

# AN EGYPTIAN BANK CLAIMED DETAILS OF A SUSPECTED \$10 MILLION PAYMENT TO TRUMP MIGHT BE IN CHINA

Back on September 19, 2018, then DC Chief Judge Beryl Howell denied a motion brought by an Egyptian bank to quash a subpoena for information on a suspected \$10 million payment made to then-candidate Trump in fall 2016. That set off litigation that continued, at the District, Circuit, and Supreme Courts, for at least nine months.

As CNN described in 2020, not long after the investigation got shut down under Bill Barr, investigators had been trying to see whether Egypt (or some entity for which Egypt served as go-between) provided the money that Trump spent on his campaign weeks before the election.

For more than three years, federal prosecutors investigated whether money flowing through an Egyptian state-owned bank could have backed millions of dollars Donald Trump donated to his own campaign days before he won the 2016 election, multiple sources familiar with the investigation told CNN.

The investigation, which both predated and outlasted special counsel Robert Mueller's probe, examined whether there was an illegal foreign campaign contribution. It represents one of the most prolonged efforts by federal investigators to understand the President's foreign financial ties, and became a significant but hidden part of the special counsel's pursuits.

The investigation was kept so secret that at one point investigators locked

down an entire floor of a federal courthouse in Washington, DC, so Mueller's team could fight for the Egyptian bank's records in closed-door court proceedings following a grand jury subpoena. The probe, which closed this summer with no charges filed, has never before been described publicly.

Prosecutors suspected there could be a link between the Egyptian bank and Trump's campaign contribution, according to several of the sources, but they could never prove a connection.

It took months of legal fight after Judge Howell denied that motion to quash before the Egyptian bank in question complied, and once they got subpoena returns, prosecutors repeatedly complained that the bank was still withholding information, which led prosecutors to reopen the investigation with a new grand jury.

That much we know from documentation unsealed back in 2019 (part one, part two, part three), in response to a Reporters Committee for Freedom of the Press request for unsealing.

On August 17, 2023, while she was still Chief Judge, Beryl Howell ordered the government to post newly unsealed sets of some of the orders she issued during the litigation. On Thursday, Chief Judge Boasberg ordered that newly redacted set of opinions to be released. While Howell released six opinions in June 2019 along with the other materials from the case – with redactions done digitally, thereby hiding the length of redactions – just three new versions of her orders got released last week:

- September 19, 2018 memorandum denying motion to quash
- January 15, 2019 memorandum regarding sanctions
- January 30, 2019 memorandum

## limiting ability to refer to proceedings

These may be limited to orders incorporated as appendices in prior appeals, which might also explain why the first two appear twice in the newly-released materials.

Much of the newly unsealed material pertains to a fight over how much Alston & Bird, the law firm representing the Egyptian bank, could say about the litigation publicly. Among other things, prosecutors under Robert Mueller objected to *their own names* appearing publicly, out of a desire to tie this litigation to the narrow scope of Mueller's investigation into interference in 2016.

One thing made clearer by a redaction in that January 2019 opinion on public comments is that the DC Circuit considered what public comments the two sides could make, in addition to SCOTUS, as part of its denial of cert.

It's possible that the DC Circuit has weighed in, secretly. Among the details newly unsealed in the original opinion are the names of two of the bank's other lawyers: Ashraf Shaaban (who appears to be or have been in-house counsel) and Mona Zulficar (who runs a Cairo corporate law firm). Those lawyers were named in conjunction with declarations they submitted arguing some part of the claim that Egyptian Anti-Money Laundering law would prohibit compliance with the subpoena *as would unspecified law in a third country*, described as Country B.

Howell described that Alston & Bird are relying on,

conclusory declarations by [redacted] own Country A in-house and retained counsel, which themselves cite no legal authority on this question of [redaction] See Decl. of Ashraf Shaaban,, Mov's Group Legal Counsel ("Shaaban Decl.")¶7, ECF No. 3-6; Suppl. Decl. of Mona Zulficar, "Suppl. Zulficar

Decl.”)¶ 4, ECF No. 12. The Court gives these declarations little weight. [bold newly unsealed, compare this passage with this one]

So if we can figure out who Shaaban works or worked for to ID the bank.

It's the unspecific third country, Country B, that is the most interesting new disclosure, however.

The newly unsealed passages do not identify which country, described as Country A and which CNN identified as Egypt, owns this bank. But they do show that the bank or its lawyers wanted to share the subpoena with personnel in Cairo.

The newly unsealed passages do identify which third country's laws, unspecified laws, might prohibit lawyers from searching for responsive documents in that country: China.

In other words, a bank owned by Egypt said it couldn't comply with a subpoena seeking information on a suspected payment to Trump during the 2016 election, in part, because China's laws would prevent that.

Update: Ashraf Shaaban works for the National Bank of Egypt.