

Secret Record Revealed In Austrian Court: Yanukovich Pressured by Nuland Into Ukraine Association With EU?

By [John Helmer](#)

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[JohnHelmer.net](#)

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A Vienna, Austria, court has ruled that Victoria Nuland (right), the US Assistant Secretary of State for European and Eurasian Affairs, attempted to pressure the President of Ukraine, Victor Yanukovich (left), into accepting Ukrainian association with the European Union (EU) by threatening Ukrainian oligarch Dmitry Firtash with arrest, extradition to the US, and imprisonment on allegations of bribery several years ago in India.

The details were exposed for the first time in public in a proceeding in the Landesgerichtsstrasse Regional Court on April 30. Austrian judge Christoph Bauer was presiding on the application by the US Government for the extradition of Firtash. The transcript of the proceeding has not yet been issued publicly, nor the official text of the judge's ruling from the bench.



Judge Bauer rejected extradition, ruling there had been improper political interference by the US Government in the Firtash case. This is a violation, according to Bauer's judgement, of Article 4, section 3 of the US-Austria Extradition Treaty of 1998. "Extradition shall not be granted," the proviso declares, "if the executive authority of the Requested State determines that the request was politically motivated." Read the treaty in full [here](#).

A New York Times reporter, David Herszenhorn (below, left), tweeted during the proceedings against Firtash (right, centre), and then published a report of what was translated for him from the German.



The newspaper [version](#): “Mr. Firtash’s lawyers asserted that an initial request by the United States for his arrest, on Oct. 30, 2013, was directly tied to a trip to Ukraine by an assistant secretary of state, Victoria Nuland, in which she sought to prevent Mr. Yanukovich from backing out of a promise to sign sweeping political and trade agreements with Europe. Ms. Nuland left Washington on the day the arrest request was submitted to Austria. The request was rescinded four days later, said a lawyer, Christian Hausmaninger, after Ms. Nuland came to believe she had received assurances from Mr. Yanukovich that he would sign the accords. From that point, nothing happened in the Indian bribery case, Mr. Hausmaninger [defence lawyer for Firtash] said, until Feb. 26 — four days after Mr. Yanukovich was ousted after months of street protests. The arrest request was renewed then, and the Austrian authorities detained Mr. Firtash two weeks later, the same day the new Ukrainian prime minister, Arseniy P. Yatsenyuk, was visiting President Obama at the White House.”

A different record of what was said in court can be read in Herszenhorn’s twitter feed for April 30; there were 87 separate [tweets](#). This record reveals that Judge Bauer heard evidence that the US Government had shown political favour for Yulia Tymoshenko to replace President Victor Yanukovich; intervened to block the Firtash-supported candidacy of Vitaly Klitschko as Ukrainian president after Yanukovich’s ouster on February 21, 2014; and sought reallocation of Firtash’s assets in the gas and titanium sectors. For more on the US interest in Ukrainian titanium, read [this](#). For the file on the US decision not to prosecute Tymoshenko for corruption, making and receiving bribes, click [this](#).

Herszenhorn hints that the Austrian government intervened administratively to swing the outcome of the case against the US. “At least 4 lawyers arguing for #Firtash in Vienna court, more in gallery or not here. Only 1 Austria govt lawyer in support US extradition.”

The US State Department has yet to respond. “We are disappointed with the court’s ruling” Justice Department spokesman Peter Carr [said](#) in an e-mailed statement to US newspapers. On the telephone to a London outlet on Friday, Carr [claimed](#) the Justice Department has “filed an appeal”.

The time line for the US charges against Firtash was first reported [here](#). The allegations claim bribery commenced in April 2006. Transactions identified in the published indictment are dated between April 2006 and July 2010. The Chicago grand jury investigation is dated January 2012. The official indictment, according to the Austrian documents, was not dated until June 2013. The US request to the Austrian government for the arrest of Firtash on the extradition warrant was dated October 30, 2013, then withdrawn on November 4. It was re-issued on February 27, 2014. The Austrian arrest took place on March 12.



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The US Government officials in charge of this process included Eric Holder (right), who was US Attorney-General from February 3, 2009 until April 27, 2015; Hillary Clinton, Secretary of State from January 21, 2009, until February 1, 2013; and Nuland, Assistant Secretary of State from September 18, 2013. In that same month, September 2013, there was a change of director at the Federal Bureau of Investigation (FBI) – Robert Mueller was replaced on September 4, 2013, by James Comey.

The FBI Chicago office [conducted](#) the investigation. At the start, the agent in charge in Chicago was Robert Grant, who was in his position from 2004 until September 2012. Grant was replaced by Cory Nelson on November 2, 2012, but he lasted only seven months until July of 2013. His temporary substitute was Robert Shields until Robert Holley took over on [November 12, 2013](#).

The US District Attorney in charge of the Firtash grand jury was Patrick Fitzgerald (below, left), but he resigned in June of 2012. He was then succeeded temporarily by a deputy until Zachary Fardon (right) took office on [October 23, 2013](#).



The State Department [announced](#) Nuland's visit to Kiev for November 3 and 4, 2013. According to the US Embassy in Kiev, in a transcript of Nuland's [statement](#) on November 4, Nuland had "a very good and very long meeting with the President." She claimed in addition: "The President made clear in that meeting that Ukraine has made its choice and its choice is for Europe. The United States supports Ukraine's right to choose, and we are committed to supporting Ukraine as it works to meet the remaining few requirements for an Association Agreement with the European Union and the trade benefits that come with it. We also took the opportunity tonight to congratulate Ukraine on all of the work it has already done to meet the conditions that the European Union has set forth — literally dozens of pieces of legislation. I delivered a letter this evening from Secretary Kerry to the President."

In the wake of the revelations in the Austrian court proceeding a record of part of what

Nuland and Yanukovich discussed has surfaced. Tape-recordings of Nuland's confidential remarks in Kiev have surfaced in the past and can be read [here](#). The following content cannot be corroborated, and its accuracy should be treated with caution:

"NULAND: Mr President, we will have Firtash arrested unless you agree to sign the [EU] Association Agreement.

YANUKOVICH: Okay, I'll sign.

In the background, a telephone rings. Audible footsteps, mumbling, as Yanukovich excuses himself to take the call. In his absence, Nuland whispers to Ambassador Geoffrey Pyatt.

NULAND: We got the guy by the [f..... b....], huh?

PYATT: Way to go, Toria!

(Separate telephone tape, in Russian)

YANUKOVICH: You're off the hook, Dima. The АМЕРИКАНКА fell for it.

FIRTASH: МОЛОДЕЦ! Mr President."

According to Herszenhorn's twitter feed, "True or not #Firtash lawyers have strung together fascinating narrative of his legal travails rising/falling based on US State Dept goals."

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GR Editor's Note. Parts of this article are not fully corroborated.

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