

Ukraine: Poroshenko faces charges

Jadwiga Rogoża

On 6 January, the Pecherskyi District Court in Kyiv ordered the property of former President Petro Poroshenko to be seized, granting the request of the Office of the Prosecutor General, which on 20 December 2021 filed criminal charges against him. The charges relate to high treason (punishable by 12–15 years of imprisonment, with possible confiscation of property), supporting terrorist organisations (5–10 years of imprisonment) and group conspiracy to commit a crime. They were put forth in connection with the ongoing investigation of the National Bureau of Investigation and the Security Service of Ukraine concerning the deliveries of anthracite from the separatist Donbas in 2014–2015. They were allegedly organised by the Russian side and pro-Russian politician Viktor Medvedchuk in agreement with Poroshenko. Poroshenko left Ukraine on 17 December 2021 and was in Turkey, Poland and Brussels, but announced that he will make his return to the country on 17 January.

Commentary

- The charges issued by the Prosecutor's Office against Poroshenko contain a number of inaccuracies, and the line of reasoning itself seems biased. The text, on dozens of pages, focuses on Poroshenko's and Medvedchuk's "criminal collusion" to the detriment of national security, which was dictated by Poroshenko's "desire to obtain political gain" and which increased Russia's possibilities of interfering in Ukraine's affairs. The charges include cooperation with representatives of the so-called Luhansk and Donetsk People's Republics (LPR and DPR; referred to as terrorist organisations) in supplying coal from mines located in areas occupied by the so-called separatists. Poroshenko is accused, among other things, of greenlighting an agreement under which funds from the purchase of coal went to the management of mines controlled by the authorities of the so-called LPR and DPR, and were used for terrorist operations. Another allegation relates to the suspension of the purchase of anthracite from South Africa, which had been ordered as an alternative to coal from Donbas, and thus prevented Ukraine from diversifying its supply. The paper makes little reference to the energy crisis of 2014 caused by a coal deficit after all territories with the anthracite mines supplying half of Ukraine's conventional power plants were taken over by the so-called separatists. This led to power outages at businesses and put household supplies at risk.
- The investigation is based on "Medvedchuk tapes" published in May–June 2021 – intercepted conversations he had with representatives of Russia and the so-called separatists about coal deliveries. In these discussions, the politician repeatedly refers to agreements with the representative of the Ukrainian government, calling him "the first

one" or "the main one", which was interpreted as a reference to Poroshenko. Proceedings against Medvedchuk were launched last year – in April 2021 he was made subject to sanctions by the National Security and Defence Council and placed under house arrest, and in October he was charged with high treason and supporting terrorists. Television stations controlled by Medvedchuk's entourage were also blocked from broadcasting. As a result, his party Opposition Platform – For Life lost its position as the main competitor of the ruling party, and he himself was marginalised in the political sphere.

- By initiating proceedings against Poroshenko, Volodymyr Zelensky and his entourage may be guided by similar calculations – the former leader is the main political competitor of the incumbent president in terms of public popularity, while the European Solidarity which he leads is closing in on the presidential Servant of the People party in the polls. Although Zelensky is still at the top of the rankings, the dynamics of public support is unfavourable for him (over the past year he has lost part of his popularity). The proceedings against Poroshenko are therefore meant to discredit him by showing his connections and agreements with Russia, and thus to tarnish his image of an "anti-Russian patriot", which he has been fostering for years. However, while the charges of treason against Medvedchuk, who openly expresses pro-Russian views and is linked to Vladimir Putin personally, are met with approval in Ukraine, similar accusations against Poroshenko are not considered credible by a significant part of the elite and society. Serious accusations against him, especially those unsupported by hard evidence, may contribute to the further erosion of support for Zelensky, deepening divisions among citizens, and increasing popularity for Poroshenko, who would be perceived as a victim of politically motivated persecution. The case has already resonated unfavourably abroad – warnings against the politicisation of the judiciary were issued by the US, EU and British embassies.
- The fight against Poroshenko is a part (and is presented as such by the ruling camp) of the "crusade" waged by Zelensky against oligarchs, aimed at reducing their influence on politics and the economy. The former president fits the government's legal criteria describing oligarchs, as he combines political influence with business (although in 2019 he handed over most of his assets to his son) and media influence (he controls two television stations, which he has also recently transferred to people from his circle). Finally, such actions may stem from Zelensky's personal resentment of Poroshenko, as well as the current president's style of holding office: taking actions that are as spectacular as they are ill-thought-out. Last December, Zelensky accused another oligarch – Rinat Akhmetov – of plotting a coup, but the law enforcement agencies took no action.