

POLITICS

Fighting Extradition, Ukrainian Tycoon Aligns Legal Strategy With Trump Camp

Dmytro Firtash says his prosecution by the U.S. is politically motivated and has enlisted president's allies to fight it



Ukrainian tycoon Dmytro Firtash at the Austrian Supreme Court in Vienna in June. PHOTO: RONALD ZAK/ASSOCIATED PRESS

By Warren P. Strobel and James Marson

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For more than five years, Ukrainian tycoon Dmytro Firtash has been marooned in Vienna, fighting extradition to the U.S. on bribery and related charges.

This past summer, when it appeared he might lose that fight, Mr. Firtash and his lawyers adopted a new strategy, according to court documents and individuals close to the case: He began to portray his prosecution as part of a larger political conspiracy that includes a purported pressure campaign in Ukraine by former Vice President Joe Biden and alleged irregularities in the probe into Russia's 2016 U.S. election interference.

The new tack has aligned Mr. Firtash with allegations made by President Trump and has brought the tycoon to the edges of the Democrats' impeachment probe.

Mr. Firtash, who made his fortune brokering natural gas sales from Russia and Central Asia to Ukraine, has allied himself with individuals who have promoted Mr. Trump's theories.

Among them is a contention that Ukraine interfered in the 2016 election on behalf of the Democrats. That theory is at odds with the findings of special counsel Robert Mueller and a 2017 U.S. intelligence community report that found Russia interfered to aid Mr. Trump, a Republican.

This summer, the businessman shuffled his legal team and hired two lawyers, Joseph DiGenova and Victoria Toensing, supporters of Mr. Trump with ties to his personal attorney Rudolph Giuliani.

Mr. Giuliani oversaw a shadow Ukraine policy that pressed the Kyiv government to investigate Mr. Biden's actions in Ukraine and the country's alleged 2016 election interference, according to testimony in the impeachment inquiry by current and former State Department officials.

Mr. Firtash's activities aren't formally part of the impeachment investigation, according to some members of Congress and staff aides, though several Democratic lawmakers involved in the probe said they want to know more about his links to Mr. Trump's camp.

Mr. Firtash declined through a spokesman to comment for this article.

Whether his new legal strategy will keep him out of a U.S. courtroom is unclear; a former U.S. official knowledgeable about the case described it as a "last-minute Hail Mary" tactic.

In June, Austria's Supreme Court ruled that Mr. Firtash be extradited. His lawyers appealed to have the case reheard citing new information.

Part of that appeal is an affidavit from the former general prosecutor of Ukraine, Viktor Shokin, who was dismissed in 2016 after Mr. Biden told Ukraine's then-president he must remove him in order for the Ukrainian government to receive a \$1 billion loan guarantee.

The affidavit alleges that Mr. Biden pressured the Ukrainian government not to allow Mr. Firtash to return to Ukraine, where he might be harder to extradite, and to keep him out of Ukrainian political life.

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It also claims that Mr. Shokin was ousted because he was investigating a gas company, Burisma Holdings, where Mr. Biden's son Hunter sat on the board of directors.

"They want to show the Austrian court that the case is inherently political," said a person with knowledge of the strategy of Mr. Firtash's Vienna-based legal team.

A spokesman for the Biden presidential campaign said Mr. Shokin and Mr. Firtash are part of an effort by Mr. Giuliani to fabricate "a universally debunked conspiracy theory" that Mr. Trump tried to get Ukraine to spread.

The former U.S. official said that Washington's efforts to bring Mr. Firtash to justice "were led by the Department of Justice, not by Vice President Biden. The request for Firtash's extradition was then and remains now a purely law enforcement matter resulting from his alleged criminal activities."

Mr. Biden has said he pressed for Mr. Shokin's ouster because the prosecutor was an impediment to curtailing Ukraine's endemic corruption, a view shared by other former U.S. and European officials. No evidence has emerged that the Ukrainian government was investigating Hunter Biden's activities at Burisma. Both Bidens have denied wrongdoing.

The allegation against the Bidens in the Vienna court filing in September parallels comments made by Mr. Trump in a July 25 phone call with Ukrainian President Volodymyr Zelensky. The contents of that call, flagged by a Central Intelligence Agency whistleblower, sparked the House impeachment inquiry.

A rough transcript of the call, released by the White House, shows Mr. Trump urging the Ukrainian president to investigate the 2016 election and the Bidens.

Mr. Firtash, 54, has business and personal ties to Russian President Vladimir Putin's inner circle: Mr. Firtash has said that he received some \$2 billion in loans from a bank run by people close to Mr. Putin and is acquainted with a former judo partner and childhood friend of the president.

U.S. officials say Mr. Firtash was allowed by Moscow to profit from his natural gas ventures to buy influence for Russia in Ukrainian politics. Mr. Firtash denies that, saying he supports closer relations with Russia but that his ties there are strictly business.

In 2013, he was indicted in U.S. District Court in Chicago on charges that he conspired to bribe Indian officials to enable his company to secure titanium-mining rights in that nation. He denies the charges, and since 2014 has been prevented from leaving Austria, where he was detained.

Mr. Firtash also has ties to Paul Manafort, Mr. Trump's former campaign chairman who was convicted last year on financial fraud charges stemming from his work in Ukraine. The two

explored buying the Drake Hotel in Manhattan, a real-estate project that wasn't consummated, according to a 2011 federal lawsuit that was subsequently dismissed.

Still other connections have piqued interest among Democrats in Congress.

In June, Mr. Firtash was introduced to Lev Parnas, a Florida businessman who aided Mr. Giuliani's efforts to get Ukraine to investigate the Bidens, according to the person with knowledge of the tycoon's Vienna legal strategy. Mr. Parnas recommended hiring Mr. DiGenova and Ms. Toensing, the lawyers who back Mr. Trump. The lawyers in turn brought Mr. Parnas on as a translator, their law firm said in a statement.



Rudy Giuliani, right, with Lev Parnas in 2018. Mr. Parnas recommended that Mr. Firtash hire two lawyers who are supporters of President Trump. PHOTO: AL DRAGO/BLOOMBERG NEWS

Mr. Parnas and another Florida businessman, Igor Fruman, were arrested Oct. 10 on criminal charges stemming from their alleged efforts to funnel foreign money into U.S. elections and influence U.S. politics on behalf of at least one unidentified Ukrainian politician. They have yet to be arraigned and haven't entered pleas.

Messrs. Parnas and Fruman were headed to Vienna when they were arrested. Mr. DiGenova has said that Mr. Parnas's trip wasn't for business related to Mr. Firtash.

Mr. Giuliani, who has mentioned Mr. Firtash and the Shokin affidavit in television interviews, said via a text message on Saturday: "I know who he is and about him in general but have never talked to him."

He said he had concluded "before this" that it wasn't useful to pursue Mr. Firtash's case in connection to his efforts to investigate purported interference by Ukraine in the 2016 U.S. election "for the simple reason he wasn't there in 2016."

Mr. Firtash's legal team has also adopted another argument made frequently by Mr. Trump's allies: that the investigation into Russia's 2016 election interference led by Mr. Mueller was tainted.

As evidence, they cite a 2017 outreach by a member of Mr. Mueller's team, Andrew Weissmann, to Mr. Firtash's lawyers, that suggested the U.S. government would reduce the charges against the Ukrainian businessman in return for information on Mr. Manafort or other Trump allies.

A person close to the case confirmed the offer, adding that Mr. Firtash had no such information to share. The person said no deal was struck. A Mueller spokesman declined to comment.

Mr. Giuliani, in a July 24 interview on Fox News, criticized the Mueller probe and said of Mr. Firtash: "The notorious, terrible—if he is that terrible—Ukrainian oligarch didn't tell slimy little Weissmann what Weissmann wanted to hear."

—Rebecca Ballhaus and Sadie Gurman contributed to this article.

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