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## THE WALL STREET JOURNAL

WSJ.com

OPINION EUROPE | SEPTEMBER 1, 2011, 9:02 P.M. ET

# Letter From a Kiev Jail

*'We beg readers not to accept Mr. Yanukovych's false promises.'*

By YULIA TYMOSHENKO  
AND HRYHORII NEMYRIA

*This article is written in response to an op-ed by Ukrainian President Viktor Yanukovych published in the Journal last week. It was drafted by Mrs. Tymoshenko from a detention center in Kiev, where she is on trial on charges of exceeding her power. Sentencing is expected next week.*

### Kiev

Last week on these pages, Ukrainian President Viktor Yanukovych argued that "Ukraine's Future Is With the European Union." This sentiment resonates with many in the diplomatic community, but we live in an age of spin and even the worst tyrants can pose as eloquent and far-sighted. Mr. Yanukovych spoke in his op-ed of a partnership with the West that goes beyond strategic and economic interests, of "a shared culture of values and a commitment to democracy, human rights and international peace." The facts of his misrule tell a far different story.

Since coming to office 19 months ago, Mr. Yanukovych has put in place mechanisms associated with Soviet-style autocracy. Today, he holds absolute sway over the executive, legislative and judicial branches of government. The parliament now serves as his rubber-stamp and he has co-opted the security services to crush dissent.

The key to this was Mr. Yanukovych's unilateral decision early in his presidency to reverse Ukraine's 2004 constitutional changes—a decision that was approved by a hastily reshuffled Constitutional Court. Ukraine thus reverted to its pre-Orange Revolution, strong-presidential system of governance. With a stroke of his pen Mr. Yanukovych vastly increased his own powers.



AFP/Getty Images

Ukraine's President Viktor Yanukovych

His contempt for constitutional rule didn't stop there. In April last year, Mr. Yanukovych renewed Russia's lease on the Sevastopol naval base, the main repository for Russia's Black Sea Fleet, despite an explicit constitutional provision that no foreign military bases can be on Ukrainian territory.

Meanwhile, media censorship has returned to the country. Ukraine dropped a staggering 42 places in the Reporters Without Borders 2010 Media Freedom Index. Journalists, academics, students, activists, small-business owners and opposition figures face intimidation and harassment for speaking their minds. Is this the "modern and dynamic country" that Mr. Yanukovych promises?

Of course, Mr. Yanukovych manages to paint a rosy economic picture for his international audience. He talks of small-business ownership being on the rise, but leaves out the fact that his government's proposed new tax code brought one million Ukrainians—mostly small-business owners—to the streets in protest last November. In the EU, small businesses account for 57% of GDP. In Ukraine that figure is 17% and, according to estimates from Kiev's non-profit People First Foundation, small businesses' share of Ukrainian GDP could fall as low as 11% under Mr. Yanukovych's policies. The president also talks of a 35% rise in foreign direct investment (FDI) in

2010, though for the first three months of 2011, FDI dropped by 73.75%.

It is our fervent belief that Ukraine's future lies in Europe. Our government displayed our commitment to this goal by initiating talks for a comprehensive free-trade agreement with the EU, which is due to be finalized this year. And while we do not want Mrs. Tymoshenko's or her associates' political show-trials to deflect Ukraine from its European path, it is worth noting that never before has the EU entered into such a far-reaching free-trade agreement with a non-democratic state. Sadly, this is exactly what Ukraine is becoming.

The consequences of Ukraine's backslide could be profound for Europe's much-needed rapprochement with other East European countries. European companies that rely on the rule of law—including fair, impartial and independent judicial proceedings—to protect their interests will similarly be affected by the developments in Ukraine.

Equally, rule of law and civil-rights protections will be crucial for the fans that will visit Ukraine next summer for the Euro 2012 football championship. Our nation can ill-afford TV images, such as those seen at last week's Independence Day rally, of heavy-handed riot police spraying tear gas in the faces of peaceful protesters.

Mr. Yanukovich rightly calls for improved relations with Russia, noting that Ukraine's energy supply has too often been blighted by diplomatic spats with our eastern neighbor. Odd, then, that all Mr. Yanukovich got in return for extending Russia's lease in Sevastopol was a year's worth of discounted Russian gas. Instead of weaning Ukraine's industries off cheap gas so as to make them more energy-efficient and internationally competitive, Mr. Yanukovich is marching back toward the Soviet-era economics of artificially cheap energy. Kiev must improve its relations with Russia, but it must do so on the basis of mutual trust, respect and integrity.

Mr. Yanukovich touts the need for further reforms of government, business and the judiciary. He's right, but considering that his regime has wilfully ignored the judicial-reform recommendations of the Council of Europe's Venice Commission, it is difficult to accept such statements with a straight face.

Moreover, how to square his ostensible desire for a fair and independent judiciary with politically motivated prosecutions of opposition figures? In addition to Mrs. Tymoshenko, 10 former members of our administration are currently in detention and facing trial. Some have been detained since last summer on the flimsiest of charges. The real reason for these proceedings is the Yanukovich regime's desire for revenge, and to crush the opposition ahead of next year's parliamentary elections.

America and the West are not Ukraine's protectors, and can only do so much to help preserve our democracy. But we beg readers not to accept Mr. Yanukovich's false promises. Our country, our people and our civil society need your voice in order to feel empowered to help ourselves. If we work together to advance common values and common interests, and sidestep propaganda in the name of plain-speaking, Ukraine can still revive its democracy and assure its place in Europe and in the world's community of democracies.

*Mrs. Tymoshenko is the former prime minister of Ukraine and is currently being held in a detention center in Kiev. Mr. Nemyria is the former deputy prime minister of Ukraine.*

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