

Ukraine: The beginning of a new trial against Yulia Tymoshenko

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On 25 June a new lawsuit against Yulia Tymoshenko began in Kharkiv. The indictment relates to tax fraud by the United Energy Systems of Ukraine company (YESU), of which Tymoshenko was president in 1995-1997, and also concealment of her income in the years 1997-1999. An investigation into this case was conducted in 2001-4, but was discontinued after Tymoshenko became prime minister in 2005. The expiry of the allegations against her has been suspended (in accordance with Ukrainian law) in connection with her conviction for another offence, and the prosecutor has decided to resume the case. On the first day of the new trial, the court decided to postpone it until the completion of a medical evaluation on whether Tymoshenko, who is currently in hospital, is able to participate in the process.

Commentary

- The launch of a new trial against Yulia Tymoshenko demonstrates that the current Ukrainian government is determined to eliminate the former prime minister permanently from political life, regardless of international reactions. This is also shown by the announcement from the Ukrainian prosecutor's office that further charges will be brought against Tymoshenko, including ordering the assassination of Donetsk businessman Yevhen Shcherban in 1996. The government's actions have been encouraged by the growing indifference which most of the Ukrainian public feels towards the Tymoshenko case.
- The accusations in the new trial against Tymoshenko seem to be quite feasible. Tax fraud was a standard part of Ukrainian economic life in the mid-nineties, and many large companies, including YESU, proceeded along such lines. We can therefore expect the former prime minister to be sentenced to a further prison term. Charging Tymoshenko with tax fraud will make it more difficult for Western countries to criticise her possible conviction, because these allegations are not related to her political activities. It can be assumed that this is one of the reasons for starting the new trial.
- The government may be considering withdrawing from Tymoshenko's conviction on fraud for signing the gas contract with Russia. This would be possible, for example, by

suspending the case during the annulment proceedings; it was postponed again on 26 June until the results of a medical report ordered by the court in Kharkiv are presented. However, we may expect that the annulment proceedings will not be concluded before the parliamentary elections, so Tymoshenko will be unable to run as a candidate.

- It is evident that the Ukrainian government is in no hurry to act in Tymoshenko's case (all requests to defer the proceedings have been made by the prosecutors). On one hand, this can be seen as a move to 'wait out' pressure from the West and international interest in the case; and on the other, a desire to make things more inconvenient for the opposition, which during the campaign will be forced to focus less on attracting new voters, and more on defending its leader.