furtherance of the interests of any of the foreign principals in other than a clerical, secretarial, or in a related or similar capacity.

Name	Residence Address(es)	Nature of Services
Michael T. Flynn	Provided separately to the Department	Director, consulting
Bijan Rafiekian	of Justice.	Director, consulting

II--FOREIGN PRINCIPAL

7. List every foreign principal¹ for whom the registrant is acting or has agreed to act.

Foreign Principal
Inovo BV

Principal Address(es)
47 Adireaanstraat, 3581 SC Utrecht, The Netherlands

III--ACTIVITIES

8. In addition to the activities described in any Exhibit B to this statement, will you engage or are you engaging now in activity on your own behalf which benefits any or all of your foreign principals? Yes ☒ No ☐

If yes, describe fully.

Because this is filed retrospective to activity under this engagement, we note that during the course of the engagement and thereafter, Flynn Intel Group officials (particularly Michael T. Flynn, in his capacity as a public figure separate from Flynn Intel Group) frequently wrote, spoke, or provided interviews relating to national security. Although not undertaken at the direction of any foreign principal, including but not limited to Inovo, it is possible that such activities may have had an indirect benefit to Inovo BV.

IV--FINANCIAL INFORMATION

9. (a) RECEIPTS-MONIES

During the period beginning 60 days prior to the date of your obligation to register² to the time of filing this statement, did you receive from any foreign principal named in Item 7 any contribution, income, or money either as compensation or for disbursement or otherwise? Yes ☐ No ☒

If yes, set forth below in the required detail and separately for each such foreign principal an account of such monies.³

Foreign Principal	Date Received	Purpose	Amount
		Because this is a retroactive registration, receipts appear on the supplemental statement filed concurrently.	

Total

¹ The term "foreign principal," as defined in Section 1(b) of the Act, includes a foreign government, foreign political party, foreign organization, foreign individual and, for the purpose of registration, an organization or an individual any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign government, foreign political party, foreign organization or foreign individual.

² An agent must register within ten days of becoming an agent, and before acting as such.

³ A registrant is required to file an Exhibit D if he collects or receives contributions, loans, moneys, or other things of value for a foreign principal, as part of a fundraising campaign. There is no printed form for this exhibit. (See Rule 201(e), 28 C.F.R. § 5.201(e)).

(b) RECEIPTS-THINGS OF VALUE

During the period beginning 60 days prior to the date of your obligation to register⁴ to the time of filing this statement, did you receive from any foreign principal named in Item 7 anything of value⁵ other than money, either as compensation, or for disbursement, or otherwise? Yes ☐ No ☒

If yes, furnish the following information:

Foreign Principal	Date Received	Thing of Value	Purpose
-------------------	---------------	----------------	---------

10. (a) DISBURSEMENT-MONIES

During the period beginning 60 days prior to the date of your obligation to register⁶ to the time of filing this statement, did you spend or disburse any money in furtherance of or in connection with your activities on behalf of any foreign principal named in Item 7? Yes ☐ No ☒

If yes, set forth below in the required detail and separately for each such foreign principal named including monies transmitted, if any, to each foreign principal.

Date	To Whom	Purpose	Amount
		Because this is a retroactive registration, disbursements appear on the supplemental statement filed concurrently.	

(b) DISBURSEMENTS-THINGS OF VALUE

During the period beginning 60 days prior to the date of your obligation to register⁷ to the time of filing this statement, did you dispose of any thing of value⁸ other than money in furtherance of or in connection with your activities on behalf of any foreign principal named in Item 7? Yes ☐ No ☒

If yes, furnish the following information:

Date	Recipient	Foreign Principal	Thing of Value	Purpose
------	-----------	-------------------	----------------	---------

(c) DISBURSEMENTS-POLITICAL CONTRIBUTIONS

During the period beginning 60 days prior to the date of your obligation to register⁹ to the time of filing this statement, did you, the registrant, or any short form registrant, make any contribution of money or other thing of value from your own funds and on your own behalf in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office? Yes ☐ No ☒

If yes, furnish the following information:

Date	Amount or Thing of Value	Political Organization or Candidate	Location of Event
------	--------------------------	-------------------------------------	-------------------

4, 6, 7 and 9 See Footnote 2, on page 3.

5 and 8 Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks", and the like.

V-INFORMATIONAL MATERIALS¹⁰

11. Will the activities of the registrant on behalf of any foreign principal include the preparation or dissemination of informational materials? Yes ☒ No ☐

IF YES, RESPOND TO THE REMAINING ITEMS IN THIS SECTION V.

12. Identify each such foreign principal.
Inovo BV.

13. Has a budget been established or specified sum of money allocated to finance your activities in preparing or disseminating informational materials? Yes ☐ No ☒

If yes, identify each such foreign principal, specify amount and for what period of time.
See attachment.

14. Will any public relations firms or publicity agents participate in the preparation or dissemination of such informational materials? Yes ☒ No ☐

If yes, furnish the names and addresses of such persons or firms.
See attachment.

15. Activities in preparing or disseminating informational materials will include the use of the following:

- ☐ Radio or TV broadcasts ☐ Magazine or newspaper ☐ Motion picture films ☐ Letters or telegrams
☐ Advertising campaigns ☐ Press releases ☐ Pamphlets or other publications ☐ Lectures or speeches
☒ Other (specify) See attachment.

Electronic Communications

- ☐ Email
☐ Website URL(s): _____
☐ Social media website URL(s): _____
☒ Other (specify) See attachment.

16. Informational materials will be disseminated among the following groups:

- | | |
|----------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Public officials | <input type="checkbox"/> Civic groups or associations |
| <input type="checkbox"/> Legislators | <input type="checkbox"/> Libraries |
| <input type="checkbox"/> Government agencies | <input type="checkbox"/> Educational groups |
| <input type="checkbox"/> Newspapers | <input type="checkbox"/> Nationality groups |
| <input type="checkbox"/> Editors | <input checked="" type="checkbox"/> Other (specify) See attachment. |

17. Indicate language to be used in the informational materials:

- ☒ English ☐ Other (specify) _____

¹⁰ The term informational materials includes any oral, visual, graphic, written, or pictorial information or matter of any kind, including that published by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or any means or instrumentality of interstate or foreign commerce or otherwise. Informational materials disseminated by an agent of a foreign principal as part of an activity in itself exempt from registration, or an activity which by itself would not require registration, need not be filed pursuant to Section 4(b) of the Act.

VI--EXHIBITS AND ATTACHMENTS

18. (a) The following described exhibits shall be filed with an initial registration statement:

Exhibit A- This exhibit, which is filed on Form NSD-3, sets forth the information required to be disclosed concerning each foreign principal named in Item 7.

Exhibit B- This exhibit, which is filed on Form NSD-4, sets forth the information concerning the agreement or understanding between the registrant and the foreign principal.

(b) An Exhibit C shall be filed when applicable. This exhibit, for which no printed form is provided, consists of a true copy of the charter, articles of incorporation, association, constitution, and bylaws of a registrant that is an organization. A waiver of the requirement to file an Exhibit C may be obtained for good cause shown upon written application to the Assistant Attorney General, National Security Division, U.S. Department of Justice, Washington, DC 20530. (See Rule 201(c) and (d)).

(c) An Exhibit D shall be filed when applicable. This exhibit, for which no printed form is provided, sets forth an account of money collected or received as a result of a fundraising campaign and transmitted for a foreign principal. (See Rule 201 (e)).

VII--EXECUTION

In accordance with 28 U.S.C. § 1746, the undersigned swear(s) or affirm(s) under penalty of perjury that he/she has (they have) read the information set forth in this registration statement and the attached exhibits and that he/she is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her (their) knowledge and belief, except that the undersigned make(s) no representation as to truth or accuracy of the information contained in the attached Short Form Registration Statement(s), if any, insofar as such information is not within his/her (their) personal knowledge.

(Date of signature)

(Print or type name under each signature or provide electronic signature¹¹)

March 07, 2017

/s/ Michael T. Flynn

eSigned

¹¹ This statement shall be signed by the individual agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions, if the registrant is an organization, except that the organization can, by power of attorney, authorize one or more individuals to execute this statement on its behalf.

Flynn Intel Group, Inc., Registration Statement

Attachment

Items 11-17

Pursuant to the contract between Flynn Intel Group and Inovo BV, the parties anticipated that Flynn Intel Group would engage a public relations firm, Sphere Consulting, and engage a film production crew for the creation of a video. The public relations firm (S.G.R. LLC Government Relations and Lobbying) was engaged but the video was not completed or disseminated, to the best of our understanding. The budget for these activities was reflected in the engagement contract with S.G.R. LLC Government Relations and Lobbying; no separate budget related to informational materials. Because this is a retroactive registration prepared after Flynn Intel Group had already begun to close operations, this registration is based on documentation currently available to Flynn Intel Group. If additional relevant information is later identified, Flynn Intel Group will amend its registration.

Received by NSD/FARA Registration Unit 03/07/2017 6:02:45 PM

U.S. Department of Justice

Washington, DC 20530

Exhibit A to Registration Statement**Pursuant to the Foreign Agents Registration Act of 1938, as amended**

INSTRUCTIONS. Furnish this exhibit for EACH foreign principal listed in an initial statement and for EACH additional foreign principal acquired subsequently. The filing of this document requires the payment of a filing fee as set forth in Rule (d)(1), 28 C.F.R. § 5.5(d)(1). Compliance is accomplished by filing an electronic Exhibit A form at <http://www.fara.gov>.

Privacy Act Statement. The filing of this document is required by the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.*, for the purposes of registration under the Act and public disclosure. Provision of the information requested is mandatory, and failure to provide this information is subject to the penalty and enforcement provisions established in Section 8 of the Act. Every registration statement, short form registration statement, supplemental statement, exhibit, amendment, copy of informational materials or other document or information filed with the Attorney General under this Act is a public record open to public examination, inspection and copying during the posted business hours of the Registration Unit in Washington, DC. Statements are also available online at the Registration Unit's webpage: <http://www.fara.gov>. One copy of every such document, other than informational materials, is automatically provided to the Secretary of State pursuant to Section 6(b) of the Act, and copies of any and all documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. The Attorney General also transmits a semi-annual report to Congress on the administration of the Act which lists the names of all agents registered under the Act and the foreign principals they represent. This report is available to the public in print and online at: <http://www.fara.gov>.

Public Reporting Burden. Public reporting burden for this collection of information is estimated to average .49 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Counterespionage Section, National Security Division, U.S. Department of Justice, Washington, DC 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

1. Name and Address of Registrant Flynn Intel Group, Inc. 44 Canal Center Plaza, Alexandria, VA 22314	2. Registration No. 6406
3. Name of Foreign Principal Inovo BV	4. Principal Address of Foreign Principal 47 Adriaanstraat, 3581 SC Utrecht, The Netherlands
5. Indicate whether your foreign principal is one of the following: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Government of a foreign country¹ </div> <div style="width: 50%;"> <input type="checkbox"/> Foreign political party </div> <div style="width: 100%;"> <input checked="" type="checkbox"/> Foreign or domestic organization: If either, check one of the following: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Association </div> <div> <input type="checkbox"/> Committee <input type="checkbox"/> Voluntary group <input type="checkbox"/> Other (<i>specify</i>) _____ </div> </div> </div> <input type="checkbox"/> Individual-State nationality </div>	
6. If the foreign principal is a foreign government, state: a) Branch or agency represented by the registrant b) Name and title of official with whom registrant deals	
7. If the foreign principal is a foreign political party, state: a) Principal address b) Name and title of official with whom registrant deals c) Principal aim	

**GOVERNMENT
EXHIBIT
58
1:18-CR-457**

¹ "Government of a foreign country," as defined in Section 1(e) of the Act, includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.

8. If the foreign principal is not a foreign government or a foreign political party:

a) State the nature of the business or activity of this foreign principal.

See attachment.

b) Is this foreign principal:

Supervised by a foreign government, foreign political party, or other foreign principal

Yes ☐ No ☒

Owned by a foreign government, foreign political party, or other foreign principal

Yes ☐ No ☒

Directed by a foreign government, foreign political party, or other foreign principal

See attachment. Yes ☐ No ☒

Controlled by a foreign government, foreign political party, or other foreign principal

Yes ☐ No ☒

Financed by a foreign government, foreign political party, or other foreign principal

Yes ☐ No ☒

Subsidized in part by a foreign government, foreign political party, or other foreign principal

Yes ☐ No ☒

9. Explain fully all items answered "Yes" in Item 8(b). *(If additional space is needed, a full insert page must be used.)*

10. If the foreign principal is an organization and is not owned or controlled by a foreign government, foreign political party or other foreign principal, state who owns and controls it.

See attachment.

EXECUTION

In accordance with 28 U.S.C. § 1746, the undersigned swears or affirms under penalty of perjury that he/she has read the information set forth in this Exhibit A to the registration statement and that he/she is familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her knowledge and belief.

Date of Exhibit A	Name and Title	Signature
March 07, 2017	Michael T. Flynn, Chairman and CEO	/s/ Michael T. Flynn eSigned

Flynn Intel Group, Inc., Registration Statement, Exhibit A

Attachment

Items 8-10

Inovo BV ("Inovo") is a Dutch company incorporated in 2005 to provide business consultancy services. Flynn Intel Group understands the sole owner of Inovo BV to be Mr. Ekim Alptekin.

According to Arent Fox, LLP, counsel to Mr. Alptekin:

1. Inovo is a privately owned company that has not received, directly or indirectly, funds or financial support from any government during the course of its engagement of Flynn Intel Group Inc., including the Republic of Turkey.
2. At the time Inovo hired Flynn Intel Group, Inovo represented a private sector company in Israel that sought to export natural gas to Turkey, and it was for support of its consulting work for this client that Inovo engaged Flynn Intel Group, specifically to understand the tumultuous political climate at the time between the United States and Turkey so that Inovo could advise its client regarding its business opportunities and investment in Turkey.
3. Mr. Alptekin is a businessman who holds a number of positions in international business organizations, such as Honorary Consul to the Republic of Albania, and Chairman of the Turkish-American Business Council. Mr. Alptekin and any organization in which he participates are not agents of the government of the Republic of Turkey.

Flynn Intel Group does not know whether or the extent to which the Republic of Turkey was involved with its retention by Inovo for the three-month project. Flynn Intel Group is aware that Mr. Alptekin consulted with officials of the Republic of Turkey regarding potential work by Flynn Intel Group, and Mr. Alptekin introduced officials of the Republic of Turkey to Flynn Intel Group officials at a meeting on September 19, 2016, in New York.

Received by NSD/FARA Registration Unit 03/07/2017 6:02:45 PM

OMB No. 1124-0004, Expires April 30, 2017

U.S. Department of Justice

Washington, DC 20530

**Exhibit B to Registration Statement
Pursuant to the Foreign Agents Registration Act of
1938, as amended**

INSTRUCTIONS. A registrant must furnish as an Exhibit B copies of each written agreement and the terms and conditions of each oral agreement with his foreign principal, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances by reason of which the registrant is acting as an agent of a foreign principal. Compliance is accomplished by filing an electronic Exhibit B form at <http://www.fara.gov>.

Privacy Act Statement. The filing of this document is required for the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.*, for the purposes of registration under the Act and public disclosure. Provision of the information requested is mandatory, and failure to provide the information is subject to the penalty and enforcement provisions established in Section 8 of the Act. Every registration statement, short form registration statement, supplemental statement, exhibit, amendment, copy of informational materials or other document or information filed with the Attorney General under this Act is a public record open to public examination, inspection and copying during the posted business hours of the Registration Unit in Washington, DC. Statements are also available online at the Registration Unit's webpage: <http://www.fara.gov>. One copy of every such document, other than informational materials, is automatically provided to the Secretary of State pursuant to Section 6(b) of the Act, and copies of any and all documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. The Attorney General also transmits a semi-annual report to Congress on the administration of the Act which lists the names of all agents registered under the Act and the foreign principals they represent. This report is available to the public in print and online at: <http://www.fara.gov>.

Public Reporting Burden. Public reporting burden for this collection of information is estimated to average .33 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Counterespionage Section, National Security Division, U.S. Department of Justice, Washington, DC 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

1. Name of Registrant

Flynn Intel Group, Inc.

2. Registration No.

6406

3. Name of Foreign Principal

Inovo BV

Check Appropriate Box:

4. ☒ The agreement between the registrant and the above-named foreign principal is a formal written contract. If this box is checked, attach a copy of the contract to this exhibit.
5. ☐ There is no formal written contract between the registrant and the foreign principal. The agreement with the above-named foreign principal has resulted from an exchange of correspondence. If this box is checked, attach a copy of all pertinent correspondence, including a copy of any initial proposal which has been adopted by reference in such correspondence.
6. ☐ The agreement or understanding between the registrant and the foreign principal is the result of neither a formal written contract nor an exchange of correspondence between the parties. If this box is checked, give a complete description below of the terms and conditions of the oral agreement or understanding, its duration, the fees and expenses, if any, to be received.
7. Describe fully the nature and method of performance of the above indicated agreement or understanding.

See attached contract.

8. Describe fully the activities the registrant engages in or proposes to engage in on behalf of the above foreign principal.

Flynn Intel Group was tasked to perform investigative research for a specified scope of work using its laboratory team of senior defense, diplomacy, development, and intelligence professionals over a three-month period. Flynn Intel Group was to retain an experienced filming and production crew in order to develop a short film piece on the results of its investigation, and a public affairs firm to utilize for public affairs as needed. Flynn Intel Group held weekly calls with the client to report engagement progress.

9. Will the activities on behalf of the above foreign principal include political activities as defined in Section 1(o) of the Act and in the footnote below? Yes ☒ No ☐

If yes, describe all such political activities indicating, among other things, the relations, interests or policies to be influenced together with the means to be employed to achieve this purpose.

See response to item 8.

EXECUTION

In accordance with 28 U.S.C. § 1746, the undersigned swears or affirms under penalty of perjury that he/she has read the information set forth in this Exhibit B to the registration statement and that he/she is familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her knowledge and belief.

Date of Exhibit B	Name and Title	Signature
March 07, 2017	Michael T. Flynn, Chairman and CEO	/s/ Michael T. Flynn eSigned

Footnote: "Political activity," as defined in Section 1(o) of the Act, means any activity which the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

Independent Advisory Services Agreement

This agreement is executed by and between INOVO BV, an entity organized and operating under the laws of the Netherlands with its principal offices located at 47, Adriaanstraat, 3581 SC Utrecht, The Netherlands (VAT NL8146.45.756B02) hereinafter referred to as "client" and, Flynn Intel Group, Inc., an entity registered in the State of Delaware in the United States with its principal offices located at 44 Canal Center Plaza, Suite 400, Alexandria, Virginia, 22314 hereinafter referred to as the "advisor". Together, the client and the advisor shall be referred to as the "parties" in this agreement.

Recitals

The client is desirous of engaging the advisor for a specified scope of work aimed at design and delivery of a series of results in discovery, analysis, packaging and presentation of findings in a credible, durable and easy to disseminate format over a period of three months from the execution of this agreement. The advisor is uniquely qualified to accept this task and has a clear understanding of the requirements of this independent study and investigation engagement.

The advisor is an entity led by senior defense, diplomacy, development and intelligence professionals. Further, the advisor has assembled a team of experts with specific background and expertise required by the scope of this engagement. A complete list of Professionals carefully selected for this assignment has been presented and approved by the client. The client expects and the advisor is prepared to deliver findings and results including but not limited to making criminal referrals if warranted and supported by the findings. The advisor's team dedicated to this engagement includes Sphere Consulting, a top tier public affairs and strategic reputation management firm based in Washington DC with global reach.

Nature of the relationship between the client and the advisor

The advisor is not an employee or an agent of the client. The advisor is an independent contractor engaged for specific purpose of providing advice relating to assisting the client with accomplishing the objectives of this engagement. The client expects the advisor to act with complete objectivity in the design and execution of its investigative mission pertaining to this engagement. Further, the client is by no means dictating to the advisor a specific pre-determined outcome or a particular result. The advisor acts in good faith and on the basis of best effort to obtain the goals of the engagement. The parties to this agreement recognize that the advisor is not in a position to guarantee results in matters outside of the advisor's control.

Scope of services

The advisor will activate its investigative laboratory comprised of its most senior principals including but not limited to former Director of United States Central Intelligence Agency, Former Director of the United States Defense Intelligence Agency, Former chairman of the Audit Committee of the Export Import Bank of the United States, former Director of Intelligence for the Joint Chiefs of Staff, Former Special Operations (Green Beret) Investigator and Intelligence officer, former Deputy Assistant Director of Federal Bureau of Investigations of the United States, Former senior legal counsel to the United States Senate Committee on Intelligence, two senior former FBI specialist investigators, Chairman of the Asymmetric Institute of the Department of Military Studies at Johns Hopkins University and the head of Flynn Intel Group's Special Operations Cyber Force. The advisor has also retained an experienced filming and

production crew with top quality experience with outlets such as Reuters, Aljazeera, CNN, France 24 and other major media outlets. The advisor shall hold weekly calls throughout the engagement over the period of ninety days to report engagement progress to the client. The advisor's Public Affairs unit will continue its specialized work throughout the engagement period. Lieutenant General Michael T. Flynn, Ret. U.S. Army, former Director of Defense Intelligence Agency shall lead this engagement.

Term and termination

The initial term of this agreement is for ninety days effective as of August 15, 2016 and shall continue to November 15, 2016. The agreement may be extended for another year on terms mutually agreed upon and can be subsequently terminated with a 30-day advance written notice by either party. Notifications may be made through electronic mail addressed to each party's respective electronic email address. The term of this agreement may be extended by mutual consent of the parties in writing (email notification is sufficient to authorize extension).

Compensation

Compensation for advisor's professional services is a firm, fixed price of \$600,000 (Six hundred thousand dollars) comprised of three payments of \$200,000 (Two hundred thousand dollars) following the schedule below:

- *First installment of \$200,000 (two hundred thousand dollars) due at the time of the execution of this agreement.*
- *Second installment of \$200,000 (two hundred thousand) due on October 1st, 2016.*
- *Third installment of \$200,000 (two hundred thousand dollars) due on November 1st, 2016.*

Engagement Expenses

The above compensation figures do not include any travel, lodging and per diem expenses. If travel is deemed necessary by the client, estimated expenses shall be presented to the client in advance for approval by the client and amendment to this agreement if necessary. The advisor shall not incur any additional expenses to the above total fixed costs without a prior written approval for specific expenses deemed necessary by the client (email notification is sufficient).

Confidentiality

The terms and conditions of this agreement shall remain confidential. Parties agree to maintain each other's information in strict confidence throughout the course of this engagement and after its termination. The advisor agrees to return all such confidential material to the client at the end of the engagement. Further, parties agree that no public announcement of the scope or details of this engagement shall be made without written approval of both parties during the course of the engagement. Parties agree to strict compliance with this clause since both parties understand that disclosing the details of this engagement will adversely impact the quality of the investigations.

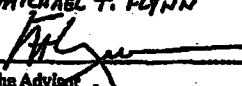
Signed by:

INOVO BV (The Netherlands)
Capt. Ekim Alptekin
Chairman and CEO

Flynn Intel Group, Inc.
Lieutenant General Michael T. Flynn
Chairman and CEO



The Client
Date: 02/09/2018

MICHAEL T. FLYNN


The Advisor
Date: 3/9/2018

U.S. Department of Justice

Washington, DC 20530

Supplemental Statement

**Pursuant to the Foreign Agents Registration Act of
1938, as amended**

For Six Month Period Ending Nov. 30, 2016

(Insert date)

I - REGISTRANT

1. (a) Name of Registrant

(b) Registration No.

Flynn Intel Group, Inc.

6406

(c) Business Address(es) of Registrant

44 Canal Center Plaza, Alexandria, VA 22314

2. Has there been a change in the information previously furnished in connection with the following?

(a) If an individual:

(1) Residence address(es) Yes ☐ No ☐

(2) Citizenship Yes ☐ No ☐

(3) Occupation Yes ☐ No ☐

(b) If an organization:

(1) Name Yes ☐ No ☒

(2) Ownership or control Yes ☐ No ☒

(3) Branch offices Yes ☐ No ☒ Flynn Intel Group's sole office closed in November 2016.

(c) Explain fully all changes, if any, indicated in Items (a) and (b) above.

Flynn Intel Group, Inc. suspended activities in November 2016.

IF THE REGISTRANT IS AN INDIVIDUAL, OMIT RESPONSE TO ITEMS 3, 4, AND 5(a).

3. If you have previously filed Exhibit C¹, state whether any changes therein have occurred during this 6 month reporting period.

Yes ☐ No ☒

If yes, have you filed an amendment to the Exhibit C? Yes ☐ No ☐

If no, please attach the required amendment.

**GOVERNMENT
EXHIBIT**

61

1:18-CR-457

¹ The Exhibit C, for which no printed form is provided, consists of a true copy of the charter, articles of incorporation, association, and by laws of a registrant that is an organization. (A waiver of the requirement to file an Exhibit C may be obtained for good cause upon written application to the Assistant Attorney General, National Security Division, U.S. Department of Justice, Washington, DC 20530.)

4. (a) Have any persons ceased acting as partners, officers, directors or similar officials of the registrant during this 6 month reporting period?

Yes ☐ No ☒

If yes, furnish the following information:

Name	Position	Date Connection Ended
------	----------	-----------------------

(b) Have any persons become partners, officers, directors or similar officials during this 6 month reporting period?

Yes ☐ No ☒

If yes, furnish the following information:

Name	Residence Address	Citizenship	Position	Date Assumed
------	-------------------	-------------	----------	--------------

5. (a) Has any person named in Item 4(b) rendered services directly in furtherance of the interests of any foreign principal?

Yes ☐ No ☐

If yes, identify each such person and describe the service rendered.

(b) During this six month reporting period, has the registrant hired as employees or in any other capacity, any persons who rendered or will render services to the registrant directly in furtherance of the interests of any foreign principal(s) in other than a clerical or secretarial, or in a related or similar capacity? Yes ☐ No ☒

Name	Residence Address	Citizenship	Position	Date Assumed
------	-------------------	-------------	----------	--------------

(c) Have any employees or individuals, who have filed a short form registration statement, terminated their employment or connection with the registrant during this 6 month reporting period? Yes ☒ No ☐

If yes, furnish the following information:

Name	Position or Connection	Date Terminated
------	------------------------	-----------------

Flynn Intel Group, Inc. suspended activities in
November 2016.

(d) Have any employees or individuals, who have filed a short form registration statement, terminated their connection with any foreign principal during this 6 month reporting period? Yes ☒ No ☐

If yes, furnish the following information:

Name	Position or Connection	Foreign Principal	Date Terminated
------	------------------------	-------------------	-----------------

The contract between Inovo BV and
Flynn Intel Group ended by its terms
on November 15, 2016.

6. Have short form registration statements been filed by all of the persons named in Items 5(a) and 5(b) of the supplemental statement?

Yes ☐ No ☐

If no, list names of persons who have not filed the required statement.

II - FOREIGN PRINCIPAL

7. Has your connection with any foreign principal ended during this 6 month reporting period? Yes ☒ No ☐
If yes, furnish the following information:

Foreign Principal

Date of Termination

Inovo BV

November 15, 2016

8. Have you acquired any new foreign principal(s)² during this 6 month reporting period? Yes ☐ No ☒
If yes, furnish the following information:

Name and Address of Foreign Principal(s)

Date Acquired

9. In addition to those named in Items 7 and 8, if any, list foreign principal(s)² whom you continued to represent during the 6 month reporting period.

10. (a) Have you filed exhibits for the newly acquired foreign principal(s), if any, listed in Item 8?

Exhibit A³ Yes ☐ No ☐

Exhibit B⁴ Yes ☐ No ☐

If no, please attach the required exhibit.

- (b) Have there been any changes in the Exhibits A and B previously filed for any foreign principal whom you represented during this six month period? Yes ☐ No ☒

If yes, have you filed an amendment to these exhibits? Yes ☐ No ☐

If no, please attach the required amendment.

² The term "foreign principal" includes, in addition to those defined in Section 1(b) of the Act, an individual organization any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign government, foreign political party, foreign organization or foreign individual. (See Rule 100(a) (9)). A registrant who represents more than one foreign principal is required to list in the statements he files under the Act only those principals for whom he is not entitled to claim exemption under Section 3 of the Act. (See Rule 208.)

³ The Exhibit A, which is filed on Form NSD-3, sets forth the information required to be disclosed concerning each foreign principal.

⁴ The Exhibit B, which is filed on Form NSD-4, sets forth the information concerning the agreement or understanding between the registrant and the foreign principal.

III - ACTIVITIES

11. During this 6 month reporting period, have you engaged in any activities for or rendered any services to any foreign principal named in Items 7, 8, or 9 of this statement? Yes ☒ No ☐

If yes, identify each foreign principal and describe in full detail your activities and services:

See attachment.

12. During this 6 month reporting period, have you on behalf of any foreign principal engaged in political activity⁵ as defined below? Yes ☒ No ☐

If yes, identify each such foreign principal and describe in full detail all such political activity, indicating, among other things, the relations, interests and policies sought to be influenced and the means employed to achieve this purpose. If the registrant arranged, sponsored or delivered speeches, lectures or radio and TV broadcasts, give details as to dates, places of delivery, names of speakers and subject matter.

See attachment.

13. In addition to the above described activities, if any, have you engaged in activity on your own behalf which benefits your foreign principal(s)? Yes ☒ No ☐

If yes, describe fully.

Because of its expertise, Flynn Intel Group officials frequently write, speak, and give interviews on issues related to national security. Although not undertaken at the direction or control of a foreign principal, it is possible that such activities may have an indirect benefit to a principal. On his own initiative, Michael T. Flynn published an op-ed in The Hill on November 8, 2016, that related to the same subject matters as the Flynn Intel Group work for Inovo BV. Neither Inovo BV, nor any other person requested or directed publication of the op-ed.

⁵ "Political activity," as defined in Section 1(o) of the Act, means any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting or changing the domestic or foreign policies of the United States or with reference to political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

IV - FINANCIAL INFORMATION

14. (a) RECEIPTS-MONIES

During this 6 month reporting period, have you received from any foreign principal named in Items 7, 8, or 9 of this statement, or from any other source, for or in the interests of any such foreign principal, any contributions, income or money either as compensation or otherwise? Yes ☒ No ☐

If no, explain why.

If yes, set forth below in the required detail and separately for each foreign principal an account of such monies.⁶

Date	From Whom	Purpose	Amount
See attachment.			

Total

(b) RECEIPTS - FUNDRAISING CAMPAIGN

During this 6 month reporting period, have you received, as part of a fundraising campaign⁷, any money on behalf of any foreign principal named in Items 7, 8, or 9 of this statement? Yes ☐ No ☒

If yes, have you filed an Exhibit D⁸ to your registration? Yes ☐ No ☐

If yes, indicate the date the Exhibit D was filed. Date _____

(c) RECEIPTS-THINGS OF VALUE

During this 6 month reporting period, have you received any thing of value⁹ other than money from any foreign principal named in Items 7, 8, or 9 of this statement, or from any other source, for or in the interests of any such foreign principal?

Yes ☐ No ☒

If yes, furnish the following information:

Foreign Principal	Date Received	Thing of Value	Purpose
-------------------	---------------	----------------	---------

^{6, 7} A registrant is required to file an Exhibit D if he collects or receives contributions, loans, moneys, or other things of value for a foreign principal, as part of a fundraising campaign. (See Rule 201(e)).

⁸ An Exhibit D, for which no printed form is provided, sets forth an account of money collected or received as a result of a fundraising campaign and transmitted for a foreign principal.

⁹ Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks," and the like.

15. (a) **DISBURSEMENTS-MONIES**

During this 6 month reporting period, have you

(1) disbursed or expended monies in connection with activity on behalf of any foreign principal named in Items 7, 8, or 9 of this statement? Yes ☒ No ☐

(2) transmitted monies to any such foreign principal? Yes ☐ No ☐

If no, explain in full detail why there were no disbursements made on behalf of any foreign principal.

If yes, set forth below in the required detail and separately for each foreign principal an account of such monies, including monies transmitted, if any, to each foreign principal.

Date	To Whom	Purpose	Amount
See attachment.			

Total

(b) **DISBURSEMENTS-THINGS OF VALUE**

During this 6 month reporting period, have you disposed of anything of value¹⁰ other than money in furtherance of or in connection with activities on behalf of any foreign principal named in Items 7, 8, or 9 of this statement?

Yes ☐

No ☒

If yes, furnish the following information:

Date	Recipient	Foreign Principal	Thing of Value	Purpose
------	-----------	-------------------	----------------	---------

(c) **DISBURSEMENTS-POLITICAL CONTRIBUTIONS**

During this 6 month reporting period, have you from your own funds and on your own behalf either directly or through any other person, made any contributions of money or other things of value¹¹ in connection with an election to any political office, or in connection with any primary election, convention, or caucus held to select candidates for political office?

Yes ☒

No ☐

If yes, furnish the following information:

Date	Amount or Thing of Value	Political Organization or Candidate	Location of Event
------	--------------------------	-------------------------------------	-------------------

Rafiekian
10/31/16

\$250

Trump Make American Great Again
Committee

Rafiekian
*

*

Zinke For Congress

* Mr. Rafiekian is searching for records of the date and amount of the contribution, which he believes he made, and will amend this report when the information is located.

10, 11 Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks," and the like.

V - INFORMATIONAL MATERIALS

16. (a) During this 6 month reporting period, did you prepare, disseminate or cause to be disseminated any informational materials?¹²
Yes ☒ No ☐

If Yes, go to Item 17.

- (b) If you answered No to Item 16(a), do you disseminate any material in connection with your registration?
Yes ☐ No ☐

If Yes, please forward the materials disseminated during the six month period to the Registration Unit for review.

17. Identify each such foreign principal.

Inovo BV.

18. During this 6 month reporting period, has any foreign principal established a budget or allocated a specified sum of money to finance your activities in preparing or disseminating informational materials? Yes ☐ No ☒

If yes, identify each such foreign principal, specify amount, and indicate for what period of time.
See attachment.

19. During this 6 month reporting period, did your activities in preparing, disseminating or causing the dissemination of informational materials include the use of any of the following:

- ☐ Radio or TV broadcasts ☐ Magazine or newspaper ☐ Motion picture films ☐ Letters or telegrams
☐ Advertising campaigns ☐ Press releases ☐ Pamphlets or other publications ☐ Lectures or speeches
☒ Other (specify) See attachment.

Electronic Communications

- ☐ Email
☐ Website URL(s): _____
☐ Social media websites URL(s): _____
☒ Other (specify) See attachment.

20. During this 6 month reporting period, did you disseminate or cause to be disseminated informational materials among any of the following groups:

- ☐ Public officials ☐ Newspapers ☐ Libraries
☐ Legislators ☐ Editors ☐ Educational institutions
☐ Government agencies ☐ Civic groups or associations ☐ Nationality groups
☒ Other (specify) See attachment.

21. What language was used in the informational materials:

- ☒ English ☐ Other (specify) _____

22. Did you file with the Registration Unit, U.S. Department of Justice a copy of each item of such informational materials disseminated or caused to be disseminated during this 6 month reporting period? Yes ☐ No ☐ See attachment

23. Did you label each item of such informational materials with the statement required by Section 4(b) of the Act?
Yes ☐ No ☐ See attachment.

¹² The term informational materials includes any oral, visual, graphic, written, or pictorial information or matter of any kind, including that published by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or any means or instrumentality of interstate or foreign commerce or otherwise. Informational materials disseminated by an agent of a foreign principal as part of an activity in itself exempt from registration, or an activity which by itself would not require registration, need not be filed pursuant to Section 4(b) of the Act.

VI - EXECUTION

In accordance with 28 U.S.C. § 1746, the undersigned swear(s) or affirm(s) under penalty of perjury that he/she has (they have) read the information set forth in this registration statement and the attached exhibits and that he/she is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her (their) knowledge and belief, except that the undersigned make(s) no representation as to truth or accuracy of the information contained in the attached Short Form Registration Statement(s), if any, insofar as such information is not within his/her (their) personal knowledge.

(Date of signature)

(Print or type name under each signature or provide electronic signature¹³)

March 07, 2017

/s/ Michael T. Flynn

eSigned

¹³ This statement shall be signed by the individual agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions, if the registrant is an organization, except that the organization can, by power of attorney, authorize one or more individuals to execute this statement on its behalf.

Flynn Intel Group, Inc., Supplemental Statement

Attachment

Items 11-12

Note: In September 2016, the Flynn Intel Group filed a registration under the Lobbying Disclosure Act for its representation of Inovo BV ("Inovo"). Upon further review, and to eliminate any potential doubt, the Flynn Intel Group is electing to file a registration and supplemental statement under the Foreign Agents Registration Act in lieu of its prior LDA registration. Although the Flynn Intel Group was engaged by a private firm, Inovo BV, and not by a foreign government, because of the subject matter of the engagement, Flynn Intel Group's work for Inovo could be construed to have principally benefitted the Republic of Turkey. The Department's regulations provide that the LDA exemption from FARA registration is not available if a foreign government or political party is the principal beneficiary. *See* 28 C.F.R. § 5.307. This retroactive supplemental statement is being filed after the Flynn Intel Group closed its operations in November 2016, and the supplemental statement is therefore based on information that is currently available to Flynn Intel Group, to the best of its knowledge, after undertaking due diligence with the assistance of counsel.

In August 2016, Flynn Intel Group entered into a contract with Inovo, a consulting firm based in the Netherlands. The contract provided that Flynn Intel Group would perform research, engage a public relations firm and a filming and production crew to potentially distribute the results of its research, and hold weekly calls with the client to discuss progress on the project. Flynn Intel Group understood the engagement to be focused on improving U.S. business organizations' confidence regarding doing business in Turkey, particularly with respect to the stability of Turkey and its suitability as a venue for investment and commercial activity. Inovo has represented, through its counsel, that no part of the fees paid to Flynn Intel Group by Inovo was provided by any foreign government.

Under the contract, Flynn Intel Group conducted open-source research for Inovo and at Inovo's direction. The research, which was conducted by independent contractors retained for this purpose, focused on Mr. Fethullah Gülen and charter schools in the United States that are associated with, or allegedly associated with, Mr. Gülen. The results of Flynn Intel Group's research were provided to Inovo, and to S.G.R. LLC Government Relations and Lobbying, the public relations firm engaged by Flynn Intel Group. Flynn Intel Group and the public relations firm developed various materials and documents related to this research for potential dissemination. Because the project was terminated early, the full scope of the contract was not performed, and to the best of Flynn Intel Group's knowledge, none of the research materials prepared by the Flynn Intel Group were disseminated to third parties.

In early September 2016, Flynn Intel Group was invited by Mr. Alptekin to meet with a group of government officials from Turkey for the purpose of understanding better the political climate in Turkey at the time, as background for the project. Officials of the Republic of Turkey

attending this meeting on September 19, 2016, in New York, were the Minister of Foreign Affairs and the Minister of Energy, to the best of Flynn Intel Group's current understanding.

Mr. Rafiekian met with Miles Taylor, National Security Advisor to the House Committee on Homeland Security, on two occasions in approximately October 2016, at Mr. Taylor's office and at Flynn Intel Group's office. A representative of S.G.R. LLC Government Relations and Lobbying attended the meeting at Flynn Intel Group's office. Over the course of the discussions, Mr. Rafiekian raised the firm's representation of Inovo and issues related to the research conducted for Inovo concerning Mr. Gülen and Turkey. Flynn Intel Group also oversaw outreach, which was conducted by the public relations firm, to a state government official in Arkansas.

Pursuant to its contract with Inovo, Flynn Intel Group informally engaged a group of individuals (independent contractors) to form a film and production crew for the purposes of producing a video documentary based on its research associated with Mr. Gülen. The activities included a couple of videotaped interviews and other initial development of content. Because the contract was not extended, the full scope of anticipated work was not performed and, to the best of Flynn Intel Group's current knowledge, the video was neither finished nor disseminated to any third parties. S.G.R. LLC Government Relations and Lobbying created a Gulen-themed monopoly graphic at the direction of Flynn Intel Group. To the best of its knowledge, Flynn Intel Group did not disseminate this document or associated research (other than to Inovo).

In late October and early November 2016, Gen. Flynn of Flynn Intel Group developed an op-ed article based, in part, on the research conducted by Flynn Intel Group under the Inovo engagement. The op-ed was not written or published at the request of, or under the direction or control of, Inovo, the Republic of Turkey, or any other party. No compensation was received for the publication of the op-ed. In addition to Gen. Flynn, Bijan Rafiekian and an editor, Hank Cox, participated in the drafting. Inovo, Mr. Alptekin, and the Republic of Turkey did not participate in the drafting. Nonetheless, the op-ed addresses subject matter related to the research that Flynn Intel Group conducted for Inovo, and a draft of the op-ed was shared with Inovo in advance of publication. No changes, other than technical edits, were made to the op-ed based on feedback from Inovo. To the best of our knowledge, Inovo did not communicate with the Republic of Turkey regarding the op-ed or provide the draft op-ed to the government. S.G.R. LLC Government Relations and Lobbying assisted Flynn Intel Group with placement of the op-ed with *The Hill* publication.

Item 14

Payments received by Flynn Intel Group in connection with the project and purpose based on information contained in Flynn Intel Group's general ledger and accounting records.

Date Received	Foreign Principal	Purpose	Amount
09/09/2016	Inovo BV	Consulting	\$200,000.00
10/11/2016	Inovo BV	Consulting	\$185,000.00
11/14/2016	Inovo BV	Consulting	\$145,000.00

Item 15

Disbursements by Flynn Intel Group in connection with the project and purpose based on information contained in Flynn Intel Group's general ledger and accounting records.

Date	To Whom	Purpose	Amount
10/14/2016	Bob Kelley	Consultancy Fee	\$2,500.00
10/31/2016	Bob Kelley	Consultancy Fee	\$2,500.00
11/21/2016	Bob Kelley	Consultancy Fee	\$5,000.00
10/04/2016	Brian McCauley	Consultancy Fee	\$5,000.00
10/13/2016	Brian McCauley	Consultancy Fee	\$3,000.00
11/14/2016	Brian McCauley	Consultancy Fee	\$5,000.00
12/05/2016	Brian McCauley	Consultancy Fee	\$15,000.00
09/19/2016	Carl Pilgram	Administrative Support	\$ 4,000.00
10/25/2016	Carl Pilgram	Administrative Support	\$4,000.00
11/16/2016	Carl Pilgram	Administrative Support	\$4,000.00
10/11/2016	David Enders	Videography	\$1,700.00
10/11/2016	David Enders	Videography	\$850.00
12/02/2016	David Enders	Videography	\$850.00
12/02/2016	Hank Cox	Editing	\$300.00
9/13/2016	Inovo BV	Consultancy Fee	\$40,000.00
10/17/2016	Inovo BV	Consultancy Fee	\$40,000.00
09/13/2016	Michael G. Flynn	Administrative Support	\$4,000.00
10/21/2016	Michael G. Flynn	Administrative Support	\$4,000.00
11/22/2016	Michael G. Flynn	Administrative Support	\$4,000.00
10/11/2016	Mike Boston	Consultancy Fee	\$ 8,000.00
10/14/2016	Mike Boston	Consultancy Fee	\$8,000.00
11/21/2016	Mike Boston	Consultancy Fee	\$8,000.00
11/10/2016	Operational Behavioral Services	Consultancy Fee	\$20,000.00
10/13/2016	Paul Becker	Consultancy Fee	\$1,500.00
11/22/2016	Paul Becker	Consultancy Fee	\$6,000.00
10/12/2016	Rudi Bakhtiar	Interview	\$1,200
10/11/2016	SGR LLC	Public Affairs	\$15,000.00
10/24/2016	SGR LLC	Public Affairs	\$10,000.00
11/16/2016	SGR LLC	Public Affairs	\$15,000.00
10/05/2016	White Canvas Group	Public open source research	\$7,500.00
12/16/2016	White Canvas Group	Public open source research	\$7,500.00

Items 16-23

Pursuant to the contract between Flynn Intel Group and Inovo BV, the parties anticipated that Flynn Intel Group would engage a public relations firm, Sphere Consulting, and engage a film production crew for the creation of a video. The public relations firm (S.G.R. LLC Government Relations and Lobbying) was engaged but the video was not completed or disseminated, to the best of our understanding. The budget for these activities was reflected in the engagement contract with S.G.R. LLC Government Relations and Lobbying; no separate budget related to informational materials. Because this is a retroactive registration prepared after Flynn Intel Group had already begun to close operations, this registration is based on documentation currently available to Flynn Intel Group. If additional relevant information is later identified, Flynn Intel Group will amend its registration.

U.S. Department of Justice
 Washington, DC 20530

Short Form Registration Statement
Pursuant to the Foreign Agents Registration Act of
1938, as amended

INSTRUCTIONS. Each partner, officer, director, associate, employee, and agent of a registrant is required to file a short form registration statement unless he engages in no activities in furtherance of the interests of the registrant's foreign principal or unless the services he renders to the registrant are in a secretarial, clerical, or in a related or similar capacity. Compliance is accomplished by filing an electronic short form registration statement at <http://www.fara.gov>.

Privacy Act Statement. The filing of this document is required for the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.*, for the purposes of registration under the Act and public disclosure. Provision of the information requested is mandatory, and failure to provide the information is subject to the penalty and enforcement provisions established in Section 8 of the Act. Every registration statement, short form registration statement, supplemental statement, exhibit, amendment, copy of informational materials or other document or information filed with the Attorney General under this Act is a public record open to public examination, inspection and copying during the posted business hours of the Registration Unit in Washington, DC. Statements are also available online at the Registration Unit's webpage: <http://www.fara.gov>. One copy of every such document, other than informational materials, is automatically provided to the Secretary of State pursuant to Section 6(b) of the Act, and copies of any and all documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. The Attorney General also transmits a semi-annual report to Congress on the administration of the Act which lists the names of all agents registered under the Act and the foreign principals they represent. This report is available to the public and online at: <http://www.fara.gov>.

Public Reporting Burden. Public reporting burden for this collection of information is estimated to average .429 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Counterespionage Section, National Security Division, U.S. Department of Justice, Washington, DC 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

1. Name Lt. Gen Michael T. Flynn (Ret.)	2. Registration No. 6406
3. Residence Address(es) Provided separately to the Department of Justice.	4. Business Address(es) 44 Canal Center Plaza, Alexandria, VA 22314
5. Year of Birth 1958 Nationality U.S. Present Citizenship U.S.	6. If present citizenship was not acquired by birth, indicate when, and how acquired.
7. Occupation Consultant	
8. What is the name and address of the primary registrant? Name Flynn Intel Group, Inc. Address 44 Canal Center Plaza, Alexandria, VA 22314	

**GOVERNMENT
 EXHIBIT
 64
 1:18-CR-457**

9. Indicate your connection with the primary registrant:

- | | | | |
|------------------------------------------------|----------------------------------------------|-----------------------------------|----------------------------------------|
| <input type="checkbox"/> partner | <input checked="" type="checkbox"/> director | <input type="checkbox"/> employee | <input type="checkbox"/> consultant |
| <input type="checkbox"/> officer | <input type="checkbox"/> associate | <input type="checkbox"/> agent | <input type="checkbox"/> subcontractor |
| <input type="checkbox"/> other (specify) _____ | | | |

10. List every foreign principal to whom you will render services in support of the primary registrant.
 Inovo BV

11. Describe separately and in detail all services which you will render to the foreign principal(s) listed in Item 10 either directly, or through the primary registrant listed in Item 8, and the date(s) of such services. (If space is insufficient, a full insert page must be used.)
 See attachment.

12. Do any of the above described services include political activity as defined in Section 1(o) of the Act and in the footnote below?

Yes ☒

No ☐

If yes, describe separately and in detail such political activity.

See response to item 11.

13. The services described in Items 11 and 12 are to be rendered on a

☐ full time basis

☒ part time basis

☐ special basis

14. What compensation or thing of value have you received to date or will you receive for the above services?

☐ Salary: Amount \$ _____ per _____

☐ Commission at _____ % of _____

☒ Salary: Not based solely on services rendered to the foreign principal(s).

☐ Fee: Amount \$ _____

☐ Other thing of value _____

15. During the period beginning 60 days prior to the date of your obligation to register to the time of filing this statement, did you make any contributions of money or other things of value from your own funds or possessions and on your own behalf in connection with any election to political office or in connection with any primary election, convention, or caucus held to select candidates for any political office? Yes ☐ No ☒

If yes, furnish the following information:

Date	Amount or Thing of Value	Political Organization or Candidate	Location of Event
------	--------------------------	-------------------------------------	-------------------

EXECUTION

In accordance with 28 U.S.C. § 1746, the undersigned swears or affirms under penalty of perjury that he/she has read the information set forth in this registration statement and that he/she is familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her knowledge and belief.

March 07, 2017

(Date of signature)

/s/ Michael T. Flynn

(Signature)

eSigned

Footnote: "Political activity," as defined in Section 1(o) of the Act, means any activity which the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

Flynn Intel Group, Inc., Short Form (Flynn)

Attachment

Item 11

Flynn Intel Group was tasked to perform investigative research for a specified scope of work using its laboratory team of senior defense, diplomacy, development, and intelligence professionals over a three-month period. Flynn Intel Group was to retain an experienced filming and production crew in order to develop a short film piece on the results of its investigation, and a public affairs firm to utilize for public affairs as needed. Flynn Intel Group held weekly calls with the client to report engagement progress.

U.S. Department of Justice
Washington, DC 20530**Short Form Registration Statement**
Pursuant to the Foreign Agents Registration Act of
1938, as amended

INSTRUCTIONS. Each partner, officer, director, associate, employee, and agent of a registrant is required to file a short form registration statement unless he engages in no activities in furtherance of the interests of the registrant's foreign principal or unless the services he renders to the registrant are in a secretarial, clerical, or in a related or similar capacity. Compliance is accomplished by filing an electronic short form registration statement at <http://www.fara.gov>.

Privacy Act Statement. The filing of this document is required for the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.*, for the purposes of registration under the Act and public disclosure. Provision of the information requested is mandatory, and failure to provide the information is subject to the penalty and enforcement provisions established in Section 8 of the Act. Every registration statement, short form registration statement, supplemental statement, exhibit, amendment, copy of informational materials or other document or information filed with the Attorney General under this Act is a public record open to public examination, inspection and copying during the posted business hours of the Registration Unit in Washington, DC. Statements are also available online at the Registration Unit's webpage: <http://www.fara.gov>. One copy of every such document, other than informational materials, is automatically provided to the Secretary of State pursuant to Section 6(b) of the Act, and copies of any and all documents are routinely made available to other agencies, departments and Congress pursuant to Section 6(c) of the Act. The Attorney General also transmits a semi-annual report to Congress on the administration of the Act which lists the names of all agents registered under the Act and the foreign principals they represent. This report is available to the public and online at: <http://www.fara.gov>.

Public Reporting Burden. Public reporting burden for this collection of information is estimated to average .429 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Chief, Registration Unit, Counterespionage Section, National Security Division, U.S. Department of Justice, Washington, DC 20530; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

1. Name Bijan Rafiekian	2. Registration No. 6406
3. Residence Address(es) Provided separately to the Department of Justice.	4. Business Address(es) 44 Canal Center Plaza, Alexandria, VA 22314
5. Year of Birth 1952 Nationality U.S. Present Citizenship U.S.	6. If present citizenship was not acquired by birth, indicate when, and how acquired.
7. Occupation Consultant	
8. What is the name and address of the primary registrant? Name Flynn Intel Group, Inc. Address 44 Canal Center Plaza, Alexandria, VA 22314	

**GOVERNMENT
EXHIBIT
65
1:18-CR-457**

9. Indicate your connection with the primary registrant:

- | | | | |
|------------------------------------------------|----------------------------------------------|-----------------------------------|----------------------------------------|
| <input type="checkbox"/> partner | <input checked="" type="checkbox"/> director | <input type="checkbox"/> employee | <input type="checkbox"/> consultant |
| <input type="checkbox"/> officer | <input type="checkbox"/> associate | <input type="checkbox"/> agent | <input type="checkbox"/> subcontractor |
| <input type="checkbox"/> other (specify) _____ | | | |

10. List every foreign principal to whom you will render services in support of the primary registrant.
Inovo BV11. Describe separately and in detail all services which you will render to the foreign principal(s) listed in Item 10 either directly, or through the primary registrant listed in Item 8, and the date(s) of such services. (If space is insufficient, a full insert page must be used.)
See attachment.

12. Do any of the above described services include political activity as defined in Section 1(o) of the Act and in the footnote below?

Yes ☒

No ☐

If yes, describe separately and in detail such political activity.

See response to item 11.

13. The services described in Items 11 and 12 are to be rendered on a

☐ full time basis

☒ part time basis

☐ special basis

14. What compensation or thing of value have you received to date or will you receive for the above services?

☐ Salary: Amount \$ _____ per _____

☐ Commission at _____ % of _____

☒ Salary: Not based solely on services rendered to the foreign principal(s).

☐ Fee: Amount \$ _____

☐ Other thing of value _____

15. During the period beginning 60 days prior to the date of your obligation to register to the time of filing this statement, did you make any contributions of money or other things of value from your own funds or possessions and on your own behalf in connection with any election to political office or in connection with any primary election, convention, or caucus held to select candidates for any political office? Yes ☐ No ☒

If yes, furnish the following information:

Date	Amount or Thing of Value	Political Organization or Candidate	Location of Event
------	--------------------------	-------------------------------------	-------------------

EXECUTION

In accordance with 28 U.S.C. § 1746, the undersigned swears or affirms under penalty of perjury that he/she has read the information set forth in this registration statement and that he/she is familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his/her knowledge and belief.

March 07, 2017

(Date of signature)

/s/ Bijan Rafiekian

(Signature)

eSigned

Footnote: "Political activity," as defined in Section 1(o) of the Act, means any activity which the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

Flynn Intel Group, Inc., Short Form (Rafiekian)

Attachment

Item 11

Flynn Intel Group was tasked to perform investigative research for a specified scope of work using its laboratory team of senior defense, diplomacy, development, and intelligence professionals over a three-month period. Flynn Intel Group was to retain an experienced filming and production crew in order to develop a short film piece on the results of its investigation, and a public affairs firm to utilize for public affairs as needed. Flynn Intel Group held weekly calls with the client to report engagement progress.



Alptekin, Ekim



2 Participants

September 8, 2016

Hi Bijan

5:21 PM

will send the agreement

5:21 PM

just left pm's office

5:22 PM

Thank you Ekim. MF and I are going to meet in 30 minutes at 1400.

5:23 PM

**GOVERNMENT
EXHIBIT
67J
1:18-CR-457**





U.S. Department of Justice
National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

November 30, 2016

BY FEDEX

LTG (Ret.) Michael T. Flynn
Flynn Intel Group, Inc.
44 Canal Center Plaza
Alexandria, VA 22314-2231

Re: Possible Obligation to Register Under the Foreign Agents Registration Act

Dear General Flynn:

The Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* ("FARA" or the "Act"), is a statute requiring the registration of "agents of foreign principals" who are engaged in "political activities" or other covered activities and who are not exempt from the Act's registration requirements. In addition, the Act requires non-exempt agents to conspicuously label "informational materials" transmitted (or caused to be transmitted) in the United States for or in the interests of a foreign principal, and to make periodic public disclosure of their identities, agencies, activities, receipts, and disbursements. Such conspicuous labeling and disclosure facilitates evaluation by the government and the American people of the statements and activities of such persons in light of their status as foreign agents.

The FARA Registration Unit of the Counterintelligence and Export Control Section of the National Security Division is responsible for the administration and enforcement of the Act. In carrying out our responsibilities, we routinely review a wide range of publicly available information for indications of activities by entities or individuals that may require registration under the Act. Where such information suggests that a registration obligation may exist, we send a letter advising the entity or person of the existence of FARA and the possible obligations thereunder, and seek additional information to evaluate whether a registration obligation exists.

Consistent with this longstanding practice, we note that numerous media reports have suggested that you or your firm, Flynn Intel Group, Inc., may have engaged in activities on behalf of the Government of Turkey through your firm's affiliation with Kamil Ekim Alptekin, principal in Inovo BV and Chairman of the Turkish-American Business Council, or through other means, that may require registration under FARA. Most notably, these reports contain allegations that your November 8, 2016, opinion editorial ("op-ed") in *The Hill* was activity on behalf of the Turkish Government. If such allegations are true, you may be required to register under the Act.

GOVERNMENT
EXHIBIT
90
1:18-CR-457

To assist us in determining whether you, the Flynn Intel Group, and/or other individuals or entities have an obligation to register under FARA, we request the following information and documents: (1) a copy of any written agreement(s) or, in the absence of a written agreement, a full description of the terms and conditions of any oral agreement(s), between you (or Flynn Intel Group) and the Government of Turkey, Kamil Ekim Alptekin, the Turkish-American Business Council, and/or Inovo BV; (2) a description of the activities, if any, that you and/or Flynn Intel Group have engaged in or the services, if any, you and/or Flynn Intel Group have provided to the Government of Turkey, Kamil Ekim Alptekin, the Turkish-American Business Council or Inovo BV; and (3) copies of emails and other communications, if any, between you (or anyone else at Flynn Intel Group) and the Government of Turkey, Kamil Ekim Alptekin, the Turkish-American Business Council, and/or Inovo BV in connection with your November 8, 2016, op-ed in *The Hill*.

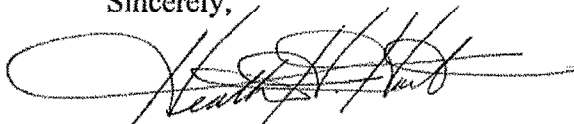
In addition to the information requested above, please respond to the following questions:

- 1) At any time prior or subsequent to the November 8, 2016, op-ed in *The Hill*, did you or anyone else at Flynn Intel Group have any communications with any official in the Turkish Government or Mr. Alptekin regarding the op-ed? If yes, please describe the nature and content of such communications.
- 2) To your knowledge, at any time prior or subsequent to publication of the op-ed, did Mr. Alptekin or anyone else associated with Inovo BV have any communications with any official in the Turkish Government regarding the op-ed?
- 3) Other than yourself, who was involved in the preparation of the op-ed?
- 4) Did any official in the Turkish Government, or anyone acting on behalf of the Turkish Government, ask or direct that the op-ed be written, or have any involvement in the preparation of the op-ed? If yes, please explain.
- 5) Did the Turkish Government, or anyone acting on its behalf, receive a copy of the op-ed (or a draft thereof) prior to its publication?
- 6) Did you, or any other person or entity, receive any compensation for writing the op-ed? If so, who was the source of that compensation?

The information and documents requested above will assist in informing our determination of whether you or other parties are required to register pursuant to FARA. If you possess any additional correspondence, notes, emails, or other documents pertinent to the questions above, or otherwise pertinent to our assessment of whether you or other parties are required to register under FARA, please provide us with such information.

If you have any questions, or would like to meet to discuss this matter, please contact me at (202) 233-0777/0776. A response is requested within 30 days of the date of this letter. We look forward to your prompt and thorough response to our inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather H. Hunt", with a large, stylized initial "H" and a long horizontal flourish extending to the right.

Heather H. Hunt
Chief, FARA Registration Unit

cc: Robert K. Kelley
General Counsel
Flynn Intel Group, Inc.

Attachment 2

Grand Jury Information

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

----- x
:
In re: :
:
GRAND JURY :
:
----- x

Grand Jury No. 18-2
United States District Court for
the Eastern District of Virginia
401 Courthouse Square
Alexandria, Virginia 22314

Tuesday, June 26, 2018

The testimony of MICHAEL FLYNN was taken in the
presence of a full quorum of Grand Jury 18-2, commencing at
9:53 a.m., before:

James P. Gillis
Assistant United States Attorney

Evan N. Turgeon
Special Assistant United States Attorney

RECEIVED
2018 JUL 12 AM 12:12
U.S. ATTORNEY'S OFFICE
ALEXANDRIA, VA

Grand Jury Information

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

Whereupon,

MICHAEL FLYNN

was called as a witness and, after being first duly sworn
by the Foreperson, or Deputy Foreperson, of the Grand Jury,
was examined and testified as follows:

EXAMINATION

BY MR. TURGEON

Q Can you please tell us your name?

A Michael Flynn.

Q Are you a retired U.S. military officer?

A Yes.

Q What branch did you serve in?

A Army.

Q At what position did you retire from the Army?

A I was a lieutenant general and director of the
Defense Intelligence Agency.

Q What is the Flynn Intel Group?

A It's a consulting advisory group.

Q Was the Flynn Intel Group also known as FIG,
spelled F-I-G?

A Yes.

Q Who were the people who played the most active
part of the business of FIG?

A Myself, Bijan Kian. There were others but those

Diversified Reporting Services, Inc.

1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 were principally the two people that played the most active
2 role.

3 Q Is Bijan Kian also known or does he also go by
4 the name Bijan Rafiekian?

5 A Yes.

6 Q What was your role position with FIG?

7 A I was the CEO.

8 Q Was Mr. Rafiekian also an officer of FIG?

9 A He was. He was the vice chairman and held a
10 couple of other roles.

11 Q Are you aware of a project concerning Turkey that
12 FIG performed during the summer and fall of 2016?

13 A Yes.

14 Q How did you first become aware of that project?

15 A Bijan came to me and mentioned that he had an
16 associate that he knew that was interested in using our
17 company to support a project.

18 Q Who was that associate?

19 A It was a gentleman by the name of Ekim Alptekin.

20 Q Who is Ekim Alptekin?

21 A Ekim is a person I came to know through Bijan.
22 He is a Turkish member of the Turkish-American Business
23 Council. And I mean, you know -- I mean, he's got some
24 other background but that's pretty much my knowledge of
25 him.

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q What stage was the project at when Mr. Rafiekian
2 approached you about it?

3 A It was at the, like, stage zero. I mean,
4 basically it was initial.

5 Q During that conversation with Mr. Rafiekian, did
6 Mr. Rafiekian tell you he had already spoken to someone
7 about the project?

8 A Bijan had mentioned that he had spoken with Ekim.

9 Q Before the project what relationship if any did
10 Mr. Rafiekian have with Mr. Alptekin?

11 A I understood that they had a relationship through
12 a commission, the Nalruse Commission, that Bijan is part
13 of. And I believe that they knew each other from other
14 just previous interaction, but I principally believe that's
15 where they knew each other.

16 Q Are you aware of Mr. Rafiekian communicating with
17 Mr. Alptekin about the project?

18 A Yes.

19 Q How do you know those conversations took place?

20 A Bijan related to me that he had been engaged or
21 speaking with Ekim about this, you know, like I said, the
22 initial stages and had spoken to him at least a couple of
23 times about it.

24 Q From the beginning of the project what was your
25 understanding about on whose behalf the work was going to

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 be performed?

2 A I think at the -- from the beginning it was
3 always on behalf of elements within the Turkish government.

4 Q Would it fair to say that the project was going
5 to be principally for the benefit of the government of
6 Turkey or high-ranking Turkish officials?

7 A Yes, yeah.

8 Q Where did you get that understanding?

9 A From conversations I had with Bijan and just
10 various email engagements that we had had early on about
11 whether or not we were going to do this thing.

12 Q Were Turkish officials involved with the project?

13 A They were. They definitely were aware of it and
14 they had acknowledged, or we were told that they had
15 acknowledged that we were involved. So I guess, I mean you
16 could in terms of rephrasing the question or whatever, but
17 I -- they were definitely aware of the project. I mean,
18 you know, you asked that they were directly involved but --

19 Q So do you know who the Turkish government
20 officials were who were involved in the project?

21 A I met two eventually and I saw names on various
22 emails that Bijan or Ekim had sent.

23 Q Who were the two that you met?

24 A I met the Minister of Foreign Affairs and I met
25 -- and I don't know exactly what his ministry was, but he

Diversified Reporting Services, Inc.

1426 Duke Street

Alexandria, Virginia 22314

(202) 467-9200

1 was the son in law of Erdogan, the president.

2 Q Did he hold a ministry-level position in the
3 Turkish government?

4 A I believe he did. Yeah, I believe he did. I
5 believe he did.

6 Q Do you know whether Mr. Alptekin had any
7 relationship with those Turkish officials?

8 A I believe that he did, just based on information
9 that Bijan had provided me as well as just emails that I
10 had seen about his engagement with senior government
11 officials in Turkey.

12 Q In connection with the project did Mr. Alptekin
13 have any role in interacting with these Turkish government
14 officials?

15 A Yes, he did.

16 Q How do you know that?

17 A Again from same sort of a -- the various
18 interactions, his feedback to us. And some of it was
19 relayed to me via Bijan, others were, you know, emails that
20 I saw where he had been -- he had just recently spoken to
21 or met with senior government officials, you know, about
22 this project.

23 MR. TURGEON: Would you and Mr. Alptekin --

24 BY MR. GILLIS:

25 Q Sorry. And what was it that he would relate in

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 connection with these discussions with Turkish officials?

2 A Yeah. Their awareness, their acknowledgement
3 that we were engaged, that we were involved with this, that
4 we were looking at conducting the project. I would even
5 say at least at that point they seemed satisfied.

6 BY MR. TURGEON:

7 Q Would you and Mr. Alptekin have regular calls
8 about the project?

9 A We set up conference calls with our group and Mr.
10 Alptekin.

11 Q What was the purpose of those calls?

12 A They were basically for us to provide updates to
13 him, where we were, various aspects of things that we were
14 doing on behalf of the project, and also he would give us
15 feedback.

16 Q What sort of feedback did Mr. Alptekin provide?

17 A Based on what he had, you know, what was going
18 on, his feedback was acknowledging where we were at but
19 also providing us insight into, you know, the sense of the
20 senior officials of the Turkish government, how they viewed
21 it and how things were going.

22 Q So you did mention you did discuss Turkish
23 government officials --

24 A Yeah. Oh, yeah, on those --

25 Q -- on those calls?

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 A Yeah, there was a couple. There was, you know,
2 three or four calls that we had over a period of probably
3 two months.

4 Q Was Mr. Rafiekian always a part of those calls?

5 A Yeah. He usually set them up.

6 Q During your initial conversation with Mr.
7 Rafiekian about the project what did you understand the
8 principal focus on the project to be?

9 A The principal focus was really about, you know,
10 sort of at the high-level it was about the relationship
11 between the United States and the government of Turkey. It
12 was about the climate between the two countries, kind of.
13 We'd always talk about Gulen as sort of a sharp point, I
14 guess if you will, between that relationship. There was
15 some discussion about business climate as well.

16 Q Who is Fethullah Gulen?

17 A He is a Turkish cleric who currently lives in the
18 United States.

19 Q Are you aware of an attempted military coup in
20 Turkey in the summer of 2016?

21 A Yes.

22 Q What history if any does the government of Turkey
23 have with Mr. Gulen related to that attempted coup?

24 A Well I think in that respect they, the government
25 of Turkey, you know, put the blame on Gulen's movement

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 inciting that coup.

2 Q Who was the president of Turkey at the time of
3 that attempted coup?

4 A Erdogan.

5 Q Is Mr. Erdogan still the president of Turkey?

6 A He is, yep.

7 Q What was the principle focus of the work product
8 that FIG did produce on the project?

9 A The eventual work product or products that we had
10 come up with was really focusing on Gulen.

11 Q Was any work done on researching the state of the
12 business climate in Turkey?

13 A Not that I'm aware of or none that I recall.

14 Q Were there any meetings held with U.S. businesses
15 or business associations?

16 A None that I'm aware of.

17 Q Was there any work done regarding business
18 opportunities and investment in Turkey?

19 A None that I'm aware of.

20 Q During the project did you ever hear of the
21 country of Israel mentioned in connection with the project?

22 A I don't. I don't recall that in any of the
23 conversations we had. I mean I, you know, it may have come
24 up but I don't recall it.

25 BY MR. GILLIS:

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q Well let's, just to be clear, General, we don't
2 want you to guess or speculate.

3 A Yeah, no, and I really don't recall any
4 conversations about Israel coming up.

5 BY MR. TURGEON:

6 Q During the project did you ever hear that an
7 Israeli company would benefit from the project?

8 A I don't.

9 Q Did Mr. Rafiekian provide updates to you about
10 the project either by email or orally?

11 A He did.

12 Q Did he ever mention to you that the project had
13 significantly changed in any way?

14 A He did not, no. No, we pretty much stayed on the
15 same track.

16 Q Did he ever mention to you that the principal
17 beneficiary of the project had changed?

18 A He did not. He did not, no.

19 BY MR. GILLIS:

20 Q The principal beneficiary --

21 A Well I mean, early on there was a discussion --

22 Q Let me finish --

23 A Sorry.

24 Q Let me finish the question if you would, General.
25 So would it be fair to say, as you testified earlier, that

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 the principal beneficiary was the government of Turkey?

2 A Yes.

3 Q Or these high-government officials?

4 A Yeah.

5 Q Did he ever mention to you that that principal
6 beneficiary or those principal beneficiaries had changed
7 throughout the project?

8 A No, no.

9 BY MR. TURGEON:

10 Q How high up in the Turkish government did Mr.
11 Alptekin have connections?

12 A I believe he had connections all the way up to
13 the president.

14 Q And that's Mr. Erdogan?

15 A Yes.

16 Q How do you know that?

17 A My -- well the relationship, at least that I saw
18 he had with Erdogan's son in law, so I observed that, and
19 then I would just say in the back and forth communications
20 that we had, that I just assumed that.

21 BY MR. GILLIS:

22 Q Is that son in law the minister that you were
23 mentioning earlier?

24 A Yeah, yep.

25 BY MR. TURGEON:

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q Who provided the initial approval for the
2 project?

3 A In terms of what? I mean approval from like
4 whether or not we were going to do it? Or whether or not
5 it was going to happen? I mean, the approval really came
6 finally from Ekim through an email, and what I recall is
7 that he had been, you know -- he had been given the go
8 ahead or the green light if you will, and as I remember it,
9 it seemed like that came from the government of Turkey.

10 Q So is it fair to say that the project was taken
11 with the understanding and involvement of Turkish
12 government officials?

13 A Yes.

14 Q Were Turkish government officials involved
15 throughout the project?

16 A Yes, yes.

17 Q What if anything did Mr. Rafiekian tell you
18 during the project about how Mr. Alptekin's connections in
19 the Turkish government were involved in the project?

20 A Say that again.

21 Q Do you recall Mr. Rafiekian ever telling you
22 anything during the project about how Mr. Alptekin's
23 connections in the Turkish government were involved in the
24 project?

25 A Yeah, Bijan would talk about how he -- that this,

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 you know, Ekim is talking about this all the way at the
2 highest levels of the Turkish government. So Bijan would
3 tell me that. He would relay that to me.

4 Q Is it fair to say that Mr. Alptekin acted as a
5 go-between between FIG and Turkish government officials?

6 A Yes.

7 Q I'm showing you what's been marked as Exhibit No.
8 2. Have you seen that email before?

9 A I have, yeah.

10 Q Do you see the first line where Mr. Alptekin
11 says, "I met with M.C. and explained. They are likely to
12 travel to D.C. next week"?

13 A Mm-hmm.

14 Q "He is interested in exploring this seriously and
15 it is likely he will want to meet with you and M.F."

16 A Mm-hmm.

17 Q Based upon your involvement in the project do you
18 know who M.C. refers to?

19 A Yeah, that's the Minister of Foreign Affairs.

20 Q Are those his initials?

21 A Yeah.

22 Q Who is M.F.?

23 A That's me.

24 Q Do you see the next paragraph?

25 A Mm-hmm.

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q Which reads, "We agreed to meet again before he
2 leaves to D.C. and he asked me to formulate what kind of
3 output we can generate on the short and midterm as well as
4 an indicate budget."

5 A Mm-hmm.

6 Q Is that email an example of the involvement of
7 high-level Turkish government officials in the early stages
8 of the project?

9 A Yep, sure is.

10 Q I'm showing you what's been marked as Exhibit No.
11 3. Have you seen that email before?

12 A I have, yep.

13 Q Do you see on the third line where Mr. Alptekin
14 says, "I met with the M.F.A. and explained our proposed
15 approached. He is receptive and indicated he would like to
16 meet with us during his upcoming visit to D.C."?

17 A Yep.

18 Q Based upon your involvement in the project do you
19 know who the M.F.A. is?

20 A That's the Minister of Foreign Affairs.

21 Q So is this email an example of Alptekin acting as
22 a go-between on the project between FIG and Turkish
23 government officials?

24 A Mm-hmm, yep. Definitely at that time, yep.

25 Q I'm going to show you another email which is

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 marked as Exhibit 4. Have you seen that email before?

2 A I have.

3 Q Do you see the first paragraph where Mr. Alptekin
4 says, "I had a long meeting with the Minister of Economy
5 upon the referral of M.F.A. Cavusoglu. I explained what we
6 can offer. He agreed to discuss in general lines at the
7 Council of Ministers today and subsequently with P.M.
8 Yildirin in more detail."

9 A Mm-hmm.

10 Q Who is M.F.A. Cavusoglu?

11 A He is the Minister of Foreign Affairs.

12 Q And who is P.M. Yildirin?

13 A Prime minister, so he's the number two.

14 Q In the Turkish government?

15 A Mm-hmm.

16 Q Is this email another example about Alptekin
17 acting as a go-between on the project between FIG and
18 Turkish government officials?

19 A Yes. Yep, sure is.

20 Q I'm going to show you another email marked as
21 Exhibit 5. Have you seen that email before?

22 A I have, yep.

23 Q Do you see at the beginning of the email where
24 Mr. Rafiekian says, "Ekim, it was my pleasure continuing
25 our conversations today. General Flynn and I have

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 discussed broad contours of The Truth Campaign"?

2 A Mm-hmm.

3 Q Was that email about the Turkey project?

4 A Yes.

5 Q Was the Turkey project sometimes known as The
6 Truth Campaign and sometimes known as The Confidence
7 Project or Project Confidence?

8 A Yeah, yeah. I mean -- yes. Yes, it became
9 Project Confidence.

10 Q Do those terms refer to the same project?

11 A Yes, yep.

12 Q Early in the project were there any discussions
13 between you and Mr. Rafiekian about potential deliverables
14 for the project?

15 A Yes. I mean, we talked about the types of
16 assessments and things that we could do.

17 Q What deliverables did you discuss?

18 A We discussed --

19 BY MR. GILLIS:

20 Q Just if you could, I'm sorry, what does
21 "deliverable" mean to you?

22 A It means to me what in a 90-day period of time
23 for this consulting agreement, what we could actually do,
24 the things that we could actually provide to them.

25 Q Okay, thank you.

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 A At the end of it, yeah. So it ranged from videos
2 to articles, to -- news articles to, you know, attending
3 meetings, and also providing early on, providing some type
4 of assessment of what we were being asked to look at, a
5 written assessment.

6 BY MR. TURGEON:

7 Q You mentioned news articles; did you also discuss
8 op-eds?

9 A Mm-hmm. Sure did.

10 Q I want to show you what's been marked as Exhibit
11 6. Have you seen that email before?

12 A I have, yep.

13 Q Do you see the first part of the email where Mr.
14 Alptekin says, "Gentlemen, I just finished in Ankara after
15 several meetings today with Min. of Economy Zeybekci and
16 M.F.A. Cavusoglu. I have a green light to discuss
17 confidentiality, budget, and the scope of the contract"?

18 A Mm-hmm.

19 Q Is this email an example of how Turkish
20 government officials provided the initial approval for the
21 project?

22 A Sure is.

23 Q Originally what was the planned source of funding
24 for the project?

25 A Initially I was told that the Turkish government

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 would likely -- you know, may fund it. And then it changed
2 when that came back that they would not fund it, that it
3 would be funded, you know, via different means -- by Ekim's
4 business, basically.

5 Q Who told you that the Turkish government may fund
6 the project originally?

7 A Bijan. Conversations we had.

8 Q Do you recall the name of Mr. Alptekin's company?

9 A Inovo.

10 Q Where is Inovo based?

11 A It's based in the Netherlands, I believe. It's a
12 Dutch company.

13 Q When the source of funding changed, what else
14 about the project changed?

15 A I mean, I'm not sure much changed. It sort of
16 stayed on track. Pretty much, it pretty much stayed the
17 same.

18 Q How did the focus on the project change?

19 A From my perspective in the early conversations,
20 you know, from a business climate bank to really focus in
21 on Gulen and Gulen's status, I think that it pretty much
22 stayed the same.

23 BY Mr. GILLIS:

24 Q So general, if I may. So I think we're asking is
25 as a result, first of all, did you care where the funding

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 was coming from?

2 A No, no.

3 BY MR. TURGEON:

4 Q To the best of your knowledge did the amount of
5 that you were to be paid for this project change as a
6 consequence of exchanging from the government of Turkey to
7 Alptekin?

8 A I don't believe it ever changed, yeah.

9 Q So as a consequence of that change in payment,
10 not over time but just as a consequence of that change and
11 who was going to pay, was there any change to the project?

12 A I don't believe so. Yeah, I don't believe there
13 was any change to the project. It pretty much stayed from
14 our initial discussions all the way through to the end, you
15 know, the period of time that we had the contract for
16 didn't change.

17 Q At any point before or during the project did you
18 hear anything about FIG performing a separate project
19 involving the government of Turkey?

20 A None.

21 Q At any point before or during the project did you
22 hear anything about FIG performing a separate project
23 involving Mr. Alptekin or Inovo?

24 A Not that I'm aware of.

25 Q At any point before or during the project did you

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 hear anything about FIG performing a separate project
2 involving radical Islam?

3 A I am not aware of that.

4 Q At any point before or during the project did you
5 hear anything about FIG refunding money to Mr. Alptekin for
6 lobbying or PR, public relations work, that had not been
7 performed?

8 A I do not, no.

9 Q At any point during the project did you hear
10 anything about FIG refunding money to anyone in connection
11 with the project?

12 A No.

13 Q At some point during the project did you become
14 aware that two payments, each for \$40,000, were made from
15 FIG to Mr. Alptekin's company, Inovo?

16 A I do. Yeah, I do remember that.

17 Q Were those payments refunds for lobbying or PR
18 work that had not been performed?

19 A Now that I'm aware of.

20 Q Were those payments refunds for anything?

21 A Well they were for what I believe were services
22 that he provided as a, essentially, advisor to us during
23 this project.

24 Q Were those payments refunds?

25 A I don't believe that they were refunds. I mean,

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 they were payments to him based on the contract that we had
2 signed with him.

3 Q I'm showing you what's been marked as Exhibit 7.

4 A Yep.

5 Q Have you seen that email before?

6 A I have, yep.

7 Q Do you see right at the beginning of the email
8 where Mr. Rafiekian says, "We are about to be engaged by a
9 Dutch client for the above campaign"?

10 A Mm-hmm.

11 Q What does "the Dutch client" refer to in that
12 email?

13 A That's referring to Ekim -- Inovo.

14 Q Inovo?

15 A Yeah, yeah.

16 Q So this is about the same Turkey project we've
17 been discussing?

18 A Yes, yep.

19 Q Attached to that email is a budget --

20 A Okay.

21 Q -- on the back or on page 2. Do you see that?

22 A I do.

23 Q Is that a draft budget that you received for the
24 project?

25 A I believe it is, yep. Yep.

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q Are you aware of a meeting for the project that
2 took place in New York City on September 19, 2016?

3 A Yes, yeah.

4 Q Was that meeting related to the Turkey project?

5 A Yes, yeah.

6 Q Who attended that meeting?

7 A So this is the one where Ekim had worked with
8 Bijan to set up a meeting between FIG principals and senior
9 members of the Turkish government.

10 Q Can you name some of the attendees?

11 A Yeah. On our side it was Brian McCauley, myself,
12 Bijan, and Jim Woolsey. On the other side it was Ekim, the
13 son in law who I just don't recall his name, but -- and
14 then the Minister of Foreign Affairs. And I believe there
15 was another individual that was with them but I think he
16 was more of a security person. But that was principally,
17 those were the principal members of that meeting.

18 Q Do you recall having met Mr. Alptekin in person
19 prior to that meeting?

20 A I don't. I don't.

21 Q What was the purpose --

22 A I mean, I may have, but I don't recall.

23 Q What was the purpose of the meeting?

24 A The purpose of the meeting was to -- for Ekim to
25 introduce our, you know, FIG principal group to the

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 leadership of Turkey that was represented in that room;
2 provide an overview from us to them as kind of what we were
3 doing, what we were involved in; and basically just a meet
4 and greet. And I think that from Ekim's perspective it was
5 also to show that he was -- you know, he had the right
6 people doing this project.

7 Q Who did most of the talking at the meeting on the
8 Turkish side?

9 A The son in law did most of the talking.

10 Q What was the focus of the conversation?

11 A It was, initially it was sort of high level and
12 then as it went on -- and it was probably a 20 to 30 minute
13 meeting -- it was about, you know, the son in law was
14 talking about Gulen in general.

15 Q What was the goal of the Turkish officials
16 regarding Gulen?

17 A They were clearly anti-Gulen. I think their
18 desire was to figure out a way to, basically to you know,
19 get the United States to understand that this is a bad guy,
20 he's affecting the relationship, and that they wanted to
21 get him back.

22 Q They wanted him to be brought back to Turkey?

23 A Yeah. I mean they work in various ways to
24 understand how to get him back.

25 BY MR. GILLIS:

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q I'm sorry. Do you know, General, whether up
2 until that point the United States government had taken a
3 position with Turkey about whether they were going to send
4 him back or not?

5 A I believe we did. You know, I mean I don't have
6 the specifics, but I believe there was a -- there was
7 certainly discussion about it.

8 Q So before this meeting there had been discussion
9 with the United States government and the Turkish
10 government?

11 A I believe so, yeah. Yeah.

12 Q Sorry, just to clarify.

13 A Yeah, because when the coup occurred there was
14 all this noise about Gulen certainly in the media so I -- I
15 mean, I'm going to make an assumption that there was a --

16 Q Don't make an assumption.

17 A -- there was a position.

18 Q Okay.

19 A Well I mean, what I'm saying is it was known that
20 he was somebody that the Turkish government wanted back.
21 That was pretty clear.

22 BY MR. TURGEON:

23 Q Other than the project, what business or
24 potential business was discussed at that meeting?

25 A That's really it. I mean, just kind of an

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 overview of what we were doing.

2 Q I'm showing you what's been marked as Exhibit 8.
3 Have you seen that email before?

4 A I have.

5 Q What is the subject line of the email?

6 A September 19th of 20th.

7 Q Do you see where Mr. Rafiekian says, "We don't
8 have the details but we'll have it from the client shortly.
9 The duration will not exceed on hour. As I mentioned, the
10 meeting is with high-level audience, cabinet plus level
11 related to confidence"?

12 A Yep.

13 Q Does that email concern the New York City meeting
14 on September 19, 2016 --

15 A Yes.

16 Q -- that you just discussed?

17 A Yes, yep.

18 Q After that meeting what conversations did you
19 have with Mr. Alptekin about the project?

20 A I mean, I think just in general how things were
21 going, that he was running it at that point. The various
22 things that we were talking about doing, were they moving
23 forward, were things moving in the right direction, and was
24 the client -- in this case, was Ekim satisfied that
25 everything was moving along.

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q How did those conversations take place?

2 A Emails with me. It was either email contact,
3 phone calls with Bijan, and then from about that point we
4 started, you know -- we did these Friday afternoon, you
5 know, conference calls with Ekim.

6 Q How often were those conference calls?

7 A They were, I think we probably had three, you
8 know, ish. At least three I think we had usually on a
9 Friday afternoon.

10 Q Who else from FIG participated in these calls?

11 A Usually it would be Bijan. He would set it up,
12 myself, and there was sometimes three or four, or five or
13 six. It depended on their people's availability. I mean,
14 people like Mike Boston, Ryan McCauley. Paul Becker was
15 there a couple times. So, yeah.

16 Q What was the purpose of these calls?

17 A It was an update. Update calls.

18 Q Update about what?

19 A About the status of the -- of what we were
20 involved in, what we were doing. You know, we -- there
21 would usually be a set of talking points that Bijan would
22 prepare. We'd go through the talking points. Ekim would
23 give us feedback from wherever he was at. Sometimes he was
24 overseas it seemed, and he would give us feedback on his
25 conversations with Turkish government officials.

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q About the project?

2 A Mm-hmm.

3 Q What was the subject matter of the work that FIG
4 was performing on the project?

5 A Primarily it was about Gulen. I mean, it was
6 this -- we did a game. There was talk about the video
7 production that seemed to take, you know, too long actually,
8 and then just other things that people had been doing in
9 their own areas.

10 So each person would provide, you know, if they
11 had done something in that period of time between
12 conference calls, they would talk about what actions they
13 had taken.

14 Q Was all of that work product about Gulen?

15 A For the most part I think, yeah. I'd say yes,
16 for the most part.

17 Q What work product do you know of that was not
18 about Gulen?

19 A I don't think there was anything that we had done
20 that had anything to do with, you know, anything else like
21 business climates or stuff like that.

22 Q What did Mr. Alptekin say he was doing with the
23 information you provided him on those calls?

24 A He was providing it back to his contacts in the
25 Turkish government.

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q To which contacts?

2 A Same ones we've been talking about. He would
3 mention names or he would mention -- but pretty much the
4 same set of characters that we've been discussing. That
5 seemed to be his conduit backed into basically the senior
6 levels of the Turkish government.

7 Q What feedback did you receive during those calls?

8 A I mean generally, my concern was were we -- you
9 know, were we moving along, was the project moving along,
10 and were they generally satisfied. And that's what I was
11 looking for, because they were paying us.

12 Q When you say, "Were they generally satisfied,"
13 who do you mean by "they"?

14 A Primarily Ekim because he was the conduit. He
15 was the person that was sort of the direct client, the face
16 of the client. But I think also the Turkish government.

17 BY MR. GILLIS:

18 Q He was the conduit for the Turkish government?
19 Is that what --

20 A Yeah, it seemed like that. It seemed like his
21 conversations with us, you know, his feedback, his
22 interactions were always about how he was talking back to
23 the Turkish, to senior members of the Turkish government,
24 and then he would give us their sense of what they felt.
25 You know?

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 And I never go the impression that we were moving
2 in the wrong direction, and that was really my thing was
3 sort of pop in, get an update, and as long as we're moving
4 in the right direction and they were happy, then I was
5 okay.

6 BY MR. TURGEON:

7 Q I'm showing you what's been marked as Exhibit 9.

8 A Yep.

9 Q Have you seen that before?

10 A I have, yep.

11 Q Is that a text message that you sent on October
12 22nd, 2016?

13 A Yep.

14 Q In the first line do you see where you said,
15 "Overall a very good call"?

16 A Mm-hmm.

17 Q "I may be meeting with him early next week during
18 an American-Turkish conference in W.D.C."?

19 A Mm-hmm.

20 Q Is that a reference to one of the update calls
21 you had with Mr. Alptekin about the project?

22 A I believe it is. I believe that this is a
23 response to, you know, our call.

24 Q Do you see a few lines down in the text message
25 where you state, "I walked him through the social media

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 analysis which he found very interesting and worth talking
2 to the F.M. about"?

3 A Yep.

4 Q Who is the F.M.?

5 A Foreign Minister, I believe.

6 Q Is that an example of Mr. Alptekin telling you
7 that he was passing information about the project to
8 Turkish government officials?

9 A Yes, yep. Yep.

10 Q What written opinion pieces, or op-eds, were
11 published as part of the project?

12 A An op-ed that was published on Gulen
13 specifically.

14 Q I'm showing you what's been marked as Exhibit 10;
15 do you recognize that?

16 A Yep.

17 Q What is it?

18 A It's an op-ed on kind of what the title says on
19 Gulen, and the crisis going on in Turkey.

20 Q What was the title of the op-ed?

21 A The title of the op-ed is, "Our ally Turkey is in
22 crisis and needs our support."

23 Q Where was that op-ed published?

24 A I mean it was published in The Hill here but I
25 think it also was published in a couple other, you know,

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 publications, but principally The Hill.

2 Q When was it published?

3 A It was published on I believe November 9th.

4 Right? Yeah, I think it was November 9th. It was the day
5 of the election.

6 Q Do you see the byline of the article?

7 A Yep, I do, yeah.

8 Q What publication date --

9 A The 8th, the 8th, yeah.

10 Q Whose name is listed as the author of the op-ed?

11 A My name.

12 Q How did you first find out that this op-ed was in
13 the works?

14 A Bijan had sent me a draft of it a couple of days
15 prior, maybe about a week prior.

16 Q How did he send you that draft?

17 A He sent it to me in an email I believe.

18 Q What conversations did you and Mr. Rafiekian have
19 about writing this op-ed before you received that email
20 with a draft of the op-ed?

21 A We really didn't have any conversations about
22 this op-ed. We talked in general that op-eds would be a
23 potential product that we would provide, but we never had
24 any conversations about this specific one.

25 Q Did you sketch out specific ideas for this

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 particular op-ed with him before you saw the draft?

2 A No.

3 BY MR. GILLIS:

4 Q And General, was this op-ed one of the
5 deliverables for this project?

6 A I felt it was. I felt it was one of the things
7 that we needed to show that we had done something, because
8 we really hadn't done much by that point.

9 BY MR. TURGEON:

10 Q I'm showing you what's been marked as Exhibit No.
11 11. Do you recognize that?

12 A I do. Yep, I do.

13 Q What is it?

14 A It's a lobbying registration document.

15 Q Is that a lobbying registration document under
16 the Lobbying Disclosure Act of 1995?

17 A Yeah, yep. Looks like it, yep, LB1, yeah.

18 Q On page 2 what is the date of the registration?

19 A September 30th, 2016. Is that the date you're
20 looking for here?

21 Q The date the registration was signed.

22 A Yeah, so 9-30-2016, yep.

23 Q How did you first come to see this registration?

24 A I believe that this was sent to me by Bijan.

25 Q In line 10 of the registration --

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 A Okay.

2 Q Who is listed as the lobbyist for FIG?

3 A Robert Kelly.

4 Q What role did Robert Kelly have at FIG?

5 A Robert Kelly was the lawyer that we used for this
6 project.

7 Q Did Robert Kelly ever do any lobbying on the
8 project for FIG?

9 A None that I'm aware of.

10 BY MR. GILLIS:

11 Q Being as involved in the project as you were, at
12 any point did you have any discussion with him about doing
13 lobbying?

14 A Lobbying Bob Kelly, no, no, no.

15 Q Did you have any discussion with Rafiekian about
16 Bob Kelly doing any lobbying in connection with this
17 project?

18 A I don't believe I ever did, nope. No.

19 BY MR. TURGEON:

20 Q Do you see at line 12 which asks about specific
21 lobbying issues, current and anticipated?

22 A Yep.

23 Q What is listed in line 12?

24 A "The registrant will advise client on U.S.
25 domestic and foreign policy, F-1635 and the house

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 counterpart, HR-1735, and the Senate counterpart."

2 Q Do you know what those bills are?

3 A No idea.

4 Q Did the project have anything to do with pending
5 legislation?

6 A Not that I'm aware of.

7 Q Do you recall any discussions with anyone at FIG
8 about pending legislation in relation to the project?

9 A I don't, no.

10 BY MR. GILLIS:

11 Q General, if I could ask you to take a look at
12 Grand Jury Exhibit 13.

13 A Okay.

14 Q Have you seen that before?

15 A I have.

16 Q Do you recall before this meeting with the
17 Turkish officials in New York Bijan Rafiekian sending out
18 talking points regarding what was to take place there?

19 A Yes, yep.

20 Q By the way, was that typical for him to do in
21 connection with these calls or other meetings that he would
22 have?

23 A Yeah, he normally did. He normally did. He
24 would send, you know, for the calls that I've talked about
25 already he would have an orange sheet sort of set of bullet

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 talking points.

2 Q Okay. If you'd turn the page there and actually
3 just look through. I know you've recently had a chance to
4 look at this but if you would just turn the pages there to
5 look through those several numbered paragraphs.

6 A Okay.

7 Q Okay. To the best of your recollection is that
8 what that meeting in New York was about?

9 A Yes.

10 Q If I could show you -- I'm going to show you
11 Exhibit -- I'm going to withdraw that question, general.

12 A Okay.

13 MR. GILLIS: If I could have one moment.

14 BY MR. GILLIS:

15 Q Do you recall there being a discussion about the
16 Turkish officials' expectations of FIG being higher than
17 what you might be able to provide?

18 A I do recall an exchange with Bijan about that.

19 Q Tell us about --

20 A This was after this meeting.

21 Q After the New York meeting?

22 A Yeah, I believe that was.

23 Q Tell us what you recall about that.

24 A That I think that they, what they expected us to
25 do in a short period of time was unrealistic.

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

1 Q "They" being the Turkish?

2 A They being the Turkish government officials,
3 yeah.

4 MR. GILLIS: General, if we could ask you to step
5 outside.

6 THE WITNESS: Okay.

7 MR. GILLIS: But before we do let me just have a
8 look here. You can come up to the door.

9 THE WITNESS: See you.

10 (Whereupon, the witness was excused.)

11 (Whereupon, at 10:38 a.m., the taking of the
12 testimony in the presence of a full quorum of the Grand
13 Jury was concluded.)

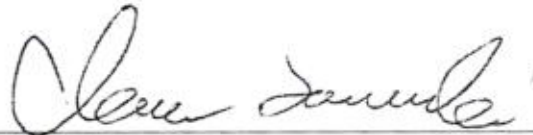
14 * * * * *

15
16
17
18
19
20
21
22
23
24
25

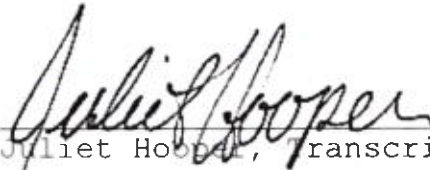
Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

C-E-R-T-I-F-I-C-A-T-E

I, Isaac Lewandowski, the reporter for the United States Attorney's Office, do hereby certify that the witness whose testimony appears in the foregoing pages was first duly sworn by the Foreperson or the Deputy Foreperson of the Grand Jury when there was a full quorum of the Grand Jury present; that the testimony of said witness was taken by me and thereafter reduced to typewritten form; and that the transcript is a true record of the testimony given by said witness.



Isaac Lewandowski, Official Reporter



Juliet Hopper, Transcriber

Diversified Reporting Services, Inc.
1426 Duke Street
Alexandria, Virginia 22314
(202) 467-9200

Attachment 3



UNCLASSIFIED//FOUO

FEDERAL BUREAU OF INVESTIGATION

Date of entry 07/19/2018

DOCUMENT RESTRICTED TO CASE PARTICIPANTS

This document contains information that is restricted to case participants.

(U//FOUO) On 6/25/2018 MICHAEL T. FLYNN, previously interviewed, was interviewed at Covington & Burling LLP, 850 10th st NW, Washington, DC 20001. Present for and conducting the interview were Trial Attorney Counterintelligence and Export Control Section Evan Turgeon, Assistant United States Attorney (AUSA) James P. Gillis, Senior Assistant Special Counsel Brandon Van Grack, and Special Agent (SA) Bryan T. Alfredo. FLYNN was represented by his attorneys Stephen P. Anthony, Rob Kelner, and Roger Pollack of Covington & Burling LLP. The interview was conducted pursuant to a signed plea agreement executed on 12/01/2017. After being advised of the identities of the interviewing Agents and the nature of the interview, FLYNN provided the following information:

{Note: FLYNN was shown an email sent from Bijan RAFIEKIAN to Ekim ALPTEKIN on 7/29/2016}

(U//FOUO) FLYNN did not recall a conversation pertaining to the email presented to him.

{Note: FLYNN was shown an email sent from ALPTEKIN to RAFIEKIAN on 7/29/2016}

(U//FOUO) FLYNN came to understand, "MC" listed in the email represented the Turkish Foreign Minister. Early on when FLYNN worked on Project Confidence (PC) this was not made clear. RAFIEKIAN started to use initials for certain names mentioned in emails as PC progressed.

(U//FOUO) When asked if the Turkish government was involved with PC from the beginning, RAFIEKIAN informed FLYNN early on ALPTEKIN or the Turkish government would fund PC. FLYNN had knowledge early on in the planning for PC high level Turkish officials would be involved with the project. RAFIEKIAN made it clear to FLYNN, ALPTEKIN had high level contacts in the Turkish government who had knowledge of PC. RAFIEKIAN informed FLYNN PC would have visibility at the highest levels of the Turkish government.

UNCLASSIFIED//FOUO

Investigation on 06/25/2018 at Washington, District Of Columbia, United States (In Person)

File # [REDACTED] Date drafted 06/25/2018

by Bryan T. Alfredo

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Michael T. Flynn , On 06/25/2018 , Page 2 of 4

FLYNN was informed by RAFIEKIAN, ALPTEKIN had connections to senior members of the Turkish government, all the way up to Turkish President ERDOGAN. These connections were involved with PC. RAFIEKIAN knew ALPTEKIN to be head of the American Turkish Council. FLYNN informed agents it would be fair to say ALPTEKIN was the go-between for Turkey and the FLYNN INTEL GROUP (FIG) relations which pertained to PC.

{Note: FLYNN was shown an email sent from RAFIEKIAN to ALPTEKIN and FLYNN on 8/8/2016, Subject: Truth}

(U//FOUO) FLYNN stated the email demonstrated ALPTEKIN acted as a go-between on PC to high level Turkish government officials, such as the Minister of Foreign Affairs (MFA), listed in the email. FLYNN eventually met the Turkish Minister of Foreign Affairs.

{Note: FLYNN was shown an email sent from ALPTEKIN to FLYNN and RAFIEKIAN on 8/8/2016 Subject: Truth}

(U//FOUO) FLYNN stated the email depicted Turkey's involvement in PC.

{Note: FLYNN was shown an email sent from ALPTEKIN to FLYNN and RAFIEKIAN on 8/10/2016, Subject: Truth. FLYNN was asked about a reference to a "Green Light"}

(U//FOUO) The "Green Light" mentioned in the email referenced the Turkish MFA and Minister of Economics. FLYNN did not know during this time period if FIG was hired directly by the Turkish government or by ALPTEKIN/INOVO. FLYNN did know the highest levels of the Turkish government would be involved with PC. FLYNN knew funds would come from ALPTEKIN or the Turkish government. FLYNN knew at this time PC was in support of Turkey; with their understanding and involvement. FLYNN did not know if PC was going to directly support Turkey. However, FLYNN knew Turkey was absolutely involved. FLYNN's understood the "Green Light" mentioned in the email referred to high level Turkish government officials. FLYNN did not care who was going to pay for PC. FLYNN simply wanted the contract and knew it was on behalf of the government of Turkey. FLYNN did not give thought to where the money for PC would come from, either directly from ALPTEKIN /INOVO or directly from the Turkish government. After the 2016 presidential election, FLYNN recalled ALPTEKIN posted online the money for PC did not come from the Turkish government. It was clear to FLYNN through email and conversations with RAFIEKIAN, PC was on behalf or in support of the Turkish government.

(U//FOUO) FLYNN did not recall a mid-August 2016 meeting for PC.

SUBJECT TO PROTECTIVE ORDER

UNCLASSIFIED//FOUO

DOJSCO - 700023260

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Michael T. Flynn , On 06/25/2018 , Page 3 of 4

(U//FOUO) FLYNN was aware RAFIEKIAN and FIG utilizing VIRTRU, an iCloud service provider. FLYNN could not get the VIRTRU application to open on his iPhone. RAFIEKIAN informed FLYNN that VIRTRU was a secure way of communicating.

{Note: FLYNN was shown two emails dated 8/11/2016 subject: Operation Confidence and 7/30/2016 subject: Truth}

(U//FOUO) FLYNN indicated the two emails depicted Operation Confidence and the Truth Campaign were synonymous. It was not made clear to FLYNN during this timeframe if funding for PC was going to come from ALPTEKIN's Dutch company [INOVO] or the Turkish government. The goal and direction of PC did not change regardless of who funded PC. The goal of PC was to restore confidence in the government of Turkey and improve relations with the U.S. There was no change to PC once the DUTCH company became involved and Turkey continued to benefit from PC. FLYNN stated, it was clear ALPTEKIN was not Dutch.

(U//FOUO) Fetullah GULEN was constantly discussed throughout PC. All aspects of PC, what FLYNN was aware of and what FIG provided dealt with GULEN. As the project progressed, GULEN was the focus. GULEN was a component of PC from the beginning.

September 2016 New York City (NYC) Meeting

(U//FOUO) During the September 2016 NYC meeting between FIG and members of the Turkish government, ALPTEKIN attempted to demonstrate to the Turkish government officials he had the right people involved for PC. ALPTEKIN tried to gain the satisfaction from the Turkish government officials present at the meeting. ALPTEKIN appeared to have a good relationship with President ERDOGAN'S son-in-law who was present at the meeting. The Turkish government officials who were present at the meeting looked satisfied at what FIG was able to provide on PC. RAFIEKIAN and Brian MCCAULEY [employed by FIG] took a train to NYC for the meeting. James WOOLSEY was already in NYC for reasons other than the meeting. Prior to the meeting and before the Turkish government officials arrived, FLYNN, RAFIEKIAN, WOOLSEY and MCCAULEY talked about how the meeting should go. PC was FIG's opportunity to present PC to Turkish ministers and update two senior Turkish government officials. This was the first major project for FIG.

(U//FOUO) FLYNN did not recall ever having heard about an Israeli company mentioned in discussions regarding PC.

{Note: FLYNN was shown his Statement of the Offense form}

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Michael T. Flynn , On 06/25/2018 , Page 4 of 4

(U//FOUO) FLYNN informed agents he had read the Statements of Offense. FLYNN agreed the information he had provided to investigators regarding FIG and INOVO's contract on PC was the basis for paragraph five of the Statements of Offense.

{Note: FLYNN was shown FIG's Foreign Agents Registration Act (FARA) filing which depicted two payments of \$40,000 each to INOVO BV}

(U//FOUO) FLYNN was not aware of the payments to INOVO as having been associated with public relations or lobbying.

Opinion editorial (op-ed)

(U//FOUO) FLYNN recalled FIG should post the op-ed while "The Iron was hot." FLYNN did not consider himself, ALPTEKIN or RAFIEKIAN to be the "Iron". FLYNN considered the "Iron" to be the environment. FLYNN did not remember brainstorming or drafting the op-ed on GULEN with RAFIEKIAN. FLYNN stated the focus of PC was aimed at GULEN.

FARA Statements

(U//FOUO) When asked if he informed Covington that PC was kept informed of or done on behalf of the Turkish government, FLYNN informed investigators he did not inform Covington, "in these words." FLYNN did not believe he informed Covington that Turkey provided feedback on PC. FLYNN and RAFIEKIAN did not go over the FARA filing together. FLYNN did see FIG's FARA application prior to it being filed. FLYNN was only aware of one project and was not aware of a second project being worked by FIG during this time.

Attachment 4



UNCLASSIFIED//FOUO

FEDERAL BUREAU OF INVESTIGATION

Date of entry 07/09/2019

(U//FOUO) On 7/3/2019 Rob KELNER of Covington & Burling LLP, was interviewed at the Eastern District of Virginia (EDVA) United States Attorneys Office (USAO). Present for and conducting the interview were Counterintelligence and Export Control Section Trial Attorney Evan Turgeon, Assistant United States Attorney (AUSA) James P. Gillis, and Special Agent (SA) Bryan T. Alfredo. KELNER was represented by his attorneys, Bruce A. Baird, Roger Pollack. Also present was EDVA paralegal Latoya Horsford, EDVA AUSA Neil Hammerstrom, Michael Flynn's attorney Sidney Powell who was accompanied by Jesse Binall and an unidentified associate, Flynn Intel Group attorney John Washington, Senior Assistant Special Counsel Brandon Van Grack, D.C. USAO AUSA Jocelyn Ballantine and AUSA Deborah Curtis. After being advised of the identities of the interviewing Agents and the nature of the interview, KELNER provided the following information based on the best of his recollection:

(U//FOUO) {Note: KELNER was presented with a document, Government Exhibit (GEX) 14, email sent by Ekim ALPTEKIN to Michael FLYNN and Bijan RAFIEKIAN on 8/8/2016.}

(U//FOUO) KELNER believed he had asked RAFIEKIAN about this particular email during the one of the interviews KELNER conducted with RAFIEKIAN. RAFIEKIAN described the conversation in the email to KELNER as having been a discussion about an earlier project which did not come to fruition.

(U//FOUO) When asked by KELNER who "MFA" was in reference to in the email, RAFIEKIAN was not certain if it was in reference to a Turkish official or FLYNN. KELNER was not certain he asked RAFIEKIAN about this reference specifically.

(U//FOUO) KELNER did not recall if he had ever asked RAFIEKIAN what "PM" referred to in GEX 14.

UNCLASSIFIED//FOUO

Investigation on 07/03/2019 at Alexandria, Virginia, United States (In Person)File # [REDACTED] Date drafted 07/08/2019by Bryan T. Alfredo

UNCLASSIFIED//FOUO

Continuation of FD-302 of (U//FOUO) Interview of Rob KELNER, On 07/03/2019, Page 2 of 6

(U//FOUO) {Note: KELNER was presented with a document, GEX 24B, email sent from RAFIEKIAN to FLYNN and Michael FLYNN Jr. sent on 9/9/2016}

(U//FOUO) KELNER believed he had asked RAFIEKIAN about this email during the second, of his two interviews, conducted of RAFIEKIAN. KELNER recalled having asked RAFIEKIAN to describe the part in the email, "As I mentioned, the meeting is with high level audience (Cabinet+level) related to "CONFIDENCE"". RAFIEKIAN informed KELNER the aforementioned meeting had nothing to do with the project FIG worked on for INOVO and it was more of a "happenstance" with similar issues FIG/INOVO were having with its project. The aforementioned meeting and the FIG/INOVO project had overlapping subject matter. This was the impression KELNER got from RAFIEKIAN, although he did not remember the exact words RAFIEKIAN used.

(U//FOUO) OP-ED

(U//FOUO) KELNER did not recall having asked RAFIEKIAN about the timing of the published FLYNN 11/8/2016 Op-Ed.

(U//FOUO) {Note: KELNER was presented with a document, GEX 43A, email dated 10/13/2016.}

(U//FOUO) KELNER had seen the email presented to him and confirmed it was related to GEX 43B, Project Confidence Talking Points.

(U//FOUO) {Note: KELNER was presented with a document, GEX 93B, Letter from Arent Fox to ALPTEKIN.}

(U//FOUO) KELNER did not recall having discussed this letter with RAFIEKIAN.

(U//FOUO) {Note: KELNER was presented with a document, GEX 22A, email sent from RAFIEKIAN to ALPTEKIN and FLYNN on 9/3/2016.}

(U//FOUO) The email was in reference to the attached FIG/INOVO contract. When asked about the statement in the email, "We have been at work on this engagement since July 31st", KELNER thought it was somewhat consistent with what RAFIEKIAN informed him of about the timing of the FIG/INOVO contract. KELNER did not recall having discussed this email with RAFIEKIAN.

(U//FOUO) {Note: KELNER was presented with a document, GEX 25C,

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob KELNER , On 07/03/2019 , Page 3 of 6

email/attachment sent from RAFIEKIAN to FLYNN and FLYNN Jr on 9/12/2016.}

(U//FOUO) KELNER described this email as having been associated with the FIG/ALPTEKIN contract. KELNER did ask RAFIEKIAN about the Draft Advisory and this particular email during the time he interviewed him. After ALPTEKIN and FIG agreed on the contract, RAFIEKIAN informed KELNER that ALPTEKIN had asked for a refund for public relations and lobbying services which were ultimately not going to be conducted as a service provided by FIG to INOVO. RAFIEKIAN claimed the audit trail mentioned in the email was necessary for the terms of the refund.

(U//FOUO) Refund vs Kickbacks

(U//FOUO) {Note: KELNER was presented with a document, GEX 25A, FIG Bank of America records (BOA).}

(U//FOUO) KELNER recalled having previously reviewed the BOA records. Regarding the \$40,000 payments from FIG to INOVO recorded in FIG's accounting records, labeled as "Consulting Fees", RAFIEKIAN informed KELNER that he, RAFIEKIAN, was not responsible for handling FIG's accounting records and it must have been labeled "Consulting Fees" as a mistake.

(U//FOUO) {Note: KELNER was presented with a document, GEX 19, email sent from RAFIEKIAN to ALPTEKIN and FLYNN on 8/25/2016.}

(U//FOUO) KELNER believed he asked RAFIEKIAN about this specific email during his interview of him. KELNER did not recall RAFIEKIAN's reaction to the email when asked about it. Regarding the 20% of the \$150K per month going back to ALPTEKIN as the advisory support cost provided to INOVO, mentioned in the email, RAFIEKIAN informed KELNER there were discussions of ALPTEKIN providing advisory services on an earlier project that did not come to fruition. The funds going to ALPTEKIN/INOVO from FIG were for services not performed.

(U//FOUO) {Note: KELNER was presented with a document, GEX 33C, email sent from RAFIEKIAN to FLYNN and ALPTEKIN on 10/11/2016.}

(U//FOUO) KELNER recalled having discussed an email with RAFIEKIAN during his interview of him which documented the sending of a payment in the amount of \$40,000 from FIG to INOVO. KELNER did not recall if it was this specific

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob KELNER , On 07/03/2019 , Page 4 of 6

email presented to him which triggered his discussion with RAFIEKIAN. RAFIEKIAN informed KELNER he did not always choose the correct words and the money sent back to INOVO/ALPTEKIN was supposed to be refunds for services not rendered.

(U//FOUO) Foreign Agents Registration Act (FARA) Filing

(U//FOUO) KELNER opined RAFIEKIAN was upset that FIG registered under FARA. During a late -night phone call RAFIEKIAN made to KELNER, which KELNER said he was certain occurred before the 3/7/2017 filing, KELNER described RAFIEKIAN as distressed about the upcoming filing and informed KELNER that he, RAFIEKIAN, had a heart condition. RAFIEKIAN objected to the term "kickback" having been used in the FARA draft in reference to political contributions, and he wanted the term removed.

(U//FOUO) KELNER informed agents the final draft of the FARA filing prepared by Covington was sent to FLYNN through his attorney, Kristen VERDERAME.

(U//FOUO) KELNER may have learned from VERDERAME or ALPTEKIN's attorney [Mathew] Nolan that ALPTEKIN was not happy with FIG having filed under FARA.

(U//FOUO) {Note: KELNER was presented with a document, GEX 13, email sent from RAFIEKIAN to ALPTEKIN and FLYNN on 8/4/2016.}

(U//FOUO) KELNER did not recall if he discussed this email with RAFIEKIAN during one of the interviews he conducted with him. KELNER conducted two interviews of RAFIEKIAN and at least one phone call, with the possibility of more, which Covington used to obtain information to file the FARA application on behalf of FIG. Pertaining to the draft of FIG's FARA application, the Department of Justice (DOJ) FARA unit did review a draft of the filing. The DOJ FARA unit did notice the \$40,000 payment sent from FIG to INOVO. KELNER's understanding on what the FARA unit informed Covington's Brian SMITH, was that they asked, "What's that about?" SMITH informed the FARA unit he noticed this in FIG's accounting records.

(U//FOUO) KELNER recalled having spoken to SMITH about the draft and SMITH provided minor comments of it. When asked if anything prevented Covington/KELNER from speaking with RAFIEKIAN again before the FARA filing, KELNER described he could not answer the question given the potential

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob KELNER , On 07/03/2019 , Page 5 of 6

mentioning of work product.

(U//FOUO) When asked why he, KELNER, listed on the FARA application the money sent back to INOVO as "Consulting Fees" after he was informed by RAFIEKIAN the money sent back to INOVO were for refunds, KELNER responded by saying this was work product information.

(U//FOUO) An email was sent from Covington/SMITH to VERDERAME, and then from VERDERAME to FLYNN which contained the FARA draft. SMITH asked Verderame to have FLYNN review the FARA application so Covington could apply his, FLYNN's, electronic signature to it. FLYNN responded, according to KELNER, "Yes, approved, this is as discussed" to the email via VERDERAME which she then sent to SMITH. To the best of his recollection, KELNER did not recall having phone calls with FLYNN regarding feedback on the FARA draft.

(U//FOUO) Information provided to KELNER by FLYNN prior to the 3/7/2017 FARA filing

(U//FOUO) FLYNN did not inform KELNER of the Turkish officials who were involved with the FIG/INOVO project. FLYNN did not indicate to KELNER that Turkish officials gave the go-ahead to proceed with the project.

(U//FOUO) FLYNN informed KELNER the September 2016 meeting in New York City which consisted of Turkish officials and members of FIG was organized by ALPTEKIN. FLYNN informed KELNER the meeting was late at night and acted as a meet-and-greet about the situation in Turkey. FLYNN informed KELNER the meeting included a brief reference to the work FIG performed for INOVO but FIG's work for INOVO was not a focus of the meeting, which consisted mainly of listening to the Turkish officials.

(U//FOUO) FLYNN did not inform KELNER that Fethullah GULEN was a focus of the FIG/INOVO project. FLYNN did not inform KELNER that ALPTEKIN was a conduit or go-between for FIG and Turkish officials during the project. FLYNN did not inform KELNER that ALPTEKIN talked to Turkish government officials about the FIG/INOVO project. FLYNN described the FIG/INOVO project as dealing with improving the economic relations between Turkey and the United States. FLYNN never provided inconsistencies to KELNER on the work FIG provided to INOVO.

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob KELNER , On 07/03/2019 , Page 6 of 6

(U//FOUO) {Note: at approximately 4pm (approximately two hours into the interview of KELNER), Sidney Powell asked Turgeon why KELNER was being asked questions about FLYNN considering RAFIEKIAN was the defendant. Turgeon explained to Powell that KELNER could expect these types of questions during his cross examination by defense attorneys.}

(U//FOUO) KELNER did not recall having asked FLYNN about what/if any work product was completed by FIG for INOVO which pertained to Gulen. KELNER understood from FLYNN that FIG's work for INOVO focused on the business environment in Turkey.

(U//FOUO) KELNER was informed by FLYNN the published 11/8/2016 Op-Ed article in The Hill was something he, FLYNN, had wanted to do out of his own interest. FLYNN wanted to show how Russia was attempting to create a wedge between Turkey and the United States. FLYNN informed KELNER the Op-Ed was not on behalf of FIG's project with INOVO.

UNCLASSIFIED//FOUO

Attachment 5



UNCLASSIFIED//FOUO

FEDERAL BUREAU OF INVESTIGATION

Date of entry 07/17/2018

DOCUMENT RESTRICTED TO CASE PARTICIPANTS

This document contains information that is restricted to case participants.

(U//FOUO) On 6/21/2018 Brian SMITH of Covington & Burling LLP, was interviewed at Covington & Burling LLP, 850 10th st NW, Washington, DC 20001. Present for and conducting the interview were Trial Attorney Counterintelligence and Export Control Section Evan Turgeon, Assistant United States Attorney (AUSA) James P. Gillis, Senior Assistant Special Counsel Brandon Van Grack, and Special Agent (SA) Bryan T. Alfredo. SMITH was represented by his attorneys Bruce A. Baird and Roger Pollack of Covington & Burling LLP. After being advised of the identities of the interviewing Agent and the nature of the interview, SMITH provided the following information and were based on the best of his recollection:

Sources of products used by Covington to complete the Flynn Intelligence Group (FIG) FARA filing

(U//FOUO) The sources of products used by Covington to complete the March 2017 Flynn Intel Group (FIG) Foreign Agent Registration Act (FARA) filing consisted of separate interviews of Bijan RAFIEKIAN and Michael T. FLYNN. FLYNN's attorney, Kristen VERDERAME conducted the interview of RAFIEKIAN and she had spoken to FLYNN about gathering facts for FIG's FARA filing. SMITH previously interviewed RAFIEKIAN once and believed RAFIEKIAN was interviewed on another occasion. SMITH did not interview Michael BOSTON {project lead for the INOVO project} but believed he was interviewed by someone at Covington. SMITH thought Rob KELNER and Alexandra LANGTON of Covington conducted the interview of BOSTON. Both FLYNN and RAFIEKIAN supplied FIG documents and emails to Covington for FIG's FARA filing. These documents were handed over to Covington by VERDERAME who received the documents from FLYNN's son, Michael G. FLYNN JR. SMITH had spoken to Ekim ALPTEKIN's attorney {Mathew NOLAN of Arent Fox LLP} many times. However, SMITH never spoke directly with ALPTEKIN. SMITH and KELNER started working with FIG approximately on 1/2/2017. Covington attorneys Stephen ANTHONY and LANGTON eventually joined the team which represented FIG. Eventually Covington's Technical Support Team (Litigation Support)

UNCLASSIFIED//FOUO

Investigation on 06/21/2018 at Washington, District Of Columbia, United States (In Person)

File # [REDACTED] Date drafted 06/21/2018

by Bryan T. Alfredo

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Brian Smith , On 06/21/2018 , Page 2 of 6

assisted Covington and processed emails provided by FIG for FIG's FARA filing. SMITH did not recall having outside assistance for encrypted related issues Covington had with processing FIG's work products /documents. FIG hired, VIRTRU, an iCloud service provider. VIRTRU provided an application to Covington in order for Covington to analyze and decrypt the encrypted documents supplied to Covington by FIG. SMITH recalled he talked to two brothers, the Chief Executive Officers (CEO) of VIRTRU. VIRTRU'S CEOs were the sons of a former Covington partner. SMITH did not recall having spoken with VIRTRU's legal counsel. Some of FIG's emails /documents provided to Covington could not be decrypted. At some point during Covington's email analysis, VIRTRU stopped cooperating and assisting Covington with the decryption of FIG documents/emails.

(U//FOUO) SMITH and Covington had extensive conversations with Sphere Consulting and Sphere Government Relations (SGR) General Counsel, Benjamin GINSBERG and Grayson YEARGIN of Jones Day. SMITH did not speak with James CORTOVICH [founder and operator of SGR] or Graham MILLER [employed by SGR].

(U//FOUO) SMITH spoke with Brian MCCAULEY [employed by FIG] likely after the FARA filing. SMITH did not interview Tim NEWBERRY [founder of the White Canvass Group (WCG), who provided open source research for FIG]. VERDERAME possibly spoke to and interviewed NEWBERRY.

(U//FOUO) SMITH received a memo from NOLAN, who stated the memo was based on facts given to him by his client ALPTEKIN. NOLAN expressed he did have contact with ALPTEKIN. ALPTEKIN however, had most of his contact with Nolan's contract lawyer. SMITH did not have a Joint Defense Agreement with NOLAN. SMITH communicated with NOLAN primarily via phone and emails were used for scheduling conversations. VERDERAME participated in the emails and phone calls between SMITH and NOLAN. During Covington's data collection of FIG documents, SMITH was informed by FLYNN JR and VERDERAME certain FIG computer systems were shut down once FIG closed its operations. Some of FIG's data and email accounts were archived and some were not once FIG closed operations and the computer systems were shut down. SMITH received RAFIEKIAN's archived FIG email mailbox from FLYNN JR. FLYNN JR searched for certain items in FLYNN's archived email before providing them to Covington. FLYNN JR did not go through RAFIEKIAN's email account prior to handing the archived records to Covington.

INOVO BV and FIG Contract

(U//FOUO) SMITH was aware, fairly early on around 1/2/2017 during the process of gathering FIG documents for FIG's FARA, of a contract between ALPTEKIN/INOVO and FIG. RAFIEKIAN informed SMITH about this agreement. SMITH did not think the topic of how funds transferred from FIG to INOVO

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Brian Smith , On 06/21/2018 , Page 3 of 6

was mentioned in the 1/2/2017 meeting he had with RAFIEKIAN. SMITH received information from either VERDERAME, or from the materials given to Covington by FLYNN JR, which depicted the expenses from FIG to INOVO. SMITH, KELNER, FLYNN, VERDERAME and FLYNN JR were present for the 1/2/2017 meeting at Covington. RAFIEKIAN was not present for the 1/2/2017 meeting. SMITH did not recall an agreement between FIG and INOVO haven been mentioned at the 1/2/2017 meeting. VERDERAME did explain three money transfers between FIG and INOVO.

(U//FOUO) During a 1/5/2017 interview of RAFIEKIAN, RAFIEKIAN informed SMITH the payments sent from FIG to INOVO were refunds for FIG not providing lobbying or public relations services for Project Confidence (PC). RAFIEKIAN opined the second contract was not fully executed as agreed upon between FIG and INOVO, thus the reason to refund INOVO. RAFIEKIAN informed SMITH the refunds were exchanged between FIG to INOVO because the main contract between FIG and INOVO was not amended to reflect the lack of lobbying and public relations services. RAFIEKIAN did not explain why the payments from INOVO to FIG decreased in each transaction.

(U//FOUO) RAFIEKIAN did not explain to SMITH why the contract between INOVO and FIG depicted a backdated start date [contract was signed/ dated 9 /8/2016 with a project start date of 8/15/2016]. SMITH was aware FIG was primarily focused on forming a team for PC in July and August 2016.

(U//FOUO) NOLAN informed SMITH that according to ALPTEKIN, the money sent from FIG to INOVO was for refunds. RAFIEKIAN informed NOLAN the expenses shown on FIG's accounting records to ALPTEKIN, which were depicted as consulting fees, were inaccurate. FIG's accounting records should have depicted the fees listed as refunds and not consulting fees. SMITH was unaware of who uploaded the information into FIG's accounting records. RAFIEKIAN had asked FLYNN to sign the agreement between FIG and INOVO. FLYNN never mentioned to SMITH the payments from FIG to INOVO. FLYNN was busy with the Trump Campaign and left a lot of the details regarding FIG's contract with ALPTEKIN/INOVO to RAFIEKIAN.

(U//FOUO) SMITH did not recall having seen RAFIEKIAN's or ALPTEKIN'S emails which referred to ALPTEKIN having received twenty percent of contract payments between FIG and INOVO. RAFIEKIAN did not explain to SMITH why payments went to INOVO and not directly to ALPTEKIN. It was never explained to SMITH why multiple payments were sent to INOVO from FIG.

(U//FOUO) SMITH discussed Lobbying Disclosure Act (LDA) with RAFIEKIAN. SMITH recalled RAFIEKIAN having said that CORTOVICH suggested to him he get advice on LDA/FARA. RAFIEKIAN called KELNER who referred RAFIEKIAN to another attorney. RAFIEKIAN had not retained another firm and had talked

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Brian Smith , On 06/21/2018 , Page 4 of 6

to Bob [Robert] KELLY, General Counsel for FIG, about LDA. KELLY informed RAFIEKIAN if there is not a foreign government or political party involved, then FIG can file under LDA. RAFIEKIAN opined FIG should file the LDA as an abundance of caution. RAFIEKIAN wanted to talk to members of Congress and FIG filed under LDA.

Declaration of Robert K. Kelly

(U//FOUO) SMITH was not directly involved with KELLY's Declaration. SMITH did not know the name of the investigator hired by Covington who helped KELLY put together the Declaration. SMITH reviewed a draft of the Declaration and may have provided comments to it. SMITH was not aware of any factual outside feedback on the draft of the Declaration.

September 2016 New York City meeting

(U//FOUO) SMITH was aware of the September 2016 meeting in New York City (NYC) where FLYNN and RAFIEKIAN met with Turkish government officials. Separately, NOLAN, RAFIEKIAN and FLYNN informed SMITH about the meeting in NYC. FLYNN described the meeting as being set-up by ALPTEKIN. The meeting in NYC was late at night and very short. The meeting involved Turkish government officials, FLYNN, RAFIEKIAN, ALPTEKIN and {James} WOOLSEY {member of FIG's advisory board}. The meeting primarily focused on radical Islam. Briefly during the meeting, FIG described their business for ALPTEKIN/INOVO. FLYNN did not talk about the control or direction the Turkish government had on PC. The topic of GULEN was brought up by Turkish officials at the meeting.

(U//FOUO) Other than the September 2016 meeting in NYC, RAFIEKIAN informed SMITH there were no other contacts with Turkish government officials prior to FIG's FARA filing. RAFIEKIAN and FLYNN never told SMITH about Turkey's involvement with PC. RAFIEKIAN and FLYNN did not indicate to SMITH they received feedback from the Turkish government officials on PC. NOLAN did not indicate to SMITH Turkey was involved with providing feedback on PC or ALPTEKIN received feedback from the Turkish government. NOLAN characterized to SMITH Turkey was not involved with PC. NOLAN informed SMITH, ALPTEKIN was adamant he did not receive money from Turkey or that Turkey was involved with PC.

(U//FOUO) RAFIEKIAN informed SMITH the September 2016 meeting in NYC was similar to what FLYNN had recollected about the meeting. RAFIEKIAN said the meeting had nothing to do with PC and the conversations during the meeting were primarily focused on radical Islam. The purpose of the meeting was for everyone to get to know each other. The conversation at the meeting was generalized as being one way, where FLYNN asked most of

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Brian Smith , On 06/21/2018 , Page 5 of 6

the questions to the Turkish officials. The meeting was not to update Turkish officials on PC. RAFIEKIAN informed SMITH the "Truth Project" was different from PC.

(U//FOUO) Through multiple conversations with NOLAN, NOLAN discussed with SMITH whether the meeting constituted a reason for FIG to file FARA. ALPTEKIN informed NOLAN the meeting in NYC was to bring people together and there was not an agent of a foreign government involved. NOLAN did not think this required a FARA filing on FIG's behalf, according to ALPTEKIN's views of the meeting. In addition to who is listed on the FARA filing, NOLAN informed SMITH the Turkish Minister of Foreign Affairs was present at the meeting.

{Note: SMITH was shown three emails dated 2/21/2016, 3/30/2016 10:43am and 3/30/2016 10:34am}

(U//FOUO) SMITH recalled having seen the 2/21/2016 and the 3/30/2016 10:43 emails. SMITH did not recall seeing the 3/30/2016 10:34am email. SMITH only recalled talking about these emails internal to Covington.

Lobbying

(U//FOUO) SMITH received, from RAFIEKIAN, information about RAFIEKIAN's lobbying activities with FIG. Through emails, RAFIEKIAN relayed particular facts about his lobbying details which ended up in FIG's FARA filing. RAFIEKIAN confirmed dates, contacts and locations in the materials provided to SMITH. The contacts listed in the FARA filing included a Homeland Security Committee Staffer and contacts from FIG and SGR. SMITH recalled RAFIEKIAN mentioned conversations he had with Congressman ROHRABACHER. However SMITH, did not recall the specifics of the conversations. FLYNN had informed SMITH the meetings conducted by RAFIEKIAN on behalf of FIG were considered lobbying efforts. NOLAN did not inform SMITH of any lobbying activities conducted by RAFIEKIAN on behalf of FIG.

Funding for PC

(U//FOUO) RAFIEKIAN said he knew ALPTEKIN to be someone coming from means and who was a successful businessman. ALPTEKIN was synonymous with INOVO. Other than ALPTEKIN, RAFIEKIAN did not inform SMITH of other sources of funding for PC. FLYNN did not mention PC funding with SMITH.

(U//FOUO) NOLAN informed SMITH of the details which pertained to the FIG and INOVO contract. NOLAN knew of details of the contract but would not provide the contract to SMITH. NOLAN implied the money for PC came from

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Brian Smith , On 06/21/2018 , Page 6 of 6

Ratio and Leviathan. RAFIEKIAN informed SMITH he had not heard about Ratio until it was mentioned in the press.

Opinion editorial (op-ed)

(U//FOUO) RAFIEKIAN informed SMITH on the origin of the op-ed. It was FLYNN's idea to write an op-ed. FLYNN and RAFIEKIAN talked periodically about creating an op-ed. RAFIEKIAN had written an op-ed previously with WOOLSEY. RAFIEKIAN worked with an editor, Hank COX, to write the op-ed on GULEN. RAFIEKIAN expressed to SMITH the op-ed was not related to PC.

(U//FOUO) FLYNN informed SMITH it was his idea to write an op-ed. However RAFIEKIAN, wrote the first draft of the op-ed about GULEN. FLYNN had wanted to write an op-ed for a long time. FLYNN thought the U.S. was losing efforts in Turkey because of Russia.

FARA filing

(U//FOUO) When asked who else reviewed the FARA filing other than Covington, SMITH identified VERDERAME as having shown the draft to RAFIEKIAN for review. FLYNN, the General Counsel for SGR and 4-5 people from the FARA processing unit reviewed the filing. RAFIEKIAN provided his legal name, nationality, several comments, characterized consulting payments and references to business conferences as factual comments used for the FARA filing draft. RAFIEKIAN informed SMITH he did not attend these business conferences. RAFIEKIAN objected to the language on the FARA form regarding "kickbacks". RAFIEKIAN informed SMITH, he rejected his political contributions to be considered "kickbacks." RAFIEKIAN corrected the statement on the FARA filing and indicated he was not a dual citizen. SMITH did not recall FLYNN having had edits or corrections for FIG's FARA filing. SGR made edits and corrections to FIG's FARA filing and a suggested to edit the terminology regarding Gulenoploy, which Covington did not change.

UNCLASSIFIED//FOUO

Attachment 6



UNCLASSIFIED//FOUO

FEDERAL BUREAU OF INVESTIGATION

Date of entry 07/27/2018

DOCUMENT RESTRICTED TO CASE PARTICIPANTS

This document contains information that is restricted to case participants.

(U//FOUO) On 6/21/2018 ROB KELNER of Covington & Burling LLP, was interviewed at Covington & Burling LLP, 850 10th Street NW, Washington, DC 20001. Present for and conducting the interview were Trial Attorney Counterintelligence and Export Control Section Evan Turgeon, Assistant United States Attorney (AUSA) James P. Gillis, Senior Assistant Special Counsel Brandon Van Grack, and Special Agent (SA) Bryan T. Alfredo. KELNER was represented by his attorneys, Bruce A. Baird and Roger Pollack of Covington & Burling LLP. After being advised of the identities of the interviewing Agents and the nature of the interview, KELNER provided the following information based on the best of his recollection:

Sources of products used by Covington to complete the Flynn Intelligence Group (FIG) FARA filing

(U//FOUO) The sources of products used by Covington to complete the Flynn Intel Group (FIG) Foreign Agents Registration Act (FARA) filing came from multiple parties. Covington conducted separate interviews of Bijan RAFIEKIAN and Michael T. FLYNN. RAFIEKIAN was possibly interviewed a second time by Covington. Michael G. FLYNN (FLYNN JR) was present for FLYNN's interview with Covington. KELNER did not recall if FLYNN JR provided information during the interview of FLYNN. Covington received and reviewed records consisting of documentation, emails and accounting records from FIG. These records from FIG were given to Covington by FLYNN JR. Kristen VERDERAME, who represented both FIG and FLYNN personally, may have handed the records over to Covington on behalf of FLYNN JR. Up to the 3/7/2017 FIG FARA filing, most of the communication associated with the FIG FARA filing was conducted through VERDERAME and Covington. VERDERAME shared conversations she had with RAFIEKIAN with Covington. Prior to the 1/11/2017 letter drafted by Covington, Covington communicated with FLYNN JR. It is possible Brian SMITH or Alexandra LANGTON, both of Covington, received the records directly from FLYNN JR. Some public records, such as the Lobbying Disclosure Act (LDA) were used for the FIG FARA filing. It

UNCLASSIFIED//FOUO

Investigation on 06/21/2018 at Washington, District Of Columbia, United States (In Person)

File # [REDACTED] Date drafted 06/21/2018

by Bryan T. Alfredo

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob Kelner , On 06/21/2018 , Page 2 of 7

was possible during this time Covington started to review and collect encrypted communication from FIG. FIG's encrypted communications were stored via an iCloud service provided by Virtue. Virtue was a service provider used by FIG. Virtue's services enabled FIG employees to access FIG records on their phones. Virtue was represented by Morrison & Foerster LLP. Additional documents were produced by Virtue and given to Covington for FIG's FARA filing. FIG was partially shut down during the time Covington gathered records for FIG's FARA filing. This made it harder to collect records from FIG and Virtue. KELNER was not aware if FIG's computer systems were still operating when FIG was shut down. KELNER did not know if FIG's computer systems still existed. All of FIG's records or systems accessed by Covington were preserved. Covington primarily relied on the records produced by FLYNN JR to draft FIG's FARA application. Covington possibly received emails from RAFIEKIAN to be used for the FARA filing. Michael BOSTON, project lead for the INOVO project, was interviewed by Covington. Bob [Robert] KELLEY, General Counsel for FIG, was interviewed the same day as BOSTON. Covington received additional FIG records from BOSTON. FLYNN JR was interviewed by SMITH and Stephen ANTHONY of Covington. KELNER did not participate in the interview of FLYNN JR. KELNER spoke with Ekim ALPTEKIN's, attorney, Matthew NOLAN of Arent Fox LLP. NOLAN produced emails to Covington on behalf of ALPTEKIN. Covington spoke with Sphere Consulting and Sphere Government Relations (SGR) General Council, Benjamin GINSBERG and Grayson YEARGIN of Jones Day. Covington also interviewed James CORTOVICH [founder and operator of SGR] and Graham MILLER [employed by SGR] who were represented by Jones Day. Brian MCCAULEY [employed by FIG] was interviewed by Covington prior to FIG FARA filing. KELNER did not recall an interview of Tim NEWBERRY [founder of the White Canvass Group (WCG) and provided open source research for FIG].

(U//FOUO) KELNER was the primary supervisor of the team formed by Covington to file FARA on FIG's behalf. SMITH and LANGTON were the principles of the team. Covington's technical staff participated in and assisted Covington's team with the gathering of records for FIG's FARA filing.

INOVO BV Contract

(U//FOUO) When asked if he was aware, prior to FIG's FARA filing, an agreement for FIG to pay 20% to ALPTEKIN, KELNER and Covington observed accounting transactions between INOVO and FIG. Covington had a draft contract between FIG and ALPTEKIN which detailed payments to ALPTEKIN. Covington maintained this draft contract prior to FIG's FARA filing. Covington did not possess the executed contract/documentation between both parties concerning these payments. Covington did have information from RAFIEKIAN's second interview about the contract between FIG and ALPTEKIN.

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob Kelner , On 06/21/2018 , Page 3 of 7

RAFIEKIAN informed Covington the payments being sent from FIG to INOVO were refunds because ALPTEKIN was upset he did not receive public relations (PR) and lobbying services from FIG. RAFIEKIAN did not view the contract between FIG and INOVO as having been executed by FIG, which warranted the refunds. KELNER recalled RAFIEKIAN stated the money sent back to ALPTEKIN were refunds and not consulting fees. RAFIEKIAN could not explain why FIG had logged the transactions to INOVO as a consulting fee. RAFIEKIAN did not keep the accounting records for FIG. KELNER recalled RAFIEKIAN informed him that he, RAFIEKIAN, had not always chosen the correct words to use in emails. RAFIEKIAN maintained that the payments were refunds and not consulting fees that were paid to ALPTEKIN.

(U//FOUO) When asked about what statements RAFIEKIAN made which pertained to payments from FIG, KELNER did not recall RAFIEKIAN offering an explanation about why the two payments from FIG to INOVO were in close proximity. KELNER did not recall RAFIEKIAN having informed him about why payments were going from FIG to ALPTEKIN and not to INOVO. In general and in a later correspondence, RAFIEKIAN focused on the payments having been refunded for the contract not being fulfilled by FIG. The fees and payments sent back to ALPTEKIN were for public relations and lobbying services which were not completed by FIG and which ALPTEKIN expected the service of FIG. RAFIEKIAN described lobbying on FIG's Project Confidence (PC), though he did not use the exact wording of "lobbying." RAFIEKIAN did have Congressional contact with Congressional staffer Miles [TAYLOR] during the time period of FIG's contract with INOVO and prior to filing the FIG's FARA registration. The meeting with TAYLOR did not relate to INOVO, however, during the course of communication, the topic of Turkey did come up. KELNER was not aware of the specific conversations RAFIEKIAN had with Congressman ROHRABACHER and did not recall how ROHRABACHER's name came up.

(U//FOUO) RAFIEKIAN and KELNER did not discuss the topic of a draft consulting agreement between FIG and ALPTEKIN. RAFIEKIAN did not inform KELNER or explain to him why there were separate agreements. Prior to the FARA filing, FLYNN was not able to give an explanation of the \$40,000 in payments sent from FIG to ALPTEKIN/INOVO. The topic of the two payments were mentioned by FLYNN and not explained. RAFIEKIAN did not explain to KELNER why FIG's records indicated the payments to ALPTEKIN were recorded as consulting fees and not refunds. KELNER recalled when preparing FIG's FARA filing, RAFIEKIAN objected to FIG's accounting records which indicated payments from/to ALPTEKIN/INOVO as consulting fees and not refunds and that this was discussed between RAFIEKIAN and ALPTEKIN. KELNER was aware ALPTEKIN would be upset if the payments were described as consulting fees. KELNER did not recall why payments from INOVO to FIG

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob Kelner , On 06/21/2018 , Page 4 of 7

decreased over time after each payment. The subject of the consulting agreement and whether ALPTEKIN would receive a consulting fee may have come up in other interviews conducted by KELNER/Covington with FLYNN JR. FLYNN JR was in charge of keeping FIG's accounting records. FLYNN JR recalled RAFIEKIAN had informed him to wire funds to ALPTEKIN and did not give an explanation why the funds were going to him.

(U//FOUO) It was fair to say Covington did not produce emails received from FIG employees to be used in the FIG FARA filing. KELNER was uncertain if Covington received all the emails from RAFIEKIAN, ALPTEKIN and FLYNN which could have been used for FIG's FARA filing. Covington did not receive ALPTEKIN'S emails or text messages. Covington received answers proposed to ALPTEKIN from his general council, NOLAN, who provided the information voluntarily. Covington received information from ALPTEKIN'S attorneys and not directly from him.

(U//FOUO) KELNER did review FIG's Lobbying Disclosure Agreement (LDA). RAFIEKIAN informed Covington he had relied on KELLEY for advice on the LDA filing. FLYNN understood from RAFIEKIAN, that he, RAFIEKIAN, had worked with KELLEY on the LDA.

{Note: KELNER was presented with a document, Declaration of Robert K. KELLEY}

(U//FOUO) KELLEY's declaration reflects what KELLEY had informed Covington. In paragraph 10 of KELLEY's declaration, KELLEY did not inform KELNER why he purposely put a false statement in the FARA filing, specifically the FARA filing which contained wording on Congressional House (s) bills. KELNER interviewed KELLEY prior to KELLEY's declaration. KELNER did not prepare KELLEY's declaration. KELLEY's declaration was obtained by an investigator of Covington and hired specifically for this purpose. KELNER did not know who specifically drafted KELLEY's declaration. Paragraph 11 of KELLEY's declaration, stating he never performed lobbying services for FIG, reflected and was similar to what KELLEY had informed Covington. KELNER was not certain who the lawyer from Jones Day is referred to in paragraph 15 of KELLEY's declaration. KELNER did not recall conversations pertaining to House(s) bills having been mentioned in his interview with KELLEY. KELLEY was familiar with FARA and had experience with LDA. KELNER did not recall if RAFIEKIAN suggested to KELLEY to file FARA on FIG's behalf.

(U//FOUO) RAFIEKIAN was referred to Covington by CORTOVICH. RAFIEKIAN contacted Covington and spoke with one of KELNER'S partners, Robert LENHARD. RAFIEKIAN informed LENHARD of FIG and that he may have to file FARA. RAFIEKIAN informed LENHARD that FIG intended to acquire a Dutch

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob Kelner , On 06/21/2018 , Page 5 of 7

client. RAFIEKIAN called Covington on behalf of FIG for legal advice. LENHARD informed RAFIEKIAN he was a Democrat, which per RAFIEKIAN, disqualified LENHARD from being able to assist FIG with legal advice. LENHARD referred RAFIEKIAN to KELNER who RAFIEKIAN then emailed and eventually called. KELNER asked RAFIEKIAN if FIG was associated with FLYNN. KELNER was not aware of FIG, though he was aware of FLYNN. KELNER informed RAFIEKIAN he was a Republican, however, he had been a "very vocal never Trumper" and displayed these political views on social media. RAFIEKIAN informed KELNER he could not use him for legal advice because of KELNER's view on President Donald J. TRUMP. KELNER recommended Jan BARAN of Wiley Rein LLC to RAFIEKIAN.

(U//FOUO) RAFIEKIAN informed KELNER he had handed the LDA matter over to KELLEY and KELLEY handled it from there. KELNER did not recall RAFIEKIAN having said he had reviewed the substance of the LDA filing.

(U//FOUO) When asked what facts he knew regarding Turkey's involvement with PC, FLYNN had informed Covington the client for PC was INOVO. FLYNN recalled a meeting he had with Turkish ministers in New York City (NYC) in September of 2016. The meeting in NYC was a meet-and-greet and a brief discussion of PC. Turkish ministers talked to FLYNN and members of FIG about issues Turkey faced.

(U//FOUO) RAFIEKIAN informed Covington that discussions between ALPTEKIN and Turkey pertained to entering an agreement on "Project Truth" (PT). The purpose for PT was to deter and fight against radical Islam. Turkey eventually backed out of PT and engaged in PC. ALPTEKIN did not give RAFIEKIAN an explanation why Turkey backed out of PT. RAFIEKIAN did not indicate Turkey was going to be involved with dealings with INOVO. RAFIEKIAN informed Covington the meeting in NYC was unrelated to PC and was an opportunity to talk to Turkish ministers about radical Islam. KELNER was not certain if RAFIEKIAN had brought up Fetullah GULEN at the NYC meeting. KELNER found out later, through emails, PC was the purpose of the NYC meeting.

(U//FOUO) FLYNN indicated to KELNER he had no recollection of back-and-forth conversations regarding business dealings between FIG and Turkey. FLYNN indicated he did not have a recollection of emails associated with Turkey's involvement with PC. FLYNN did not indicate to KELNER/Covington that ALPTEKIN talked to Turkish government officials about PC. FLYNN, RAFIEKIAN and Michael BOSTON informed Covington the INOVO contract for PC was for the purpose of improving U.S. business confidence in Turkey.

(U//FOUO) When asked what facts were provided to Covington about PC, which contradict FIG's FARA filing, KELNER explained according to RAFIEKIAN,

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

[REDACTED]

Continuation of FD-302 of (U//FOUO) Interview of Rob Kelner , On 06/21/2018 , Page 6 of 7

GULEN was the problem and was destroying the confidence in Turkey. In order to increase confidence in Turkey, GULEN had to be stopped. KELNER did not recall if RAFIEKIAN mentioned why GULEN's name was masked in some of FIG's documents.

Op-ed

(U//FOUO) FLYNN informed Covington he and RAFIEKIAN jointly discussed the possibility of writing an opinion editorial (op-ed). FLYNN had wanted to write an op-ed. FLYNN thought it would be helpful to the TRUMP Presidential Campaign to post an op-ed which concerned Turkey. FLYNN described the op-ed as having been completed on his own behalf and not for PC. RAFIEKIAN informed Covington the op-ed was FLYNN's idea and was not part of PC and was just something FLYNN wanted to do. RAFIEKIAN had sent the op-ed to Hank COX for editing. RAFIEKIAN sent the op-ed to ALPTEKIN to get his reaction. ALPTEKIN did not want the op-ed published and thought it would hurt Turkish President, ERDOGAN. ALPTEKIN thought the op-ed misrepresented the Muslim Brotherhood.

{Note: KELNER was presented with an 11/2/2016 email sent from RAFIEKIAN to KELLEY and ALPTEKIN regarding a draft document which mirrors in substance Flynn's November 8, 2016 op-ed.}

(U//FOUO) KELNER did not recall having discussed this email with anyone.

Project Confidence Funding

(U//FOUO) RAFIEKIAN had informed Covington that INOVO BV was paying for PC and RAFIEKIAN was not aware of Turkey being involved. BOSTON implied Turkey was involved with PC. FLYNN had informed Covington, PC was funded by ALPTEKIN's company, INOVO.

(U//FOUO) KELNER recalled a meeting with David Laufman from CES, where KELNER did not recall having said FLYNN did not have contact with Turkish officials for PC. KELNER did not recall having said that FLYNN did not remember having had conversations with Turkish government officials regarding the op-ed published by FLYNN.

(U//FOUO) KELNER was not aware, prior to FIG's FARA filing, of other contacts, he, KELNER, or FIG may have had with Turkish officials other than those FIG had with ALPTEKIN.

(U//FOUO) KELNER was only aware of RAFIEKIAN, FLYNN, and the staff of the FARA filing unit to have received a draft of FIG's FARA filing. KELNER was not aware if KELLEY had received the FARA filing prior to its submission

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

Continuation of FD-302 of [REDACTED] (U//FOUO) Interview of Rob Kelner , On 06/21/2018 , Page 7 of 7

to the FARA unit. A draft of FIG's FARA filing was given to FLYNN by his attorney, VERDERAME. VERDERAME provided written and oral feedback to Covington about FIG's FARA filing. VERDERAME participated in writing the FIG FARA filing. SMITH, KELNER, LANGTON, and Stephen ANTHONY of Covington were involved with the drafting and providing of substantive information for FIG's FARA filing. No one outside of Covington was involved with the drafting of the FARA filing except for RAFIEKIAN, VERDERAME and the FARA unit. RAFIEKIAN wanted to change the draft of FIG's FARA application to indicate refunds were paid to ALPTEKIN from FIG and not that of consulting fees. RAFIEKIAN objected to FIG's FARA filing having disclosed James WOOLSEY [member of FIG's advisory board] as being involved with the contract between FIG and INOVO. RAFIEKIAN did not want to upset WOOLSEY. WOOLSEY was involved with a phone call and the 9/19/2016 meeting in NYC which consisted of Turkish government officials. Further, RAFIEKIAN objected to the word "kickback" having been mentioned in FIG's FARA filing draft. RAFIEKIAN had provided his objections to FIG's FARA filing draft via email to Covington.

FIG's FARA Registration Statement

(U//FOUO) The primary principal in FIG's FARA filing was INOVO. KELNER did not recall RAFIEKIAN having mentioned the subject of FIG having been engaged in support of a private sector company in Israel. FLYNN was not aware of Israel having been involved with PC and gave no comment or objections to the matter.

(U//FOUO) Prior to FIG's FARA filing on 3/7/2017, FLYNN informed KELNER about one or two conversations he had with ALPTEKIN. FLYNN did not share these conversations he had with ALPTEKIN in detail with KELNER. BOSTON had mentioned to Covington phone calls FIG had with ALPTEKIN. KELNER did not recall having asked RAFIEKIAN about the weekly updates given to ALPTEKIN on behalf of FIG which pertained to PC.

UNCLASSIFIED//FOUO