IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

REDACTED VERSION

٧.

UNDER SEAL

PAUL J. MANAFORT, JR.,

Crim. No. 17-201-1 (ABJ)

Defendant.

DECLARATION IN SUPPORT OF THE GOVERNMENT'S BREACH DETERMINATION AND SENTENCING

I, Jeffrey Weiland, hereby declare as follows:

A. Background

- 1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since March 2008. I am currently assigned to the Special Counsel's Office. As a Special Agent, I have previously investigated crimes including the corruption of public officials, arson, forced labor trafficking, racketeering, and terrorism. Prior to my employment with the FBI, I worked for seven years as an attorney, including clerkships with the United States Court of Appeals for the Fifth Circuit and the District Court for the Northern District of Illinois.
- 2. I submit this declaration pursuant to the Court's Order dated January 8, 2019, to provide the evidentiary basis to support finding the defendant's statements set out below were false. I have relied on my own work and that of other members of the team on this matter. This declaration does not contain all the evidence compiled by the FBI on these issues.

- 3. Paul J. Manafort, Jr., attended proffer sessions with the Special Counsel's Office and the FBI on September 11, September 12, and September 13, and debriefings on September 20, September 21, September 25, September 26, September 27, October 1, October 5, October 11, and October 16. Manafort also testified in the grand jury in the District of Columbia on October 26, 2018 and November 2, 2018. Defense counsel was present in all the above sessions except Manafort's testimony before the grand jury, due to the law regarding grand jury secrecy. Counsel was present outside the grand jury and available to Manafort. At the outset of the sessions, Manafort was advised that lying to the government could subject him to prosecution.
- 4. I participated in each of the proffers and debriefings. The reports I prepared of these sessions summarized information Manafort provided and are not verbatim recitations of the sessions. Similarly, the statements reported herein set out the substance of the statements, and are not verbatim.

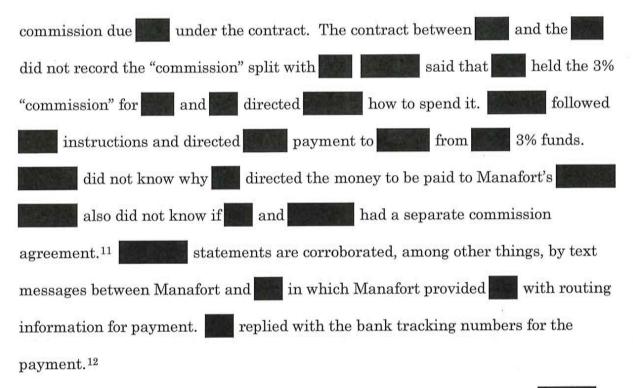
I. Payment To

- Overview
- 5. After signing the plea agreement, Manafort lied about a \$125,000 payment made in June 2017 to

 Manafort until August 2017. Records establish that the \$125,000 payment came from a worked for the

¹ Manafort has had a long relationship with the head of
and the head of the
6. In the summer of 2016, Manafort had been instrumental in setting up
the and having run it.3 The had engaged at Manafort's
suggestion and performed performed
The gave approximately \$19 million for
.4 Under the terms of the contract between and the was to
receive a 6% commission on all .5 According to half of the
commission was to be provided to although this was not reflected in the
written contract. ⁶
Manafort's False and Misleading Statements
7. Manafort made, seriatim, inconsistent statements to the government
when asked about the payment: (1) on September 20, 2018, he said it was
repayment of a loan from Manafort to which Manafort instructed to pay
because Manafort owed money for its ;7 (2) on October
1, 2018, he said it was money was paying on Manafort's behalf because
¹ See Exhibit 1, payment records from Exhibit 2, Eagle Bank wire confirmation. ² See Exhibit 3, P. Manafort 302, Oct. 1, 2018, p.1 ¶4; Exhibit 4, P. Manafort Grand Jury Testimony, Oct. 26, 2018, p.253.
³ See Exhibit 5, 302, Dec. 12, 2017, p.16 ¶2 and p.17 ¶1.
4 See Exhibit 6, excerpts of bank records. 5 See Exhibit 7, Consulting Contract with Exhibit A.
6 See Exhibit 8, 302, Nov. 6, 2018, p.1 ¶2. 7 See Exhibi P. Ma ort 302, Sept. 20, 2018, p.6 ¶2 (** paid about \$50,000 to \$60,000 towards
Manafort's bill. owed Manafort the money."); E bit 4, P. Manafort Grand Jury Testimony, Oct. 26, 2018, pp. 254-57

Manafort had given work in the past, and Manafort asked to pay
what he owed Manafort directly to 38 and (3) on October 16, 2018, he said
Manafort requested to give the money to which would constitute a
loan from to Manafort, which Manafort would repay .9
• Proof Of Manafort's False And Misleading Statements
8. The falsity of the first explanation provided by Manafort is evidenced
by, among other things, that: not made the payment to the debt
owed Manafort (as reflected on Manafort's books and records) was \$20,000, not
\$125,000;10 and Manafort changed his explanations after Manafort was told the
above facts.
9. The falsity of the second version provided by Manafort is shown by,
among other things, statements to the government, corroborated by
payment records and text messages. told the government that the
payment was not money he owed Manafort for work Manafort had obtained for
Instead, said he made the payment to because he was
instructed to do so by told the government that hired to
work for the on the condition that personally receive half of the 6%
*
8 See Exhibit 3, P. Manafort 302, Oct. 1, 2018, p.1 ¶4 (* rationalized that the money he paid to the had come from the money he earned working for the Manafort has given millions of dollars in business over the years.") Manafort said the payment was declared as income to Manafort, and not treated as a gift. See Exhibit 3, P. Manafort 302, Oct. 1, 2018, p.2 ¶1. Manafort explained that the reason he had previously mentioned was because Manafort asked to ask to pay and when spoke to said he would deal with Manafort directly. See Exhibit 9, P. Manafort 302, Sept. 20, 2018, p.6 ¶2. 9 See Exhibit 10, P. Manafort 302, Oct. 16, 2018, p.3. ¶3 (* paid Manafort's Originally, they planned for the payment to be a loan. Last year, they executed a note with a payment plan including interest. Manafort did not do any work for the money.") 10 See Exhibit 11, DMP International, LLC Financial Statements.



- Manafort's third version, that the \$125,000 was a loan by Manafort, is belied by, among other things: the statements of both and Manafort's tax preparer; Manafort's e-mail to his tax preparer; Manafort's tax return; and Manafort's lack of repayment of the "loan."
- a-half-weeks after he was first asked about the payment. Another week and a half later, Manafort provided the government with an unsigned promissory note, dated September 14, 2017 payment to was in June 2017), which included a payment schedule. The last of the three scheduled payments, totaling \$131,249.96, was due on September 15, 2018. Manafort stated that only one payment was ever

¹¹ See Exhibit 8, 302, Nov. 6, 2018, p.1 ¶2 and p.2 ¶4.

¹² See Exhibit 12, P. Manafort and Text Messages, June 20-29, 2017.

¹⁸ See Exhibit 13, alleged promissory note.

made to in the amount of about \$6,000 within the last month. Manafort stated that the payment was subsequent to, but not because of, the government's inquiry about the \$125,000 payment.¹⁴

told the government that he did not make a loan to Manafort; instead, he made the payment to because he was instructed to do so by on behalf of Manafort, as noted above. 15 stated that he did not loan or gift any of his own money to Manafort or Manafort's counsel. Further, said when asked to contribute his own money to Manafort's legal defense, declined. Finally, said that he has never received any payments directly or indirectly from Manafort. 16

loan. In September 2017, Manafort e-mailed his tax preparer instructing him to treat the \$125,000 payment as "income" (which would be consistent with the payment being a "commission" given to Manafort from 3%). Manafort stated in that e-mail that he made the "vendor pay directly to ," "because of complications in my banking." The tax preparer accordingly included the \$125,000 as income in Manafort's 2017 tax return, although he did not know the factual circumstances that would warrant treating it as income. In October 2018, after the government's

¹⁴ See Exhibit 10, P. Manafort 302, Oct. 16, 2018, p.3 ¶3.

¹⁵ See Exhibit 8, 302, Nov. 6, 2018, p.1 ¶2 and p.2 ¶4; Exhibit 4, P. Manafort Grand Jury Testimony, Oct. 26, 2018, pp. 247-48

¹⁶ Exhibit 8, 302, Nov. 6, 2018, p.2 ¶6 and p.3 ¶¶1-2.

¹⁷ See Exhibit 14, E-mail, Sept. 24, 2017, P. Manafort to ("This is income for 2017.")

¹⁸ See Exhibit 15, excerpt of P. Manafort's 2017 filed tax return; Exhibit 16, 302, Nov 14, 2018, p.1 ¶4.

inquiry to Manafort about the \$125,000 payment, a Manafort representative e-mailed the tax preparer asking him how the "note" was handled. The representative also provided him with an unsigned loan document with respect to the \$125,000 payment, claiming that interest payments were made this year. ¹⁹ The tax preparer told the government that the October 2018 e-mail inquiry was the first he had ever heard that the payment was a purported loan. He did not change anything on the return based on the e-mail. ²⁰

II. Konstantin Kilimnik's Role in The Witness Tampering Conspiracy

- Overview
- 14. At his proffer on September 11, 2018, Manafort admitted that he conspired with Kilimnik to obstruct justice by tampering with witnesses, as charged in the Superseding Indictment returned on June 8, 2018. As part of his guilty plea before this Court, Manafort again admitted to conspiring with Kilimnik to obstruct justice to tamper with two witnesses. Subsequently, in an interview on October 16, 2018, after his guilty plea, Manafort denied Kilimnik's knowing involvement in the conspiracy. That denial was false.
 - Manafort's False and Misleading Statements about Kilimnik's Role in the Obstruction Conspiracy
- 15. During an interview with the government on October 16, 2018, Manafort said that: Kilimnik did not believe that he was obstructing justice when he contacted

See Exhibit 17, E-mail, Oct. 30, 2018, to the second of the

(identified as Person D1 in the charging document) and (identified as Person D2); in Kilimnik's mind, he was only communicating information; Kilimnik did not feel that he exerted any pressure; and to Kilimnik, Europe was the fulcrum of the Hapsburg Group project. At the same session, Manafort added that he talked with Kilimnik after Kilimnik was indicted, that Kilimnik thought it was crazy that he had been charged, and that Manafort agreed that it was outrageous.²¹

- 16. The government notified Manafort's counsel that it believed Manafort's statements were inconsistent with what he had previously said to the government and allocuted to in court. The parties then took a break.
- 17. After speaking with his attorney, Manafort changed his account, and stated that: he conspired with Kilimnik; at the time he pleaded guilty, Manafort understood the elements of the conspiracy; Manafort and Kilimnik agreed to try to have say something that was not true; Kilimnik knew that the Hapsburg Group performed work in the United States; Kilimnik messaged to get him to say that the Hapsburg Group was Europe focused; and Kilimnik was guilty of obstruction of justice because he was aware of the facts and agreed to knowingly violate the law. Manafort told the government that he had not changed his statements, but the government had been confused about what he had said.
 - Proof that Manafort's Statements Were False and Misleading

²¹ Exhibit 10, P. Manafort 302, Oct. 16, 2018, p.6 ¶¶1-2. The defense has contended that Manafort did not lie on this topic as he could not speak to Kilimnik's state of mind. Sealed Response to OSC Breach Submission, Jan. 7, 2019 (Doc. 470). However, Manafort did just that in the debriefings.

18. Manafort's October 16, 2018, statements attempting to exculpate Kilimnik with respect to the charged obstruction of justice conspiracy are contradicted by his statements during a September 11, 2018 proffer with the government, his sworn statements before this Court during his guilty plea, his corrected statements on October 16, 2018, as well as the underlying proof of the conspiracy.²² Manafort's statement that he had not changed his story was also false, as set forth above.

The Superseding Indictment and Initial Proffer

19. On June 8, 2018, a grand jury sitting in the District of Columbia returned a seven-count Superseding Indictment charging Manafort and Kilimnik.²³ Count Six charged Manafort and Kilimnik with attempted obstruction of justice, pursuant to 18 U.S.C. §§ 1512(b)(1) and 2.²⁴ Count Seven charged both defendants with conspiracy to obstruct justice pursuant to 18 U.S.C. § 1512(k).²⁵ Both counts related to Manafort and Kilimnik's efforts to persuade two witnesses, identified as Person D1 (and D2), to testify falsely

20. At the proffer on September 11, 2018, Manafort admitted his involvement in the charges in the criminal prosecution pending in the District of

²² Exhibit 100, P. Manafort Statement, Sept. 11, 2018; Statement of the Offenses and Other Acts, ¶¶44-46 and p.24, Sept. 14, 2018 (Doc. 423); Order, United States v. Manafort, No. 18-3037 (D.C. Cir. July 12, 2018) (Doc. 1740431); Opinion at pp.15-16, United States v. Manafort, No. 18-3037 (D.C. Cir. July 31, 2018) (Doc. 1743190) ("The District Court's treatment of the EDVA Stay-Away Order was merely part of the icing; the cake had already been baked.")

²³ Superseding Indictment, June 8, 2018 (Doc. 318).

²⁴ Id., ¶¶48-49.

²⁵ Id., ¶¶50-51.

Columbia. With respect to the conspiracy to obstruct justice, Manafort stated the following (reading from a written statement under the heading "Witness tampering"):

- In response to press reports concerning the Superseding Indictment

 I attempted to contact [sic], a former consultant that I

 had worked with regarding Ukraine political issues, through a group

 known as the Hapsburg Group.
- I left a message for [sic] emphasizing that his group was working in Europe.
- I contacted KK and requested that he reach out to [sic] and another member of the Hapsburg group to do the same.
- knowing that [sic] and the members of the Hapsburg group also directed their Ukrainian outreach into the United States and previously including meeting with members of the U.S. government.
- 21. Manafort's counsel provided the written statement he read at the proffer to the government and it is an exhibit hereto.²⁶

Guilty Plea

22. Manafort more explicitly admitted Kilimnik's role in the charged conspiracy as part of his guilty plea before the Court. On September 14, 2018, Manafort pled guilty to both counts charged in a Superseding Information: (a) a conspiracy to defraud the United States (Count One), and (b) a conspiracy to obstruct

 $^{^{26}}$ Exhibit 101, P. Manafort 302, Sept. 11, 2018, p.1 $\P 2;$ Exhibit 100, P. Manafort Statement, Sept. 11, 2018.

justice (witness tampering)(Count Two). Count Two specifically named Kilimnik as a conspirator (as did the original Superseding Indictment). Paragraphs 64 to 67 of the Superseding Information detailed the allegations of the obstruction conspiracy. In addition, as part of his plea agreement, Manafort admitted to a statement of facts. Paragraphs 44 through 46 in the Statement Of The Offenses And Other Acts, which he signed and initialed, also referenced the conspiracy with Kilimnik (and tracked the Count Two allegations).

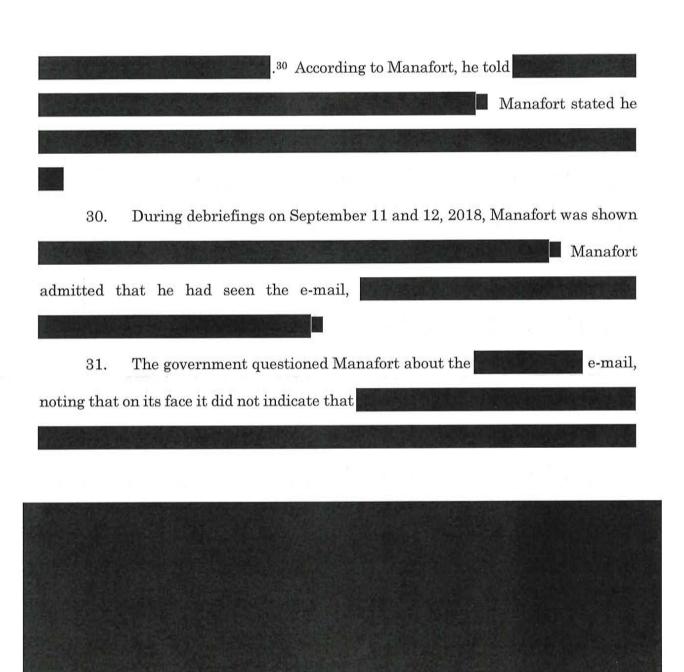
- 23. These documents set out that between February 23, 2018 and April 2018, Manafort conspired with Kilimnik to tamper with two witnesses described as Person D1 and Person D2 with respect to their potential testimony about the Hapsburg Group and its activity in the United States, namely to induce each to testify falsely that the Hapsburg Group did not involve work in the United States (thus not violating the Foreign Agents Registration Act).
- 24. As required by the Court at his guilty plea proceeding, Manafort acknowledged the facts in the Statement Of The Offenses And Other Acts to be true.²⁷

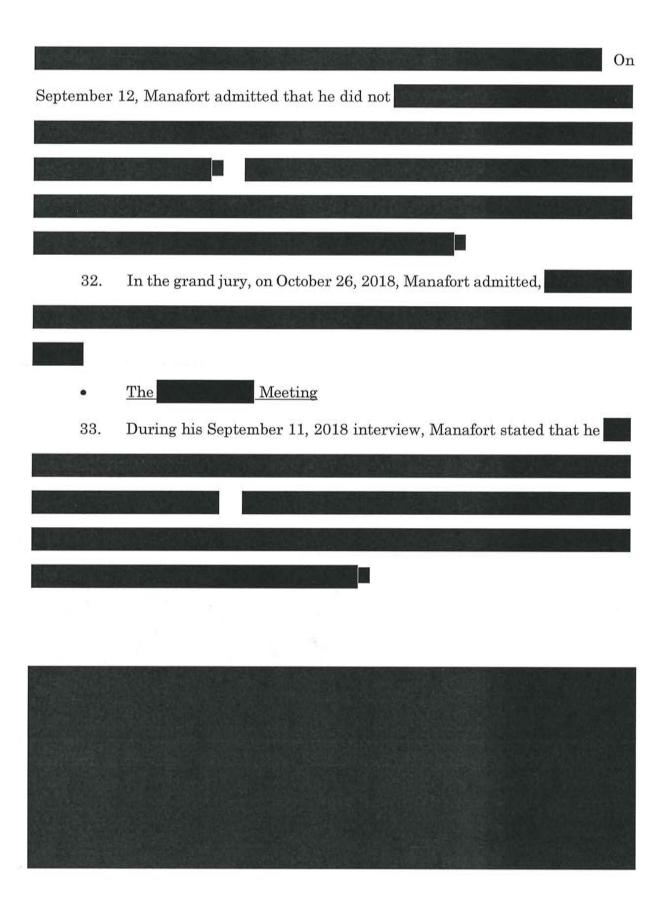
III. <u>Interactions with Kilimnik</u>

- Overview of Interactions Between Manafort and Kilimnik

²⁷ Tr. of Plea Hearing at pp.34-35, Sept. 14, 2018 (Doc. 424), acknowledging government recitation of the offenses and the facts in the Statement Of The Offenses And Other Acts ("And did you also, in fact, conspire with at least one other person to obstruct justice by tampering with witnesses concerning the FARA allegations in 2018?" And the defendant responded: "I did.")

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27.	In addition, as discussed below,
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•	Manafort's False and Misleading Statements about the Fact And
	Frequency Of His Discussions Of The With Kilimnik
28.	Over the course of several interviews and in the grand jury, Manafort
gave variou	us accounts concerning his communications with Kilimnik about the
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29.	In an interview on September 11, 2018, Manafort said that at an in-
person meet	ting in New York City on
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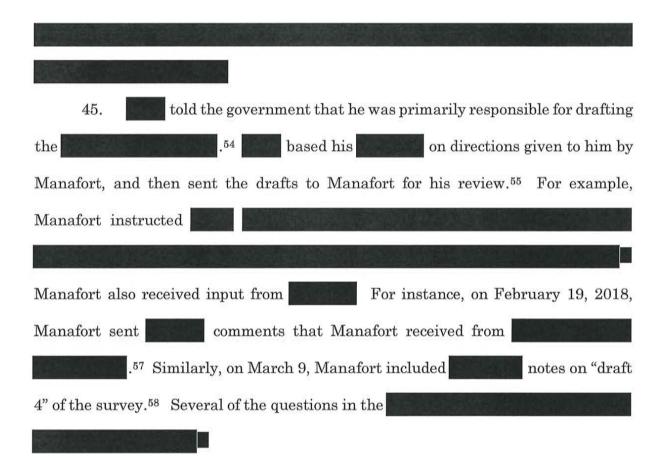




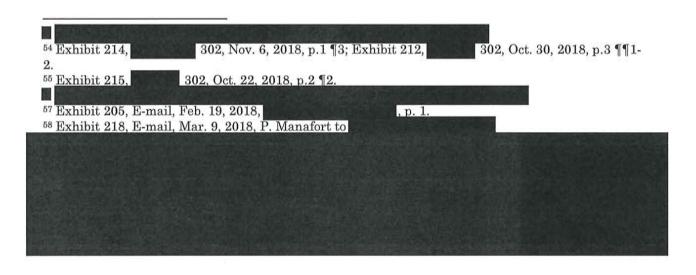
	34.	Subsequently, during a September 21, 2018, debriefing, Manafort stated
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	35.	During his grand jury testimony on October 26, 2018, Manafort testified
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	36.	In his debriefings, Manafort was asked about a
	37.	In the September 11, 2018, session, Manafort said he
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	38.	On September 12, Manafort was again asked if he
		Manafort said that he had no memory of
		When told that
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did not recall meeting	
39. During ar	n interview on September 13, Manafort said that in fact he did
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40. During M	Manafort's grand jury testimony on October 26, Manafort
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41.	Manafort was asked in the grand jury abo	out his work in 2018 on
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had not me	entioned the	during any of his twelve
interviews	and had said he had last discussed the	in spring
2017.		
42.	Records establish that on	2018, Manafort had executed a
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43.	On February 21, 2018, Manafort e-mai	led and and
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Manafort t	testified that sent him the docume	ent. ⁵¹
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Manafort a	admitted in the grand jury that this docu	ument described the
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⁴⁹ Exhibit 201 ⁵⁰ Exhibit 218	1, E-mail, Feb. 21, 2018, P. Manafort to 3, Feb. 10, 2018.	
⁵¹ Exhibit 4, I	P. Manafort Grand Jury Testimony, Oct. 26, 2018, p	р. 138-139.

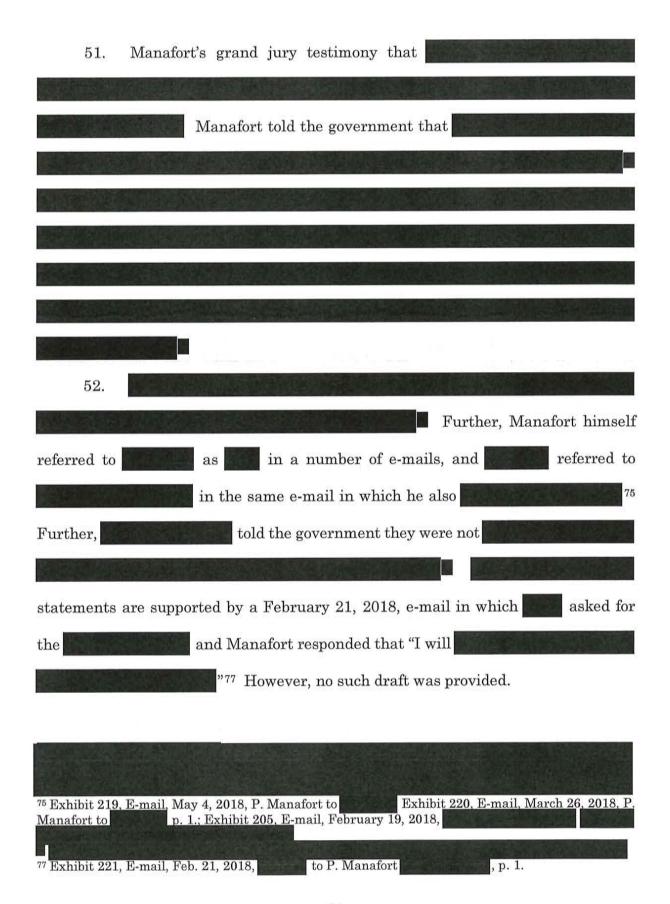


Manafort's grand jury testimony



	46.	In the grand jury, Manafort testified that he sought to
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	47.	Manafort was asked in the grand jury
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		Manafort explained that he had not told
	48.	Manafort was then asked what
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P. C.		After a lunch break, Manafort
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	•	Manafort's False and Misleading Statements about
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49.	During his interview on September 11, 2018, Manafort stated he
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	During Manafort's grand jury testimony on October 26, in response to a
question as	to whether
Manafort r	esponded:
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	Manafort further testified:
	Proof of Manafort's False and Misleading Statements
50.	With respect to the communications about the , the
governmen	t notes the following additional facts.



53. With respect to the property of the proper	
e-mails and testimonial evidence) indicates that Manafort	
54. During interviews with Gates, Gates told the government that he was	
instructed by Manafort to	
On multiple occasions,	
55. In addition,	
that referenced his access to the separate e-	
mails during that period,	
56. Finally, as noted, on the evening of Manafort met with	
Gates attended, but arrived	
late. On the morning of the meeting, Manafort	
及研究性类型 (1) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	

	The document was
	A review of Manafort and Gates's e
mails con	firmed that both
IV.	Another DOJ Investigation
•	Overview

- 58. Manafort gave different versions of events surrounding an incident in : one version that was more incriminating was given prior to signing the plea agreement (on September 13, 2018), and another that was more benign was made after on October 5, 2018, after his plea. When confronted with the inconsistency by the government and his own counsel, Manafort largely retracted the second version.
 - Manafort's False and Misleading Statements

59.	During an interview on October 5, 2018, which included representatives
of	, Manafort addressed the aforementioned incident. Manafort gave an
anodyne v	ersion of the incident. He said he received a call from
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PHENO	. The conversation was part of a
longer mee	eting on other subjects.85 Manafort said that
King Poly	In the debriefing, Manafort did not state
60.	At this point in the debriefing, Manafort's attorneys gave him a
typewritte	n document to read, representing it was notes of what Manafort previously
told the go	vernment on the subject. Manafort then stated that around the same time
that	called Manafort about
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⁸⁵ Exhibit 300, P. Manafort 302, Oct. 5, 2018, p.1 ¶2.

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	63.	On S	epten	nber 1	3, 2018, M	anaf	ort provid	ded in	nformati	on al	bout	
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65. Ma	anafort said that after the	
66. Ma	anafort stated that after this meeting, but prior to his leaving the	
campaign (on A	ugust 19),	
not how it was handled. ⁹¹ Manafort noted that subsequent to his call		
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V. <u>Ma</u>	anafort's Contact with the Administration	
• <u>Ov</u>	erview	

- 67. Manafort told the government that he did not have any contact, direct or indirect, with any member of the Administration and did not try to have such contact. Evidence demonstrates that Manafort's statements were false. Documentary evidence establishes that Manafort agreed to have messages sent to the Administration, including about Administration

 Gates has also said that Manafort told Gates about his contact with the Administration. And during his grand jury testimony, when confronted with documents, Manafort admitted
 - Manafort's False and Misleading Statements Regarding Contact with the Administration
- 68. Manafort stated on several occasions that he never spoke to anyone in the Administration, either directly or indirectly. For instance, during an interview with the government on October 16, 2018, Manafort stated he had no direct or indirect communications with anyone in the Administration while they were in the Administration, and that he never asked anyone to try to communicate a message to anyone in the Administration on any subject matter. ⁹⁴ Manafort stated that he spoke with certain individuals before they worked for the Administration and after they left the Administration, but not while they were in the Administration. ⁹⁵

⁹³ This is not a complete listing of such contacts Manafort had with Administration officials. Further, for the purposes of proving the falsity of Manafort's assertions in this section, the government is not relying on communications that may have taken place, with Manafort's consent, through his legal counsel. We previously so advised the defense.

⁹⁴ See Exhibit 10, P. Manafort 302, Oct. 16, 2018, p.2 ¶5.

⁹⁵ See id.

•	Proof that Manafort's Statements Were False and Misleading		
69.	Evidence demonstrates that Manafort had contacts, and tried to have		
contacts,	through others, with the Administration. Indeed, Manafort ultimately		
conceded			
	各种企业。 第一个人们是一个人们的一个人们的一个人们的一个人们的一个人们的一个人们的一个人们的一个人们的		
70.	Further, during his grand jury testimony, Manafort was asked about		
持续被	(15.12.18.12.18.13.18.18.18.18.18.18.18.18.18.18.18.18.18.		
7 7 7 9 9 1	\$150 Trib. 表的認為主义及2016年2016年2016年2018年20日本中共和国		

71. Further, in May 2018, Manafort was involved in an effort to			
Additionally			
Word document was identified in Manafort's iCloud that referenced dated			
Word document was identified in Manafort's iCloud that referenced dated May 15, 2018 and, per the metadata, was authored and edited by Manafort. 103			
Under a section titled "Targets," a bullet point stated "ISSUE: PJM [Manafort] will			
find out if When asked during grand			
jury testimony about , Manafort stated			
。 1.			
这种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种			
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Visit in the second of the sec	Vhen asked
if he reached out to	
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72. Further, on May 26, 2018, texted Manafort and	asked him:
"If I see POTUS one on one next week am I ok to remind him of our rel	ationship?"
Manafort responded to the text, "[y]es" and "[e]ven if not one on one."	During
Manafort's grand jury testimony, he confirmed	
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	A SWA
73. In addition to this documentary evidence, Gates has	told the
government in debriefings that in approximately January 2017, Manafort	told Gates
that he was using intermediaries, including to get people appoi	nted in the
Administration. Manafort said he was talking to	A SURFIT

up through approximately February 2018 (the time of Gates' guilty plea). 108

Conclusion

Based on the above factual circumstances, among others (including my assessment of Manafort's demeanor), it is my belief that Manafort made false and misleading statements in breach of the plea agreement with the government. 109

I certify, under penalty of perjury that the foregoing is true and correct.

Executed on Ol 14/2019

Jeffrey Weiland

Special Agent, Federal Bureau of Investigation

Defendant said in his pleading that he has provided electronic devices to the government. However, although he has provided some electronic data, passwords, and documents, in more than ten instances he did not provide passwords to access his electronic communications, thumb drives, or documents.