

# POLITICAL PERSECUTION AND HARASSMENT IN POST-MAIDAN UKRAINE

## How Oligarchs Undermine Reformers' Efforts



OPEN DIALOG

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00-580 Warsaw

Aleja Szucha 11a, office 21

Tel. +48 22 307 11 22

E-mail: [odfoundation@odfoundation.eu](mailto:odfoundation@odfoundation.eu)

[en.odfoundation.eu](http://en.odfoundation.eu)

**For more detailed information, please contact us:**

**Project Manager:**

Lyudmyla Kozlovska     [lyudmylakozylovska@odfoundation.eu](mailto:lyudmylakozylovska@odfoundation.eu)

**Author:**

Andriy Osavoliyk     [andriy.osavoliyk@odfoundation.eu](mailto:andriy.osavoliyk@odfoundation.eu)

**Editing:** Lyudmyla Kozlovska, Igor Savchenko

**Design of cover photo:** Kamil Grajda

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## 1. INTRODUCTION

A high percentage of support (55%) from voters who cast their vote for Petro Poroshenko in the early presidential election in 2014, speaks of the hopes that Ukrainian citizens had placed in the newly elected President of Ukraine.

During his governance, Poroshenko managed to concentrate the full power in the state in his hands. The President's party, bearing his name (Petro Poroshenko's Bloc - BPP) is part of the coalition and is the largest faction in the parliament. The majority of government ministers, including Prime Minister Volodymyr Groisman, are representatives of the pro-presidential political force.

Having such a resource, Petro Poroshenko's team was capable of launching a mechanism which could change the state; i.e. carry out vital reforms, dismiss the personnel, 'inherited' from the previous authoritarian regime, destroy illegal enrichment schemes, consisting in embezzling funds from the state treasury, and create new rules of the relationships between the State authorities and society. However, the current situation shows that the authorities are not interested in these changes.

Large financial and industrial groups which used to control a large part of the Ukrainian economy under the Yanukovich regime, successfully continue their business in Ukraine. The failure to initiate criminal cases against their oligarchic leaders (for example, for bringing their banks to the state of bankruptcy) confirms that they managed to make agreements 'on non-aggression' with the new authorities. In exchange, Petro Poroshenko received support in the parliament in the vote for presidential initiatives, as well as the ability to influence key processes in the State. At the same time, Petro Poroshenko's business is flourishing,<sup>1</sup> and his key position in the state, in fact, makes him No. 1 oligarch in Ukraine.

Against this backdrop, the Ukrainian authorities carry out vital reforms for the State at an extremely low pace. According to the study 'Index of Reform Monitoring', in early 2015, Ukraine reached the highest pace of reform implementation, after which the indicators have been gradually dropping.<sup>2</sup> The indicators of implementation of the Association Agreement between Ukraine and the EU are disappointing. And so, according to the results of 2016, Ukraine implemented in the national legislation, only 36 of 126 directives, which were envisaged according to the plan. 13 of 36 directives were implemented only partially.<sup>3</sup> The patience of Ukraine's Western partners is wearing thin, and they openly blame the authorities for a lack of willingness to implement reforms due to their personal interests.<sup>4</sup>

In the context of the next presidential and parliamentary elections, scheduled to be held in 2019, Petro Poroshenko and his political force are carrying out actions, designed to oust their main competitors, namely: pro-Western reformist parties 'Self Reliance' and 'Democratic Alliance' (the latter is not a parliamentary party, but it has several MPs in the Verkhovna Rada). Being one of the politicians with high levels of popularity, according to the rankings, the leader of 'Self Reliance', Andrey Sadovyi faced persecution personally. 'Self Reliance' and 'Democratic Alliance' are in constructive opposition to the current authorities - they take an active part in the political process and support initiatives, aimed at implementing reforms; unlike nominal opposition parties, such as: 'Opposition Bloc', 'Will of the People' and 'Revival', as most of their MPs are representatives of Yanukovich's former political force and, in practice, they have repeatedly supported outrageous initiatives of the pro-presidential coalition.

The BPP faction also resorts to reprisals against its own MPs who dared to criticise its leaders and policies. The party even revoked the parliamentary mandates of some of them (e.g. Egor Firsov).

In addition to the pro-reform politicians (e.g. Maksym Cherkasenko), representatives of anti-corruption NGOs (e.g. ACAC and its members), investigative journalists, human rights activists, all those who are

<sup>1</sup> <https://www.epravda.com.ua/news/2017/05/5/624531/>

<sup>2</sup> [http://imorevox.org/wordpress/wp-content/uploads/2015/05/IMoRe-report2017\\_05\\_15\\_UKR1.pdf](http://imorevox.org/wordpress/wp-content/uploads/2015/05/IMoRe-report2017_05_15_UKR1.pdf)

<sup>3</sup> <http://www.eurointegration.com.ua/news/2017/03/2/7062426/>

<sup>4</sup> <http://ua.interfax.com.ua/news/political/428991.html>

actively fighting for the promotion of reforms in Ukraine and oppose the old oligarchic system, become victims of political persecution and harassment.

**This report raises the issue, relevant for the post-Maidan Ukraine, i.e. the persecution of individuals, political forces and public organisations which are the engines of changes in the country.**

## **2. NEW AUTHORITIES ARE STRIVING TO MAINTAIN THE OLD RULES OF THE GAME**

### **2.1. Excessive concentration of power in the hands of Petro Poroshenko**

During the presidency of Viktor Yanukovich, the Constitution of Ukraine was illegally amended, significantly expanding the powers of the President by giving him the right to form a government. Having actual control over the Verkhovna Rada and the Cabinet of Ministers, Yanukovich usurped power in the country. Following the overthrow of his regime in Ukraine, the Constitution was amended back to the reading of 2004, thus providing for the formation of a government by a coalition of parliamentary factions. Ukraine returned to the parliamentary and presidential form of government.

Petro Poroshenko does not officially have the authority which Viktor Yanukovich once enjoyed. However, no less than his predecessor, Poroshenko has the opportunity to influence the branches of power in Ukraine and the main state bodies:

- **The Parliament.** At the moment, there is a pro-presidential ruling coalition in the parliament, consisting of two political forces – the party faction ‘The Petro Poroshenko Bloc’ (BPP) and the party faction ‘People's Front’, which have 221 MPs altogether (120 from the BPP and 81 from the People's Front) and do not have a majority in the parliament. In order to obtain the required number of votes in a vote, the coalition often uses the support of formal opposition MPs from the parties ‘Opposition Bloc’, ‘Will of the People’ and ‘Revival’, which arose from the ruins of the Party of Regions, previously headed by Viktor Yanukovich for many years.
- **The Cabinet of Ministers.** The head of the government is Volodymyr Groysman, who was elected to the parliament from the list of the BPP party and is considered one of the persons closest to Petro Poroshenko. Most government ministers (18 of 25) were nominated from the quota of the BPP or directly from the President's quota.
- **The General Prosecutor's Office of Ukraine.** The head of the office is Yuriy Lutsenko, who was appointed to the post in May 2016. Previously, Lutsenko had headed the BPP faction in the parliament. He has no legal education, which created legal obstacles to his appointment. In this regard, the law was amended. The General Prosecutor plays an important role in the process of appointing the head of the **Specialised Anti-Corruption Prosecutor's Office (SAP)**.
- **The Armed Forces of Ukraine. Security Service of Ukraine (SBU). The National Security and Defence Council (NSDC).** According to the Constitution, the President is the Supreme Commander-in-Chief of the Ukrainian Army. On the proposal of the President, the Minister of Defence of Ukraine and the Head of the Security Service of Ukraine are appointed and dismissed from office. The President is also the head of the NSDC. In fact, the President controls the entire power bloc in the state, which, under the conditions of the military conflict in the Donbass, constitutes an important instrument of influence.
- **Regional and district state administrations.** The heads of these bodies are appointed directly by the President.

- **The Constitutional Court of Ukraine.** A third (6 of 18) of judges of the Constitutional Court are appointed from the President's quota. At the moment, the court comprises only 13 judges<sup>5</sup>, which jeopardises its efficiency. This situation arose, among other things, because of the President, who has not appointed two judges from his quota. At the moment, the Constitutional Court is considering important laws such as the Law 'On the Cleansing of Power' and the Law 'On the Prevention of Corruption', the execution of which can be blocked due to the lack of conclusions of the Constitutional Court regarding their constitutionality.

## 2.2. The BPP takes over the reins of state administration from the Party of Regions

Following the overthrow of the Yanukovich regime in Ukraine, a vacuum of influence in politics and big business arose, to be soon filled by representatives of the new authorities and 'young' oligarchs. **The BPP party has the largest faction in the parliament and represents the interests of the President. The BPP is no less influential than the Party of Regions was in the past.**

In early February 2016, an event occurred that provoked the first major crisis for the legitimacy of the new Ukrainian authorities, mainly the President's team. On 3 February 2016, Minister of Economy of Ukraine, Aivaras Abromavichus, resigned. He claimed that the reason for his resignation was his conflict with the first deputy head of the BPP faction, **Igor Kononenko**, whom Abromavichus accused of attempting to employ people from his entourage in the ministry in a bid to gain control over them.<sup>6</sup> Igor Kononenko is a friend and business partner of Petro Poroshenko and is considered his direct representative in the parliament.<sup>7</sup> Petro Poroshenko responded to the scandal by stating that the accusations voiced by Abromavichus against Kononenko should be verified by the National Anti-Corruption Bureau of Ukraine (NABU).<sup>8</sup> In turn, the NABU found no confirmation of Igor Kononenko exerting pressure on the Minister of Economy.<sup>9</sup> Abromavichus was appointed to the post in the government from the quota of the BPP and gained a reputation as one of the most reformist ministers. After the scandal, he left his post.

A direct consequence of these events was a high-profile conflict in the ranks of the BPP. On 8 February 2016, **Egor Firsov**, one of the representatives of the so-called 'young reformers' in the parliament, announced his withdrawal from the BPP faction. He justified his decision as his unwillingness to be a member of the same faction as Igor Kononenko end to 'cover up his illegal activities'. *"... I realised that the majority of my faction colleagues knowingly covers up the illegal schemes of the 'new family', and they do it even when our journalists and Western partners openly speak about this corruption. I see how, due to several people, the BPP faction confidently follows in the footsteps of the Party of Regions (...) The BPP faction is controlled by several people from the President's entourage. They suppress all criticism and all dissent (...)"*<sup>10</sup> Firsov stated. Firsov demanded that Kononenko give up his mandate as an MP in connection with the conflict with Abromavichus a few days earlier, but this proposal was not supported by the majority.<sup>11</sup> A few months earlier, on 23 November 2015, a number of MPs (including Serhiy Leshchenko and Svitlana Zalizhchuk) accused part of the management of the political grouping of corruption and the orchestration of information entrapments.<sup>12</sup>

On 28 March 2016 the Central Election Commission revoked Egor Firsov's MP mandate. Mykola Tomenko's mandate was also revoked as, similarly to Firsov, he had previously withdrawn from the BPP faction due to his disagreement with the party's policies. The MPs' mandates were revoked under Art.

<sup>5</sup> <http://www.ccu.gov.ua/judge/1844>

<sup>6</sup> <https://www.youtube.com/watch?v=bzn4oSwdKR0>

<sup>7</sup> [http://www.bbc.com/ukrainian/politics/2016/02/160203\\_kononenko\\_profile\\_vc](http://www.bbc.com/ukrainian/politics/2016/02/160203_kononenko_profile_vc)

<sup>8</sup> <https://www.facebook.com/petroporoshenko/posts/727126117421783>

<sup>9</sup> [https://lb.ua/news/2016/05/12/334971\\_nabu\\_opravdalo\\_kononenko\\_.html](https://lb.ua/news/2016/05/12/334971_nabu_opravdalo_kononenko_.html)

<sup>10</sup> <http://blogs.pravda.com.ua/authors/firsov/56b8525b7058c/>

<sup>11</sup> <http://www.pravda.com.ua/news/2016/02/4/7097850/>

<sup>12</sup> <http://www.pravda.com.ua/rus/news/2015/11/24/7089960/>



81 of the Constitution of Ukraine, which provides for early termination of the powers of a member of parliament in the event of his withdrawal from the parliamentary faction. Previously, the Venice Commission repeatedly criticised this norm of the Constitution of Ukraine,<sup>13,14</sup> stating that it contradicts the principle of independence of MPs.

The revocation of the mandates of Egor Firsov and Mykola Tomenko was the first case of the application of Art. 81 of the Constitution of Ukraine and, therefore, it may become a precedent that allows party leadership to eliminate insubordinate MPs. It is noteworthy that, during the existence of the BPP faction, at least 36 MPs have left its ranks for various reasons,<sup>15</sup> but Firsov and Tomenko are the only members whose mandates have been revoked, which gives reason to state that the decision had political overtones and was issued in an attempt to send a warning to other party members.

### 2.3. Behind-the-scenes architects of the Ukrainian politics

In addition to **Igor Kononenko**, businessmen **Mykola Martynenko** and **Olexander Onyshchenko** also gained a reputation as the most influential people in Ukrainian politics. All three are members of one of the most important parliamentary committees – the Committee on Fuel and Energy Complex (FEC).

Mykola Martynenko was an MP for four terms of parliament; for many years, he headed the parliamentary Committee on Fuel and Energy Complex. When heading the committee, Martynenko had a direct influence on the adoption of important decisions in the energy sector, which could have been used for the purpose of illegal enrichment. He is considered one of the main sponsors of the second-largest parliamentary faction ‘People's Front’.<sup>16</sup>

Mykola Martynenko is involved in several criminal cases on charges of economic crimes and blackmail, which have been under investigation by law enforcement agencies of Switzerland and the Czech Republic since 2013, and by Ukraine (GPU, NABU)<sup>17</sup> since 2015. In connection with accusations of involvement in corruption and due to international pressure, Mykola Martynenko announced in November 2015 that he was giving up his mandate as an MP.<sup>18</sup>

On 20 April 2017, NABU detectives detained Mykola Martynenko and handed him a written notice of suspicion of committing a criminal offence. The ‘People's Front’ party, over which the former MP has great influence, issued a statement in his defence. According to journalists, the leader of the ‘People's Front’, Arseniy Yatsenyuk, stated that approximately 40 MPs loyal to Martynenko may leave the party,<sup>19</sup> which would certainly affect the viability of the parliamentary coalition. When the question of Mykola Martynenko's detention arose, MPs and ministers from the ‘People's Front’ declared their willingness to stand surety for him, and so the court released him. The ‘People's Front’ stated that the criminal prosecution of Martynenko is politically motivated and serves as an example of selective justice.<sup>20</sup>

Olexander Onyshchenko is a deputy head of the parliamentary Committee on Fuel and Energy Complex. He owns a business operating in the field of extraction of natural gas in Ukraine. The media link Onyshchenko with two political forces in the parliament simultaneously, namely, ‘Homeland’ (headed by Yulia Tymoshenko) and the ‘Will of the People’ (headed by Yaroslav Moskalenko).<sup>21</sup>

<sup>13</sup> [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2005\)015-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2005)015-e)

<sup>14</sup> [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2007\)031-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2007)031-e)

<sup>15</sup> [http://w1.c1.rada.gov.ua/pls/site2/p\\_fraction\\_dep\\_changes?pidid=2613](http://w1.c1.rada.gov.ua/pls/site2/p_fraction_dep_changes?pidid=2613)

<sup>16</sup> <https://apostrophe.ua/ua/article/politics/2017-04-21/koshelek-narodnogo-fronta-cto-budet-s-delom-martynenko/11881>

<sup>17</sup> <http://www.pravda.com.ua/news/2015/11/30/7090813/>

<sup>18</sup> <https://www.youtube.com/watch?v=rN70RX9xaFI>

<sup>19</sup> <http://www.pravda.com.ua/articles/2017/04/24/7142091/>

<sup>20</sup> <https://www.facebook.com/nfront.org.ua/posts/1958337467732579:0>

<sup>21</sup> <http://www.pravda.com.ua/articles/2016/06/16/7111970/>

The NABU suspects Olexander Onyshchenko of orchestrating a criminal scheme in order to steal funds on a particularly large scale during the extraction and sale of natural gas produced by the 'Ukrgezvydobuvannia' company.

On 5 July 2016, the parliament voted to revoke Onyschenko's parliamentary privilege, thereby allowing his detention and bringing to criminal accountability. On 27 July 2016, General Prosecutor Yuriy Lutsenko signed a notice of suspicion of committing a criminal offence, which was issued against Onyschenko, and on 29 July 2016, the latter said that he was outside Ukraine. It cannot be ruled out that the delay in revoking Onyshchenko's parliamentary privilege and issuing a written notice of suspicion against him allowed the MP to hastily hide outside Ukraine.

On 1 December 2016, the SBU press service reported that the agency is investigating a criminal case against Onyshchenko on charges of high treason.<sup>22</sup> A few days later, on 3 December 2016, the fugitive MP reported that he had handed over to the US security services compromising evidence of corruption against Petro Poroshenko. Before Onyshchenko was subject to prosecution, he was among those who had the opportunity to directly contact Poroshenko. According to the media, Onyshchenko enjoyed the support of the President in matters regarding the promotion of his business.<sup>23</sup>

#### **2.4. The impunity of oligarchs and corrupt officials against the backdrop of persecution of journalists and civil activists**

Due to the activities of NABU, Mykola Martynenko and Olexander Onyshchenko became the subjects of high-profile criminal cases and, in fact, were forced to leave the country's political arena. Nevertheless, the issue of bringing them to criminal responsibility remains open due to the resistance of the old system in the form of corrupt courts and mutual guarantees in the ranks of the largest political forces.

The 'old' Ukrainian oligarchs, such as Igor Kolomoysky, Dmytro Firtash, Rinat Akhmetov, Viktor Pinchuk, Viktor Medvedchuk, despite the change of power in the country, remain untouchable and successfully continue their business in Ukraine.

At the same time, the resources of law enforcement agencies and special services are used to persecute and exert pressure on journalists and representatives of civil society. For example, in early June 2017, the SBU threatened journalists Inna Kuznetsova and Natalia Sedletskaia with criminal liability for airing a story about the expensive cars of SBU officers. The SBU was warned that "the publication in the media of information that can identify personnel of the bodies and divisions of the Security Service poses a real danger to their life and health, and also entails responsibilities provided for in the current legislation of Ukraine". The department requested that the journalists refrain from disclosing the owners of the expensive cars photographed, as they could be members of the Security Service. The SBU had already carried out similar actions against journalists in the past.<sup>24</sup> Despite open threats on the part of the Ukrainian special services, journalists did publish the story.<sup>25</sup>

The murder of the renowned journalist Pavel Sheremet, which was committed in July 2016, remains unresolved. The case is being investigated by the National Police of Ukraine. In May 2017, a journalistic investigation was announced, according to which, a member of the Security Service was seen near the journalist's house on the night before his death. It also became known that the SBU's employees seized the server from some CCTV cameras near the house of the murdered journalist and returned it empty.<sup>26</sup> It was only after the investigation of journalists had been published that the National Police noticed this fact.

<sup>22</sup> <https://ukranews.com/ua/news/463264-onyshhenko-otrymav-rosiyskyy-pasport-i-spivpracyuye-z-fsb-sbu>

<sup>23</sup> <http://www.pravda.com.ua/articles/2016/06/16/7111970/>

<sup>24</sup> <https://www.facebook.com/photo.php?fbid=10155470863372652&set=a.10150217068417652.349504.643342651&type=3&theater>

<sup>25</sup> <https://www.youtube.com/watch?v=g2cPPz1JszE&t=938s>

<sup>26</sup> <https://www.youtube.com/watch?v=MA6OsF10Fa0>



The following section describes the persecution of opponents of the authorities in greater detail.

### 3. OPPONENTS OF THE AUTHORITIES PERSECUTED AND BECOME VICTIMS OF A 'DIRTY' POLITICAL STRUGGLE

#### 3.1. Persecution and discrediting of 'Self Reliance' party members

In post-Maidan Ukraine, the political party 'Self Reliance' (Samopomich) actually became the only new political force with a high electoral rating. In the early parliamentary elections in 2014, the party won 11% of the vote; in Kyiv 21% of voters voted for the party, and over 22% at the foreign polling station. The party managed to unite a number of well-known civil activists, experts, and participants of the ATO (Anti-Terrorist Operation). At the same time, it does not have deputies of former convocations of parliament, which distinguishes it from other parliamentary political forces.

The new political force has become a serious competitor to the representatives of the old authorities, in particular, to President Petro Poroshenko. In February 2016, the personal rating of Andriy Sadovyi, the mayor of Lviv and at the same time the leader of 'Self Reliance,' was 11% (in fourth place after Petro Poroshenko, Yulia Tymoshenko and Oleh Lyashko), which made him one of the direct competitors of the President.<sup>27</sup> While the popularity of Sadovyi grew, in July and December 2014, there were two attempts on his life. The house of the mayor of Lviv was fired at twice with a hand grenade launcher. No one was hurt during the attacks. **President Petro Poroshenko and the then head of the Security Service of Ukraine, Valentyn Nalyvaichenko, said they would take the investigation under personal control, but the attackers "were not identified".**<sup>28</sup>

After the extraordinary parliamentary elections of 2014, the 'Self Reliance' party entered the ruling coalition. However, as early as February 2016, party representatives announced its withdrawal from the coalition, since a parliamentary alliance had in fact been formed between the 'Petro Poroshenko Bloc', the 'People's Front,' and the former deputies of the 'Party of Regions' (most of them are members of the 'Opposition Bloc,' 'Revival,' and 'Will of the People I').<sup>29</sup>

After leaving the ruling coalition, 'Self Reliance' actually moved into constructive opposition — they are now actively criticising the authorities, yet they still support all reforms and progressive bills in the parliament. This is the main factor that distinguishes the party from the nominal opposition — the parties 'Opposition Bloc,' 'Revival,' and 'Will of the People.' These parties declare their disagreement with the policy of the authorities, yet they have repeatedly supported scandalous bills together with the 'Petro Poroshenko Bloc' and the 'People's Front' — bill No. 6220<sup>30</sup> compromising the effectiveness of the National Anti-Corruption Bureau of Ukraine (NABU), and bill No. 6172<sup>31</sup> on declarations of incomes and property by representatives of anti-corruption NGOs.

In March 2016, President Petro Poroshenko invited Sadovyi to head the government of Ukraine. In the context of the country's severe economic crisis, the appointment to the post of Prime Minister would have inevitably entailed a decrease in the electoral rating of Andriy Sadovyi, as was the case for Arseniy Yatsenyuk. The mayor of Lviv refused the President's proposal, since, in his opinion, the head of the government should have the support of the parliament, which was not enough in the case of 'Self Reliance'. *"Today, 'Self Reliance' has 26 deputies, so we have to stay realistic. We are ready to bear*

<sup>27</sup> <http://www.kiis.com.ua/?lang=ukr&cat=reports&id=602&page=2&t=1>

<sup>28</sup> <http://vikna.if.ua/news/category/ua/2014/12/26/27270/view>

<sup>29</sup> <https://www.pravda.com.ua/news/2016/02/18/7099477/>

<sup>30</sup> [http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_golos?g\\_id=12034](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_golos?g_id=12034)

<sup>31</sup> [http://w1.c1.rada.gov.ua/pls/radan\\_gs09/ns\\_golos?g\\_id=11394](http://w1.c1.rada.gov.ua/pls/radan_gs09/ns_golos?g_id=11394)

*responsibility, but only within the limits of the trust that we have among the Ukrainian people,”* said Sadovyi<sup>32</sup>.

By a strange coincidence, shortly thereafter, events took place in Lviv that had a negative impact on the reputation of Sadovyi.

### 3.1.1. ‘Garbage blockade’ of Lviv — an instrument of political pressure on ‘Self Reliance,’ leader Andriy Sadovyi

Hrybovychi landfill near Lviv is the largest solid domestic waste (SDW) disposal facility in Ukraine. On 30 May, 2016, the landfill faced a massive garbage collapse, which resulted in the death of four people. These people participated in the suppression of a large-scale fire, which, according to Sadovyi, was the result of an arson attack.<sup>33</sup> After the tragedy, transportation of solid waste to the landfill was suspended. Lviv, for which this landfill was the main place of garbage disposal, faced a huge problem of what to do with its waste. As of mid-June 2017, the city has accumulated more than 8,500 tons of non-disposed SDW.<sup>34</sup>

The central authorities publicly blame Andriy Sadovyi for the ‘garbage collapse’ in the city, accusing him of inactivity and negligence. The mayor of Lviv argues that the state not only does not help, but also deliberately makes it more difficult to solve the problem, effectively leading to the ‘garbage blockade’ of Lviv. According to Sadovyi, other landfills throughout Ukraine systematically refuse to accept solid waste from Lviv, complaining about pressure from the state structures.<sup>35,36</sup> The owner of a private landfill in Pokrovsk (Donetsk Oblast) said that unknown persons threatened him and his family with reprisals if he were to accept solid waste from Lviv.<sup>37</sup> Since the beginning of 2017, Lviv authorities have sent 495 appeals to regional and local authorities throughout Ukraine requesting to accept solid waste from Lviv to operating landfills on a paid basis. Positive answers were received in only nine cases.<sup>38</sup>

The city authorities believe that the current situation is extraordinary (due to the unexpected discontinuation of the Hrybovychi landfill and the exacerbation of the environmental situation in the city) and that it therefore requires state intervention. However, the central authorities have distanced themselves from the problem, arguing that garbage collection is the responsibility of local government. Currently, accusations of inaction and inability to solve the problem in response for open requests for help from the Lviv authorities, have become a typical reaction.<sup>39</sup> The position of the central authorities contradicts the principle of finding a joint solution to the problem.

- **The central authorities refuse to fulfil their direct responsibilities to ensure environmental safety in the country**

According to the estimates of the Main Department of State Procurement Service and the Chief epidemiologist of the Lviv Oblast, as a result of problems with garbage disposal the city faces the threat of epidemics.<sup>40</sup> On 7 June, 2016, Andriy Sadovyi turned to President Petro Poroshenko with an appeal to declare the city of Lviv an emergency ecological situation zone.<sup>41</sup> On 12 June, 2017, the city commission

<sup>32</sup> [https://zaxid.net/andriy\\_sadoviy\\_vidmovivsya\\_vid\\_posadi\\_premyermministra\\_n1385671](https://zaxid.net/andriy_sadoviy_vidmovivsya_vid_posadi_premyermministra_n1385671)

<sup>33</sup> [http://zik.ua/news/2016/05/31/prychyna\\_pozhezhi\\_na\\_grybovytskomu\\_smittiezvalyshchi\\_pidpal\\_sadovyy\\_704074](http://zik.ua/news/2016/05/31/prychyna_pozhezhi_na_grybovytskomu_smittiezvalyshchi_pidpal_sadovyy_704074)

<sup>34</sup> <http://www.pravda.com.ua/news/2017/06/19/7147286/>

<sup>35</sup> <https://www.facebook.com/andriy.sadovyi/posts/1392635860775965>

<sup>36</sup> <https://www.facebook.com/andriy.sadovyi/posts/1337339452972273>, <https://www.facebook.com/andriy.sadovyi/videos/1332699860102899/>

<sup>37</sup> <https://www.youtube.com/watch?v=pmZWbr97YCA>

<sup>38</sup> <http://city-adm.lviv.ua/public-information/waste-management/smittieva-blokada>

<sup>39</sup> <http://www.pravda.com.ua/news/2017/06/14/7146899/>

<sup>40</sup> <http://informator.news/u-lvovi-mozhut-vynyknuty-epidemiji-cherez-problemy-z-vyvezennyam-smittyu/>

<sup>41</sup> <http://city-adm.lviv.ua/news/society/emergency/232643-mer-lvova-zvernuvsia-do-prezydenta-oholosyty-lviv-malekhiv-ta-hrybovychi-zonoiu-nadzvychainoi-ekolohichnoi-sytuatsii>

on issues of the industrial and environmental safety of Lviv filed a similar appeal to the government.<sup>42</sup> According to Andriy Sadovyi, the city emergency commission appealed to the central authorities five times to seek help for Lviv.<sup>43</sup> However, the state authorities have not taken any action as they are avoiding responsibility for the situation in the city, despite the fact that according to the Constitution of Ukraine (Article 16), ensuring environmental safety and supporting ecological balance in the territory of Ukraine is an obligation of the state.

According to the law, it is the President of Ukraine who, on the recommendation of the National Security and Defence Council (NSDC) or the Cabinet of Ministers, can declare the city an emergency environmental situation zone. In such case, the Prime Minister and the head of the regional administration are responsible for coordinating actions to overcome the consequences of the problem. The Code of Civil Defence of Ukraine (Articles 13–14) states that, in the event of the threat of an emergency situation, the decision of the Cabinet of Ministers or the local regional administration temporarily establishes a high alert regime or a state of emergency. In spite of the situation being close to an industrial and environmental catastrophe, the central authorities of Ukraine have not even introduced a high alert regime in the city.

The garbage collapse in Lviv was the result of the failure by the Ukrainian authorities to fulfil their obligations to the European Union and the Council of Europe to effectively implement environmental protection policies. In particular, according to Directive 1999/31/EC included in the Association Agreement with the EU, the authorities of Ukraine are obliged to adopt national legislation and create a dedicated body to regulate the issue of waste management at the national level. The Council of Europe (Resolution 587 from 1975) recommended the governments of the participating countries to provide local authorities with financial and technical assistance for waste disposal. In this regard, the authorities of Ukraine are trying to shift responsibility for Lviv's critical waste management situation onto the mayor of the city, at the same time hiding their own inactivity.

- **Use of the theme of the garbage collapse in Lviv to discredit a political opponent**

Formally, the President of Ukraine admits that Lviv is showing all the signs necessary to allow an emergency situation to be declared. In January 2017, he instructed the government to take urgent measures in order to address the problem of waste disposal in the city.<sup>44</sup> **However, real actions consisting of, for example, declaring Lviv an emergency ecological situation zone or at least introducing a high alert regime have not been made. Instead, actions of the President and the government continue to be declarative in nature.**

On 21 April, 2017, Lviv Regional State Administration, Lviv Regional Council and Lviv City Council signed a memorandum with 20 city councils from the Lviv Oblast whose territories have small landfills for solid waste disposal. According to the memorandum, the latter agreed to accept waste from Lviv for two years on a fee basis. The document was signed under guarantee of the government of Ukraine. However, within a few days it became clear that the majority of signatories of the memorandum do not intend to fulfil it because of the protests of local residents who did not support the idea of transferring waste from Lviv to 'their' landfills.<sup>45</sup> Out of 20 landfills, only three agreed to accept solid waste from Lviv.

In his rhetoric, the President of Ukraine often uses the theme of the garbage collapse in Lviv to criticise Andriy Sadovyi and the political party 'Self Reliance.' For example, President Petro Poroshenko accused

<sup>42</sup> <http://city-adm.lviv.ua/news/city/housing-and-utilities/240197-vchora-ia-pidpysav-usi-neobkhidni-rishennia-usim-vidpravyy-zvernennia-a-sadovyi-pro-rezultaty-miskoi-komisii-z-pytan-teb-i-nis>

<sup>43</sup> <https://www.facebook.com/andriy.sadovyi/posts/1483631415009742>

<sup>44</sup> <https://www.ukrinform.ua/rubric-politycs/2164271-poroshenko-doruciv-kabminu-virisiti-problemu-z-lvivskim-smittam.html>

<sup>45</sup> <http://www.pravda.com.ua/articles/2017/06/1/7145514/>

'Self Reliance' and Andriy Sadovyi of a 'PR attempt' related to the economic blockade of Donbass.<sup>46</sup> At the same time, Poroshenko did not miss the opportunity to recall Lviv's waste problem: *"How can one take such measures to distract attention from the failures of their leader, who for two and a half mayoral terms could not solve a severe communal issue and literally stuffed the most beautiful European city of Ukraine with rubbish?"*<sup>47</sup>

On 19 June, 2017 the leader of the parliamentary faction 'Self Reliance', Oleh Bereziuk, started a hunger strike in front of the Presidential Administration Building, protesting against the 'garbage blockade' of Lviv. The deputy accused the central authorities of a lack of real assistance in solving the city's waste problem.<sup>48</sup> In response to the action of Oleh Bereziuk, the official of the Lviv Regional State Administration, Olha Bereziuk, went on hunger strike outside the walls of the Lviv city Council, demanding Andriy Sadovyi solve the problem of disposing of garbage from the city.<sup>49</sup> There are reasons to believe that this response was an attempt to discredit the protest of Oleh Bereziuk.

- **Efforts of the Lviv authorities to solve the city's garbage problem encounter opposition from the State**

The state authorities blame Andriy Sadovyi for the fact that, prior to the tragedy at the Hrybovychi landfill, he "did not care about the problem of SDW disposal," which is not true. Back in 2014, the Lviv City Council applied to the European Investment Bank for a loan to implement a project to re-vegetate the Hrybovychi landfill and build a garbage sorting and processing plant. The agreement on obtaining the loan was signed in February 2016 and is still awaiting the approval of the Government of Ukraine. According to Sadovyi, the Ministry of Regional Development has deliberately been prolonging the approval procedure.<sup>50</sup> In November 2016, a garbage sorting and packing line was put into operation near Lviv. However, the line is not working because of the protests of local residents.<sup>51</sup> The protests may be due to more than the unwillingness of the population to have a garbage sorting line on their territory; it is possible that the protests are also being 'heated up' by political opponents of Sadovyi who, after the tragedy at the Hrybovychi landfill, organised actions against the city mayor.<sup>52</sup>

The media has repeatedly reported on the alleged illegal removal of garbage from Lviv to other regions, including those not equipped with garbage disposal sites.<sup>53,54</sup> Andriy Sadovyi calls it a provocation and calls for an independent investigation of cases of garbage disposal to places not prepared for this.<sup>55</sup> The prosecutor's office of the Lviv Oblast opened a criminal case into illegal waste removal from Lviv. On 14 June, 2017 the court decided on the two-month arrest of the director of the company 'AVE Lviv', which

<sup>46</sup> The economic blockade of the occupied parts of Donbass was started by participants of Ukrainian volunteer military formations in January 2017 under the slogan: "Say no to trade in blood." The campaign in support of the blockade was launched in 2016. In this way, they protested against the trade with the self-proclaimed Luhansk People's Republic (LPR) and Donetsk People's Republic (DPR) during the ongoing military actions and deaths of Ukrainian soldiers. The 'Self Reliance' party supported the participants of the blockade. Official authorities were categorically against the blockade and even considered the option of its forceful dispersal. A few months later, the National Security and Defence Council decided to stop the movement of goods through the demarcation line. In this way, the authorities legalised the economic blockade of the occupied territories of Donbass. At the same time, the President called the members of the 'Self Reliance' party the culprits of Ukraine's economic losses in connection with the termination of trade with the self-proclaimed LPR and DPR, since they allegedly started the blockade.

<sup>47</sup> <http://www.pravda.com.ua/news/2017/03/15/7138202/>

<sup>48</sup> <http://www.pravda.com.ua/articles/2017/06/20/7147430/>

<sup>49</sup> <https://www.facebook.com/olgha.berezuk/posts/1126821434127976>

<sup>50</sup> <http://city-adm.lviv.ua/news/society/emergency/232643-mer-lvova-zvernuvsia-do-prezydenta-oholosyty-lviv-malekhiv-ta-hrybovychi-zonoju-nadzvychnoi-ekolohichnoi-sytuatsii>

<sup>51</sup> <https://www.ukrinform.ua/rubric-regions/2163382-smittevi-protesti-u-lvovi-perekrili-dorogu.html>

<sup>52</sup> <http://www.pravda.com.ua/news/2016/06/9/7111238/>

<sup>53</sup> <https://tsn.ua/ukrayina/smittya-zi-lvova-nesankcionovano-skinuli-na-poltavschini-782099.html>

<sup>54</sup> [http://zik.ua/news/2017/01/24/na\\_sumshchyni\\_taiemno\\_skyuly\\_15\\_vantazhivok\\_lvivskogo\\_smittya\\_prokuratura\\_1030763](http://zik.ua/news/2017/01/24/na_sumshchyni_taiemno_skyuly_15_vantazhivok_lvivskogo_smittya_prokuratura_1030763)

<sup>55</sup> <http://city-adm.lviv.ua/news/city/housing-and-utilities/239669-yakshcho-khtos-vysypaie-vidkhody-pozu-polihonom-tse-velykyi-zlochyn-za-iakyi-treba-karaty-a-sadovyi>

was engaged in waste removal from the city. Andriy Sadovyi described the arrest as an act of political pressure.<sup>56</sup>

In addition to reputational losses in connection with the media's tarring campaign, Andriy Sadovyi may face criminal liability for the tragedy at the Hrybovychi landfill. On 20 March, 2017 Prosecutor General Yuriy Lutsenko said that the mayor of Lviv should be held responsible for the death of fire-fighters at the Hrybovychi landfill in May 2016.<sup>57</sup>

### 3.1.2. Cases of persecution of other members of the 'Self Reliance' party

Apart from Andriy Sadovyi, other members of the 'Self Reliance' party, who are actively involved in promoting reforms in Ukraine and fighting corruption, have become victims of dubious criminal cases, information attacks, and pressure from state structures.

- **Andriy Zhurzhiy**

Andriy Zhurzhiy faced a dubious criminal prosecution immediately after he initiated the resignation of the head of the State Fiscal Service (SFS), Roman Nasirov, who was elected to the parliament in 2014 by the 'Petro Poroshenko Bloc'. Zhurzhiy provided information on Nasirov's involvement in corrupt activities.

In October 2016 and January 2017, Andriy Zhurzhiy unsuccessfully demanded that the government dismiss Roman Nasirov and his deputy Sergey Bilan. Zhurzhiy prepared a draft resolution on recognising their work as unsatisfactory.<sup>58</sup> On 8 December 2016, Zhurzhiy made a statement in the parliament about beginning the collection of signatures for the resignation of Nasirov. On the same day, the tax police launched an investigation for criminal proceedings in connection with the alleged large-scale non-payment of taxes in 2012 by the company 'Investment Partners Group' headed by Zhurzhiy.

The next day, on 9 December 2016, Prosecutor General Yuriy Lutsenko publicly announced his intention to initiate an investigation for criminal proceedings against Andriy Zhurzhiy to conduct an audit for possible tax evasion.<sup>59</sup>

On 23 December 2016, the General Prosecutor's Office formally launched an investigation in a second criminal case against Zhurzhiy, thereby reopening an old case, the investigation of which had started on 1 December 2014, and closed on 28 March 2015. In this way, in just a few days Zhurzhiy became involved in two criminal cases.

The investigation in the first criminal proceedings was started in violation of Ukrainian legislation, on the basis of an analytical note by the SFS with suggestion that Zhurzhiy may be responsible for tax evasion. According to Art. 86 of the Tax Code of Ukraine, a violation of the regulations of tax legislation is determined only by an act of documentary verification, which the taxpayer has the opportunity to appeal. Thus, an analytical note which has not even been disclosed to the taxpayer ('Investment Partners Group') cannot be used as evidence in criminal proceedings.<sup>60</sup> The above is confirmed by the recommendations of the Business Ombudsman Council of 20 June 2017 which were forwarded to the GPO and SFS based on a complaint by 'Investment Partners Group'.

<sup>56</sup> <http://city-adm.lviv.ua/news/city/housing-and-utilities/240233-odnoznachno-shcho-tse-ie-politychnyi-tysk-i-banalna-blokada-mista-lvova-mer-lvova-pro-sytuatsiiu-shchodo-kompanii-ave>

<sup>57</sup> <http://www.pravda.com.ua/news/2017/03/20/7138663/>

<sup>58</sup> <http://nashigroshi.org/2017/03/03/koruptsiini-ta-inshi-pidstavy-dlya-zvilnennya-nasirova-podani-na-rozhlyad-kabinetu-ministriv/>

<sup>59</sup> <https://ua.112.ua/polityka/zhurzhiy-zaiaviv-shcho-lutsenko-osobysto-povidomyv-pro-vidkryttia-kryminalnoho-provadhennia-proty-nardepa-358781.html>

<sup>60</sup> [https://urist-ua.net/%D0%BA%D0%BE%D0%B4%D0%B5%D0%BA%D1%81%D0%B8/%D0%BF%D0%BE%D0%B4%D0%B0%D1%82%D0%BA%D0%BE%D0%B2%D0%B8%D0%B9\\_%D0%BA%D0%BE%D0%B4%D0%B5%D0%BA%D1%81\\_%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D0%B8/%D1%81%D1%82%D0%B0%D1%82%D1%82%D1%8F\\_86/](https://urist-ua.net/%D0%BA%D0%BE%D0%B4%D0%B5%D0%BA%D1%81%D0%B8/%D0%BF%D0%BE%D0%B4%D0%B0%D1%82%D0%BA%D0%BE%D0%B2%D0%B8%D0%B9_%D0%BA%D0%BE%D0%B4%D0%B5%D0%BA%D1%81_%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D0%B8/%D1%81%D1%82%D0%B0%D1%82%D1%82%D1%8F_86/)

**The illegality of the second criminal proceedings, initiated by Yuriy Lutsenko, was confirmed by three courts that found the SFS's claims of non-payment of taxes groundless.<sup>61</sup> Yuriy Lutsenko personally cancelled the decision to close the case. At the same time, the Prosecutor General exceeded the deadline in which it was possible to cancel the decision to close the criminal proceedings. According to Ukrainian legislation, such a period cannot exceed one year.**

On 28 February 2017, Pechersk District Court, at the request of the GPO, authorised the audit of Zhurzhiy's compliance with tax legislation in the years 2013–2016. The SFS was commissioned to perform the audit. On 11 April, 2017, the Kiev Court of Appeal overturned this decision, since, according to Ukrainian legislation, the court cannot authorise a tax audit.<sup>62</sup> After that, the audit by SFS was cancelled.

In both criminal cases, there were no official allegations or charges against Andriy Zhurzhiy. Moreover, on 27 December 2016, he received an SFS certificate of no tax arrears.<sup>63</sup> At the same time, some politicians used the information about criminal proceedings against the deputy as a justification for their statements that Zhurzhiy allegedly has a personal interest in dismissing the leadership of the SFS.<sup>64</sup>

On 22 May 2017, several deputies, including Tetiana Chornovol and Anton Gerashchenko (adviser to the Minister Of Internal Affairs), filed a bill in the parliament that would allow investigations to be initiated (by the prosecutor's office) to conduct tax inspections in criminal proceedings on the basis of a decision of the investigating judge. The bill was a direct response to the decision of the Court of Appeal in the case of Andriy Zhurzhiy, as the explanatory note to the bill calls the decision 'unprecedented'.<sup>65</sup>

At the moment, the prosecution of Andriy Zhurzhiy in connection with the case of the alleged non-payment of taxes by 'Investment Partners Group' in 2012 continues. He faces criminal liability as the former head of the company. In addition, due to criminal proceedings, the company is suffering serious reputational losses. Despite the decision of the Court of Appeal, the second criminal proceedings, which are being investigated by the GPO, has also not been officially closed.

- **Victoria Voytsitska**

At night, on 17 March 2016, unknown persons threw a container of flammable liquid in the direction of the window of Victoria Voytsitska's house. The deputy believes that the aim of the attack was to set fire to the car that was standing in front the window, but the attackers failed to hit it. As a result, the house, where Voytsitska's family was present at that moment, was almost set on fire.<sup>66</sup> The Security Service instituted a pre-trial investigation into the incident under Art. 258 of the Criminal Code ('Terrorist act') and Art. 194 of the Criminal Code ('Deliberate destruction of or damage to property'). The perpetrators of the attack remain unknown.

Victoria Voytsitska is the secretary of the parliamentary committee on the fuel and energy complex. She is known for her struggle against monopolies in the energy market of Ukraine. In particular, Voytsitska calls for an investigation into the privatisation of state energy assets by several Ukrainian oligarchs during the presidency of Viktor Yanukovich.<sup>67</sup> Also, the deputy accuses Petro Poroshenko of secret corruption agreements with oligarch Rinat Akhmetov.<sup>68</sup>

<sup>61</sup> <http://www.revestr.court.gov.ua/Review/67196536>

<sup>62</sup> <http://kmp.ua/ua/analytics/infoletters/history-of-the-victory-the-court-of-appeal-cancelled-the-court-ruling-on-appointment-of-the-tax-audit/>

<sup>63</sup> <http://samopomich.ua/dfs-ofitsijno-vyznala-shho-u-mene-vidsutnij-podatkovyj-borg-andrij-zhurzhij/>

<sup>64</sup> <http://blogs.pravda.com.ua/authors/chornovol/57e4006bad7a9/>

<sup>65</sup> [http://search.ligazakon.ua/l\\_doc2.nsf/link1/GH50200A.html](http://search.ligazakon.ua/l_doc2.nsf/link1/GH50200A.html)

<sup>66</sup> <https://www.facebook.com/voytsitska/posts/10153645876898710>

<sup>67</sup> <http://samopomich.ua/energo-pryvatne-shahrajstvo-abo-try-vazhlyvi-aspekty-pryvatyzatsiyi-derzhavnyh-energoaktyviv/>

<sup>68</sup> <http://biz.nv.ua/publications/formula-uspeha-zachem-ahmetov-i-poroshenko-pridumali-rotterdam-plius-rassledovanie-1249297.html>



- **Oleh Lavryk**

Oleh Lavryk is the deputy head of the 'Self Reliance' party in the parliament. In 2016, unknown persons twice entered the apartment which he rents in Kiev. During the first break-in in January 2016, attackers stole 1,000 hryvnias (about 30 euros). At the same time, they left a broken lock pick in the keyhole.<sup>69</sup> Another break-in occurred in November 2016.<sup>70</sup> According to Lavrik, the purpose of both attacks was not to rob him, and the stealing of 1,000 hryvnias was 'symbolic' to create the appearance of a burglary.

- **Yehor Soboliev**

Yehor Soboliev is an active participant at Euromaidan, the head of the Parliamentary Committee on the Prevention and Combating of Corruption, the former head of the public organisation 'Civil Lustration Committee' and one of the authors of the law on lustration.

On 22 May 2017, Yehor Soboliev stated that the SBU was following him. *"In every city where we go to meet people, to have a discussion about the future, we feel like characters in a cheap spy novel,"* said Soboliev. For example, in Ternopil, the SBU demanded the management of one educational institutions provide biographies of the students with whom Sobolev might meet. In Vinnytsia, intelligence officers questioned the head of the local cell of the 'Self Reliance' party, asking about the details of a meeting with Sobolev.<sup>71</sup> The Security Service denies that Sobliev is under surveillance.<sup>72</sup>

Yehor Soboliev has repeatedly been a victim of media tarring campaigns related to his Russian background and therefore alleged links to the FSB.<sup>73</sup> The peak of information provocations came when Soboliev headed the 'Civil Lustration Committee'.<sup>74</sup>

### 3.2. Discrediting of 'Democratic Alliance' party leaders

The party 'Democratic Alliance' is a young political force built on the model of Western political parties, with a clear ideology, transparent sources of funding and increased attention to the reputation of its leaders. In July 2016, the Party leadership changed. Its political council included four deputies of the parliament: Mustafa Nayyem, Serhiy Leshchenko, Svitlana Zalishchuk and Victoria Ptashnyk. The first three deputies are at the same time members of the 'Petro Poroshenko Bloc' faction in the parliament. On the eve of the early parliamentary elections in 2014, they were invited into the pro-presidential political force as well-known investigative journalists, and actually headed the reformist wing of the faction. However, given the lack of real progress in implementing reforms in the country and frequent conflicts with the leadership of the faction, Nayyem, Leshchenko, and Zalishchuk decided to join another political force. At the same time, the deputies stated that they did not intend to leave the 'Petro Poroshenko Bloc' in the parliament.<sup>75</sup>

#### 3.2.1. The exclusion of Nayyem and Zalishchuk from international delegations

A direct consequence of the deputies' démarche was the exclusion of Mustafa Nayyem and Svitlana Zalishchuk from delegations to international organisations on behalf of the 'Petro Poroshenko Bloc'. Zalishchuk was a member of the Ukrainian parliamentary delegation to the PACE, and Nayyem – to the NATO Parliamentary Assembly. The decision on their withdrawal from the international organisations

<sup>69</sup> [https://www.facebook.com/permalink.php?story\\_fbid=1007987035929366&id=100001542360542](https://www.facebook.com/permalink.php?story_fbid=1007987035929366&id=100001542360542)

<sup>70</sup> <https://www.facebook.com/photo.php?fbid=1227630893964978&set=a.363170357077707.82968.100001542360542&type=3&theater>

<sup>71</sup> <https://www.facebook.com/photo.php?fbid=10206915950896928&set=a.2191261440717.80741.1822575871&type=3&theater>

<sup>72</sup> <https://www.facebook.com/giolena11/posts/1329563363758805>

<sup>73</sup> [http://t-weekly.org.ua/index.php?option=com\\_content&view=article&id=12065](http://t-weekly.org.ua/index.php?option=com_content&view=article&id=12065)

<sup>74</sup> <http://dossier-ua.com/?p=6155>

<sup>75</sup> <http://www.pravda.com.ua/news/2016/07/11/7114418/>

was made on 14 November 2016 during a meeting of the 'Petro Poroshenko Bloc' faction (the initiator of the decision was Igor Kononenko). Zalishchuk and Nanyem were not present at the meeting of the faction.<sup>76</sup>

Mustafa Nanyem, Serhiy Leshchenko, and Svitlana Zalishchuk are known for often having openly opposed the position of the 'Petro Poroshenko Bloc' and for not supporting the general voting guidelines of the party.

### 3.2.2. The searches of Maksym Cherkasenko, one of the leaders of 'Democratic Alliance'

In the morning of 16 May 2017, investigators of the Main Investigation Department of the National Police of Ukraine conducted a search in the house of one of the leaders of the 'Democratic Alliance' party, Maksym Cherkasenko, and his wife Tetyana Stakhanova. The search was conducted in connection with the investigation of a case of unlawful interference with the electronic bidding system SETAM by unidentified persons. The press service of the National Police reported that law enforcement agencies *"found that hackers were trying to set up the system in favour of one of the participants. As a result, the winner would be given the opportunity to purchase premises at a discounted price. Due to the hackers' activity, the winners of the bidding were the participants with the lowest bid."* Law enforcement authorities allegedly established an IP address belonging to one of the bidders in whose favour the system has been tampered with.<sup>77</sup> The address led them to the house where the Cherkasenko family lived. The court ruling on the search indicated that the subject of the search was Tatyana Stakhanova.

As a result of the unauthorised interference, the state allegedly suffered damage in the amount of two million hryvnias (approximately 75 thousand euros). It is worth noting that later the director of SETAM, Viktor Vishnev, told the media that *"the crime was prevented and no damage was caused"*.<sup>78</sup>

The press service of the Department of Cyber Police of the National Police of Ukraine reported that they had already identified the hacker who had tampered with the system, and during the search in the house of Maksym Cherkasenko they were looking for the so-called 'beneficiaries' of the illegal interference.<sup>79</sup> Maksym Cherkasenko stated that he and his wife had taken part in SETAM bidding several times, but had never managed to acquire anything.

The court order for the search did not indicate the number of the apartment, but only the number of the building, so the investigators approached the second apartment for search. As a result of the search, computer equipment and other digital media were confiscated from Cherkasenko's apartment. The court decision states that the purpose of the search was to identify and take possession of mobile communication devices, information storage media and documents that were used for bidding in the SETAM system. Therefore, the legality of the seizure of computers and tablets is questionable. The investigation did not provide an additional application for the seizure of computer equipment. According to Cherkasenko, during the search the investigators copied documents concerning the activities of the 'Democratic Alliance' party.<sup>80</sup>

As Maksym Cherkasenko said to the Open Dialog Foundation after the incident, he appealed to law enforcement agencies for him and Tetyana Stakhanova to be questioned in order to give official testimonies, but they were never summoned. To this day, Cherkasenko has no information about his or his wife's status in the criminal case.

<sup>76</sup> <http://detector.media/infospace/article/120591/2016-11-15-svitlanu-zalishchuk-ta-mustafu-naiema-viklyuchili-z-mizhnarodnikh-delegatsii/>

<sup>77</sup> <http://www.mvs.gov.ua/ua/news/8089-Kiberpoliciya-vikrila-fakti-nezakonnogo-vtruchannya-u-robotu-sistemi-torgiv-areshtovanim-maynom.htm>

<sup>78</sup> <https://hromadskeradio.org/ru/programs/hromadska-hvylya/za-chas-roboty-setam-realizovano-konfiskovanogo-mayna-na-4-milyardiv-gryven>

<sup>79</sup> <https://www.facebook.com/ravchev/posts/1844841752200011>

<sup>80</sup> <https://www.facebook.com/max.cherkasenko/posts/1658617620819165>

Maksym Cherkasenko assumes that the real purpose of the search was to obtain information relating to his political activities as a member of the 'Democratic Alliance' Management Board and to search for any compromising information about him or the party.<sup>81</sup>

Criminal proceedings have been instituted under Part 2, Art. 361 of the Criminal Code ('Unauthorised interference with electronic computers, systems and networks'). This crime is punishable by imprisonment for a period of 6 years.

In some media, the search of Cherkasenko's apartment was presented as "the end of the careers of young anti-corruption politicians of the 'Democratic Alliance' party," which may indicate the use of the incident to discredit them.<sup>82</sup>

### 3.3. Information attacks on the NGO 'Anti-Corruption Action Centre'

'Anti-Corruption Action Centre' is a non-governmental organisation engaged in the implementation of anti-corruption bills.

On 23 May 2017, during a briefing in the Verkhovna Rada of Ukraine, deputy of the 'People's Front' party, Viktor Pynzenyk, showed a 10-minute video entitled "How ACAC 'work out' money from funders,"<sup>83</sup> prepared by the public association 'National Interest of Ukraine.' In the video, it is asserted that large sums of money received from grants were transferred to the accounts of members of the NGO in addition to their salaries. *"This is a violation of the legislation of Ukraine regulating the activities of non-profit organisations and, at the very least, may lead to termination of the non-profit organisation status held by the 'Anti-Corruption Action Centre',"*<sup>84</sup> said Pynzenyk. According to him, he intends to transfer the materials of the 'investigation' to the Prosecutor General of Ukraine, the State Fiscal Service and the Ministry of Economic Development and Trade.

Journalists managed to find out that the public association 'National Interest of Ukraine' was registered only one month before the presentation of the video, and the official website of the public association began to work the day before the 'investigation' was published. Moreover, the association is registered at an address next to the reception of the 'People's Front' party in Kyiv.<sup>85</sup> The 'Anti-Corruption Action Centre' accuses the leaders of the 'Public Interest of Ukraine', Vasil Apasov, Dmytro Prysyazhnyuk, and Igor Piven, of a defamatory campaign. According to the NGO, the leaders have business connections with the deputies of the 'People's Front' party.<sup>86</sup>

The 'Anti-Corruption Action Centre' stated that the information provided in the video and given by the deputy is false and does not correspond to the financial statements of the organisation. *"We forecast the following scenario in which the organisation's work will be blocked: initiation of audits as a result of which the organisation will be deprived of its non-profit status, followed by the blocking of accounts by court decisions and the seizure of documents required for its activity,"*<sup>87</sup> said the head of the legal department of the 'Anti-Corruption Action Centre', Elena Sherban.

Employees of the 'Anti-Corruption Action Centre' repeatedly became victims of information attacks. On 9 April 2017, near the house of **Vitaliy Shabunin**, a picket was held by six people demanding he "disclose the house" and "sell the house – buy a bug [wiretap] for NABU." According to Shabunin, the action was organised by the deputy head of the Security Service of Ukraine, Pavel Demchin, and its executor was Roman Matkovskiy, the acting head of the SBU department for the protection of national statehood.

<sup>81</sup> <https://www.facebook.com/max.cherkasenko/posts/1658090370871890>

<sup>82</sup> <https://gazeta.ua/ru/articles/politics/skandal-vokrug-demalyansa-mozhet-politicheski-pohoronit-leschenko-i-najema/772785>

<sup>83</sup> <https://www.youtube.com/watch?v=HQlhVTFV9RU>

<sup>84</sup> [https://www.youtube.com/watch?v=sz5EO\\_rVW\\_4](https://www.youtube.com/watch?v=sz5EO_rVW_4)

<sup>85</sup> <https://www.facebook.com/antac.ua/photos/a.218043741627757.44633.195616963870435/1289919357773518/?type=3&theater>

<sup>86</sup> <https://www.facebook.com/antac.ua/photos/a.218043741627757.44633.195616963870435/1309728915792562/?type=3&theater>

<sup>87</sup> <https://antac.org.ua/publications/polityky-hochut-zabraty-u-tspk-status-neprybutkovoji-orhanizatsiji-i-zablokuvaty-robotu-tsentru/>

Thus, according to Vitaliy Shabunin, SBU was trying to take revenge on the 'Anti-Corruption Action Centre' for its legal action against the department.<sup>88</sup> In March 2017, a lawsuit began based on a claim filed by the 'Anti-Corruption Action Centre' against SBU. The 'Anti-Corruption Action Centre' is trying to protest the Security Service's classification of property declarations of its employees, including the top management of the agency.

The SBU confirmed that their employee Roman Matkovskiy was near Shabunin's house on the day of the picket, but this was supposedly a coincidence.<sup>89</sup> On 10 April 2017, it became known that the SBU was responsible for organising the protest. The public organisation 'AutoMaidan' stated that, on the initiative of the Security Service, they were asked to film one of the houses near Kiev from the air. They were told that the house was occupied by persons suspected of separatism. However, during the shooting it turned out that they were filming the house of Vitaliy Shabunin – just at the time when the protest took place.<sup>90</sup> 'AutoMaidan' confirmed that the aerial video recording was conducted under the direct supervision of an SBU employee, Roman Matkovskiy.<sup>91</sup>

One of the sources of distribution of defamatory information about the house of Vitaliy Shabunin was the national TV channel 'TRK Ukraina', owned by oligarch Rinat Akhmetov.<sup>92</sup> On 7 June 2017, Shabunin faced yet another provocation: he was called to the military enlistment office, although he carries no liability for military service due to health reasons. A few days before that, the board member of the 'National Interest of Ukraine', Igor Piven, threatened Shabunin with "personal delivery to the military enlistment office."<sup>93</sup>

In early May 2017, a member of the board of 'Anti-Corruption Action Centre,' **Oleksandra Ustinova**, faced another defamatory PR campaign. After returning from vacation, at the Boryspil airport, she met journalists of the Internet TV station 'Golos Naroda' (The Voice of the People), who began to ask provocative questions about her vacation abroad. After that, the information appeared on the Internet site of the TV channel.<sup>94</sup> The activist suspects the SBU of organising the provocation, since she believes that the information on her flights could only be known to the special services.<sup>95</sup> After the incident at the airport, the same journalists came to her house.<sup>96</sup>

The US Embassy in Ukraine expressed support for the 'Anti-Corruption Action Centre' and stated that the organisation was working effectively and reporting every dollar received.<sup>97</sup> The head of the EU Delegation to Ukraine, Hug Mingarelli, also expressed his support for the NGO. *"The authorities must take decisive actions to contain this new trend of increasing pressure. Otherwise, this may lead to alarming signals reminiscent of past dark times for the country,"*<sup>98</sup> said Mingarelli.

#### 4. SABOTAGE OF ANTI-CORRUPTION REFORM

Ukraine is the most corrupt country in Europe. According to the Transparency International Corruption Perception Index for 2016, Ukraine is ranked 131<sup>st</sup> among 176 countries of the world, which is the worst indicator among all European countries<sup>99</sup>. In the Heritage Foundation Index of Economic Freedom,

<sup>88</sup> <https://www.facebook.com/vitaliy.shabunin/posts/10154537028804537>

<sup>89</sup> <http://www.pravda.com.ua/news/2017/05/15/7143946/>

<sup>90</sup> <https://www.facebook.com/automaidan/posts/1489053154439361>

<sup>91</sup> <https://www.youtube.com/watch?v=MBAX-pdJwow&feature=youtu.be>

<sup>92</sup> <https://www.youtube.com/watch?v=KpY3S8ouvBg&feature=youtu.be>

<sup>93</sup> <https://www.facebook.com/vitaliy.shabunin/posts/10154704537869537>

<sup>94</sup> <http://golos-naroda.tv/s-ka-stoy-antikorrupsioneryi-napali-na-zhurnalistov-iz-za-rassledovanie-o-zhizni-chlena-tspk-aleksandryi-ustinovoy/>

<sup>95</sup> <https://www.facebook.com/ustinova.alexandra/posts/1849818298377970>

<sup>96</sup> <https://www.facebook.com/ustinova.alexandra/posts/1855199767839823>

<sup>97</sup> <https://twitter.com/USEmbassyKyiv/status/867800568059899905>

<sup>98</sup> <https://www.unian.ua/politics/1940509-mingarelli-zaklikav-ukrajinsku-vladu-ne-dopuskati-tisk-na-antikorrupsijni-go.html>

<sup>99</sup> [http://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016#table](http://www.transparency.org/news/feature/corruption_perceptions_index_2016#table)

Ukraine is ranked 166<sup>th</sup><sup>100</sup> (also the worst figure in Europe). In the World Bank's Freedom of Doing Business, Ukraine is ranked 80<sup>th</sup> among 190 countries<sup>101</sup>.

The implementation of effective anti-corruption reforms has always featured among the basic requirements of international partners to Ukrainian authorities. They include the establishment of new anti-corruption bodies and the introduction of electronic declarations of capital and incomes for public servants.

#### 4.1. Poor efficiency of SAP and NAPC

Following the overthrow of the Yanukovych regime, three new anti-corruption bodies were established in Ukraine – the National Anti-Corruption Bureau (NABU), the National Agency for Prevention of Corruption (NAPC), and the Specialized Anti-Corruption Prosecutor's Office (SAP). It was assumed that all three bodies would be independent in their activities. However, SAP very foundation show signs of its dependence on the General Prosecutor's Office. Firstly, SAP is a structural subdivision of the General Prosecutor's Office. Secondly, Prosecutor General plays an important role in appointing the Head of SAP<sup>102</sup>.

SAP and NAPC officials have already discredited themselves by paying themselves extra-large bonuses, which they assigned to themselves for “achievements in work”. Nazar Kholodnytskyi, Head of SAP, received a 2016 bonus of 816,000 UAH (about 27,000 Euros), which is 150 times the average monthly salary in Ukraine.<sup>103</sup> Natalia Korchak, Head of NAPC, received a bonus of 341,000 UAH (about 11,000 Euros). For that, NAPC and SAP efficiency is currently practically nil. During its activities, NAPC has not made a single decision resulting from the checking the declarations of officials.<sup>104,105</sup>

It must be noted that Artem Sytnyk, Head of NABU, has not received any bonus.<sup>106</sup> By comparison, as of the end of May 2017, NABU had sent 68 cases to court.<sup>107</sup> In its work, NABU constantly faces the opposition of other state bodies.

#### 4.2. Obstruction of NABU activities

Since starting work, NABU has opened several criminal cases against high-ranking officials, which used to be extremely rare in Ukraine (cases against Roman Nasirov, the head of the State Fiscal Service, people's deputies Mykola Martynenko and Olexander Onyschenko, and Mykhailo Okhendovskyi, head of the Central Election Commission). At the same time, signs of pressure on NABU from other law-enforcement agencies and top officials of the country began to appear.

- **Attempts to affect the formation of a commission of independent auditors**

To ensure the independence of the head of NABU, the laws of Ukraine assume a complicated procedure for his/her dismissal. In fact, unsatisfactory conclusions of independent auditors by the NABU is the only way to ensure the early resignation of the head of NABU. According to law, the commission of auditors consists of three persons delegated by the President, Prime Minister and parliament. As the coalition in

<sup>100</sup> <http://www.heritage.org/index/ranking>

<sup>101</sup> <http://www.doingbusiness.org/rankings>

<sup>102</sup> <http://www.eurointegration.com.ua/news/2015/11/5/7040382/>

<sup>103</sup> <http://index.minfin.com.ua/index/average/detail.php?2016-06>

<sup>104</sup> <http://www.bbc.com/ukrainian/press-review-39165219>

<sup>105</sup> [http://lku.org.ua/press\\_articles/672](http://lku.org.ua/press_articles/672)

<sup>106</sup> <http://www.pravda.com.ua/articles/2017/05/29/7145290/>

<sup>107</sup> <https://nabu.gov.ua/>

parliament is currently pro-presidential, there is a risk that the auditor from parliament may actually be representing the President's interests.

At the end of February 2017, a scandal erupted in parliament around the candidacy of **Nigel Brown**, who was nominated by a pro-presidential majority as a NABU auditor – in breach of parliamentary regulations. Mr. Brown's candidacy was proposed despite the recommendation from the Anti-Corruption Committee of the parliament regarding the appointment of Robert Storch (USA), who has experience in FBI audits. Civil activists and some deputies stated that Nigel Brown is a protégé of the President.<sup>108, 109, 110, 111</sup> By results of voting in the Parliament, the auditor was not elected. The issue of his/her appointment remains open.

- **Legislative obstacles to NABU activities**

On April 13, 2017, the Ukrainian Parliament passed, at the first reading, draft law No. 6220, which jeopardizes some investigations conducted by Ukrainian law-enforcement agencies, including NABU and SAP. The bill proposes some changes to the Criminal Procedure Code, according to which criminal proceedings shall be automatically closed if they are subject to a previous decision by investigating authorities regarding their closure which has not been cancelled by a court. In reality, the bill disables the reopening of criminal proceedings. Criminal proceedings against people's deputy Olexander Onyschenko, as well as the head of the State Fiscal Service, Roman Nasirov, were mentioned as examples of such cases at NABU.<sup>112</sup>

G7 ambassadors have expressed their concern over the possible adoption of the bill. They have stated that the bill poses a threat to the fight against corruption in the country.<sup>113</sup> On May 17, 2017, the Committee on Legislative Support of Law-Enforcement Activity at the Verkhovna Rada decided to postpone the review of the draft law and delay its passing to a vote in parliament.

Restrictions in available investigation methods are an important factor limiting the effectiveness of NABU activities. For more than a year, NABU has not been able to ensure the adoption of a law allowing wiretapping via internal NABU resources. At the moment, NABU can implement the wiretapping only through the Security Service of Ukraine (SBU), which creates the risk of information leakage. In May 2017, the International Monetary Fund (IMF), in its letter to the Ukrainian government, reminded them that limiting NABU capabilities conflicts with Ukraine's international obligations.<sup>114</sup> According to the Memorandum between Ukraine and the IMF, the Verkhovna Rada has to adopt a law that would extend the powers of NABU and the range of investigation methods available to NABU.<sup>115</sup>

The importance of such an investigation tool as wiretapping is evidenced by the incident which occurred in August 2016. Employees of the General Prosecutor's Office of Ukraine (GPU) visited NABU with a search warrant, while accusing NABU of illegal wiretapping (of the subjects of one of the criminal proceedings conducted by NABU).<sup>116</sup> As it turned out, the criminal proceeding involved Olexander Kolesnyk, Deputy Prosecutor of the Kyiv region.<sup>117</sup> The search was authorized by the Pechersky District Court of Kyiv city. Due to public outcry, the search was not conducted.

<sup>108</sup> <http://www.pravda.com.ua/news/2017/02/23/7136242/>

<sup>109</sup> <http://www.pravda.com.ua/articles/2017/03/17/7138444/>

<sup>110</sup> <http://www.pravda.com.ua/news/2017/02/23/7136242/>

<sup>111</sup> <http://www.pravda.com.ua/articles/2017/03/17/7138444/>

<sup>112</sup> <https://nabu.gov.ua/novyny/nabu-zaklykaye-parlamentariv-ne-pidtrymuvaty-zakonoproekt-n6220>

<sup>113</sup> <https://twitter.com/dlacedilia/status/864054808185102337>

<sup>114</sup> <http://www.eurointegration.com.ua/news/2017/05/17/7065814/>

<sup>115</sup> <http://www.pravda.com.ua/rus/news/2017/04/5/7140282/>

<sup>116</sup> <https://www.facebook.com/nabu.gov.ua/posts/1786931518219193>

<sup>117</sup> <https://www.rbc.ua/ukr/news/obyski-nabu-podrobnosti-vizita-gpu-antikorrupcionnyy-1470401338.html>



- **Criminal prosecution of NABU management**

Apart from NABU, its management also faces pressure. Shortly after the detention of Mykola Martynenko by NABU, GPU opened a criminal case against Gizo Uglava (First Deputy of Artem Sytnyk), who was charged with forgery of documents (due to his alleged dual citizenship), abuse of office, and non-payment of taxes.<sup>118</sup> Although the principle of single citizenship is fixed in the Ukrainian Constitution, Ukrainian legislation has no direct prohibition of multiple citizenship. It must be noted that, after his detention, Mr. Martynenko mentioned the existence of a “Georgian mafia” at NABU, while also expressing personal accusations against Gizo Uglava.<sup>119</sup> A criminal case was initiated on the basis of a report from the First Deputy of SBU.<sup>120</sup> According to NABU, criminal prosecution is an element of the pressure being put on NABU.

Critics of NABU complain about the lack of sentences in criminal cases conducted by NABU. In turn, Artem Sytnyk points to the Ukrainian courts as the cause of this problem: *“Our judicial system is simply paralyzed. Our cases submitted to court are not reviewed”*.<sup>121</sup>

### 4.3. Sabotage of electronic declaration reform

Top officials of the country have repeatedly stated the need to introduce a system for electronic declaration of the capital and incomes of public officials. **In fact, this process was accompanied by a strong confrontation between civil society demanding the immediate introduction of electronic declaration on the one hand, and the authorities openly sabotaging the reform on the other.**

For example, when the legislative base for electronic declarations was being adopted in February 2016, people’s deputy Vadym Denysenko from the BPP faction initiated amendments to it, which reduced the number of public officials’ relatives whose property must be declared. Also, criminal liability for the provision of false data was introduced from early 2017 only.<sup>122</sup> Besides this, attempts were made to delay the start of the electronic declaration system; when it was finally started in August 2016, it turned out that system was not certified and, therefore, had no legal effect.

Only due to unprecedented pressure from Ukrainian society and the international community was it possible to cancel the scandalous amendments and start the electronic declaration system. For example, the EU included the introduction of the electronic declaration system into its terms for waiving the visa regime with Ukraine,<sup>123</sup> while the IMF refused to provide financial assistance to Ukraine until the system was in effective operation<sup>124</sup>. However, Ukrainian authorities did not miss the opportunity for “revenge” on civil society for the introduction of electronic declarations.

- **Revenge on activists who fought for the introduction of electronic declarations**

On March 23, 2017, Verkhovna Rada of Ukraine adopted the amendments to the Law “On Prevention of Corruption”, which obliged individuals involved in anti-corruption projects (funded by donors) and their contractors to file electronic declarations.<sup>125</sup> Initially, a draft law proposed by the President proposed to cancel the filing of declarations for some military personnel. Representatives of civil society therefore did not object to it. However, in the course of parliamentary discussions, some amendments were made

<sup>118</sup> <https://www.ukrinform.ua/rubric-society/2234629-nabu-vidkrilo-svoi-provazdzena-u-vidpovid-na-rozsliduvanna-gpu-sodo-uglavi.html>

<sup>119</sup> <http://www.pravda.com.ua/news/2017/04/24/7142120/>

<sup>120</sup> <https://www.facebook.com/nabu.gov.ua/posts/1931723120406698>

<sup>121</sup> <http://www.pravda.com.ua/articles/2017/05/31/7145524/>

<sup>122</sup> <http://nikorupciji.org/2016/02/16/derzhavni-chynovnyky-ta-polityky-otrymaly-pravo-brehaty-v-deklaratsiyah/>

<sup>123</sup> <https://www.facebook.com/EUDelegationUkraine/photos/a.145962402115063.26057.126879227356714/1074356935942267/?type=3>

<sup>124</sup> <http://www.pravda.com.ua/news/2016/08/18/7118081/>

<sup>125</sup> <http://www.golos.com.ua/article/286636>

to the draft law (initiated by Tatiana Chornovol, deputy of the “People’s Front”). In fact, **anti-corruption organizations were obliged to file declarations, as they were the strongest lobby for the introduction of electronic declarations in the country – which could be regarded as an act of revenge by the authorities.**

Parliament also put forward an initiative obliging media editors and founders to file declarations; however, this amendment was withdrawn. According to the Director of the Mass Media Institute, the provided amendments still affect journalists involved in anti-corruption investigations, as most Journalistic Investigation Bureaus are registered as public organizations.<sup>126</sup>

Amendments to the law violate some norms of Ukrainian and international legislation regarding inadmissible discrimination against persons on certain grounds, as declarations have to be filed by employees of anti-corruption NGOs only.

Representatives of the EU,<sup>127</sup> USA,<sup>128</sup> Great Britain<sup>129</sup> and Canada,<sup>130</sup> as well as Ukrainian<sup>131</sup> and international human rights organizations,<sup>132,133,134</sup> have criticized the amendments to the law and called for their annulment. *“When government introduces selective mechanisms of control over citizens, it manifests the transition to authoritarianism”*, as is stated in an application from the coalition of public organizations and experts of Ukraine, the “Reanimation package of reforms”.<sup>135</sup> Twenty deputies of the European Parliament addressed an open letter to the President, Prime Minister, and Speaker of the Verkhovna Rada calling for the annulment of the adopted amendments. *“We are convinced that these innovations ... represent an unnecessary, unprecedented, and discriminatory step,”*<sup>136</sup> says the letter from the European deputies. The US Agency “USAID” suspended the funding of some programs in Ukraine in response to the adoption of the amendments.<sup>137</sup>

Despite the tough criticism from Ukrainian society and the international community, the President did not use his right to veto the law and signed it on a tight schedule (on March 27, 2017). At that, the President expressed his intention to form a working group for the review of disputable changes in legislation.<sup>138</sup>

The adopted amendments represent additional risks to the work of public organizations involved in anti-corruption activities. They may be subject to unjustified checks or searches from controlling bodies.

- **Attempts by the authorities to weaken anti-corruption legislation**

While binding the representatives of anti-corruption NGOs with the obligation to declare their capital, the authorities are trying to form legal loopholes allowing some categories of individuals to ignore the filing of electronic declarations. Thus, Anatoly Matios, head of the Military Prosecutor's Office of Ukraine, initiated a bill which proposes the filing of paper (instead of electronic) declarations by higher military officers of the Armed Forces. The bill also assumes denying access to the declarations of top officials “involved in missions protecting the interests of Ukrainian defense and security”. The bill was

<sup>126</sup> <https://www.facebook.com/oksana.romaniuk.33/posts/1368229483238639>

<sup>127</sup> <https://twitter.com/JHahnEU/status/845353211276001282>

<sup>128</sup> <https://twitter.com/USEmbassyKyiv/status/844982996088295424>

<sup>129</sup>

[https://twitter.com/JudithGoughFCO/status/845221722156683264?ref\\_src=twsrc%5Etfw&ref\\_url=http%3A%2F%2Fwww.pravda.com.ua%2Fnews%2F2017%2F03%2F24%2F7139174%2F](https://twitter.com/JudithGoughFCO/status/845221722156683264?ref_src=twsrc%5Etfw&ref_url=http%3A%2F%2Fwww.pravda.com.ua%2Fnews%2F2017%2F03%2F24%2F7139174%2F)

<sup>130</sup> <http://ua.interfax.com.ua/news/political/414430.html>

<sup>131</sup> [http://lku.org.ua/press\\_articles/652](http://lku.org.ua/press_articles/652)

<sup>132</sup> <https://www.hrw.org/news/2017/04/05/ukraine-new-law-targets-anti-corruption-activists-journalists>

<sup>133</sup> [http://www.transparency.org/news/pressrelease/proposed\\_amendments\\_to\\_a\\_law\\_that\\_targets\\_ukrainian\\_anti\\_corruption\\_groups](http://www.transparency.org/news/pressrelease/proposed_amendments_to_a_law_that_targets_ukrainian_anti_corruption_groups)

<sup>134</sup> <https://www.radiosvoboda.org/a/news/28395401.html>

<sup>135</sup> <http://rpr.org.ua/en/news/the-authorities-introduce-criminal-responsibility-for-the-participants-of-anti-corruption-rallies-we-call-on-the-president-to-prevent-the-advent-of-authoritarianism/>

<sup>136</sup> [https://humanrights.org.ua/material/20\\_deputativ\\_jevroparlamentu\\_prosjat\\_skasuvati\\_jedeklaruvannja\\_dlja\\_gromadskih\\_aktivistiv](https://humanrights.org.ua/material/20_deputativ_jevroparlamentu_prosjat_skasuvati_jedeklaruvannja_dlja_gromadskih_aktivistiv)

<sup>137</sup> <https://hromadske.ua/posts/usaaid-pryzupynyv-finansuvannia-nazk-cherez-zminy-do-e-deklaruvannia-chlen-nazk>

<sup>138</sup> <http://www.pravda.com.ua/news/2017/03/27/7139441/>

prepared with the help of representatives of the Presidential Administration, the government, the National Security and Defense Council (NSDC), SBU, and other law-enforcement agencies.<sup>139</sup>

## 5. CONCLUSIONS AND RECOMMENDATIONS

The aforementioned cases of persecution against reformers are not isolated and point to a dangerous tendency of 'tightening the nuts' on the part of the Ukrainian authorities as well as indicate their intolerance towards their direct political competitors. More than three years after the victory of the Revolution of Dignity, human rights defenders are recording shameful incidents, such as: criminal and administrative persecution, the use of physical violence, damage to property, threats, surveillance, discrediting campaigns, etc. In addition, legislative obstacles to the work of NGOs are being created.<sup>140</sup>

The methods of operation of the Yanukovych regime should not have a place in modern Ukraine. The state of an actual military conflict with Russia does not give the authorities the right to restrict civil rights and freedoms in the country. The international community should exert pressure on the Ukrainian authorities, and even resort to limiting the cooperation with the State in order to compel it to change the situation.

**The Open Dialog Foundation believes that the European states, the competent bodies of the European Union (European Parliament, European Commission), the United States, as well as the OSCE, PACE and the United Nations should present demands that the authorities of Ukraine:**

1. Adhere to the obligations assumed in the sphere of protection of human rights and fundamental freedoms.
2. Adhere to the obligations assumed in the sphere of implementation of reforms which are vital for the State; in particular, carry out the planned schedule of reforms stipulated in the Association Agreement between Ukraine and the EU.
3. Cease the practice of pullback from the reforms which are being implemented, by means of introducing dubious changes in the legislation of Ukraine.
4. Cease the practice of political persecution and harassment of pro-reform politicians, civil activists and human rights defenders; carry out a full and effective investigation into the cases of harassment and persecution, described in the report.
5. Carry out an investigation (give a legal assessment) of cases of the exertion of pressure by the SBU on journalists: Inna Kuznetsova and Natalia Sedletskaia, MP Egor Sobolev, as well as a member of 'the Anti Corruption Action Centre', Vitaly Shabunin.
6. In view of the current situation in Lviv, strictly comply with the norms of the Ukrainian legislation and obligations towards external partners in order to ensure environmental safety in Ukraine and, in particular, in the city of Lviv. In view of the current situation in Lviv, promptly consider the introduction of an environmental emergency in the city.
7. Immediately and fully abolish amendments to the Law of Ukraine 'On the Prevention of Corruption', which obliges representatives of anti-corruption NGOs to file electronic declarations.
8. Ensure a transparent procedure for appointing civil society auditors of the NABU.
9. Adopt a law extending the powers of the NABU, as stipulated in Ukraine's international obligations, in particular, a memorandum between Ukraine and the IMF.

<sup>139</sup> <https://www.facebook.com/legorSobolev/posts/10207064425968712>

<sup>140</sup> <https://www.youtube.com/watch?v=2QJuF3q3204>