

KyivPost

vol. 21, issue 11

INDEPENDENCE. COMMUNITY. TRUST

www.kyivpost.com

March 11, 2016

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Corrupt Courts Keep Crooked Judges



Protesters demand prosecution of judges who issued illegal rulings during the EuroMaidan Revolution that drove President Viktor Yanukovich from power on Feb. 21, 2014. The rally took place near the Verkhovna Rada on April 8, 2014. The protesters paraded a hanged effigy of a judge with a sign that read "I was taking bribes." Almost two years later, only eight judges have lost their jobs and three of them were restored to service by courts. (Kostyantyn Chernichuk)

BY OXANA GRYSSENKO
AND OLEG SUKHOV
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Ukraine had just finished marking the two-year anniversary of the murders of more than 100 protest-

ers during EuroMaidan Revolution, crimes that remain unpunished, when a court on March 1 decided it was too late to fire judges who made illegal rulings during the three-month uprising that toppled President Viktor Yanukovich.

The High Administrative Court

decided that judges can't be fired more than a year after the passing of the March 2014 law on the lustration of judges.

The court claimed that the law had conflicting wording. It stipulated both a one-year and a three-year deadline for the firing of judges. As a

result, the court ruled that three out of the eight judges who have been fired by the president for prosecuting EuroMaidan activists should be reinstated.

Critics say this is just another

more Judges on page 11

Fierce fight under way to replace Yatsenyuk

BY ALYONA ZHUK
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Agreement on the need to remove Arseniy Yatsenyuk is a lot easier to come by than consensus on who should replace the unpopular prime minister.

But two names keep coming to the forefront of discussions for the post: Finance Minister Natalie Jaresko and Verkhovna Rada Speaker Volodymyr Groysman.

Both dodge the question of whether they'll take the job, however, and Yatsenyuk shows no signs of wanting

more Yatsenyuk on page 2

Efforts to fire tainted officials face top-level obstruction

BY OLEG SUKHOV
SUHOV@KYIVPOST.COM

President Petro Poroshenko and other officials are sabotaging efforts to purge from positions of power corrupt officials and judges, as well as those with links to ex-President Viktor Yanukovich's regime and the Soviet Union's KGB, critics allege.

Poroshenko's spokesperson denied the charges.

While some progress has been made in removing officials tied to Yanukovich, lustration is stalling against judges, officials with undeclared property – a telltale sign of financial corruption – and others.

Officials in charge of lustration

more Lustration on page 8

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Protesters demand prosecution of judges who issued illegal rulings during the EuroMaidan Revolution that drove President Viktor Yanukovich from power on Feb. 21, 2014. The rally took place near the Verkhovna Rada on April 8, 2014. The protesters paraded a hanged effigy of a judge with a sign that read "I was taking bribes." Almost two years later, only eight judges have lost their jobs and three of them were restored to service by courts. (Kostyantyn Chernichkin)

Photo by Konstantin Chernichkin

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March 1 decided it was too late to fire judges who made illegal rulings during the three-month uprising that toppled President Viktor Yanukovich.

The High [Administrative](#) Court decided that judges can't be fired more than a year after the passing of the March 2014 law on the lustration of judges.

The court claimed that the law had conflicting wording. It stipulated both a one-year and a three-year deadline for the firing of judges. As a result, the court ruled that three out of the eight judges who have been fired by the president for prosecuting EuroMaidan activists should be reinstated.

Critics say this is just another case of **judges covering for their colleagues in Ukraine's notoriously corrupt and highly distrusted [judicial system](#).**

"The High Administrative Court chose the approach of never abandoning their own folk,"

Roman Kuybida, an expert at the Reanimation Package of Reforms, a civil [activism](#) group, told the Kyiv Post. "I don't know how they could choose this (one-year) term... I didn't really understand their motivation."



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by parliament in April 2013. In 2013, Judge Volk lost his job over this illegal ruling, but was reinstated by the courts in February. (UNIAN)

Mar. 10, 201

Editorial

Few judges fired

A total of 331 judges involved in EuroMaidan cases have been probed by the Temporary Special Commission for Inspecting Common-Jurisdiction Courts, a body set up under the lustration law to investigate judicial wrongdoing.

Brian Whit

Brian Whit

Mar. 10, 201

Op-ed

The commission has sent documents to the High Council of Justice justifying the firing of 46 of the 331 judges. The council has already approved the firing of 22 of them.

But only eight of those judges have already been fired by the president, while the Verkhovna Rada has yet to vote on firing another 10.

Euan Mac
failure of

Euan Mac

Mar. 10, 201

Op-ed

Oleksandra Drik, the head of the Civic Lustration Committee activist group, told the Kyiv Post that the chairman of parliament's law enforcement committee, Ruslan Knyazevich, is reluctant to lustrate judges and is unlikely to submit recommendations for their dismissal to parliament.

Meanwhile, 19 judges have appealed to the High Administrative Court against the High Council of Justice's decision to recommend their dismissal. The court has already ruled that six of them, including three who have already been dismissed, should remain in their jobs.

The Supreme Court, which has the final say on the matter, has yet to make a decision. However, Drik said the court is likely to rule in favor of the judges, as its head, Yaroslav Romanyuk, has repeatedly said that he is against reforming the courts.

The dismissed judges cleared by the High Administrative Court include Nelya Tsybra, who unlawfully ordered the arrest of EuroMaidan activists in Cherkasy Oblast, Vitaly Litvinov, who kept a EuroMaidan demonstrator in jail for two months and Dmytro Kravets, who ruled the police could storm the protester-held Kyiv City Hall in December 2013.

Even the head of the High Council of Justice has protested against the High Administrative Court's rulings on the three judges.

"We shouldn't keep in place a judge who sent a beaten person who was pleading for help to jail... or a judge who effectively allowed (police) to storm Kyiv City Hall," Ihor Benedysyuk, chairman of the High Council of Justice, said at a news briefing on March 4.

Delays and sabotage

The commission for checking judges has failed to make decisions on most of the 331 investigated judges, Maryna Solovyova, the secretary of the commission, told the Kyiv Post by phone.

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Both the Verkhovna Rada and the Supreme Court have been dragging their feet on appointing new representatives, she said.

Solovyova said the hobbled commission would now have to transfer its powers to the High Council of Justice, though it is not clear whether the council has the authority to consider such cases.

Ukrainian authorities also delayed the [appointment](#) of members of the High Council of Justice in 2014 and until mid-2015, which made the lustration of judges impossible. The council only gained a quorum and started working in June 2015.

Yet another blow

Another blow to the cleansing of the [court system](#) came when 25 out of the 26 members of the Council of Judges voted on March 3 against firing Zenovy Kholodnyuk, the head of the State Court Administration.

According to the Justice Ministry, Kholodnyuk has to be lustrated because he was a deputy head of the State Court Administration during the EuroMaidan Revolution.

But the Council of Judges claimed that Kholodnyuk is not subject to lustration because his [position](#) is an elected office, as he was selected by the council.

Dmytro Dymov, a deputy head of the lustration department, dismissed that reasoning as absurd, saying that Kholodnyuk's job is explicitly indicated in the lustration law and that only popularly elected offices are exempt from lustration. **Least trusted institution**

Courts were the least trusted out of all other state institutions before the 2013-2014 EuroMaidan Revolution, and they have lost even more in public support in the last two years.

A recent poll by the Democratic Initiatives Foundation showed that the number of Ukrainians who don't trust their courts rose from 72 percent in May 2013 to more than 80 percent in December 2015.

Unpunished judges

Only the president and parliament can fire a judge, in a complicated procedure that can be appealed in courts.

This makes firing a judge almost impossible.

Even Serhiy Vovk, who is infamous for presiding over the show trial of Yuriy Lutsenko, the former interior minister and now the head of the Bloc of Petro Poroshenko faction in parliament, is back at work in Kyiv's Pechersk district court. He returned to his job on Feb. 2.

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motivated.

The Prosecutor General's Office opened a criminal investigation against Vovk for issuing an unlawful ruling, but a court sent the [indictment](#) back to prosecutors in January. Vovk was suspended from office for two months due to the criminal investigation, following which he returned to his job.

Though in March 2015 parliament authorized [criminal cases](#) against Vovk and his fellow Pechersk [court judges](#) Oksana Tsarevych and Viktor Kytsyuk, the investigations have stalled.

Tsarevich and Kytsyuk are suspected of making unlawful decisions against EuroMaidan protesters. Tsarevich was suspended in March 2015 but then returned to her job in July, before being suspended again in September.

None of the three judges was detained or put under house arrest. Courts initially required Kytsyuk and Tsarevich to wear electronic bracelets, but even these were taken off last May.

Reform stalled

President Petro Poroshenko called judicial reform a No. 1 priority in 2014. But two years later, all that has been achieved is parliament's approval in February of the first reading of a highly criticized judicial reform bill.

Kuybida said judicial reform should include the creation of a new Supreme Court, the hiring of new judges for appeals courts, and the rigorous vetting of the remaining 6,000 judges of common-jurisdiction courts.

And even judges themselves admit that Ukraine's unreformed judicial system is notoriously corrupt.

"I think the corruption accusations that we hear today refer to the majority of judges," Mykola Kozyubra, a retired judge of the Constitutional Court, told the LB.ua news site last July.

He added that it's hard for professional, Western-educated judges to work in Ukraine "because the system pushes out those who don't fit into it."

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Corruption in Ukraine

Dear friends

Ukraine's grace period for tackling cronyism may have run out

Feb 13th 2016 | KIEV | From the print edition

IN TSARSKOE SELO (“Tsar’s Village”), a smart district in Kiev, Ukraine’s president, Petro Poroshenko, owns a swathe of desirable land. Across the street sits a sprawling compound belonging to Ihor Kononenko, the president’s friend and deputy head of his parliamentary faction. The two men met during their Soviet army service. After Ukraine gained independence they rose together in business and politics. Last week Ukraine’s economy minister, Aivaras Abromavicius, resigned, accusing Mr Kononenko of **obstructing reform**. Mr Abromavicius said he refused to cover for officials who, “very much like the old government, are trying to exercise control over the flow of public funds”.



Ukraine’s Maidan revolution was supposed to roll back corruption and cronyism. Mr Abromavicius, a Lithuanian-born investment banker, was one of several foreigners invited into government to change the old ways. He ran up against vested interests in the circles of both the president and the prime minister, Arseniy Yatsenyuk (pictured, being uncomfortably hoisted during a brawl in parliament). Mr Abromavicius is the second economy minister since the revolution to quit for similar reasons, and the fifth minister to resign from the current government. Western ambassadors lamented his departure. In unusually blunt language, Christine Lagarde, the head of the International Monetary Fund (IMF), threatened an end to Ukraine’s \$18 billion bail-out programme **“without a substantial new effort to invigorate governance reforms and fight corruption”**. Following Ms Lagarde’s comments, Mr Poroshenko pledged to do more.

Yuri Lutsenko, the head of Mr Poroshenko’s parliamentary bloc, says the country now faces a “full-blown political crisis”. A cabinet shake-up is inevitable. A collapse of the ruling coalition and early parliamentary elections look increasingly likely. Ukraine’s Western allies argue that

elections would be destabilising and open the door to radicals and populists. Yet an exasperated public may demand them. **At stake is Ukraine's chance of moving past its history of post-Soviet misrule.**

Mr Abromavicius's problems mounted last year after his ministry was given control over Naftogaz, the state gas firm, and the power to appoint chief executives at the 60 top state-owned enterprises (SOEs). Ukraine's SOEs exemplify the crooked relationship between business and government: interest groups in parliament install "loyal" managers who funnel cash to oligarchs and political parties. Mr Abromavicius says he was pressured to let these appointments go through. His security detail was abruptly cut off for several weeks. The "tipping point" came when Mr Kononenko demanded that he appoint a crony as his deputy minister. (Mr Kononenko declined to comment.)

Figures like Mr Kononenko abound in Ukraine's parliament; locals call them "grey cardinals" or *lyubi druzi* ("dear friends"). The lines between friends, business partners, relatives and political allies are blurred, says Mr Abromavicius, and reforms have stalled. **"It's not a technical problem, it's a political problem,"** says one foreign adviser to the government.

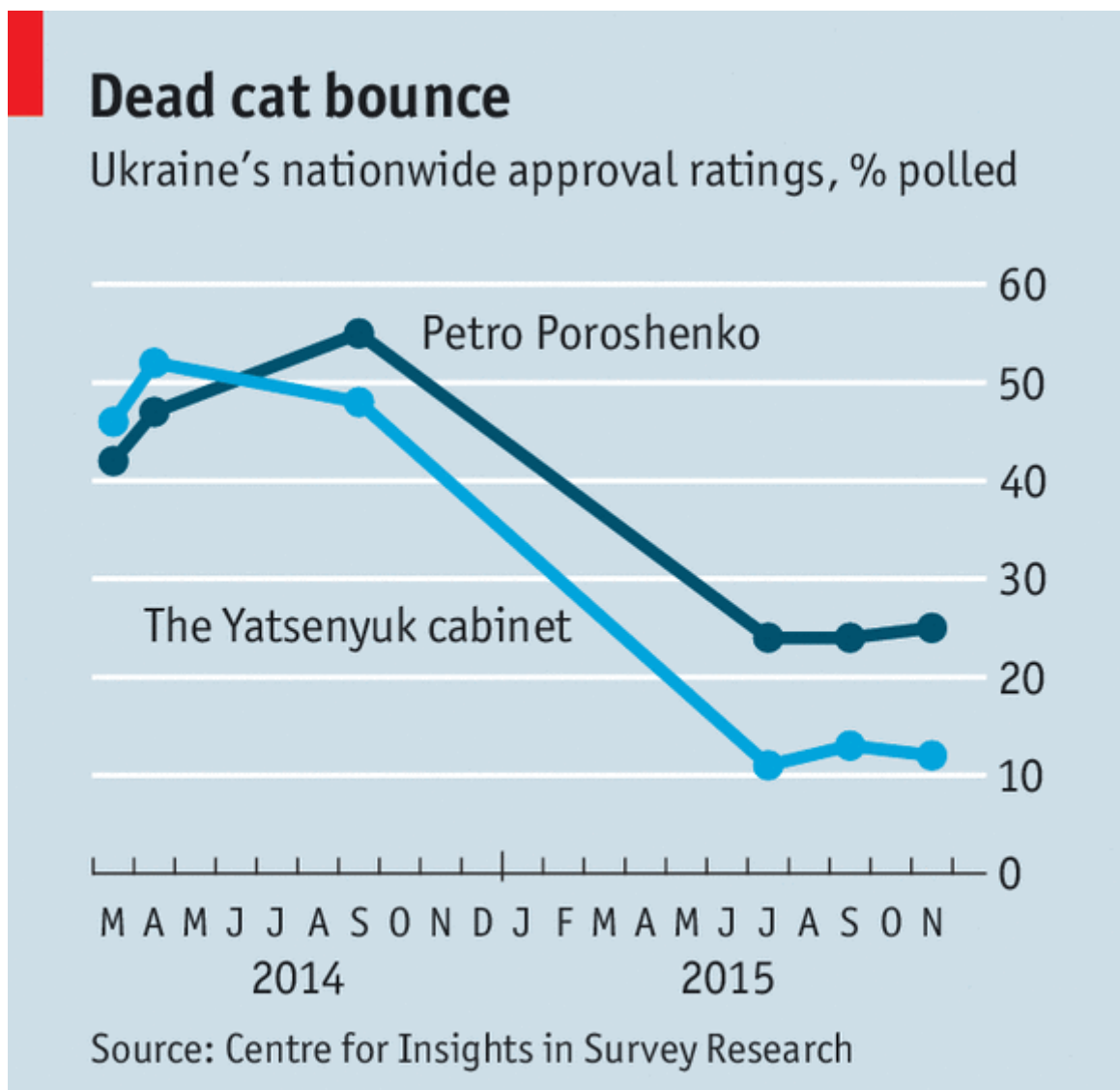
Dissatisfaction with the country's direction is rising and trust in the authorities is falling (see chart). Not a single government institution has a positive trust rating, according to the Kyiv International Institute of Sociology. Investors are worried, says Tomas Fiala, the head of Dragon Capital, Ukraine's largest investment bank. Bond yields have spiked in the past week.

On February 16th Mr Yatsenyuk is set to present his yearly progress report to parliament. A vote of no confidence may follow. Political stakeholders have been scrambling to prepare. Mr Poroshenko summoned the ambassadors of the G7 nations for a meeting, hoping to regain their trust. Mr Yatsenyuk gathered his cabinet to push for a last-ditch attempt at unity. Young reform-minded deputies are holding cross-party strategy sessions. The central bank chief summoned the heads of the top 40 banks for a dour meeting earlier this week. Western diplomats have been urging calm, concerned that instability could derail both Ukraine's reforms and the Minsk peace process. Sensing weakness in Kiev, the Kremlin may be rocking the boat: last week saw an uptick in ceasefire violations and snap drills by the Russian army along the border with Ukraine.

The crucial question is the fate of Mr Yatsenyuk, who is reviled but controls a large faction in parliament. Although he and Mr Poroshenko are partners in public, insiders say the president wants the prime minister out. About 70% of Ukrainians also want Mr Yatsenyuk gone, but there is no consensus on who should take his place. The American-born finance minister, Natalie Yaresko, is favoured by some reformers, including Mr Abromavicius, yet she has expressed no interest. Two old hands, Yulia Tymoshenko, a former prime minister, and Mikheil Saakashvili, the ex-president of Georgia who is now governor of the Odessa region, do have designs on Mr Yatsenyuk's seat.

There is a circular quality to Ukraine's reforms. Mr Poroshenko was among the *lyubi druzi* of a previous president, Viktor Yushchenko, after the 2004 Orange Revolution. This time, many had hoped that real work on reforms would begin after local elections last autumn. The opposite has

proved
true.
Mr



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Yatsenyuk has focused on saving his job, despite approval ratings in single digits. Mr Poroshenko, facing a backlash over his support for an incompetent prosecutor general, has seen his credibility steadily eroded. For some activists his failure to demand Mr Kononenko's resignation is the last straw. "R.I.P. Poroshenko," says Daria Kaleniuk, the head of Ukraine's Anti-Corruption Action Centre. "He's digging a political grave for himself and for the country."

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Biden Warns Ukraine of Backsliding on Corruption

by ASSOCIATED PRESS

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U.S. Vice President Joe Biden on Tuesday warned Ukraine against backsliding in the fight against corruption.

In a speech at the Ukrainian Parliament, Biden said Ukraine should do more to fight corruption or it will lose international support.

Biden, who has been in Kiev since Sunday, previously assured Ukraine of U.S. support and announced the release of an additional \$190 million in U.S. aid to help conduct structural reforms.

Pro-Russian President Viktor Yanukovich fled the country in February 2014 following months of anti-government protests in Kiev, largely fueled by rampant corruption.

Biden urged Ukraine to carry out painful but crucial reforms to make governance more transparent, noting that "corruption eats Ukraine like cancer."

"We saw oligarchs ousted from power, only for them to

return," Biden said. "We understand how difficult some of the votes for reforms are but they are critical for putting Ukraine back on the right path."

Biden's speech on Tuesday indicated **the West's growing impatience with Ukraine's lack of progress in reforms.**

Nearly two years after the February 2014 revolution ushered in a new government, Ukraine still has hardly embarked on judicial and police reforms.

President Petro Poroshenko has been criticized for not doing enough to fight oligarchs many of whom have remained powerful brokers and taken on roles of managing crucial eastern regions bordering on the separatist-controlled areas.

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**The
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Making Joe Biden mad as hell

Ukraine is not punishing its criminals. The West is getting tired of nagging it

Dec 12th 2015 | KIEV | From the print edition

JOSEPH BIDEN, America's folksy vice-president, is not known as an enforcer—except in Ukraine, where he has become the spearhead of American policy. This week Mr Biden made his fourth visit to Kiev since Ukraine's Maidan revolution and delivered a fiery speech in parliament, imploring the country's leaders to eradicate "the cancer of corruption". He invoked the "Heavenly Hundred", the protesters slain on Kiev's icy streets in 2014. "Their sacrifice, to put it bluntly, is now your obligation," Mr Biden roared.



Even as Mr Biden was speaking, Roman Baidovsky faced a panel of expressionless judges in a cramped courtroom halfway across town. Mr Baidovsky's 23-year-old son, Sergey, was one of the Heavenly Hundred. Sergey's killers and their superiors have yet to be punished. Incompetence has hampered the investigation, and the old guard in the security services have undermined it. Most crucially, says Taras Hatalyak of OPORA, a human rights group, "there's no political will" among the country's leaders to pursue the cases, an assessment echoed by senior Ukrainian lawenforcement officials.

When Sergey left for the protests, he told his father that "I want my kids to live in a normal country." So far, the promises of the revolution have not been fulfilled: Ukraine remains far from normal. Since the Maidan, it has run through three chief prosecutors, none of whom has closed a single case against high-level officials from former president Viktor Yanukovich's regime. Only two men have been convicted of crimes connected with the murder of protesters, both low-level foot soldiers. Key suspects have been allowed to escape. So little has been done to prosecute economic crimes that the European Union may have to lift its sanctions on ex-Ukrainian officials.

The latest prosecutor-general, Viktor Shokin, a close ally of President Petro Poroshenko, has ignored high-level corruption among the new authorities. Talk of Mr Shokin's fate dominated Mr Biden's meetings in Kiev this week. Ukrainian activists have been calling for Mr Shokin to be fired, but Mr Poroshenko has refused. An independent prosecutor would deprive him of a powerful political instrument and might expose his associates to investigation.

Attempts to create new anti-corruption institutions have encountered enormous resistance. “If they let big fish get caught, those people will start to speak,” says a Western diplomat. Selecting a special anti-corruption prosecutor, needed for the new National Anti-Corruption Bureau to start, dragged on till the last possible day, endangering Ukraine’s hopes of visa-free access to the European Union. Last week a seemingly independent candidate was picked, but only under the dual press of civil society and the West. “Many of us are feeling tired of patronising these guys and watching them all the time,” the diplomat adds.

Yet removing Mr Shokin alone would amount to little. An ongoing project to select new prosecutors will likely result in some 80% of the old guard being rehired, says Vitaly Kasko, a deputy prosecutor-general who has been at odds with Mr Shokin. “Herpes is not on the lips, it’s in the blood,” says Yulia Mostovaya, editor of *Zerkalo Nedeli*, a weekly. “We have to fight the virus, not just its symptoms.” As justice fails to materialise, many in Kiev have come to blame not just Prime Minister Arseniy Yatsenyuk, whose authority eroded earlier this year, but Mr Poroshenko as well. “The guys who came to power weren’t the ones who should have,” says Volodymyr Bondarchuk, whose father Sergiy, a high-school physics teacher, was also killed last year. “Their goals are far from the ideals of the Maidan.”

From the print edition: Europe

Auseinandersetzung im Bündnis

Steinmeier gegen Nato-Mitgliedschaft der Ukraine

Von Christiane Hoffmann

Die Ukraine will in die Nato, das Bündnis selbst ist in der Frage einer Mitgliedschaft aber gespalten. Deutschlands Außenminister Steinmeier spricht sich klar dagegen aus - Washington will die Tür offenhalten.

Bundesaußenminister Frank-Walter Steinmeier (SPD) hat dem Streben der Ukraine nach einer Mitgliedschaft in der Nato eine klare Absage erteilt. Am Freitag hatte die ukrainische Regierung in ihrem neuen Koalitionsvertrag eine Nato-Mitgliedschaft des Landes als vordringliches Ziel bezeichnet. Moskau fordert dagegen vom Westen eine Garantie, dass die Ukraine nicht Nato-Mitglied wird. "Für die Bündnisfrage gilt, was ich bereits vor Monaten gesagt habe: Ich sehe partnerschaftliche Beziehungen der Ukraine mit der Nato, aber keine Mitgliedschaft", so Steinmeier zu SPIEGEL ONLINE.

Ein Sprecher des US-Außenministeriums hatte dagegen am Freitag erklärt, Washington habe keine Einwände gegen Kiews Beitrittswunsch. "Unsere Politik ist, dass die Tür offen bleibt", sagte der Sprecher. Die Ukrainer hätten das Recht, selbst über ihre Politik zu entscheiden.

Auch eine EU-Mitgliedschaft der Ukraine hält der deutsche Außenminister auf lange Sicht nicht für realistisch. Die wirtschaftliche und **politische Modernisierung der Ukraine sei "ein Generationenprojekt"**. "Es macht deshalb heute wenig Sinn, über eine Mitgliedschaft der Ukraine in der EU in ferner Zukunft zu spekulieren", so Steinmeier. Der Außenminister mahnte die ukrainische Regierung, die notwendigen Reformen im Land endlich auf den Weg zu bringen. **"Mehr als 20 Jahre nach der staatlichen Unabhängigkeit haben es die Menschen in der Ukraine verdient, dass ihre Regierung endlich mit aller Entschlossenheit Korruption und Misswirtschaft bekämpft und wirklich Reformen an Haupt und Gliedern anpackt"**, so Steinmeier. Es gebe jetzt keine Zeit zu verlieren.

Gleichzeitig äußerte Steinmeier gegenüber dem SPIEGEL die Befürchtung, dass Moskau auch die Ostukraine dauerhaft vom Rest des Landes abspaltet. "In der Ostukraine sind die Dinge hoffentlich nicht entschieden. Ich nehme Russland beim Wort, dass es die Einheit der Ukraine nicht zerstören will", sagte Steinmeier, fügte aber hinzu: "Die Realität spricht noch eine andere Sprache."

Der Außenminister sprach sich gegenüber dem SPIEGEL vehement dafür aus, den Gesprächsfaden mit Russland nicht abreißen zu lassen und warnte vor einer unnötigen Schärfe im Dialog mit Russlands Präsidenten Wladimir Putin. "Die rhetorische Eskalation zwischen den Hauptstädten war über das Wochenende des G-20-Gipfels und danach gefährlich angeschwollen."

Kanzlerin Angela Merkel (CDU) hatte erklärt, der Westen dürfe nicht zu friedfertig sein. Steinmeier betonte allerdings, es gebe keine Meinungsverschiedenheiten mit der Kanzlerin. Solche Behauptungen seien "an den Haaren herbeigezogen".

URL:

<http://www.spiegel.de/politik/deutschland/ukraine-krise-steinmeier-gegen-nato-mitgliedschaft-der-ukraine-a-1004525.html>

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Publicity Stunts Start War On Corruption

Nov. 5, 2015, 11:15 p.m. | Ukraine — by [Oleg Sukhov](#)



Hennady Korban, leader of the Ukrop nationalist party and ally of billionaire oligarch Ihor Kolomoisky, is held in a cage in a Kyiv courtroom on Nov. 5. He is suspected of embezzlement, organized crime, kidnapping and hijacking, charges that he denies and dismisses as politically motivated. "This is just the beginning, President Petro Poroshenko vowed on Nov. 1. "Nobody is immune from prosecution for corruption." Critics have their doubts.

© (Ukrainian photo)

Several highly publicized arrests and raids are part of what President Petro Poroshenko claims is the start of a renewed law enforcement crackdown on top-level crime and corruption.

Others dismiss the recent events, however, as publicity stunts by an administration and government unwilling to surrender political control of a corrupt, subservient and ineffective judicial system.

"We don't have justice here but just a show, and as long as our prosecutor general is a puppet, the show will go on," Daria Kaleniuk, executive director of the Anti-Corruption Action Center, told the Kyiv Post.

Even Prime Minister Arseniy Yatsenyuk acknowledged the scope of the problem, saying last month that he wants all of the nation's 9,000 judges fired because "the key corruption is still in the judiciary." He also pledged to support the creation of a state investigative agency and to curb the prosecutorial powers, which he described as a "huge monster that controls everything in this country - starting with every single investigation and ending with every single investigation. This is not right."

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Money, other evidence of crime found in sea chambers of head of Kyiv Court of Appeals; wrongdoing

June 23, 2015, 1:32 p.m. | Ukraine — by [Veronika Melkozerova](#)



Anton Chernushenko

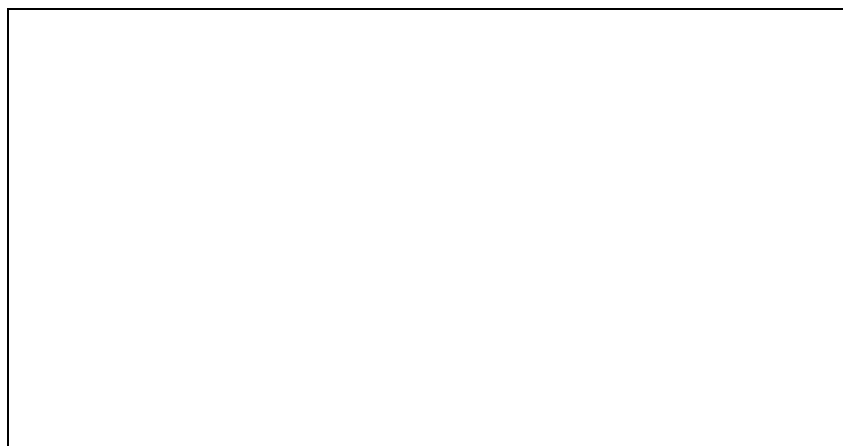
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The official video of a law enforcement search of the chambers of **Anton Chernushenko, the head of the Court of Appeals of Kyiv**, released by the General Prosecutor Office's on June 23, is cited as **a perfect illustration of how corruption works in Ukraine.**

During the search, prosecutors confiscated from the judge \$6,500, Hr 30,000, the keys to five cars (including a Mercedes, Jeep and Range Rover) registered to his relatives and cards for 14 tons worth of gasoline.

According to Ukrinform news agency, Chernushenko appeared on June 22 at a press conference and defended himself, saying the accusations against him are fabricated. "I brought Hr 25,000 because I was going to buy food supplies home after work. That day I only had one court session at 9:30 a.m. And \$6,500 I picked up because I had planned visit to the dentist and didn't know the cost of five tooth implants," the judge said. Gift cards of 14.5 tons of gasoline, according to Chernushenko, were presents from a friend, who is now abroad. "I used some cards and the rest of it I just didn't want to throw out because of a beautiful picture on them," he said.

Dmitro Chernushenko, son of the judge, told Ukrainian Pravda, that his father was detained for almost 24 hours in the Court of Appeals building. "Those people gave no comments about what is happening. And my dad said that he couldn't go out because he was blocked in his office," said Chernushenko junior on June 20.



Investigators found money, keys to luxury cars and a text message apparently instructing Anton Chernushenko, the head of the Court of Appeals of Kyiv, how to rule on a case before him.

Prosecutors showed journalists how Chernushenko refused to show investigators the document of a ruling he made as well as **money hidden in his robe.**

On the video, it can be clearly seen Chernushenko is trying to impede the investigation. At first, he refused to give access to his table, documents and other personal stuff. When the prosecution's investigator shows him a court order, Chernushenko rejects it, saying it is not authentic.

Then **the judge tried to hide something in his pockets.** Officer even had to ask him to stop.

Prosecutors have also explored Chernushenko personal messages in his mobile phone, and found texts orders from the unidentified numbers "to cancel the previous ruling," "to release under house arrest," "to reduce the bail from Hr. 30 million to Hr 500,000."

On June 22, acting Security Service of Ukraine (SBU) Head Vasyl Hrytsak accused Chernushenko of **manipulating the appellate court's computerized system of assigning court cases to judges.** The SBU is currently investigating interference in the computerized system of automatic, random assignment of cases, he said. Most courts have a single automatized system yet the appellate court developed its own with the help of a software company, Hrytsak said.

Prosecutor General Viktor Shokin told journalists on June 22 that he submitted a request to Ukraine's parliament to remove judicial immunity from

the chief judge of the Kyiv Appellate Court, Anton Chernushenko, and to arrest him. Chernushenko has declined to reveal the source of these items, Shokin said. He responded the question about where Chernushenko is now, saying the judge is watching the press briefing about his case.

Ukraine SBU corruption investigation

Is it time to scrap Ukraine's legal system and with another nation's system?

June 26, 2015, 4:05 p.m. | Ukraine — by [Brian Bonner](#)



At left, lawyer Valentyna Telychenko speaks with Eugenia Tymoshenko, daughter of ex-Prime Minister Yulia Tymochenko, and lawyer Serhiy European Court of Human Rights in Strasbourg, France, on Aug. 28, 2012.

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A number of lawyers and others who have looked at **Ukraine's archaic and dysfunctional legal system** have come to one inescapable conclusion: **It needs to be replaced with one that allows Ukraine to become a rule-of-law democracy** with a modern economy.

An incremental approach, they say, will not fix the fundamental flaws.

Irina Paliashivili, founder of the RULG Legal Group, leads a drive among law firms in Ukraine to find solutions to the legal problems, outlined in periodic “white papers,” the next version of which will be published in autumn.

Her conclusion?

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Irina Paliashvili

"Throw everything out, replace it with somebody else's laws," Paliashvili said. "Ukraine's legal system and judicial system need external management. Find the most modern system in European countries. I have no trust in the current judicial system, which is actually being reinforced as far as I can see. It's beyond fixing."

Paliashvili, who also chairs the legal committee of the U.S.-Ukraine Business Council, said that Ukraine is stuck in Soviet times in the legal sphere.

"What we have is a Soviet-based system and, on top of that piles and piles of special interest legislation of very bad quality. Over 20-something years, there have been piles and piles of these corrupt schemes incorporated in the legal system with zero care towards the people, towards the businesses," Paliashvili said. "That also explains the incomprehensible language of the legislation. When you find out why it's written so, you understand it's just another smokescreen behind another corruption scheme."

Daniel Bilak, managing partner of the CMS Cameron McKenna law firm in Kyiv, also said that he doesn't think Ukraine's government is capable of reforming from within.



Mykola Stetsenko

"It's not that we need to cancel all the laws in Ukraine and start over," Stetsenko said. "It's impossible and we don't need to do it." Stetsenko cited improvements in taxation, deregulation and steps towards "cleansing the judiciary and firing those judges who were absolutely corrupt" as signs of progress.

While Paliashvili, Bilak and Stetsenko are focused on civil law, the criminal justice system is also a mess, said Valentyna Telychenko, a Kyiv lawyer who has represented Myroslava Gongadze, the widow of slain journalist Georgiy Gongadze, and ex-Prime Minister Yulia Tymoshenko.

"The whole society is sick," Telychenko said. "We have prosecutors who had unlimited authority and judges who worked with prosecutors and who also had unlimited authority. It's very deep in our blood."

Paliashvili agreed, concluding: "During the Soviet period, whatever real justice people had in their mentality was eliminated the hard way, by throwing millions of people in the gulag and by using fake institutions and fake pretenses. In every person, there's common sense and intelligence, but this is not translated into legislation and the legal system. What we have now is totally imposed on the people. It's all the same clique. They are trying to save the system."

Here's their breakdown of some of the hot-button issues and possible solutions:

Estonia and Georgia as models: "Estonia did e-government. What they have in Estonia is much more advanced. Why not take something which is several steps forward? What Georgia can offer is an example of a successful anti-corruption fight and enforcement as well. If you combine those two examples, you will throw Ukraine into the stratosphere. It's now in the stone age," Paliashvili said.

Fewer but better – and enforced – laws are needed: “When the system doesn’t want to do something, it becomes extremely legalistic and extremely technical. The system serves (politicians) very well. It lets them do it. ‘The tapes must be original’ and ‘on this document, the corporate seal should be on the right side and not on the left side.’ Then when the system doesn’t want to see infringements, it ignores them,” Paliashvili said.

Cancelling the commercial code: Bilak and Paliashvili are among the lawyers critical of conflicting codes – civil and commercial – that regulate economic activity. They want the Soviet-style commercial code scrapped and the more progressive civil one kept.

“The simple thing is to cancel the commercial code. It’s useless,” Paliashvili said. “For corrupt judges, it’s a dream come true. If they cannot make a decision based on the civil code, they can issue one based on the commercial code. For business, it’s a nightmare. You have two fundamentally conflicting documents regulating the basis of entrepreneurial activities.”

Prosecutors: Prosecutors have too much power. “What Ukraine needs is a state prosecution service that represents the interests of the state in criminal matters,” Bilak said. “What we have is very broad investigative and oversight powers that go way beyond what a proper prosecution service in a democracy has,” Bilak said.

Impunity: Ukraine’s politicized system means innocent people go to jail and the guilty go free. “Until we see actually criminal investigations that result in trials and convictions, not much will change,” Stetsenko said.

Judges: “The current judges are basically blackmailing society, saying only they are experienced and only they know how to operate this legal system,” Paliashvili said. “If you throw out the old system, they are no longer relevant. They cannot blackmail anybody. A modern system will require new modern judges. You cannot replace one without replacing the other. Both have to go.”

On absence of jury trials: Politicians, through appointed prosecutors and others in the legal system, don’t want to give up control of who goes to jail and who goes free, irrespective of evidence. Telychenko said that General Prosecutor Viktor Shokin, while more competent than predecessors who staffed the prosecution service with political cronies, remains Soviet at core. And that doesn’t bode well for jury trials in the future. “He is absolutely sure that a judge should decide as the prosecutor says,” Telychenko said.

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Doch was bewirken Gesetze, wenn sie keiner befolgt? „Die Eliten in den Städten wehren sich“, erzählt Victor Taran von der RPR, „wir haben es mal überprüft: Gerade mal zwanzig Prozent der Gesetze sind umgesetzt worden.“

Was wollen die Reformer? Was wollen die Bürger, denen die Reformer folgen? Sie wollen freundliche Polizisten, faire Staatsanwälte und Richter, die dem Gesetz und dem Recht verantwortlich sind statt denen, die viel Geld haben; sie wollen soziale Reformen, damit keiner hungern oder frieren muss; sie wollen Renten, die ein Alter in Würde ermöglichen; sie wollen Ärzte, Schwestern und Krankenhäuser, die bezahlbar sind und jeden versorgen; sie wollen einen föderalen Staat, damit sie nicht mehr von der Gnade der Zentrale in Kiew abhängig sind. So viele Wünsche, so wenig Zeit.

Aber an erster Stelle, weit vor allen anderen Wünschen, steht: das Ende der Korruption, die wie ein Gift die gesamte Gesellschaft schwächt und am Ende lähmt. Korruption ist kein Ding allein der Mächtigen, Korruption in der Ukraine ist alltäglich: Die gute Ärztin, die vom Staat schlecht entlohnt wird, bekommt zehn Dollar von der Patientin; die Ärztin gibt dem Lehrer zehn Dollar, damit er dem Sohn gute Noten gibt; der Lehrer, der angeblich zu schnell gefahren ist, zahlt dem Polizisten zehn Dollar und so weiter. Und der Abgeordnete, der schlecht bezahlt wird, bekommt Geld von allen, die ihn benutzen wollen. Laut einer Umfrage des Kiewer Soziologie-Instituts bekannte fast die Hälfte der Befragten: Wir haben im vergangenen Jahr Schmiergeld bezahlt, Korruption ist Teil unseres Lebens.

Vorwurf trifft auch Deutschland

„Ich habe das Zehnfache verdient als Wissenschaftler“, erklärt ein Abgeordneter aus Lemberg, „ich brauche die Politik nicht.“ Aber er will helfen, dass die Ukraine ihren eigenen Weg finden und gehen kann: „Wir müssen selber unseren Weg bestimmen. Es darf nicht noch einmal geschehen, dass uns Gebiete gestohlen werden – wie die Krim, als wir keinen Präsidenten und Oberbefehlshaber hatten und keine Armee, die stark genug war. Wir dürfen uns nicht noch einmal dem internationalen Druck beugen. Wer von denen, die auf uns eingeredet haben, hat denn wirklich Russland gestoppt?“

Das ist ein Vorwurf, der auch Deutschland trifft: Warum soll die Ukraine Rücksicht nehmen auf Deutschland und seine Beziehungen zu Russland? Horst Teltschick war zu Zeiten der Wiedervereinigung Sicherheitsberater von Helmut Kohl, er erinnert sich an Gorbatschow und seine Antwort auf die Frage nach der Nato-Mitgliedschaft: Ein souveränes Land entscheidet selbst, ob es einem Bündnis angehören möchte – und wenn Ja: welchem.

(wird fortgesetzt)

Die Reportage: Die Ukraine verstehen <<http://www.thueringer-allgemeine.de/web/zgt/leben/detail/-/specific/Die-Reportage-Die-Ukraine-verstehen->