

TIME

Exclusive: Top Ukraine Official Andriy Yermak Casts Doubt on Key Impeachment Testimony



Andriy Yermak, a top adviser to Zelensky, at his office in Kyiv on Dec. 4. Paolo Verzone—Agence VU for TIME

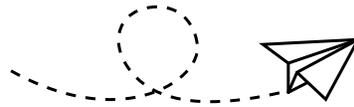
BY **SIMON SHUSTER / KYIV**

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Since the start of the public **impeachment hearings** in Congress last month, Andriy Yermak, a top adviser to the President of Ukraine, has heard his name come up again and again in witness testimony. He took part in many of the events at the center of the impeachment inquiry, and the 300-page **report** released last week by the inquiry mentions Yermak dozens of times.

But in his first interview about those public hearings, Yermak has questioned the recollections of crucial witnesses in the impeachment inquiry into President Donald Trump’s alleged abuse of his office for political gain.

“Listen, I want to tell you straight,” Yermak told TIME in the interview on Dec. 4, the first time he has openly discussed his views on the public impeachment hearings. “Of course, now, when I watch these shows on television, my name often comes up, and I see people there whom I recognize, whom I met and know,” he says, referring to the witness testimony. “That is their personal opinion, especially the positions they expressed while under oath. I have my own truth. I know what I know.”



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The most crucial point at which Yermak’s recollection contradicts the testimony of the inquiry’s witnesses relates to a meeting in Warsaw on Sept. 1, when Ukrainian President Volodymyr Zelensky met with U.S. Vice President Mike Pence. The meeting was part of an ongoing effort by the Zelensky administration to improve ties with the Trump administration.

One of the American diplomats who attended that meeting, Gordon Sondland, the U.S. Ambassador to the European Union, testified before the inquiry last month that he pulled Yermak aside after the Warsaw meeting and delivered an important message: U.S. aid to Ukraine would probably not resume until Zelensky's government announced two investigations that could implicate President Trump's political rivals.

"I told Mr. Yermak that I believed that the resumption of U.S. aid would likely not occur until Ukraine took some kind of action on the public statement that we had been discussing for many weeks," Sondland **testified**.

This statement was allegedly intended to announce two investigations: one into the discredited claims that Ukraine helped Hillary Clinton's campaign in the 2016 presidential election, and another related to the work that Hunter Biden, the son of presidential candidate Joe Biden, did for a Ukrainian gas company, Burisma Holdings, while his father was the U.S. Vice President.

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Based on the testimony from Sondland and other witnesses, the **final report** from the House Intelligence Committee concluded last week that Sondland made this offer of a quid pro quo clear to Yermak that day in Warsaw. “Following this meeting, Ambassador Sondland pulled aside President Zelensky’s advisor, Mr. Yermak, to explain that the hold on security assistance was conditioned on the public announcement of the Burisma/Biden and the 2016 election interference investigations,” the report states.

Yermak disputes this. “Gordon and I were never alone together,” he said when TIME asked about the Warsaw meeting. “We bumped into each other in the hallway next to the escalator, as I was walking out.” He recalls that several members of the American and Ukrainian delegations were also nearby, as well as bodyguards and hotel staff, though he was not sure whether any of them heard his brief conversation with Sondland. “And I remember – everything is fine with my memory – we talked about how well the meeting went. That’s all we talked about,” Yermak says.

These comments cast doubt on an important moment in the impeachment inquiry’s reconstruction of events: specifically, the only known point at which an American official directly tells the Ukrainians about the link between U.S. aid and the announcement of specific investigations.

In a statement, Sondland’s lawyer said “Ambassador Sondland stands by his prior testimony and will not comment further.” Yermak said no one from the congressional committees that are overseeing the impeachment inquiry has contacted him to seek his testimony, nor have any other U.S. officials.

In his initial testimony to the impeachment inquiry in October, Sondland **said he never knew** the U.S. aid to Ukraine was conditional on the investigations Trump wanted. But the following month, Sondland amended his testimony with a new sworn statement, in which he described the conversation with Yermak in Warsaw. “I now recall speaking individually with Mr. Yermak, where I said that resumption of U.S. aid would likely not occur until Ukraine provided the public anti-corruption statement that we had been discussing for many weeks,” Sondland wrote in the amended testimony.

Legal experts said at the time that the amendment looked like an attempt to protect Sondland from accusations that his initial testimony had misled Congress. Lying to Congress is a crime that **can carry** a punishment of up to five years imprisonment.

The **White House rejected** Sondland’s amended testimony at the time, saying that it was only his assumption that there was a link between the aid and the

investigations, and claiming that he had not “identified a solid source” for his claims that this link existed. President Zelensky and his advisers have previously denied knowing about such a link.

In an **interview with TIME and three European publications on Nov. 30**, President Zelensky denied ever talking to Trump “from the position of a quid pro quo.” “That’s not my thing,” he said during that interview.

President Trump and his **allies** seized on those remarks as evidence of his innocence. “The Ukrainian president came out and said very strongly that President Trump did absolutely nothing wrong. That should be case over,” Trump **told reporters** on the day TIME published that interview.

Independent **fact-checkers found** these remarks misleading, and noted that President Zelensky also voiced criticism of the Trump Administration during the interview. In particular, Zelensky questioned the fairness of the decision to block U.S. military aid to Ukraine, suggesting that this was not the way strategic allies should behave toward each other.

Many **observers** criticized Trump for cherry-picking parts of the Zelensky interview last week, and **pointed out** that Ukraine is still deeply dependent on the U.S. for financial and political support, making it difficult for Zelensky and his aides to contradict Trump’s arguments against the impeachment inquiry.

The new interview with Yermak is likely to revive that debate. When TIME asked him whether he had ever felt there was a connection between the U.S. military aid and the requests for investigations, Yermak was adamant: “We never had that feeling,” he says. “We had a clear understanding that the aid has been frozen. We honestly said, ‘Okay, that’s bad, what’s going on here.’ We were told that they would figure it out. And after a certain amount of time the aid was unfrozen. We did not have the feeling that this aid was connected to any one specific issue.”

One of the top priorities for the Ukrainian government’s foreign policy is to arrange a state visit to the U.S. and a meeting between Trump and Zelensky in

the Oval Office. On the morning of our interview, Yermak had met in Kyiv with two senior U.S. diplomats who testified before the inquiry last month, George Kent and Philip Reeker, in part to discuss the Ukrainian hope of visiting the White House soon. “My colleagues supported me,” Yermak said, referring to Kent and Reeker. He added that they did not discuss any specific dates for the visit. (The U.S. embassy declined to make Reeker and Kent available for comment during their visit to Kyiv last week.)

“Once the President has meetings in the White House, in Congress and in business circles, it will create a final understanding that this is a new team, a new set of leaders in Ukraine, a set of leaders who have come to change the country, to fight corruption, who in the course of three months in parliament, and six months of our tenure, have achieved a whole lot,” Yermak says.

For Yermak, the most unpleasant part of the public impeachment hearings so far has been **the publication** of his private communications with senior U.S. diplomats. These messages appear to show Yermak discussing the wording of a statement that President Zelensky could make to announce the investigations Trump wanted.

In his interview with TIME, Yermak suggested that the published messages do not give a full picture of the conversations he had with U.S. officials about this, especially his exchanges with Kurt Volker, the State Department’s special envoy to Ukraine.

“I do not intend to publicize what I wrote to anyone. Those are my principles,” Yermak said.

When TIME pointed out that his private communications with U.S. officials had already been made public as part of the impeachment inquiry, Yermak added: “I am not going to comment on whether that was all we wrote to each other, whether it was incomplete or something else. But I remember very clearly what I said, what I did and whom I wrote to. I can tell you 100%, and I can answer for this, that everything I did was right. Everything I did was within the law, and I never crossed the line, never violated legal norms or moral ones.”

According to the report issued last week as part of the impeachment inquiry, the closest that Ukraine came to announcing the investigations Trump wanted was during an interview that President Zelensky had planned to give CNN in September.

“After hearing from President Trump, Ambassador Sondland promptly told the Ukrainian leader and Mr. Yermak that ‘if President Zelensky did not clear things up in public, we would be at a stalemate,’” the report states. “President Zelensky responded to the demand relayed by Ambassador Sondland, by agreeing to make an announcement of investigations on CNN.”

Yermak also disputed this series of events. “The interview with CNN did not happen because of a scheduling conflict, and that’s the only reason,” he tells TIME. “This statement, which people are choosing to focus on – such statements were put out countless times, and will probably be repeated many times again, because that is our position. To fight corruption. To carry out honest investigations,” Yermak added.

But the findings of the impeachment inquiry so far have shown that Trump wanted Ukraine to open two specific investigations, both of which could be used for his political benefit back home. Asked how close Ukraine came to announcing these investigations, and whether that announcement would have helped Trump politically, Yermak said: “Politics doesn’t have patience for hypotheticals. ‘What if this, and what if that.’”

He added, “Look, we are principled in our position. We did not violate anything. We did not do anything that would amount to crossing a line. At all times we kept our word. We did what we said we would do. So I think it wouldn’t be right to give assessments of what line someone may have approached. We never entered into a conspiracy with anyone. We never participated in any conversations under the carpet. It was all public and transparent.”

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