

PREMIER PALACE: THE RISK OF NON-RUSSIAN INVOLVEMENT IN ALEXANDER SMIRNOV'S ANTI-BIDEN ELECTION OPERATION

Based on the transcript from the detention hearing, one reason Principal Senior Assistant Special Counsel Leo Wise failed to convince Nevada Magistrate Judge Daniel Albregts to detain Alexander Smirnov pretrial, is that in arguing Smirnov was a flight risk, Wise focused primarily on Smirnov's ties to Russian intelligence, not other spy agencies.

That made it easier for Albregts to argue – repeating something Smirnov's attorney, David Chesnoff, said – that Russian spooks are probably not too enamored of Smirnov right now, given the details included in court filings describing his reporting on Russian spies.

I – you know, I understand the concern about foreign intelligence agencies potentially resettling Mr. Smirnov outside of the United States/ his connections to them, but I think on some level that's speculative as well because, as Mr. Chesnoff points out, I don't know what Mr. Smirnov will be thought of in Russia/ but my guess is at this stage he probably thinks that's not the most attractive place to go either if he was in fact inclined to go hide somewhere. So while I notice and note that that's a concern and certainly raised by the Government that I should consider it, I just don't know in the context of what's happened in the last couple of weeks with his arrest and everything else that that is as grave a

concern as the Government outlines.

This misunderstands the implied relationship of Smirnov to the Russians. For example, while Wise notes that Smirnov is not charged with spying (he'd have a tough time charging Smirnov with acting as a foreign agent without informing the Attorney General, given that the then-Attorney General was gleefully cheering what he was doing when he allegedly lied), he insinuates that Smirnov's charged 2020 lie was part of a Russian influence operation.

MR. WISE: Understood, Your Honor. The defendant's lies in this case have captured the national imagination. And while the – while the filing says they do not involve espionage, of course the charges do involve foreign intelligence services. The defendant claims to have met with Russian intelligence agencies on multiple occasions, and the U.S. intelligence community has concluded that Russian intelligence interfered in the 2020 election and continues to interfere in our elections by spreading misinformation.

What Wise didn't emphasize, but which is no doubt the source of urgent concern, is that it's not just *Russian* intelligence. As Wise addressed the limits of US extradition authority, he briefly noted there were *other* countries that, like Russia, would refuse to extradite Smirnov.

MR. WISE: These contacts make this defendant different from other defendants who merely have foreign ties, and they heighten the risk of flight dramatically. And that is because he can use these contacts with foreign intelligence services to flee and to resettle overseas, something I would again venture to say is almost unique in the presentation of a defendant being considered for the pretrial release.

THE COURT: So let's say that happens. You don't think that the Federal Government would have the ability to find him and take action to bring him back? You think that these Russian ties that you're talking about are the type of people that would literally take him and secrete him from prosecution?

MR. WISE: If he were to resettle in Russian, we couldn't extradite him. Russian won't extradite under these circumstances. If he were to resettle in other – in third countries, we couldn't extradite him. And so, yes, I think that is the case.

THE COURT: All right. Go ahead. I'll –

MR. WISE: That's even assuming we could find him. That's even assuming we could find him.

For a dual Israeli citizen like Smirnov, those countries would, by law, include Israel. CNN reported last week that the FBI knew that Smirnov has also served as a source for Israel.

And while this is changing, those countries that would refuse extradition also likely include UAE, almost certainly another of the countries where Smirnov has been hanging out on mega yachts with Russian oligarchs.

Most of the details of Smirnov's recent activity that David Weiss' team chose to burn – and so the things that Albregts saw and Los Angeles Judge Otis Wright also received in their detention motion – does pertain to Russia.

The government put that reporting out of order in the detention memo, which obscures the timeline. *I'm going to do the same*, so as to first show the picture of Russian ties the government establishes. But as I'll get to, those ties are built on two other relationships, relationships in Ukraine and Israel, that are critical to understanding Smirnov's Russian

relationships. [Note: I'll be linking to the NV detention memo rather than the LA one; the declassified descriptions of his reporting are the same in both, but probably because of page limits, the LA one does not have most of the discussion about how Weiss intends to prove the case against Smirnov, which appears on pages 8-15 of the NV one.]

Here's most of the timeline Smirnov gave his handler of how, along with discussing a way to end the Ukraine war, he also learned of a kompromat effort probably intending to use deep fake recordings of Hunter Biden. Note that the really interesting discussions post-date the September 27, 2023 FBI interview (marked in bold) at which Smirnov backtracked off some parts of his 2020 story and offered up details of another kompromat plan targeting the Bidens, which he already sourced in September 2023 to four Russian spies.

- August 2023: Smirnov "had been introduced" to RI 2 (the unclassified report does not say, by whom), who was organizing a birthday party on his mega yacht that R0 2 would attend. At that point, the ties between two or three of the oligarchs involved and R0 2 are not yet clear.
- *September 27, 2023: Smirnov interviewed by different FBI agents, to whom he describes Premier Palace plan.*
- October 2023: Smirnov scores an invite to the birthday party on a Russian oligarch's yacht in a Middle Eastern country (probably

UAE). R0 1 and RI 1 were expected to attend.

- October 2023: R0 1 is expected to attend the birthday party; Smirnov got a copy of R0 1's passport.
- November 2023: Smirnov has now met R0 1. R0 1 boasted that he has direct access to the "highest levels of the Russian government." R0 1 is a top, unofficial representative to Country B. Smirnov got a picture of R0 1 in November 2023, while he was in Country A (meaning R0 1 stayed past the birthday party).
- November 2023: R0 1 described the assassin teams in Ukraine, and offered to stop those efforts if Ukraine would stop targeting civilian family members of Russian officials living in Moscow. R0 1 also told Smirnov of plans for a winter attack in Ukraine and its intentions for that war.
- December 2023: Smirnov attended a meeting at which R0 2 attended. The purpose of the meeting was to discuss a resolution to the Ukraine war. He had a separate conversation in which R0 1 told him about

the kompromat operation at a "club" in a particular Ukrainian hotel, probably the Premier Palace. He explained they might use kompromat from the hotel in an election year operation. A Ukrainian government official later confirmed that kompromat operation was common knowledge.

- December 2023: R0 1 and others tell Smirnov that R0 3 is the representative of R0 4, now listed as the *former* head of a particular unit of Russian intelligence.
- January 2024: Smirnov told his handler he'd be traveling to Country A (probably UAE) to discuss a prisoner exchange between Ukraine and Russia with R0 1. [my emphasis]

Here are descriptions of the kinds of Russians with whom Smirnov was partying on mega yachts in the Middle East:

Russian Official 1: Son of former high-ranking RU government official, controls two groups of assassins, a RU representative to another country, ties to a particular RU intelligence service.

Russian Official 2: High-ranking member of specific RIS central to discussions of ending the Ukraine war. He has ties to both RI 1 (the senior member of a defense conglomerate) and RI 2 (the senior member of a RU steel company).

Russian Official 3: The representative of Russian Official 4.

Russian Official 4: Head of a particular unit of a RU intelligence service, ran a kompromat operation at a hotel, probably Premier Palace.

Russian Official 5: A Russian spy that Smirnov helped to flip for Country D, probably Israel. In 2019, R0 5 expressed some opposition to Putin.

Russian Official 6: R0 5 had familial ties to R0 6, a former high-ranking member of a Russian intelligence service. In 2019, R0 5 told Smirnov that R0 6 was also not happy with Putin, and said he R0 6 was close friends with R0 2.

Russian Individual 1: A high ranking member of a RU state-owned defense conglomerate.

Russian Individual 2: A high-ranking member of a RU steel company – the guy who owns the mega yacht that was in a Middle Eastern country in October 2023.

According to the timeline of reporting to his handler, Smirnov was just learning about the assassin teams in November and the Premier Palace kompromat plan in December, both from Russian Official 1, whom he describes first meeting in November.

But as the indictment describes, after Smirnov reportedly stood by *all* his reporting in a conversation with his handler in July 2023, when his FD-1023 first got released, in August, the handler turned over a bunch of things that made it clear Smirnov was lying.

43. On August 29, 2023, FBI investigators spoke with the Handler in reference to the 2020 1023. During that conversation, the Handler indicated that he and the Defendant had reviewed the 2020 1023 following its public release by members of Congress in July 2023, and the Defendant reaffirmed the accuracy of the statements contained in it.

44. The Handler provided investigators with messages he had with the Defendant, including the ones described above. Additionally, the Handler identified and reviewed with the Defendant travel records associated with both Associate 2 and the Defendant. The travel records were inconsistent with what the Defendant had previously told the Handler that was memorialized in the 2020 1023. The Defendant also provided email communications with both Associate 2 and Burisma personnel beginning in 2017 to the Handler, which the Handler reviewed with the Defendant and shared with FBI investigators. [my emphasis]

Remember: Scott Brady testified that they asked the handler about travel information in 2020 and (while Brady refused to address the particulars on follow-up), the result of that was a determination that the travel records corroborated the claim.

Mr. Brady. So we attempted to use open-source material to check against what was stated in the 1023. We also interfaced with the CHS' handler about certain statements relating to travel and meetings to see if they were consistent with his or her understanding.

Q And did you determine if the information was consistent with the handler's understanding?

A What we were able to identify, we found that it was consistent. And so we felt that there were sufficient indicia of credibility in this 1023 to pass it on to an office that had a predicated grand jury investigation.

Someone, or someones, are lying about the travel records corroborating Smirnov's claims, either

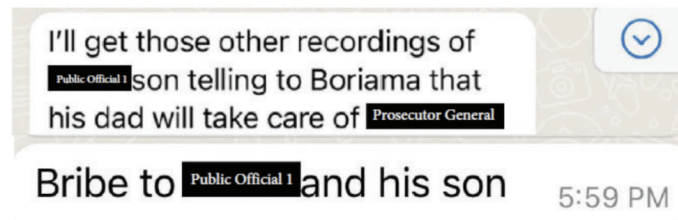
Brady and/or the handler.

Chesnoff – Smirnov’s lawyer – seems to plan to bring this handler down with Smirnov, because he revealed that Smirnov and the handler communicated via the handler’s private phone.

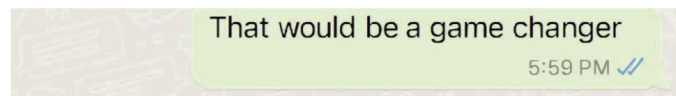
I can tell you. Your Honor, that there will be a vehement defense to the argument that in fact he was not truthful. He had this personal relationship with the handler. It was so personal, Your Honor, that he wouldn’t even call him on his FBI phone; he would call him on his personal phone. So we’re going to dig down once we start defending this case and we’re going to find out who knew what when.

We may yet learn that all the texts in the indictment showing that Smirnov explicitly responded to a story about Andrii Derkach manufacturing dirt by slamming Joe Biden happened on the handler’s phone.

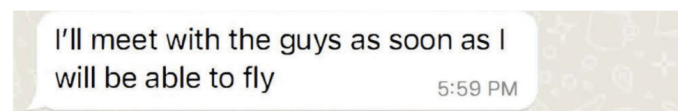
15. The Defendant then further offered the following:



16. To which the Handler responded:



17. The Defendant then stated:



Given what I know of David Weiss’ sawdust-as-cocaine clown show thus far, my guess is they haven’t actually nailed down what this handler knew when, and what he meant when he said, “that would be a game changer.”

Indeed, what appears to have happened is that either the handler warned Smirnov or (more likely) Smirnov figured out, as his lies started crumbling in his September 2023 interview, that his story was in trouble, so tried to throw out *new* information to Weiss' team to "help" their criminal investigation of the President and his son.

After the indictment describes the many things Smirnov said in his September 27 interview that thoroughly discredited the story, he describes Smirnov telling Weiss' team that he *already knew of* the Premier Palace kompromat and advising them they should check Hunter Biden's travel records, which they didn't have to do to know that the Premier Palace kompromat was based on a lie.

51. The Defendant also shared a new story with investigators. He wanted them to look into whether Businessperson 1 was recorded in a hotel in Kiev called the Premier Palace. The Defendant told investigators that the entire Premier Palace Hotel is "wired" and under the control of the Russians. The Defendant claimed that Businessperson 1 went to the hotel many times and that he had seen video footage of Businessperson 1 entering the Premier Palace Hotel.

52. The Defendant suggested that investigators check to see if Businessperson 1 made telephone calls from the Premier Palace Hotel since those calls would have been recorded by the Russians. The Defendant claimed to have obtained this information a month earlier by calling a high-level official in a foreign country. The Defendant also claimed to have learned this information from four different Russian officials.

53. The Defendant told investigators that the four different Russian officials are all top officials and two

are the heads of the entities they represent. These Russians said that conversations with Ukrainians about ending the war will include the next U.S. election. The Defendant told investigators he is involved in negotiations over ending the war and had been for the previous four months. According to the Defendant, the Russians want Ukraine to assist in influencing the U.S. election, and the Defendant thinks the tapes of Businessperson 1 at the Premier Palace Hotel is all they have. The Defendant told investigators he wants them to ask Businessperson 1 how many times he visited and what he did while at the Premier Palace Hotel.

54. Businessperson 1 has never traveled to Ukraine. The few Burisma Board meetings that Businessperson 1 did attend were all outside of Ukraine. [my emphasis]

In an effort to claim he was getting useful information about Hunter Biden, then, Smirnov offered up the Premier Palace story and sourced it, already, to four top Russian officials.

It's totally unclear what Smirnov told his handler. Weiss' team might be hiding that intentionally, or it may be the case that Smirnov didn't tell *his handler* that he was involved in another election influence operation until months later, sourcing it from Russian spies he had or claimed to have met in the interim. But the record at least implies that he told Weiss' team about the assassination teams and the Premier Palace in September, then found a way to source it anew over the next several months to R0 1, whom Smirnov claimed to have met for the first time on some oligarch's yacht in October.

In the same interview, Smirnov also claimed that, sometime no later than 2016, he developed ties with Viktor Shokin and Petro Poroshenko.

50. The Defendant told investigators that he had asked the then-Ukrainian President to arrange a meeting between himself and the then-Ukrainian Prosecutor General to talk about Burisma. The Defendant told investigators that this meeting occurred before the then-Ukrainian Prosecutor General resigned, which was early 2016. The Defendant also told investigators this meeting occurred before his meeting with Burisma Official 1 in the coffee shop in a German speaking country. The Defendant told investigators that after he met with the thenUkrainian Prosecutor General, he met with the then-Ukrainian President. The Defendant did not provide any of this information to the Handler in 2020.

With all that in mind, consider the rest of the timeline, the stuff that happened (or that Smirnov claimed happened) before the reporting laid out above.

- 1992 to 2006: Smirnov lives in Israel, where his family still lives.
- 2002: Smirnov helps flip R0 5 at the behest of Country D (probably Israel).
- October 1, 2010: Smirnov starts to serve as a source for the FBI.
- 2016 or earlier: Smirnov has direct communications with Shokin and Petro Poroshenko.
- 2019: Smirnov first tells his handler about flipping R0 5 in 2002.
- January 2022: R0 5 set up a meeting helped introduce

Smirnov to R0 2. Then, Smirnov set up a meeting between R0 2 and a high-ranking official of Ukraine.

- January 2022: Smirnov asked R0 2 for a favor – to protect a Ukrainian associate during any Russian invasion. R0 2 told Smirnov that based on R0 5's representation that Smirnov was a "good guy," he'd protect Smirnov's associate. (Note that the FD-1023 described that Alexander Ostapenko, the guy who introduced Smirnov to Burisma, worked in the Zelenskyy administration.) R0 2 also told Smirnov that there was a 99% chance that, rather than full-blown war, the invasion would only be a skirmish.
- February 2022: Smirnov provides his handler the back story to his relationship with R0 5 and through him R0 2. When working in Country D (probably Israel) in 2002, Smirnov helped flip two spies, including R0 5, for Country D. Country D had caught R0 5 spying, but gave him 48 hours to leave the country rather than

expelling him. R0 5 continued to provide Smirnov intelligence, but never anything adverse to Russia. In 2019, R0 5, whose wife is related to a former Russian spook, R0 6, had described what Russia might look like under different leadership. Smirnov never met R0 6, but once spoke to him briefly over a car speaker phone.

- February 28, 2022: Smirnov's partner buys a condo in Las Vegas, using his money, for \$1,425,000.
- December 2022: A RU spy (not any of the identified ones) tells Smirnov the identity of a Russian spy living outside of RU.
- January 2023: Smirnov confirms, from a different non-identified RU spy, the first name of the RU spy living outside of RU.
- May 2023: Smirnov participates in discussions to end the Ukraine war
- By September 2023: Smirnov already claimed knowledge of the Premier Palace kompromat, sourcing that knowledge to four RU Officials, almost certainly one he described meeting in later months.

In other words, there are a bunch of things that lie behind all the reporting about parties with Russian oligarchs on yachts in (probably) UAE that Weiss' team burned.

First, Smirnov's entrée into Russian intelligence came by helping someone – probably Israel – flip R0 5, years ago, back in 2002. Smirnov may have thought he had flipped R0 5, but R0 5 never gave him any intelligence about Russia. In other words, in the process of flipping R0 5 for a country that likely is Israel, Russia learned that Smirnov was in the business of flipping people, and strung him along for years.

Smirnov allegedly lied about conversations with Zlochevsky in 2016 that implicated Joe Biden. But his currently operative story is that he had ties with Viktor Shokin from that period – someone who was absolutely central in the 2020 influence operation. It's not clear that Smirnov ever revealed that to his handler, which surely would have changed the import of those texts sent in response to a story claiming there were secret recordings about Shokin's firing.

That's not the only important Ukraine tie. In January 2022, as Russia prepares to invade Ukraine, Smirnov used his tie to Russian spooks, the guy he thought he had flipped years before, R0 5, to meet R0 2. After brokering a meeting, Smirnov then asked for a favor, that Russia protect his associate when they invaded. Then, R0 2 lied about Russia's intention.

That's critical background to Smirnov's claim to be involved in peace negotiations: His entire relationship with Russian spooks is built off a series of lies.

Then, finally, there's the question of whether Smirnov retroactively provided reporting to cover up what he admitted to Weiss' team in September: that for months, he had been part of an information operation that involved interfering in the US election and as part of that he had advance knowledge of a plan to frame

Hunter Biden.

Again.

Weiss' team has hinted that Smirnov's entire relationship with Russian intelligence was built off that effort to flip R0 5 for another country, almost certainly Israel.

But they're not telling us what they know, if anything, about Israel's ongoing involvement with all this.