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April 7, 2017

Supreme Sham?

BY OLEG SUKHOV
and RAHIM RAHEMTULA

Ukraine's ongoing judicial reform is hailed by the nation's authorities as a major breakthrough on the road to a rule-of-law nation that fights corruption.

But civil society watchdogs following the issue say that the process lacks transparency and may turn out to be yet another cosmetic reform, with no substantial changes to courts whose 6,200 judges are widely distrusted by the public.

This scenario is also likely because Ukraine's hyped prosecution and police reforms suffered major failures in the last two years, with the old guard still dominating the corrupt, politicized and ineffective law enforcement agencies.

The judicial reform legislation passed in summer envisages recruiting a new Supreme Court through an open competition.

But experts argue that the competition is being manipulated to promote candidates loyal to the authorities, with the new Supreme Court becoming a political tool of President Petro Poroshenko, despite his denials that he is trying to influence the judiciary.

Under the reform laws, the president and parliament were supposed to be stripped of the right to appoint judges, with the High Council of Justice empowered to be the main decision maker in appointments. However, the president retained the supposedly symbolic right to appoint judges nominated by the council, and he is believed, despite his denials, to influence that body.

The reform also provided for an independent anti-corruption court, but Poroshenko has effectively rejected that idea – or at least not offered



more **Reform** on page 12

A woman walks by the statue of Lady Justice outside of Kyiv Appeal Court on April 4. (Kostyantyn Chernichkin)



Oleksiy Filatov, deputy head of the Presidential Administration in charge of judicial reform (Volodymyr Petrov)

Not happy with Ukraine's courts? Neither is Filatov

BY BRIAN BONNER
BONNER@KYIVPOST.COM

Ukrainians who won a revolution three years ago put justice high on their list of demands. They are still waiting for results.

In a nation stunted by corruption and impunity, Ukraine still has not brought anybody to justice for multibillion-dollar plunder, bank fraud, mass murders and other high crimes.

But Oleksiy Filatov, the deputy head of the Presidential Administration in charge of judicial reform, told the Kyiv Post in an interview that help is on the way. If everything goes as planned, Ukraine will have a newly constituted Supreme Court by June.

A competition is under way to choose 120 of the 200 judges who will eventually be seated, while 65 is the minimum number of judges needed to make the Supreme Court functional, Filatov said. Ukraine has so many Supreme Court members because they include four specialized higher appeals, or cassation, courts that last year heard at least 170,000 cases, he said. Overall, the nation has 6,200 working judges.

"I believe the new Supreme Court will be far better than any court we had before," Filatov said. "And if we are successful at forming this Supreme Court then we can count on dramatic change in the whole judicial system."

more **Filatov** on page 10

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Hr 27.15 to \$1
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Halyna Krasikova (out of picture) shows the scars from shrapnel wounds on the back of her partner, Ruslan Dubitsky. Despite Dubitsky being severely wounded during fighting in Luhansk Oblast in September 2014, he is still struggling to receive the status of a disabled war veteran, and the benefits to which he is entitled. (Anastasia Vlasova)

Donbas veteran, back from war, faces fight for benefits

BY OKSANA GRYTSENKO
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POLTIYIVKA, Ukraine — In the third year of Russia's war against Ukraine, social benefits for war veterans are often distributed based on one's connections, not battlefield past.

Ruslan Dubitsky has been trying to register as a disabled war veteran for more than two years.

Back in September 2014, he was wounded by mortar fire when serving near the town of Novosvitlivka in

Luhansk Oblast as a member of the Aidar volunteer battalion, one of the unofficial military units that fought alongside the Ukrainian army in the first months of the Russian-instigated war in eastern Ukraine.

Under shellfire, Dubitsky, now 39, was evacuated by helicopter to a military hospital in Kharkiv, where doctors removed two large pieces of shrapnel from his back and diagnosed serious concussion.

He was sent to recuperate first in Lviv, and then Kyiv, before he ended up in Potiyivka in Zhytomyr Oblast.

But his wounds refused to heal, and his psychological trauma worsened. After his wife left him, Dubitsky, a former welder, ended up in a mental clinic with alcohol problems.

To add to his despair, Dubitsky's legal status has been his trouble for over two years. Having got a serious spine injury on battlefield, he is entitled to a status of a disabled war veteran, which gives rather large privileges and state aid.

In July 2016, Dubitsky finally received the status of combat participant, which gives some privileges. But the coveted status of a disabled war veteran is still out of his reach due to a bureaucratic loop: The only place where he can get the last document on his list, a military hospital, won't issue it because Dubitsky isn't with military currently.

But the procedure wasn't this tangled for all former fighters.

Anatoliy Naumenko, a police general, had it much easier.

At the beginning of the conflict in the Donbas, Naumenko, now 46, was declared the "people's police head" by separatists in Luhansk at a rally next to the Luhansk Oblast police headquarters on April 29, 2014.

Naumenko later said he hadn't known about the separatists declaring him their police chief and never cooperated with them.

In late May, Naumenko moved to government-controlled Svatovo in Luhansk Oblast, leaving behind dozens of police officers under his command, who were stormed, disarmed and humiliated by the separatist crowd at Luhansk police headquarters.

In March 2015, Naumenko applied for the status of combat participant, but received a refusal from the inter-departmental commission after he failed to show where he had fought.

But soon after that, Andriy Mamalyga, one of the commission's members, said he had met with Naumenko in Luhansk Oblast, and discovered that Naumenko received the combat participant status after all — from a special police commission.

More than 290,000 soldiers have already received the status of combat participants, the state service on veterans reported in March. It is issued not only to actual fighters, but also to all the law enforcers — including prosecutors, State Security Service officers and police — who served in the areas near the front line.

Mamalyga believes that at least one-third of the ones who received the status and the privileges it entails didn't in fact deserve it. Mamalyga said that about 26 prosecutors from Donetsk Oblast had received the status of combat participants early in 2015.

"Officials get all the papers in good time and get all the required stamps on them, while regular soldiers often suffer because of the negligence of their commanders," said Mamalyga, a lawyer and a war veteran himself.

Hellish paperwork

This is exactly what happened to Dubitsky.

Sergiy Melnychuk, Aidar's former commander and now a lawmaker, said he didn't remember Dubitsky being in his unit. Dubitsky's name was also missing from the Aidar battalion's rolls.

However, Dubitsky's new life partner Halyna Krasikova, whom he met during the rehabilitation, managed to find his name on a list of Ukrainian soldiers posted on a separatists' website, along with names

more War on page 15



Putin-backed dictator kills his own people with chemical weapons

A Syrian child receives treatment at a hospital in Khan Sheikhun in the northwestern Syrian Idlib province, following an attack on April 4. A suspected chemical attack killed at least 58 civilians including several children in the rebel-held area of northwestern Syria, a monitor said, with the opposition accusing the government and demanding a United Nations investigation. (AFP)

European Parliament OKs visa-free travel for Ukraine

BY VERONIKA MELKOZEROVA
and ALYONA ZHUK
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It's taken nine years of negotiations, a series of painful decisions and one pro-Western revolution, but Ukraine is nearly there.

The European Parliament voted for visa-free travel for Ukraine during a session in Strasbourg on April 6. A total of 521 of its 751 members supported the decision.

While this is just the latest stage in granting Ukrainians the ability to visit most EU countries without having to apply for visas, it's also one of the last.

It's also a blow against Russian President Vladimir Putin, and his Kremlin regime's aim to keep Ukraine in a tight orbit around Moscow.

"(The vote) is a strong signal to the aggressor (Russia) that Ukraine is on its way back to the European family," Ivanna Klymush-Tsintsadze, the deputy prime minister of Ukraine on European Integration, said on April 6.

Now only a few more formalities remain for the visa-free travel to come in effect. The decision has to be formally approved by the European Union's Council of Ministers, and then published in the EU Official Journal. The visa exemption will enter into force 20 days after its official publication.

EU lawmakers had a tense debate about Ukraine on April 5. But by the evening of that day, the parliament press service reported that most parliamentarians supported the decision to enable Ukrainians to travel to European Union countries visa-free. Ukrainians who have biometric passports will be allowed to visit the countries of the Schengen Area for a period of 90 days every 180 days.

Dmytro Kuleba, the permanent representative of Ukraine to the Council of Europe, told the Kyiv Post on April 6 that the European Parliament vote was seen as failure of Russia's long-term campaign to discredit Ukraine in Europe.

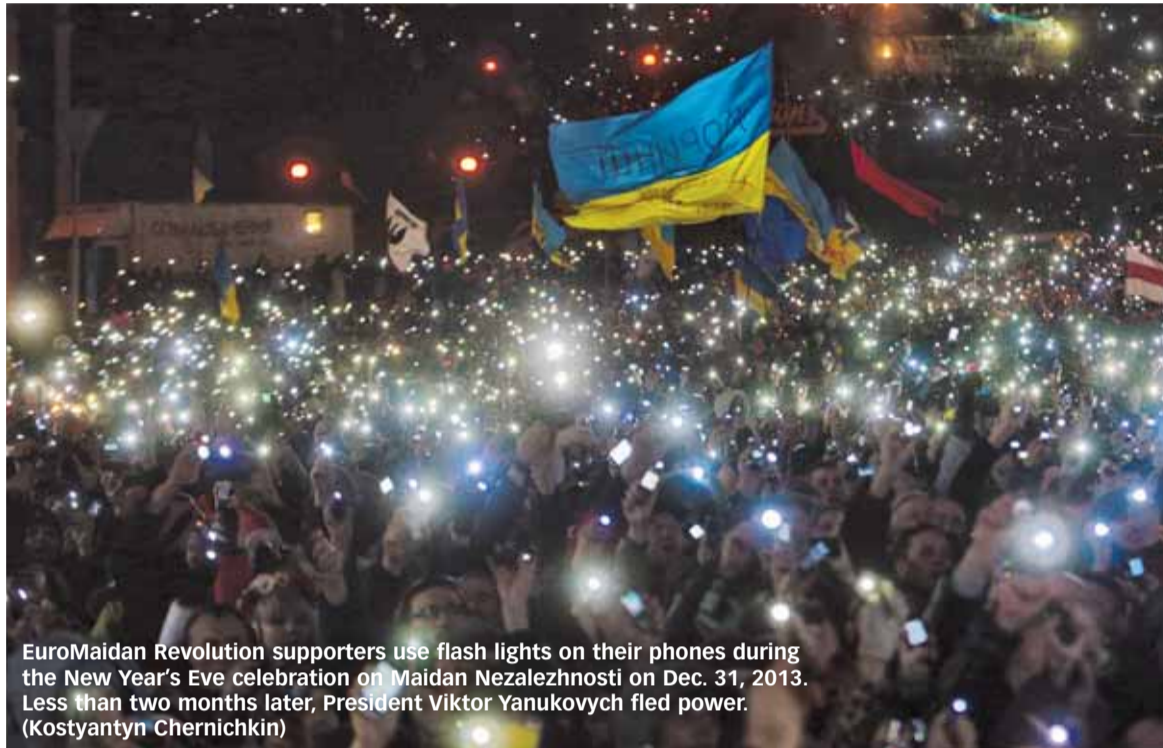
Visa liberalization was approved by 521 parliamentarians, while 75 voted against. According to the voting list obtained by the Kyiv Post, the lawmakers that opposed the move were mostly from Euroskeptic and conservative political groups in the parliament, such as European United Left/Nordic Green Left, Europe of Freedom and Direct Democracy and others.

"Furthermore, yesterday (on April 5) one of the members of the European Parliament told me that visa-free travel is a well-earned victory for Ukraine, and great smack down for Russia," Kuleba said.

There was a false fire alarm in the EU Parliament building just before the debates on the Ukrainian issue on April 5. The members of the European Parliament were forced to leave the building.

"Some of them even joked that Russia's FSB Federal Security Service was trying to block visa-free travel for Ukraine," Kuleba said.

Visa liberalization for Ukraine will deliver greater freedom and more



EuroMaidan Revolution supporters use flash lights on their phones during the New Year's Eve celebration on Maidan Nezalezhnosti on Dec. 31, 2013. Less than two months later, President Viktor Yanukovich fled power. (Kostyantyn Chernichkin)

shared opportunities, said Rebecca Harms, a member of Greens Party in the European Parliament, and a firm supporter of Ukraine.

"It is a long-awaited and overdue step for Ukraine, which sends a strong signal: we belong together," Harms said in the official statement on her website.

The European Parliament's decision was praised in Ukraine.

"The European Parliament, which represents the will of the majority of the citizens of the EU member states, has finally come to believe in the message we brought to the EuroMaidan Revolution in 2013: that Ukraine is Europe. Together we are able to achieve the goals and change the country," Klymush-Tsintsadze wrote on Facebook.

Hard-earned recognition

Ukraine started its hard path towards the European integration back in 2008, when now ousted ex-President Viktor Yanukovich was prime minister.

The EU-Ukraine dialogue on visa liberalization was officially launched in October 2008, and the Visa Liberalization Action Plan was presented to the Ukrainian authorities in November 2010.

In particular, the visa liberalization depended on: significant improvements in the level of document security, including biometrics; strengthening of border and migration management and asylum policy; reforms and cooperation in the area of public order and security, including legislation on preventing and fighting corruption and establishment of a single and independent anti-corruption agency; addressing external relations issues, including human rights and fundamental freedoms.

But during the EU Vilnius summit in Lithuania on Nov. 29, 2013, then-President Yanukovich refused to sign the Association Agreement with EU, blaming the Russian economic pressure on Ukraine, as well as the inadequacy of the financial assistance offered by the EU to

counter this pressure. It looked like Ukrainians' chance to obtain visa-free travel to the EU had also been lost.

It was then that investigative journalist Mustafa Nayyem, now a lawmaker with President Petro Poroshenko's Bloc in parliament,

called on Ukrainians to protest, starting the EuroMaidan Revolution.

"I think without EuroMaidan we wouldn't get such result," Nayyem told the Kyiv Post on April 6.

Change continues

European Parliament rapporteur

Mariya Gabriel confirmed on April 6 that Ukraine has fulfilled all EU requirements to obtain visa-free travel.

According to Harms, the reforms that Ukraine has undertaken to date are deeply impressive, especially considering the war forced on the country by Putin.

"This process of change must continue. The efforts to combat corruption and create trust in state institutions remain of central importance," Harms added.

Hanna Hopko, an independent member of Ukraine's parliament who chairs the Verkhovna Rada's foreign affairs committee, says that the visa-free regime would also be a signal to foreign investors, as with this move the European Union acknowledges a certain level of stability and security in Ukraine. This is a joint victory for both Ukraine and the EU, Hopko wrote on Facebook.

"This means that Ukraine is comparable to neighboring countries in central Europe," she said.

And Michal Boni, a Polish lawmaker in the European Parliament, said after the debates on April 5 that visa-free travel was not a gift to Ukrainians, "but the result of Ukrainians' fight against corruption, and reforms in a time of war." ■

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Editorials

Euroblindness

The European Broadcasting Union's extraordinary letter of March 23 to Prime Minister Volodymyr Groysman, asking him to reverse a three-year Ukraine entry ban on Russian Eurovision Song Contest entry Yulia Samoylova, exemplifies the prevailing lack of respect for the nation's sovereignty and statehood.

Samoylova was banned for illegally entering the country. The fact that she broke Ukrainian law is uncontested: She toured Russian-annexed Crimea back in 2015, entering it from Russia.

Yet in her letter to Groysman, EBU Director General Ingrid Deltenre, with breathtaking arrogance and hypocrisy, not only presumes that the rule of law is so weak in Ukraine that the prime minister can ignore it at her behest, she also, incredibly, complains that Ukraine's SBU security service did not consult the union before issuing the ban on Samoylova.

In a situation in which the United Kingdom, France or Germany had banned a person that had broken their laws, would Deltenre expect these countries to agree their actions with the EBU? Of course not.

Adding insult to idiocy, Deltenre goes on to threaten that the EBU might exclude Ukraine from future events if it does not reverse the ban on Samoylova. She claims several EBU members are threatening to pull out of the competition due to the ban on Russia's entry.

Only one country has said publicly it might pull out of Eurovision - Russia, which has been waging a three-year war against Ukraine that has killed 10,000 people. It's no song-and-dance contest.

Next, she says that the EBU is becoming "increasingly frustrated, in fact angry, that this year's competition is being used as a tool in the ongoing confrontation between the Russian Federation and Ukraine."

But what she does not say is Russia caused this problem. Their last-minute pick of Samoylova entry was cynically calculated to cause a scandal. Not only did they pick someone who had broken Ukrainian law by illegally entering the country, they chose a disabled artist to mock this year's Eurovision slogan "Celebrate Diversity," by forcing Ukraine to uphold a legal ban against a disabled person from entering the country.

If anyone politicized Eurovision, it is the Kremlin. Instead of bullying Ukraine, a nation that fights for its survival every day, the EBU should be taking strong action against Russia, the real villain.

Putin the outlaw

Many in the West are looking for reasons to toughen their sanctions against Russia, while countering Kremlin's disdain for international law, its disinformation campaigns and its blatant interference in democracies.

There's any number of reasons to get tougher on dictator Vladimir Putin. The West should cast aside its caution and unite around vice-like economic sanctions, including a broader ban on Russian financial transactions abroad, trade and technology transfers. Ukraine must follow suit.

Why? The chemical weapon attacks on April 4 killing dozens of civilians, including children, launched by Syria's dictator Bashar al-Assad are reason enough. Assad would not be in power today without the backing of his fellow dictator in the Kremlin.

Western democracies, while working slowly and facing internal disagreements, are moving in the right direction. U.S. President Donald J. Trump, despite all his faults, has the right instincts in seeking to bolster American defenses by \$54 billion. NATO is showing signs of revival as its 28 members move closer to spending 2 percent of national gross domestic product on defense.

The sooner that Putin is out of power, the better it will be for the world, including Russians. His successor will likely not be a democrat, but we haven't lost faith yet that democracy will ultimately prevail in Russia.

Credible investigations have shown that Putin started his reign of terror in 1999 by bombing his own people, killing children sleeping in their own beds in apartment buildings. The aim was to whip up frenzy that led to his carpet-bomb destruction of the rebellious Chechen province.

Putin's terror, though on a vastly smaller scale than Joseph Stalin, continues today with the unpunished murders of whistleblowers, journalists and anyone else who dares criticize him and his kleptocracy.

As far as Ukraine goes, Putin has never considered Ukraine to be an independent nation. Ukrainians will never surrender their country. But the nation should be able to count on more help from the West than it is currently getting to win this bloody war and regain its lost territory.



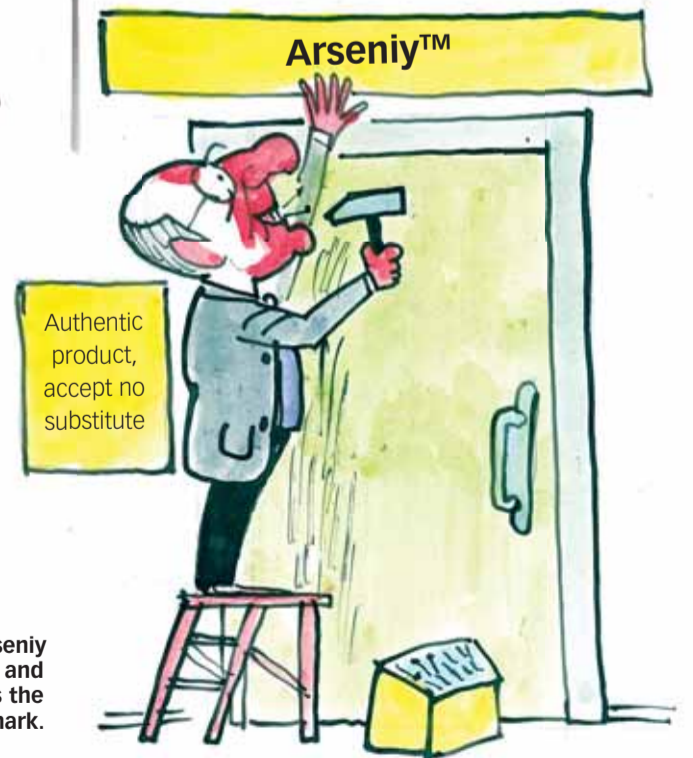
NEWS ITEM: The International Monetary Fund approved a \$1 billion loan installment to Ukraine on April 3, part of its \$17.5 billion bailout through 2018. The tranche came with warnings by the IMF, led by Christine Lagarde, that Ukraine under President Petro Poroshenko must do more to tackle corruption and gets its fiscal house in order.



NEWS ITEM: According to business records obtained by the Associated Press, Paul Manafort, a former campaign manager of U.S. President Donald J. Trump, in 2006 signed a \$10-million-a-year contract with a Russian oligarch to promote the interests of Russian President Vladimir Putin. The report added to evidence of unsettling links between the Trump team and Russia.



NEWS ITEM: A blind man with a guide dog was denied entrance to Kyiv metro on April 2. The metro only allows larger dogs when they are in a cage or a portable kennel. And it turns out there is no exception for guide dogs.



NEWS ITEM: When ex-Prime Minister Arseniy Yatsenyuk filed his declaration of income and assets for 2016, it emerged that he owns the rights to "Arseniy" as a registered trademark.

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Reformer of the week

Taras Shevchenko

Taras Shevchenko, the head of Ukrainian Centre for Democracy and Rule of Law think tank, has been selected as one of this year's 16 Yale World Fellows. He will attend the U.S. university on a four-month academic and leadership training program.

Shevchenko, 40, who also co-chairs the board of the Reanimation Package of Reforms activists' group, is the fourth Yale World Fellow to be selected from Ukraine since the program was launched in 2002.

"We at the Reanimation Package of Reforms have been working on changes for our country for the last three years. We have been unable to achieve many things," he said. "I hope that my new experience will be useful for reforming the country."

Shevchenko said he wanted to join the program because it was among the best in the world. He is now looking forward to attending Yale's program, which each year invites a group of mid-career professionals from different fields and countries for an intensive four-month period of academic enrichment and leadership training.

Shevchenko has been involved in drafting numerous legislative acts, including legislation on access to public information. He has launched successful civic initiatives in various areas including good governance, transparency, media self-regulation, anti-tobacco, and road safety.

— Alyona Zhuk



Anti-reformer of the week

Artur Gerasimov

Lawmaker Artur Gerasimov on April 3 became the head of the Bloc of Petro Poroshenko parliamentary faction, exposing the extent to which the president is co-opting controversial ex-loyalists of his predecessor Viktor Yanukovich.

In 2012, Gerasimov ran as a representative of Luhansk Oblast-based businessman Serhiy Shakhov's team for a parliamentary seat in Donetsk Oblast, but lost. Shakhov is a notorious former ally of Yanukovich and his prosecutor general, Viktor Pshonka.

Meanwhile, Kremlin-backed separatist leader Igor Bezler claims that he used to be head of Gerasimov's security in 2012. "Artur used to spend nights at my house and talk to me on the balcony about parliament's insider information," Bezler said on April 3. "We went to Yalta for an economic forum and spent a night in one hotel room there."

Volodymyr Poddubny, a former political associate of Shakhov and Gerasimov, has confirmed this. But Gerasimov has claimed that Bezler had never been head of his security but had only worked as a driver for him for a week.

Gerasimov co-heads Donbas, a charity, with Oleh Nedava, a Poroshenko Bloc lawmaker and close associate of Yanukovich ally Yury Ivanyushchenko.

Last year Mykola Chaus, a judge accused of having ties to Poroshenko and his protégés, took Ivanyushchenko, a suspect in a graft case, off the wanted list. The Ivanyushchenko case was closed in February by the Supreme Court.

— Oleg Sukhov



VOX populi

WITH MARIA ROMANENKO

After a year, is Volodymyr Groysman better as prime minister than his predecessor, Arseniy Yatsenyuk?



Halyna Gurska, retiree

"I don't like either of them. They're all chasing wealth, but they've got enough money already, and now they should just concentrate on the wellbeing of the nation."

now they should just concentrate on the wellbeing of the nation."



Oleksandr Manovitsky, company CEO

"Yatsenyuk was somewhat adventurous, Groysman is more thoughtful. But the recent doubling of the minimum wage was not a wise decision in my opinion; it just led to higher inflation and higher taxes for private entrepreneurs. I believe that Groysman's intentions are not evil, but his words and actions can be a little contradictory."

ful. But the recent doubling of the minimum wage was not a wise decision in my opinion; it just led to higher inflation and higher taxes for private entrepreneurs. I believe that Groysman's intentions are not evil, but his words and actions can be a little contradictory."



Alla Tkachenko, retiree

"Neither of them appeals to me really. When Groysman took the position he promised not to raise utility bill tariffs, but he didn't stick to his promises."

not to raise utility bill tariffs, but he didn't stick to his promises."



Bohdan Kotovych, lawyer

"Both Yatsenyuk and Groysman are very clever, which is a nice change from (Viktor) Yanukovich times. Of course, everybody still steals, and the whole system needs to be changed. But I am pro-evolution, not revolution."

from (Viktor) Yanukovich times. Of course, everybody still steals, and the whole system needs to be changed. But I am pro-evolution, not revolution."



Oleg Humen, leatherworker and furrier

"I don't really know how the work of a prime minister affects young people. Looking at their personal qualities, I like Groysman a little better. He is younger and tougher. Yatsenyuk was more politically correct."

at their personal qualities, I like Groysman a little better. He is younger and tougher. Yatsenyuk was more politically correct."



Yulia Tkachuk, student

"It is the whole government I'm not satisfied with, and the state that the country is in."

"It is the whole government I'm not satisfied with, and the state that the country is in."

Ukraine's Friend & Foe Of The Week

Editor's Note: This feature separates Ukraine's friends from its enemies. The Order of Yaroslav the Wise has been given since 1995 for distinguished service to the nation. It is named after the Kyivan Rus leader from 1019-1054, when the medieval empire reached its zenith. The Order of Lenin was the highest decoration bestowed by the Soviet Union, whose demise Russian President Vladimir Putin mourns. It is named after Vladimir Lenin, whose corpse still rots on the Kremlin's Red Square, 100 years after the October Revolution he led.



Rex Tillerson

Only a couple of weeks ago, I had U.S. Secretary of State Rex Tillerson penciled in as Ukraine's foe of the week.

He remains suspect for his opposition to sanctions against Russia while he served as ExxonMobil CEO, as well as his pursuit of a \$500 billion oil deal in Russia. He also unwisely accepted the Order of Friendship from Russian dictator Vladimir Putin.

But he redeemed himself at NATO headquarters in Brussels, Belgium, on March 31, during a meeting of the NATO-Ukraine Commission. Some excerpts of his powerful statement: "Today, Russia's ongoing hostility and occupation is compromising our shared vision of a Europe that is whole, free, and at peace."

"American and NATO support for Ukraine remains steadfast."

"We do not, and will not, accept Russian efforts to change the borders of the territory of Ukraine."

"We will continue to hold Russia accountable to its Minsk commitments. The United States sanctions

will remain until Moscow reverses the actions that triggered our sanctions.

"The OSCE must be able to fulfill its mandate which included monitoring throughout the conflict zone and to the international border. And Russia must understand there is no basis to move forward on the political aspects of the Minsk agreements until there is visible, verifiable and irreversible improvement in the security situation."

"Crimea-related sanctions must remain in place until Russia returns control of the peninsula to Ukraine."

"The U.S. continues to urge Ukraine to redouble its efforts to implement challenging reforms,

including uprooting corruption, increasing transparency in the judicial system, strengthening the banking sector, and pursuing corporate governance reform and the privatization of state-owned enterprises. We must continue to support Ukraine on its reform path."

"It serves no purpose for Ukraine to fight for its body in Donbas if it loses its soul to corruption. Anti-corruption institutions must be supported, resourced, and defended."

"Even in the face of ongoing Russian aggression, Ukraine is committed to an ambitious effort to reform and modernize its armed forces according to NATO standards by 2020," he said, citing \$600 million in U.S. security assistance to Ukraine since 2014.

These were powerful words. Could they signal a tougher stance on Russia under U.S. President Donald J. Trump? His position on supplying Ukraine with defensive weapons, refused by ex-U.S. President Barack Obama, will be telling.

— Brian Bonner

— Brian Bonner



Eleftherios Synadinos

As Ukrainians celebrated on April 6 another milestone on the long road to winning visa-free travel to the European Union — a vote in favor of an EU-Ukraine visa-free regime by the European Parliament — there were only a few grumbling voices of dissent against the move.

One of those voices was that of Eleftherios Synadinos, a Greek member of the European Parliament, who spoke against, and voted against, giving Ukrainians greater freedom to travel in Europe.

"In Ukraine, (former) President (Viktor) Yanukovich was ousted, and now Nazis are in power, Nazis, who came (to power) through revolution," Synadinos said during the debate. "How can you provide a visa-free regime to a country where there is no democracy?"

As a member of the European Parliament, Synadinos must surely be well aware of the true situation in Ukraine, where Nazis are of course not in power, where there have been free and fair presidential and parliamentary elections since

the EuroMaidan Revolution, and where support for far-right parties is amongst the lowest in Europe.

So why was he spouting such nonsense in the august chamber of the European Parliament? Why does it sound like his speech could have been written in the Kremlin?

Well, it turns out that Synadinos probably knows a fair amount about Nazis, coming as he does from Greece's Golden Dawn party, a far-right, nationalist, racist and xenophobic group.

Members of Golden Dawn, which is rooted in a movement that wanted to see a restoration of the right-wing military junta that ruled Greece from 1967 to 1974 (Synadinos is himself a former soldier), have been involved in hate crimes against immigrants, political opponents, homosexuals and ethnic minorities. The party's symbols were reported to have been found scrawled on four vandalized Jewish sites, including a synagogue and a cemetery.

So far, so fascist. But added to that, Golden Dawn also has Kremlin connections that go back to 1996, when representatives of the party attended a conference of far-right parties in Moscow. The Kremlin, as is known, has long been chumming up to extremist, Euroskeptic, far-right parties. U.S. authorities also suspect some European far-right parties, Golden Dawn among them, might also be clandestinely funded by the Kremlin. Could that be why Synadinos so readily parrots Moscow's propaganda?

Maybe. But for his insulting, anti-Ukrainian comments on April 6 alone, the Order of Lenin this week goes to Synadinos, a true far-right friend of Ukraine's biggest foe.

— Euan MacDonald



Order of Lenin



Order of Yaroslav The Wise

Poroshenko makes a historic mistake



SERGIJ
LESHCHENKO

*Editor's Note: This is the English-language translation of an op-ed by Ukrainian member of parliament Sergii Leshchenko, originally published in the March 31 edition of *Novoye Vremya* news magazine. It is republished with the author's permission.*

By trying to suppress the public's drive to root out corruption, Ukrainian President Petro Poroshenko is making a historic mistake. Ukrainians, who have already driven one thieving president from power, will only increase their demands for honest government.

Poroshenko is used to using somebody else's hands to do his dirty work. He attempted to install Nigel Brown, whom Bankova wants to take the role of auditor of the National Anti-Corruption Bureau of Ukraine, under the quota of the parliament (the executive, legislative and the president can each nominate a NABU auditor).

To bring public organizations under control, the manually controlled parliament majority voted in the Verkhovna Rada for amendments to the law on electronic declarations. What just happened is in line with other developments seen throughout the year.

Over this time, the SBU state security service, the Prosecutor General's Office and the National Agency for the Prevention of Corruption have



Anti-corruption activists animal costumes hold posters protesting the attempt by President Petro Poroshenko to appoint British citizen Nigel Brown as auditor of the National Anti-Corruption Bureau of Ukraine. Demonstrators fear Brown's appointment will curtail the independence of the agency. (Volodymyr Petrov)

turned into a troika for pursuing political vendettas, while the corrupt courts hand out indulgences to various odious figures, like exiled ex-member of parliament Yuriy Ivanushchenko, one of fugitive ex-President Viktor Yanukovich's closest ally.

Act of revenge

In a country where a creeping act of revenge by corrupt officials is going on, only one person is pretending that he's above it all – Poroshenko.

But the president's attempt to pretend he's whiter-than-white is ridiculous. The public sees it as his responsibility to fight corruption. But instead of leading this crusade, Bankova is looking for ways to break the backbone of the only independent anti-corruption body – the National Anti-Corruption Bureau of Ukraine. Poroshenko, as an "accidental president" who was in the right place at the right time, has still has not resolved his basic conflict of

interest: is he a businessman or a statesman?

Nasirov case

The bombshells from the investigation conducted by the anti-corruption bureau are exploding closer and closer to Bankova. The administration was unable to prevent the arrest of State Fiscal Service head Roman Nasirov, and a new salvo is expected – a case against ex-member of parliament Mykola Martynenko, a valued comrade of both Poroshenko and former Prime Minister Arseniy Yatsenyuk. A case investigating whether Martynenko received kickbacks to his Swiss bank account as part of contracts for state energy company Energoatom has been opened by the special prosecutor's office.

Nigel Brown

The zeal with which Bankova has tried to push Nigel Brown into the role of hooded executioner of the NABU is obscene. So is the result of this zealotry – three failed parliament votes within a month. The failure to get things done reduces the legitimacy of the president. Neither the authority of the government nor the pressure of the siloviki (politicians from the security services), nor their boundless corrupt collusion could gather the 226 votes required. And this indicates that the president is unable to get his dirty work done for him.

Similarly, he was unable to protect Nasirov – neither in the Feofania VIP hospital, nor in Kyiv's Solomenskiy District Court. The desire of the head of state to control everything has a downside – the emperor is rapidly being disrobed.

Poroshenko fears not only civil activists but also a lot of politicians. Unable to achieve the appointment of "his men" or protect his accomplices, the president is becoming a lame duck, which will inevitably lead to his agenda being ignored. This is reminiscent of third President Viktor Yushchenko's administration in its time of decline, when he was unable to secure even the appointment of a foreign minister or prosecutor general, sacrificing much and gaining nothing.

Groysman conflict

One of the manifestations of this falling away of the vestiges of presidential authority is the barely noticeable, but rapidly developing conflict between Poroshenko and Prime Minister Volodymyr Groysman.

This former Vinnytsia mayor has refused to head the Bloc of Petro Poroshenko Party, and "forgot" to warn Poroshenko that he was raising the minimum wage to Hr 3,200. The president, playing catch-up, had to record a televised address in order to prevent Groysman being able to bask in the glory by himself.

Groysman did not allow Bankova to appoint his first deputy prime minister, Serhiy Bilan, as a replacement for Nasirov, putting forward instead his ally, Myroslav Prodan, as the new head of the State Fiscal Service. It's got to the point of absurdity: When the administration learns of the prime minister's plans to hold a roundtable with businessmen, it schedules an analogous meeting headed by the president. And, unlike Yatsenyuk, who served as the president's lightning rod for unpopularity, Groysman is perceived as part of the political power of the president, and Poroshenko is held responsible for the failures of the government.

Attacks on anti-corruption efforts have taken place around the world.

In Italy, in 1993, attempts were made by the government of Giuliano Amato to replace criminal penalties for corruption with fines, which prompted public protests and a veto by the president. This year, a similar scheme was attempted in Romania – and 250,000 people took to the streets to thwart it.

More developing countries are featured as evidence of the fact that revelations of corruption are changing the political landscape. Social media have made the world more transparent, and information exchange is swift. This is the main protection of anti-corruption activists. Their voice is audible even in semi-authoritarian countries, as is proved by Alexei Navalny in Russia.

So Poroshenko, in trying to hold back the tide of public anti-corruption sentiment, is making a historic mistake. Our society, which has already driven out one thieving president, will only increase its demand for honest government. And society will inevitably win. ■

World
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Poroshenko's coming crackdown on Ukraine's corruption fighters

DARIA KALENIUK



Editor's Note: The following op-ed was originally published by the Atlantic Council in Washington, D.C. It has been edited for space reasons.

President Petro Poroshenko's new restrictions on anticorruption groups are appalling and threaten to reverse progress that Ukraine has made since the Euromaidan Revolution prompted Viktor Yanukovich to flee power on Feb. 22, 2014.

Some analysts who defend the new law have got the details all wrong. Others have sounded the alarm, but the fine points of the regulations remain murky.

On March 27, Poroshenko signed an amendment that makes anticorruption activists subject to the same asset declarations as politicians and public officials. Asset disclosure for public officials is a common international anticorruption practice. The logic is simple: public officials wield state power and are paid by taxpayers from the state budget; therefore taxpayers should have oversight over their earnings and spending. In Ukraine, the new amendment enables the authorities to control the assets of activists, who serve as government watchdogs.

Selective law

Even worse, the new law is selective. It applies only to anticorruption groups, specifically, persons who "receive funds or assets as part of implementation in Ukraine of programs of technical or other assistance in the sphere of prevention, combating corruption (both directly and through third parties...)." This vague wording means that it may apply to subcontractors of anticorruption NGOs, including landlords, printing houses and water suppliers. It also applies to all development organizations and their international staff that "systematically" work on anticorruption projects.

Chillingly, the new law also applies to investigative journalists who expose corruption. Most investigative journalists in the country are funded by technical assistance and receive remuneration from NGOs.

Foreign board members will be included in the dragnet as well. Many NGOs in Ukraine have a mix of Ukrainian and foreign board members to provide oversight and strategic direction. The law requires "individuals who are the heads or members of executive boards, or other governing bodies of the NGOs...that are involved in activities linked to prevention or combating of corruption" to submit e-declarations.

The law gives discretion to the controlling and investigative agencies to decide what qualifies as technical assistance and who is performing anticorruption activities. The penalties are serious: those who fail to submit e-declarations and/or provide false statements are liable to adminis-

trative and criminal responsibility and could land in prison for two years.

Passed by parliament on March 23, activists have already been required to report information about purchases and income over \$3,000. The law obligates anticorruption activists and their subcontractors to submit e-declarations in 2018, but this information should reflect all asset changes from March to December 2017. It also stipulates that anticorruption NGOs and individuals who receive funding from them must provide specific information about financial payments upon the request of any interested party.

'Burdensome'

There are numerous problems with Ukraine's new regulations. For one, they violate international standards, which prohibit "excessively burdensome or costly reporting obligations" on civil society. The Council of Europe emphasizes that "all reporting and inspection of NGOs shall be subject to a duty to respect the legitimate privacy of donors, beneficiaries and staff, as well as the right to protect legitimate business confidentiality."

Second, Ukraine already adheres to the Council of Europe's Fundamental Principles on the Status of Non-Governmental Organizations in Europe. NGOs submit monthly, quarterly, and annual tax reports to state authorities. All NGOs in Ukraine are subject to inspection. Moreover, all NGOs receiving funding from international donors provide regular programmatic and financial reports to donors. Finally, many organizations voluntarily undergo an external annual audit and publish programmatic and financial reports online. For example, my organization, the Anti-Corruption Action Center, lists its donors on our website.

By enacting this law, Ukraine is joining the ranks of those countries which severely restrict NGOs.

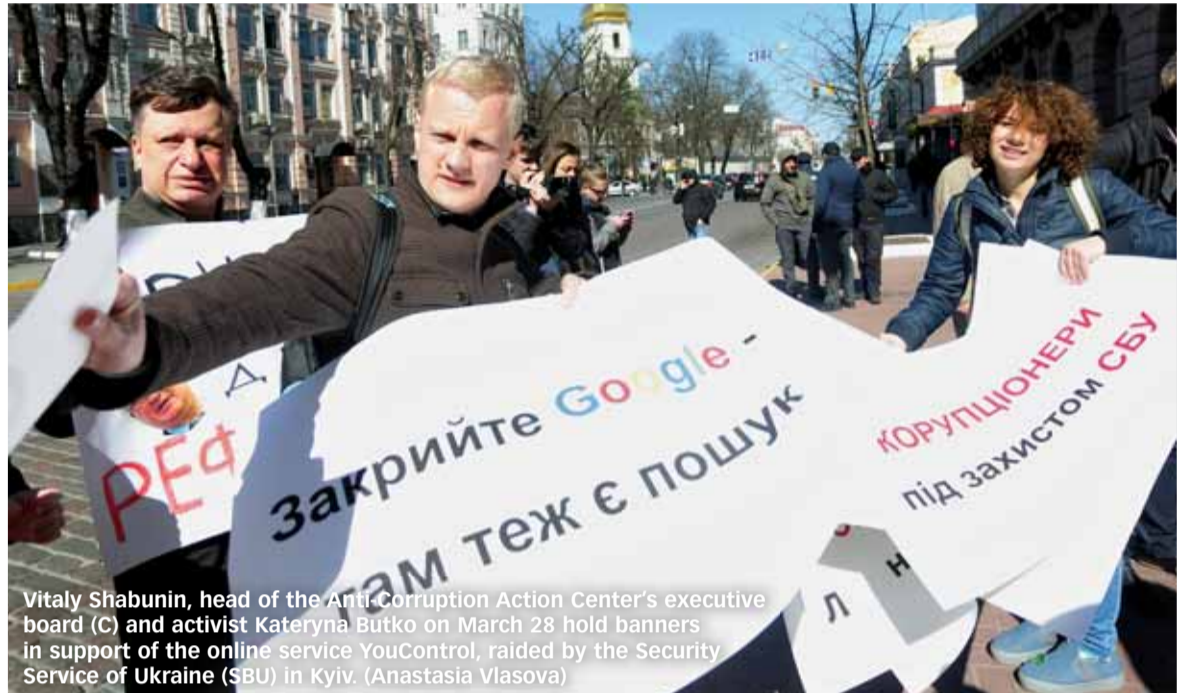
Poroshenko said he wanted to amend the e-declaration law so that it exempted low-level soldiers. However, in the drafting process, MPs proposed language that expanded the law to include anticorruption activists, which was presented as a move to increase transparency and accountability. MPs from the president's bloc almost unanimously supported it. An initiative like this doesn't happen without the president's blessing.

While Poroshenko said that he is not satisfied with the law, he told us he couldn't veto it as he has to protect soldiers. He suggested the creation of a working group to resolve any remaining issues. But if the president is not satisfied with the law, he can easily initiate legislation to fix the problem. After all, his bloc has the largest faction in parliament.

It is clear that the government's crafty strategy behind the working group is not a genuine offer; it's an attempt to deescalate the controversy into a never-ending debate about the need for increasing transparency of the third sector.

Talking points

The Presidential Administration prepared talking points for its spokesmen. They smear anticorruption



Vitaly Shabunin, head of the Anti-Corruption Action Center's executive board (C) and activist Kateryna Butko on March 28 hold banners in support of the online service YouControl, raided by the Security Service of Ukraine (SBU) in Kyiv. (Anastasia Vlasova)

activists for receiving big salaries and compare watchdog activities with lobbyists. The real question is why anticorruption activists are treated like lobbyists, while huge business groups and their representatives are not.

The guidance also compares Ukraine's new law with requirements in the United States for NGOs to report details about salaries of key management. The fact is that NGOs in Ukraine are already obligated to report such information to the state. There are, however, crucial differences between the laws. US law applies to legal entities, while in Ukraine the law applies to individuals. US law pertains to all NGOs, but not so in Ukraine, where it pertains only to NGOs focused on anticorruption. US law requires the disclosure of top NGO salaries; in Ukraine, all activists must disclose their assets and expenditures as well as those of their family members.

The key problem with this law is that the president wants to use it to discredit watchdogs and complicate our work.

Fragile progress

Since the Euromaidan Revolution, Ukraine's major anti-corruption achievements have been a result of constant pressure from NGOs and foreign partners. We often had to force the government to go along. Setting up e-declarations for public officials, establishing the National Anti-Corruption Bureau of Ukraine, making information from state registries on property public, enhancing transparency of public procurement, improving asset recovery legislation were all steps Ukraine took to fulfill IMF and EU requirements, and ones that we pressed hard for.

Ukraine is set to receive a number of benefits for its progress. On April 6, the European Parliament will vote to grant Ukraine visa-free status. In addition, the IMF just approved its next \$1 billion loan tranche, which was conditioned on anticorruption deliverables. The EU is transferring 600 million euros of microfinancial assistance, also linked to anticorruption requirements.

After Ukraine gets these carrots, nothing will prevent the authorities from using their new law in full force against us. Without civil society's watchful eye, Ukraine's anticorruption reforms will become no more than checkmarks in forgotten reports of the EU, IMF and other international partners. Mark my words: There will be an orchestrated campaign to smear and discredit anticorruption

activists and attempts to intimidate us through selective investigations and prosecutions.

We will keep at it. We will fight this tooth and nail. But the question remains: Will anyone in the West stand up for us and for the dignity of all Ukrainians?

Daria Kaleniuk is the executive director of the Anti-Corruption Action Center in Kyiv. ■

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Tax complaints dominate 2016 work of ombudsman

BY JOSH KOVENSKY
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Algirdas Semeta can't declare victory yet in improving Ukraine's business climate, but he is racking up victories.

The Lithuanian Semeta has for two years been Ukraine's business ombudsman, directing an internationally financed and state-endorsed team that resolves disputes between government and the private sector.

Semeta has recovered nearly Hry 6 billion (\$220 million) from the government on behalf of aggrieved businesses in 2016 alone, according to a report released April 6.

But there are limitations, given the extent of Ukraine's endemic corruption and his mainly advisory powers. In the latest report, covering 2016, it comes as no surprise that almost half of the 868 complaints received were about tax issues.

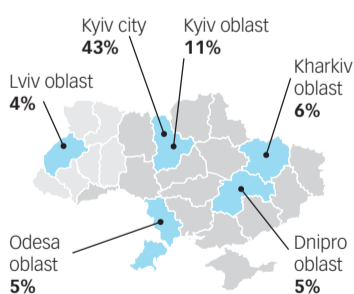
"Our recommendations should also lead to systemic changes within the (tax) service," Semeta said, adding that Ukrainian authorities "most-ly address our recommendations on a case-by-case basis."

Semeta wants to see the office

Ukraine's Business Ombudsman Council results in 2016

868
complaints
received in 2016

- 49% about tax issues
- 8% deficiencies in regulatory framework
- 8% actions of state regulators
- 7% local council/municipalities
- 5% customs issues



117
cases closed with
recommendations

570
closed cases

283
cases closed
with action
taken

170
cases
discontinued

Source: www.boi.org.ua

Ukraine's business ombudsman received 868 complaints in 2016, a 33 percent increase from 2015.

go deeper in helping government officials act in ways that trigger fewer complaints. Officials, he said, need to put "more emphasis on the implementation of our systemic recommendations."

Almost 8 in 10 complaints come from Ukrainian businesses rather than foreign-owned ones.

The business ombudsman council is funded by a consortium of 11 countries through a European Bank of Reconstruction and Development-managed account, to the tune of TK annually. It employs 23 people in its Kyiv office with an annual budget of \$1.6 million.

Recalcitrant officials

Ihor Chereszynski, an Odesa candy importer, is among those who sought help from Semeta. Chereszynski said he was assessed an extra Hry 10,000 (\$370) in tax payments that he didn't owe.

"It's not about the amount of money, it was the principle of it," Chereszynski told the Kyiv Post, noting that due to the devaluation of the hryvnia, the amount he was owed changed from \$1,300 to \$370.

Chereszynski spent three years in court fighting the tax authority over the issue before he filed a complaint with the ombudsman. The team resolved the issue and got his money returned within a week, Chereszynski said.

The candy importer was pleased, but also wants deeper results.

"The system works so that whoever made the decision is not punished," he said. He said he wanted tax officials who took the money to be fired "to set a precedent," but were not successful.

Semeta is nonetheless satisfied that most of his recommendations are being implemented by government, while more businesspeople are turning to his team for help.

The office has also signed memoranda of cooperation with five separate Ukrainian state agencies over the past year: the Ministry of the Environment and Natural Resources, the Kyiv City State Administration, the National Police, the National Agency for the Prevention of Corruption, and the National Anti-Corruption Bureau, or NABU.

Semeta said that in cases where oligarchs or other private businesspeople appear to be manipulating government agencies to pressure rival businesses, he sends the cases to the NABU. He said that there were around 10 such cases, calling some of them a "work in progress."

Political football

Much of the ombudsman's work is generated by complaints concerning the State Fiscal Service. The report said that 49 percent of complaints received were tax related.

"We get some complaints that we think we should not get," Semeta said, adding that VAT refunds and the improper use of the electronic tax administration rank near the top of complaints from the business



Ukraine Business Ombudsman Algirdas Semeta speaks at a Kyiv Post CEO Breakfast on June 17. Across from Semeta is ex-State Fiscal Service Chief Roman Nasirov, who Semeta voted against while serving on a committee that selected Ukraine's tax chief. Nasirov faces corruption charges he denies. (Kostyantyn Chernichkin)

community. From 2015 to 2016, the amount of fiscal service-related complaints more than doubled, from 206 in 2015 to 426 in 2016.

"I think if the tax authorities acted properly, such complaints would not come to us," he added.

The State Fiscal Service has been a political football, with different political factions jockeying for control over the institution as the Western business community and foreign lenders call for it to be dismantled and rebuilt into an entirely new service. Some want tax collection split from customs.

And many people believe the recent establishment of an online VAT registry will increase transparency and reduce corruption in this area.

Much of the criticism of the organization has focused on its recently deposed chief, Roman Nasirov, who is currently under investigation by the NABU for allegedly giving former parliamentarian Oleksandr

Onyshchenko illegal tax exemptions. He has been removed as the Finance Ministry seeks to restore its control over the service.

Semeta said that he served on a selection committee for the tax chief in 2015.

"I voted for a different person," the ombudsman said, grinning.

But Semeta noted that the State Fiscal Service complied with most of the ombudsman's recommendations.

"I think that (Nasirov) sent a signal through the system so that actually authorities at the local level, the regional level, have to really carefully address the issues that we submit," Semeta said.

Nasirov lauded the business ombudsman in a December interview with the Kyiv Post. When asked why there were near-constant complaints against his office, Nasirov said, "you need to talk to the business ombudsmen to understand that we resolved 80 to 85 percent of those complaints that they received"

But Semeta said that while Nasirov had resolved issues on a case-by-case basis, there were few systemic shifts. "They could do much better in systemically changing the office" to improve accountability, he said.

Local offices

More complaints are coming from municipalities, a shift that Semeta calls a "side effect of decentralization."

"As local authorities get more and more powers, and if those powers are not properly used, that creates problems for businesses, and businesses have started to complain more about the activities of local authorities," he said. He added: "In each region which I visit, the first question is, 'when you will create a local office?'"

Semeta said that the organization got its latest funding approved three weeks ago. It does not include funding for regional offices.

However, the ombudsman's work will be extended for another three years, with funding to hire more investigators.

While the business ombudsman takes up the need for transparency, especially in Ukraine's public sector, Semeta refuses to say how much he and his staff are paid.

Semeta, who served as Lithuania's finance minister from 1997 to 1999 and from 2008 to 2009, said that when he first arrived, Ukraine reminded him of Lithuania in the 1990s. He added that in spite of impressive achievements, more work needs to be done – and faster.

"That explains why the population is not extremely happy about the state of reforms," Semeta said. "But for me the most important thing is that the direction doesn't change." ■



Roman Nasirov, chief of Ukraine's State Fiscal Service, sits during a hearing at the Kyiv Court of Appeal on March 13 as a soldier stands guard in the foreground. (Volodymyr Petrov)

Asters scores big win in alleged price-fixing case

BY BRIAN BONNER
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Those seeking reasons to be optimistic about Ukraine's judicial system can rejoice: Justice prevailed, or so ruled the High Commercial Court of Ukraine, the likely final arbiter in a dispute between the state Antimonopoly Committee of Ukraine and ACNielsen Ukraine, a market research firm.

Those whose view of Ukraine's judicial system is grounded in starker realities, however, will also have many reasons to confirm their opinions:

- This case lasted six years, starting during ousted President Viktor Yanukovich's tenure and living on – Frankenstein-style – into the Petro Poroshenko era, until the final court ruling on March 2;
- No credible evidence was presented to support the state's allegations;
- Heavy fines were threatened with the prospect of tougher sanctions if the accused fought the charges in court; and
- Even for the winning side, thousands of dollars in legal fees and hundreds of work hours were expended.

In the end, after making two trips up and down Ukraine's tortuous court system, High Commercial Court judges ruled against the Antimonopoly Committee, which claimed in 2011 that 18 major retailers colluded to fix prices to gouge consumers.

Cases go on

The ruling should effectively end the civil lawsuit against ACNielsen Ukraine, a local division of the global firm that specializes in market research, information and analysis. But no one knows for sure, said Alexey Pustovit, an Asters law firm partner who represented AC Nielsen Ukraine.

Several of the other retailers accused of price-fixing collusion must still defend themselves in court unless they reach a settlement with the state. But their cases will be bolstered by the High Commercial Court of Ukraine decision.

The defendants in the case are a who's who of famous brands where Ukrainians shop for food and other products every day: Metro Cash & Carry, Fora, Fozzy, Auchan, Billa, Furshet, ATB and 11 others.

But the accused took their own separate paths.

According to a status update provided by Asters:

- ATB, Fora and Auchan won their cases;
- The cases against Fozzy, Metro Cash & Carry, Novus Ukraine, Foodmarket, Billa and two entities of Furshet are pending; and
- Adventis, Krai-2, Travers Market, Mepromag, SPAR-Center, Food-Center, X5 Retail Group and EKO either did not appeal the fines imposed – ranging from Hr 100,000 to Hr 4.6 million – or they lost.

How it started

The allegations started in 2011 from a Yanukovich-era head of the Antimonopoly Committee.

Mykola Barash was the acting head of the Antimonopoly Committee of Ukraine from 2012–2015, leading the case in its early stages as director of its investigative department from 2011–2012. He is now a lawyer with Sergii Koziaikov and Partners in Kyiv. Parliament voted on March 25, 2014 to fire his predecessor, Vasyl Tsushko, who had headed the agency since 2010.

The current head of the state agency is Yuriy Terentyev.

'A farce'

One of the more prominent businesses accused, Metro Cash & Carry Ukraine, was ordered to pay a €100 million fine. In an interview with the Kyiv Post two years ago, country CEO Martin Schumacher called the allegations "a farce" and the case "a fabrication." He vowed to fight to the end in court.

Yanukovich-era pattern

The case is similar to so many others during the Yanukovich kleptocracy from 2010–2014: A state body launches an investigation, criminal charges or a civil lawsuit are filed or threatened while an exorbitant fine

A customer shops in a Metro Cash & Carry Ukraine supermarket on Nov. 18, 2015, in Kyiv. The retailer is among 18 accused by the Antimonopoly Committee of Ukraine of price fixing, allegations denied by the defendants. A High Commercial Court of Ukraine ruling in favor of one of the accused, marking firm ACNielsen Ukraine, may put an end to the cases. (Kostyantyn Chernichkin)



Asters law firm partner Alexey Pustovit

is demanded from the besieged businesses. In the end, usually a lower fine got negotiated and paid. Part of the money ended up in the pockets of state officials as kickbacks.

"This is how it looked from the beginning," Pustovit told the Kyiv Post. "We spoke to all the retailers, we spoke to the authorities. Actually, we had a good working relationship with the authorities at that time. Nobody could explain why this case evolved into such a massive thing."

Pustovit said his client, ACNielsen Ukraine, was accused after state investigators learned that the firm supplied market data to some of the

accused retailers – that is, after all, the firm's job. But Pustovit said that the firm had no professional contact with at least half of the defendants.

No collusion proved

"Authorities could not prove collusion," Pustovit said. "Not all the respondents in the case cooperated with Nielsen. This did not stop the authorities."

Pustovit said that the faulty premise was that, since food prices were rising, monopolies must have been to blame. Every economist "would say that to establish a cartel among" so many players "is practically impossible," Pustovit said. But publicity about the case struck a popular chord with consumers paying the higher prices.

"During the case investigation, the authorities ignored all the defendants' submitted respondents," Pustovit said. "Whatever you submitted, their response was: 'This is not persuasive, let's just ignore it.' Nielsen and most of the respondents were not heard. The authorities behaved in an absolute matter."

Lesson: fight

In December 2014, the state agency

concluded its investigation and said it would decide. Pustovit said he questioned the nine board members about whether they had read the material submitted by the accused. He was greeted with silence.

In April 2015, the Antimonopoly Committee issued its ruling against ACNielsen Ukraine, triggering the court hearings that culminated with the March 2 vindication. In the committee's ruling, Pustovit said the authorities ordered ACNielsen to discontinue illegal practices without specifying. "How can you discontinue illegal operations if you don't have in the decision of the authorities what is legal and what is illegal?" Pustovit asked.

He thinks the authorities are trapped into continuing the cases against the others because so much time and resources have gone into the accusations. But he doubts the state will prevail, especially if they defend their interests vigorously. And that may be one of the most important lessons of the case: Fight back if you're right and have the resources to do so.

The authorities "did not expect most of defendants would go to court," Pustovit said. ■

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Judicial reform's point man says better times coming

Filatov from page 1

For starters, the new Supreme Court judges will be paid Hr 200,000 (\$7,381) monthly – a respectable income designed to discourage bribery.

The judges will have been chosen by the High Qualification Commission of Judges, which consists of no appointees of fugitive ex-President Viktor Yanukovich, ousted on Feb. 22, 2014, by the EuroMaidan Revolution, to Filatov's knowledge.

And, through advisory bodies such as the Public Integrity Council, the selection process is transparent, Filatov said.

"We managed to make the rules of the competition as transparent as possible, even though we were criticized by the Council of Europe for having this competition too open, with too much participation by civil society. We managed to engage civil society to the extent nobody did," he insisted.

But Filatov's contention is disputed. For example, the selecting commission was supposed to publish online dossiers detailing the professional background, income and education of all candidates. To Filatov's

knowledge, the dossiers have been made public. Watchdog nongovernmental organizations say they haven't – and those that have been made public are heavily redacted.

Moreover, while the selection process was open to lawyers and legal scholars in a bid to inject fresh talent into the courts, 78 percent of the 382 applicants were judges – casting doubt about how "new" and trustworthy the next Supreme Court will be.

No anti-corruption court

Even Filatov admitted that the new Supreme Court – even if consisting of top-notch legal minds with the highest integrity – won't be enough.

The prosecutors, police, investigators, judges and defense attorneys who make up the legal system operate as "interconnected vessels," Filatov said. "If you have dirty water in one of them, it's inevitable it will make the water dirty in all the other vessels."

And Ukraine's got plenty of dirty water.

"I am not satisfied at all with what his happening in the judiciary in general," Filatov said. "The general level in the judiciary is not satisfactory.

President Petro Poroshenko's 3 objectives for judicial reform from March 22 Judicial Reform Council meeting

1 "To ensure independence of courts, independence from the political pressure. That is why we have abolished the function of the president and the Verkhovna Rada in the formation of the judicial corps to ensure this independence."

2 Responsibility of courts and judges.

3 "Renew the judicial branch of power."

Ukraine is "at the final stage of establishing the new Supreme Court," Poroshenko said. "I am really hopeful that the new Supreme Court will soon start working to defend the right of Ukrainians to a fair trial. Society has an opportunity to control, as the key thing I expect is trust in the new Supreme Court and restoration of public confidence in the judicial power ... We are speaking of a country with the rule of law, not the rule of crowd."

The general level of the prosecution is still not satisfactory. All together, this makes an average criminal case have bad prospects. If there is a good defense lawyer, the prosecutor would not get a guilty verdict."

Others have an even harsher view. Besides the unreformed courts, Ukrainian law enforcement agencies such as the Interior Ministry, the Security Service of Ukraine and the General Prosecutor's Office remain largely politicized, corrupt, ineffective and widely distrusted.

While new anti-corruption agencies have been established, they are understaffed compared to the tradi-

tional institutions and, even worse, they run into the same old discredited judges when trying to move cases through courts.

That's why many Ukrainian reformers long ago called for the creation of a special anti-corruption court until the nation can restore public trust in the traditional institutions.

But creation of an anti-corruption court has stalled in the face of obstruction, inertia and disagreements. President Petro Poroshenko has yet to submit to parliament the administration's proposal for such a court.

Reformist members of parliament

such as Sergii Leshchenko and Yehor Soboliev believe that foreigners should preside over cases chosen for their gravity, but their proposed version faces opposition from the administration.

"My personal opinion is that we should have this court in place," Filatov said. "The anti-corruption court can only build upon the fundamentals we put in place."

The delays are taking place, he said, because the constitution first had to be amended, a law on the status of the judiciary had to be passed, a new supervisory High Council of Justice had to be chosen and changes had to be made to the legal powers of prosecutors.

Without these revisions, he said, a new anti-corruption court could not function.

"Our intention was to give up drafting to NGOs (nongovernmental organizations)," Filatov said. "Unfortunately, the draft law was not satisfactory." He proposes a working group of experts to find agreement followed by a competition to select judges to "put this court in place."

In other words, the establishment

more Filatov on page 15

Judicial reform

THE SUPREME COURT

The highest court in the judicial system of Ukraine, which ensures the consistency and the unity of case law

- Delivers justice:**
 - As the court of cassation instance
 - As first instance court or appellate court in cases determined by procedural law
- Ensures uniform application of law by courts**
- Other powers**
 - Conducts the analysis of court statistics and summarizes the case law
 - Provides opinions on draft laws regarding judicial system
 - Provides opinions on issues regarding impeachment and submits a proposal to the Parliament (following its request) to dismiss the President from his/her office in case of his/her inability to perform duties due to the health reasons
 - Applies to the Constitutional Court of Ukraine regarding the constitutionality of laws and other regulations, as well as regarding the official interpretation of the Constitution

Conditions required to launch the Supreme Court's work

- Not later than in 5 days since the appointment of the 65th judge: Appointment of at least 65 judges in result of a contest
- Establishing steering committee
- 30-day term: Convocation of the Supreme Court Plenum
- A decision of the Supreme Court's Plenum to launch the Supreme Court is published at the official website of the Ukrainian judiciary and in the official Ukrainian Parliament bulletin "Holos Ukrainy"
- Not later than in 10 days after launch the Supreme Court: Judges of each cassation court hold meetings to solve issues of their internal activities and election of judges to the Grand Chamber of the Supreme Court

ADMINISTRATIVE CASSATION COURT 30 JUDGES

CRIMINAL CASSATION COURT 30 JUDGES

COMMERCIAL CASSATION COURT 30 JUDGES

CIVIL CASSATION COURT 30 JUDGES

GRAND CHAMBER OF THE SUPREME COURT

When fully appointed, Ukraine's Supreme Court envisions 200 judges who are the ultimate law of the land through its grand chamber. The four cassation courts act as higher appeals courts to lower court rulings. (Presidential Administration)

No progress in creating an anti-corruption court for big cases

Filatov from page 14

of any anti-corruption court with special powers remains a distant dream for Ukrainians even as impunity continues to flourish.

Critics want the anti-corruption court to be truly independent, instead of subordinate to the Ukrainian Supreme Court. But the constitution prohibits such extraordinary powers, he said, making the Supreme Court the highest law in the land.

'Let's see the results...'

The president, especially, but also the parliament have great influence by appointing commission members who choose the Supreme Court, raising the perennial question of political interference.

But Filatov rejects the premise.

"What makes you think that Poroshenko controls the Supreme Court?" he asked. "We are at now at a stage when Ukrainians don't trust each other. There is certain political influence on the court system. The question is what is the extent of the political influence and does it interfere with properly executed justice. Political dependence has been one of the biggest problems in Ukrainian judiciary since long ago," he said. "We are yet to see the results. The High Council of Justice was just recently reset, according to the new rules. The new Supreme Court is selected in a way to minimize political influence on the judges. Let's see the results of the processes. Then we'll be able to judge whether this process was successful or not. Then we will see whether there's public trust or not."

Private practice past

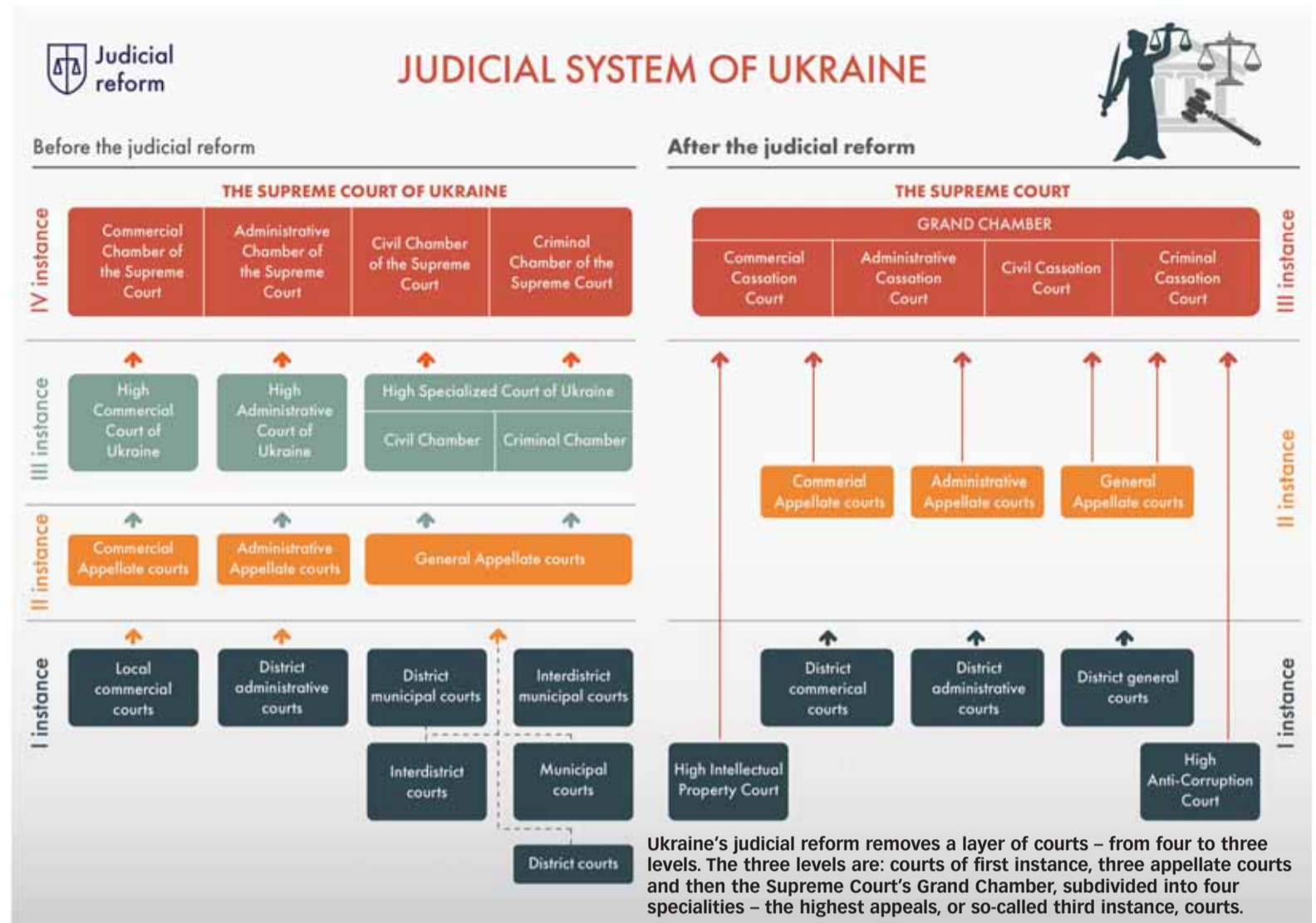
Filatov joined the Presidential Administration in 2014 after 13 years with Vasil Kisel & Partners law firm in Kyiv and more than 20 years as a private practice lawyer. His background partly explains his patience with Ukraine's slow pace.

"I had one of the biggest dispute resolution teams in Ukrainian law firms," Filatov said. "I can tell you from very practical experience that the problems existing in the Ukrainian judiciary are not something you can change overnight. For the average person who probably hasn't been to court anytime in his or her life and who sees only the surface, it's easy to quickly judge and make a conclusion that we still don't have a U.S. and U.S. standard court, which is true. The question is whether it's realistically possible to make this kind of progress in three years."

Some watching the reform under way contend Filatov's powers are blunted by a criminal justice system that allegedly faces routine political interference from, among others, Poroshenko's close ally in parliament, Oleksandr Hranovsky. The lawmaker, in interviews with the Kyiv Post, has denied his reputed status as "grey cardinal" controlling judges on behalf of the administration and its allies.

Filatov said he has only heard the rumors and read the news stories.

"Interference with the judiciary is a crime," he said. "We will be able to say Hranovsky or anybody else has



Oleksiy Filatov, deputy head of the Presidential Administration in charge of judicial reform, looks on as President Petro Poroshenko signs papers during a March 22 session of the Judicial Reform Council in Kyiv. (Mikhail Palinchak)

interfered with the judiciary as soon as there is a guilty verdict confirming this...I have heard rumors. I read the press. I did not receive a personal complaint."

Few jury trials

In many nations, political influence is lessened in a number of ways. One of them is jury trials. A jury composed of average citizens is empaneled and empowered to decide guilt or innocence, removing judges from the decision. Judges still preside over trials, but more as referees in deciding evidence to be considered and whether legal procedures are followed.

Ukraine's constitution calls for jury trials, but in practice they are used in less than 1 percent of the cases, Filatov said.

"I would be happy to have jury trials in Ukraine," Filatov said. But by and large, he said that Ukrainians still "don't want to serve" as jurors.

"But this doesn't mean we should abandon this idea," Filatov said. "This idea and this tool will work effectively as soon as Ukrainian society is really ready for this. A jury trial can only be part of a very well working court system."

But he also sounded skeptical, asking "how can we be sure a jury would not be bribed? How can we be sure a jury will not be influenced or intimidated or subjected to any other influence from outside the courtroom? We can't be sure about the judge, too. But have now a very transparent procedure of appointment and liability if the judge takes a

certain incorrect decision or violates certain procedural rules and so on."

Distrusting ex-partner

Filatov's former colleague, Andriy Stelmashchuk, managing partner of Vasil Kisel & Partners law firm in Kyiv, has no faith in the judicial reform under way.

"We have to replace those people who compromised themselves, not just to fire them, but to put somebody to jail, carry out an investigation with respect to people involved in illegal activities," Stelmashchuk said. "Nobody was actually put into jail or accused, at least. We see some investigations with respect to a few people, but not enough."

His assessment of Poroshenko's motives and that of Filatov, the

president's point man, is scathing: "They are trying to create another court which will be controlled by the president," Stelmashchuk said. "We didn't have to have all those huge amendments to the legislation to change the judiciary. They took a lot of time. The purpose of the movements is clear: They demolished the old Supreme Court in Ukraine and created a new one. It's a technical move...It's an old trick used by all presidents."

The fundamental problem, Stelmashchuk said, is that "there are no check and balances in Ukrainian politics." Politicians have "convinced themselves" they are interfering in the judicial system "for the good of the nation."

He doesn't believe Poroshenko is acting in the best interests of the nation.

"He decided to go the way Yanukovich did. He's much more clever than Yanukovich from an intellectual perspective. Politically, he's repeating the same mistakes – son who is in parliament, how he behaves with oligarchs. It's very disappointing."

Filatov's final word

While their emphasis is different, Stelmashchuk and Filatov aren't all that far apart when it comes to the effectiveness of Ukraine's judicial system.

But Filatov still has faith in the process he's leading and said the administration has the nation's best interests in mind.

"I am not satisfied with the quality of justice Ukraine has at this point," Filatov said. "There are a number of instances which can be seen as examples as to how justice should work – good judgments, good prosecutors. But we still have too few examples. I want to have more."

As for the pace, "I still think we could move faster, if not for the political situation and some obstacles that we don't really influence," Filatov said. "At the same time; I am pretty satisfied with what we have managed to achieve." ■

Watchdogs: Politicians still fear independent courts

Reform from page 1

any legislation to get the court up and running, while objecting to other lawmakers' proposals for such a court.

The courts "must recognize their responsibility to society and regularly remind other branches of government of the existence of the law," Roman Brehei, a judge of the Kirovohrad District Administrative

Court, told the Kyiv Post. "The main reason for their reluctance to do so is fear of other branches of government. Judicial reform is urgent, but I'm not sure it will bring the results desired by society, because no one

Whistleblowers punished, corrupt judges stay safe

BY OLEG SUKHOV
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Ukraine's judiciary is an upside-down world.

The whistleblowers who expose corruption in the court system are punished and pressured, while those charged with high-profile crimes are getting away with them, or are even promoted.

This practice discredits Ukraine's judiciary and makes the prospects of judicial reform even more dubious, lawyers and activists argue.

Whistleblowers

In 2015 Larysa Golnik, a judge of Poltava's Oktiabrsky Court, published a video featuring Poltava Mayor Oleksandr Mamai and his former deputy Dmytro Trikhna unsuccessfully trying to bribe her.

Golnik was then suspended and claimed that Oleksandr Strukov, the chairman of the Oktiabrsky Court, was pressuring her and even assaulted her, which Strukov denies.

The Council of Judges, the High Council of Justice and the High Qualification Commission have so far failed to punish or fire Strukov. The Council of Judges said that it had started looking into Golnik's case in February, while the High Council of Justice and the High Qualification Commission declined to comment.

A Poltava court is considering a case against Trikhna, but Mamai is merely a witness in the case, and there is no case against Strukov. The trial has seen no progress whatsoever since 2015 – allegedly because of Mamai's political influence.

In 2015 another whistleblower, Judge Serhiy Bondarenko of Cherkasy Oblast's Court of Appeal, released a recording of the court's chairman, Volodymyr Babenko, pressuring him to make an unlawful decision in 2013.

The Council of Judges started investigating the case in 2015, but the High Qualification Commission and the High Council of Justice have failed to take a decision on punishing or firing Babenko for over two years. Neither is Babenko being criminally prosecuted.

"Nothing has changed," Bondarenko told the Kyiv Post. "Judges are still not protected from external influence and pressure, because there's no one to appeal to. The result is zero - and they're also trying to make me responsible."

Other judges, including Iryna Makarenko at Kyiv's Shevchenko Court and Lyudmila Synetska at

Cherkassy Oblast's Chernobayevsky Court, have complained about illegal pressure being put on them by the authorities during the prosecution of EuroMaidan protesters in 2013 to 2014.

Makarenko told the Kyiv Post that her former court chairwoman, Olena Meleshchak, had also pressured her when she had upheld a libel case in 2012. Meleshchak could not be reached for comment.

"She told me 'why the f*** didn't you consult me?'" Makarenko said. "She also told me I was unpredictable."

Makarenko added that she had been reprimanded by Meleshchak and could have been criminally prosecuted if Meleshchak had remained the court's chairwoman.

However, the High Council of Justice has refused to punish court chairs and officials of ex-President Viktor Yanukovich's administration who lobbied unlawful rulings during the revolution, Roman Maselko, a lawyer for the AutoMaidan civic activist group, told the Kyiv Post.

Maidan judges

Out of the about 300 judges allegedly involved in the persecution of EuroMaidan protesters, only 33 have been fired so far under the lustration law.

Since September, the disciplinary section of the High Council of Justice has recommended for dismissal just five more judges who issued rulings against protesters, though no final decision on their dismissal has been made.

The High Council of Justice argues that it had no legal framework to fire the rest of the 300 judges until early January, but Maselko says the council has been dragging its feet and blocking the dismissals. Many deadlines have expired, and the final deadline for the last firings is in May.

The council has also refused to fire some controversial judges who cracked down on EuroMaidan activists, including Bogdan Sanin of the Kyiv Administrative District Court and Mykola Chaus of Kyiv's Dnipro Court, who fled last year after being caught with a bribe.

Criminal cases

Only 11 out of the approximately 300 judges who illegally prosecuted EuroMaidan protesters are currently on trial, and one of them has already been acquitted.

Viktor Kytsyuk, a judge of Kyiv's Pechersk Court, was charged in 2015 with unlawfully trying EuroMaidan

protesters. He was suspended and released without bail but has not been convicted yet. In March the High Council of Justice refused to fire him.

Kytsyuk was also involved in the political show trial of ex-Prime Minister Yulia Tymoshenko under Yanukovich.

Serhiy Vovk, another judge of the Pechersk Court, was charged in 2015 with issuing an unlawful court ruling. He was suspended and released without bail but has not been fired or convicted.

Vovk is infamous for presiding over a political show trial of Yury Lutsenko, who is now prosecutor general and was an opposition politician under Yanukovich.

Another controversial judge is Artur Yemelyanov at the High Commercial Court. In October he was charged with illegally interfering in the distribution of court cases and organizing unlawful rulings. He was released on bail and suspended, but has not been fired or convicted yet.

Yemelyanov's wife has 13 million Swiss francs on accounts in Liechtenstein, which were frozen in a money laundering case in 2015 and unfrozen due to Ukrainian authorities' inaction in 2016.

Yemelyanov, who was a deputy head of the High Commercial Court under Yanukovich, and Viktor Tatkov, who was its head, have been accused of spearheading a large-scale corruption and corporate raiding system, which they deny.

Bribing big

Meanwhile, Ukraine's Constitutional Court itself has been thoroughly discredited.

Yury Baulin, chairman of the Constitutional Court, and five other judges of the court are being investigated by the Prosecutor General's Office on suspicion of helping Yanukovich usurp power. However, the Prosecutor General's Office has so far refused to issue formal notices of suspicion for them.

Judges of the Constitutional Court received a \$6 million bribe from the Party of Regions, according to the party's alleged accounting ledger published last year.

However, President Petro Poroshenko and the Verkhovna Rada have so far refused to replace Baulin and other Constitutional Court judges.

Baulin has denied the accusations.

High Qualification Commission



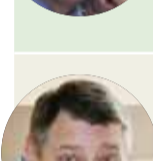
Serhiy Kozyakov, chairman, Lawyer and co-founder at Serhiy Kozyakov and Partners since 1994



Stanislav Shchotka, a judge of the Supreme Court in 2006 to 2010, member of a commission for the lustration of judges in 2014



Andriy Kozlov, lawyer and former EuroMaidan activist, used to work at Democracy Reporting International and VoxUkraine



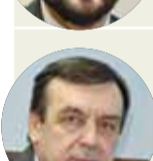
Andriy Vasylenko, a legal scholar at Ukraine's Academy of Sciences in the late Soviet period, former head of PNBK, a law firm



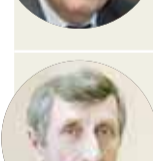
Tetiana Veselska, a judge at the High Administrative Court since 2005



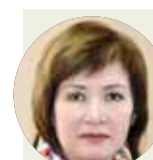
Taras Lukash, former police official and lawyer



Mykola Myshyn, a police official and Communist Party official in the 1970s to 1980s, a judge in Donetsk Oblast since 1986



Yury Titov, a judge since 1983, Supreme Court member in 1995 to 2016, ally of lawmaker Serhiy Kivalov



Tetiana Shylova, a prosecutor in Donetsk Oblast in the 1990s, a judge in Donetsk and Kyiv since 1997



Mykola Patryuk, a judge in Chernivtsi Oblast in the 1970s to 2000s, a judge of the Supreme Court in 2004 to 2015



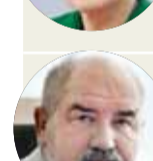
Mykhailo Makarchuk, a judge in Poltava Oblast and then Kyiv since the 1980s



Volodymyr Butenko, a judge in Luhansk and Kharkiv oblasts since the 1980s, a judge of the High Administrative Court in 2005 to 2016



Anastasia Zaritska, a judge in Kyiv Oblast since the 1980s, a judge of the High Commercial Court in 2007 to 2014



Pavlo Lutsyuk, a lawyer since 1983



Serhiy Prylypko, a legal scholar at the National Legal Academy since the 1990s



Valentyna Ustymenko, a judge in Kharkiv Oblast since the 1980s

Unclear on reform

Pro-establishment

Thirteen of the commission's 16 members are seen as loyal to the authorities, while the remaining three are ambiguous on reform.

can force a person not to be afraid."

Pulling strings?

In 2015, Anton Chernushenko, the ex-chairman of the Kyiv Court of Appeals, who fled the country after being charged with unlawfully interfering in the distribution of cases, accused Poroshenko and his Deputy Presidential Administration head Oleksiy Filatov of ordering him to issue certain rulings promoting the president's interests. Filatov and Poroshenko denied the accusations.

Poroshenko's top ally and lawmaker Oleksandr Hranovsky has also been accused of pulling the strings of the judiciary, which he also denies. He has been filmed meeting judges, and some judges in Kyiv have issued controversial rulings in favor of Hranovsky and Poroshenko.

Meanwhile, 13 of the 16 members of the High Qualification Commission, a governing body of the judiciary, are seen as pro-pres-

idential, while the remaining three have ambiguous views on reform, according to activists interviewed by the Kyiv Post.

At the High Council of Justice, three out of the 19 members are seen as independent-minded reformers, while the remaining members are pro-government.

"Just take a look at who runs the High Qualification Commission and High Council of Justice – people delegated by the People's Front and the Poroshenko Bloc," Brehei said. "Is independence even possible here? It's important that most judges in these bodies gave leadership to them without any struggle. They are giving up authority and are violating the separation of powers, as well as the Constitution."

The High Council of Justice has denied being influenced by the president, while the High Qualification

Judges' connections to people in power may doom attempt to reset high court

Reform from page 12

Commission declined to comment. Apart from Poroshenko's influence, associates of Serhiy Kivalov, a former head of the High Council of Justice and an ally of ex-President Viktor Yanukovich, and Yanukovich's former deputy chief of staff Andriy Portnov are also said to retain a great deal of influence on the judiciary.

Kivalov's court

The current attempt at judicial reform is not the first one. Former presidents Leonid Kuchma and Viktor Yanukovich also tried to restructure the judiciary, with the ultimate goal being to strengthen their grip on the courts rather than make them independent.

In 2015 then Prime Minister Aresniy Yatseniuk unveiled an ambitious reform plan that envisaged fully replacing incumbent judges, an open and transparent competition for judges' jobs and fully removing political influence on the courts. But nothing similar to this plan has been implemented so far.

The Reanimation Package of

Reforms, the Anti-Corruption Action Center and the AutoMaidan protest group have accused the High Qualification Commission of "colluding" to manipulate the results of the ongoing competition for the new Supreme Court. The commission declined to comment on the accusations.

"We saw a trend," said Mykhailo Zhernakov, an expert at the Reanimation Package of Reforms. "Those who are seen as very qualified did not pass, those who are clearly politically connected... got the highest ranking (positions)."

At the Administrative Cassation Court, a sub-unit of the new Supreme Court, candidates got more scores for "guessing" the supposedly right case verdicts than for the legal quality of their rulings, he argued. To promote necessary candidates, the commission could have just informed them of the right verdicts, according to Zhernakov.

He also published a chart showing that the results of the tests do not meet normal (Gaussian) distribution – a mathematical notion

more Reform on page 14

High Council of Justice

	Ihor Benedesyuk , chairman, a judge of court martials in Russia and Ukraine in the 1990s, a judge of the High Commercial Court in 2003 to 2015		Pavlo Grechkivsky , a lawyer since 1991, accused of ties to lawmakers Ihor Kononenko, Oleksandr Hranovsky and Mykola Martynenko, became a suspect in a fraud case in 2016 but not suspended or fired		Yaroslav Romanyuk , chairman of the Supreme Court since 2013, formerly a prosecutor and judge in Lviv Oblast in the 1980s to 2000s
	Vadym Belyanevych , a lawyer at different institutions and law firms, including Kozyakov and Partners, since 1989		Volodymyr Komkov , an investigator and prosecutor at the prosecutor's office in 1981 to 1997, a lawyer since 1995		Mykola Khudyk , a judge in Khmelnytskyi Oblast and then Kyiv since 1999
	Alla Lesko , a judge in Zakarpattia Oblast and Kyiv since 1994		Oleksiy Malovatsky , a lawyer since 1999		Viktor Shapran , a police official in 1988 to 1998, a judge in Kyiv since 1998
	Tetiana Malashenkova , a lawyer since 1997		Vadym Nezhura , a lawyer in the 1990s, a judge in Kyiv since 1997		Mykola Husak , a judge of the Supreme Court from 2001 to 2016
	Iryna Mamontova , a judge in Kyiv since 1996		Andriy Ovsienko , a Justice Ministry official and judge in Volyn Oblast in 2001 to 2015		Andriy Boiko , a legal scholar in Lviv Oblast since 1994
	Ihor Artemenko , a judge of court martials in the 1990s and 2000s, a judge of the Odesa Oblast Court of Appeal since 2007		Alla Oliynyk , a judge in Kyiv since 2003		Anatoly Myroshnychenko , a legal scholar at Kyiv National University since 1999
	Natalya Volkovytska , an assistant to a prosecutor in 1988 to 1992, subsequently a judge of Mykolayiv Oblast's Commercial Court and the High Commercial Court				

Three out of the High Council of Justice's 19 members are seen as reformers, while the rest are pro-establishment loyalists. Activists argue that the influence of President Petro Poroshenko and ex-associates of his predecessor Viktor Yanukovich on the council is blocking judicial reform.

Reformers

Pro-establishment



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Promised anti-corruption court nowhere close to being created

Reform from page 13

that shows whether a certain distribution of numbers is random or manipulated.

Another controversial decision was that the High Qualification Commission on March 29 allowed 43 candidates who had not gotten sufficient scores to take part in the third stage. Critics saw this as an effort to promote politically loyal applicants.

Moreover, the High Qualification Commission has refused to fully disclose the profiles of applicants, saying that much of that information is confidential. Thus far, less than half of the profiles have been published, and many of those that are available have had crucial information, including on candidates' family ties and potential conflicts of interest, removed.

Another problem is that the share of candidates from outside the notoriously corrupt and politicized judiciary is relatively small. Of the 382 candidates, 299 are incumbent or former judges, and 83 are lawyers and legal scholars, the Chesno civic watchdog group said on March 31.

Last year Filatov cited an opinion poll according to which only 16 percent of the population trust incumbent judges.

One applicant who got a high score is Pavlo Vovk, the chairman of the Kyiv Administrative District Court. Vovk used to be an aide to Kivalov and is an associate of Hranovsky.

Meanwhile, the work of People's Front lawmaker Leonid Yemets, who did not pass the tests, was assessed by Yury Titov, an ally of Yemets' political enemy Kivalov.

"It turns out that an ally of Kivalov is in charge of assessment in a competition in which a (former) aide to Kivalov wins, while Kivalov's opponents lose," Zhernakov said.



A worker carries a step ladder to change light bulbs in the session hall of the Supreme Court of Ukraine in Kyiv on April 5. Activists monitoring judicial reform in Ukraine are concerned about continuing political influence on Ukraine's judiciary, even as reform attempts are under way. (Volodymyr Petrov)

Anastasia Krasnosilka, an expert at the Anti-Corruption Action Center, said that the High Qualification Commission had promised that the shortcomings would be resolved.

"Four weeks have passed and basically almost nothing is being done, which means we cannot rely on any promises or oral communication with the High Qualification Commission

of Judges," she said. "The only thing we trust in is amendments to the rules of procedure."

Anti-corruption court

The problem of judicial independence could be partially resolved by the creation of an anti-corruption court recruited through a transparent procedure by experts including foreigners. But the authorities have

been dragging their feet on the issue since June.

In February Yegor Sobolev, the chairman of parliament's anti-corruption committee, sponsored a bill to create an anti-corruption court. However, in March the High Council of Justice claimed that the bill contradicted the Constitution, which was seen as proof of the council's dependence on Poroshenko. Krasnosilka said that the Presidential Administration was refusing to either accept Sobolev's bill or propose its own legislation on anti-corruption courts. She said that most probably no such courts would be created, and corruption cases would be considered by the Supreme Court.

No one fired

Meanwhile, Yanukovich-era court chairmen have retained their jobs after the EuroMaidan Revolution due to a bizarre legal interpretation that enabled them to become chairmen for a third, fourth and even fifth time. Another problem is that

the terms of 778 judges appointed for five year periods have expired, and Poroshenko and the parliament have been dragged their feet on appointing them for life, creating a massive shortage of personnel in the judiciary.

Civic activists proposed holding transparent competitions for the 778 job openings. But instead, the authorities are refusing to appoint them in a transparent way, Zhernakov argued. Poroshenko on April 3 appointed just 113 out of the 778 judges for life.

The High Qualification Commission has also touted the vetting of judges in 2016 as an achievement. But Roman Kuybida, an expert at the Reanimation Package of Reforms, dismissed the vetting procedures as largely meaningless.

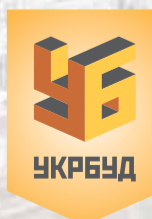
No one was fired as a result of vetting, because the High Qualification Commission neither had the power to fire those who failed the vetting process, nor asked the High Council of Justice to dismiss any of them, the experts said. ■



The Kyiv Post's special focus in the April 14 edition —

Spotlight on Mykolaiv

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War veterans face unequal fight for their social benefits

War from page 2

of the soldiers who fought alongside with Dubitsky. They eventually were able to confirm that Dubitsky was their comrade.

But it was hard to get officials to accept this testimony.

Krasikova recalls she had to threaten to take the Military Registration and Enlistment Office in Starobilsk in Luhansk Oblast to court to make them check their registry and prove that Dubitsky had had a medical examination there before being sent to the front line.

The couple had to make a dozen trips to Kyiv and Andrushivka, the town in Zhytomyr Oblast where Dubitsky is registered, to do all the paperwork.

Krasikova said that eventually they decided to give up and went to a medical commission to get a pension for Dubitsky as a disabled civilian – a much easier-to-get status that brings fewer privileges.

“But the doctors told us not to be stupid – he was wounded at war and deserves the status of a wounded war veteran,” Krasikova said.

But in early March, after two official investigations by Defense Ministry and State Security Service confirmed he had fought and was wounded in the Donbas, Dubitsky, who still has a piece of shrapnel in his body, was told he still didn't qualify for a war-related disability pension.

A local commission required one more medical examination at a military hospital, while the hospital refused to perform it because Dubitsky was no longer in the military.

Dubitsky has complained to the Ministry of Social Policy, which oversees the payment of social benefits to the fighters of volunteer battalions, and is waiting for the response.

Fake fighters

Meanwhile, police general Naumenko left his post in October 2015 after then-governor of Donetsk Oblast George Tuca accused him of corruption and covering for smuggling in the region.

But his life isn't too shabby now, thanks to the war veteran status that he received while in office. He benefits from a set of privileges that includes an increased pension, a 75-percent discount on home utilities, priority rights to privatize land, and immunity from lustration.

SOCIAL BENEFITS FOR COMBAT PARTICIPANTS, DISABLED COMBAT PARTICIPANTS AND FAMILY MEMBERS OF SLAIN SOLDIERS

Combat participants	Disabled combat participants	Family members of slain soldiers
Free medical service and medicines	Free medical service and medicines	Free medical service and medicines
-75% 75 percent discount for all home utility payments	-100% 100 percent discount for all utility payments	-50% 50% discount for all utility payments
-75% 75 percent discount for house heating	-100% 100 percent discount for house heating	-50% 50% discount for house heating
Free use of city transport	Free use of city transport	Free use of city transport
Priority right for privatization of a land plot	Priority right for privatization of a land plot	Priority right for privatization of a land plot
Right for preferential mortgage loan	Right for preferential mortgage loan	Right for preferential mortgage loan
Right to enroll to university without competition	Free car	Right to enroll to university without competition
Preferential right to keep job in case of staff layoffs	Preferential right to keep job in case of staff layoffs	Preferential right to keep job in case of staff layoffs
One-time yearly payment of \$34	One-time payment at \$4,100 to \$14,800 and one-time yearly payment of \$110	One-time payment of \$29,600 and one-time yearly payment of \$17
Minimum monthly pension rate at \$58	Monthly pension at \$89 to \$113	Minimal monthly pension at \$51
Tax breaks	Tax breaks	Tax breaks

Source: Ukrainian legislation

Ukraine provides social and financial benefits to war veterans, but the process for obtaining them can be saddled by corruption.

Naumenko couldn't be reached for comment for this story. The Interior Ministry didn't reply to a request asking why Naumenko had been granted the status of combat participant by the time this story went to print.

But Naumenko's case is just the tip of the iceberg, activists say.

Roman Sinitsyn, a volunteer who has been helping the Ukrainian army and participating in one of the police vetting commissions as a part of the police reform, remembers that out of some 800 police officers that his commission vetted for the newly-formed national police, about 70 percent had the status of combat participants.

Sinitsyn said that in 2015 and 2016 it became popular for police officers to organize work tours to Sloviansk, Kramatorsk and other Donbas cities safely away from the front line, where they would serve for one month – the minimum period required to obtain the status of a combat participant.

“They already call them ‘veterans of the Kramatorsk encirclement,’” Sinitsyn joked grimly, comparing the bloody battles during the encirclements of Ilovaisk and Debaltseve to the peaceful city of Kramatorsk, where most of the police officers had gone on their one-month tours. He claimed that the scheme had become so popular that the police officers started paying bribes to be

sent there.

In 2014, when there was no time limitation for gaining the status of combat participant, many law enforcement officials got the status after spending just a few days in the war zone.

For instance, 52 military and civilian prosecutors, including Chief Military Prosecutor Anatoliy Matios, could apply for this status after attending a two-day seminar in Kramatorsk in October 2014.

Vasyl Pisy, the deputy head of the anti-corruption department of the SBU, received the status of combat participant after spending three days in the war zone in July-August 2014.

Vasyl Nevolia, the head of Ukraine's bureau of Interpol, who traveled to the war zone for four days in autumn 2014, managed to receive both a status of combat participant and to keep his job, avoiding lustration.

Lots of officials of the former regime have avoided lustration in the same way, said Oleksandra Drik, the head of Ukraine's civilian lustration committee.

Drik showed the Kyiv Post a list of 42 officials from the police, SBU, military and even from the state anti-money-laundering service, who had avoided lustration because of their status as combat participants.

Forgotten veterans

Meanwhile, several thousand fighters from the volunteer battalions can't obtain their rightful veteran status, said Volodymyr Pryimachenko, the head of the Kyiv department at the State Service for War Veterans.

Pryimachenko said the veterans of Right Sector and OUN battalions, which fought in the hottest spots of the war, including Pisky and Donetsk airport, now face the biggest problems, since these battalions were never officially registered.

Pryimachenko, who fought in Aidar himself, is now helping with the paperwork of Dubitsky and

other forgotten fighters. He said the wounded have lots of problems, because spending months in hospital meant they didn't have time to submit the necessary papers.

But all law enforcement officers who spent some time in a war zone – no matter how close they were to the front – still have the right to apply for the status of combat participant.

Dubitsky gets mad when he hears how easily officials obtain a status that has taken him years to receive.

“They should be stripped of the combat status,” he said. “What kind of fighters are they if they just stepped on the front line with one foot!”

The war still haunts Dubitsky. Sometimes he sleepwalks, looking for the separatists in his yard. Other times he thinks he sees separatist

snipers in the bushes across the road.

He tries to help Krasikova with gardening and housework, but tires quickly. His back aches especially painfully when there is a change in the weather.

In December, Dubitsky received Hr 10,000 (about \$370) from the state for treatment. All the other treatment and medicines he has received over the last two years was paid for by private volunteers, Krasikova said.

She's grateful to the doctors, whom she said always treated Dubitsky with respect, and as a priority patient.

“The fighters who volunteered to the war didn't think that they would have to prove it later,” Krasikova said. “They went to fight for their country, not for a status.” ■



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World in Ukraine

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Editor's Note: World in Ukraine takes a look at Ukraine's bilateral relations with different nations. To sponsor this news feature, please contact the Kyiv Post's sales team at advertising@kyivpost.com or call 591-7788.

City Life

WITH TOMA ISTOMINA
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Ukraine, France boast centuries of close ties

A young man puts on vyshyvanka, a traditional Ukrainian embroidered shirt, on the Duke Of Richelieu monument during the celebration of Ukraine's Independence Day in Odesa on Aug. 24, 2016. Armand Emmanuel, Duke of Richelieu was Odesa's governor from 1803 to 1805. Under his stewardship, the city became an important maritime port. (UNIAN)



BY NATALIYA TRACH
TRACH@KYIVPOST.COM

Although France and Ukraine are 1,000 kilometers apart, they have connections that stretch far back into

history. The lives of many famous people from Ukraine and France have been intertwined, enriching cultural and political relations between the countries.

First relations

Historians place the first Ukrainian-French relations back in the mid-11th century, when Anne of Kyiv, the daughter of Kyivan Rus King Yaroslav the Wise, married French

King Henry I in 1051. After Henry's death in 1060, Anne became regent of France until her son, Philip I, came of age and ascended to the French

more **France** on page 19

French expats talk about their new lives in Ukraine

Ukraine is almost France-sized and France is a bit larger than Ukraine-sized. But aside from land mass, how do the two nations compare and contrast? We asked three of the 881 registered French citizens living in Ukraine how their lives are here compared to their homeland.

Maud Chicheportiche-Joseph, editor four years in Ukraine

Author and editor of restaurant guides Maud Chicheportiche-Joseph found out that she would



be moving to Ukraine four years ago, when her husband was offered a job here. At first she thought it was a joke, and refused to pack. But her husband's promise of good weather in Kyiv appealed her sun-loving nature and persuaded her to leave rainy Paris, she says.

Months later, Chicheportiche-Joseph realized she had never seen as much precipitation as in the capital of Ukraine. The rain came down in buckets in August and September, and it started snowing in October. She says she felt limited because it was impossible to walk and discover the city.

"It was at that point when I called my mother and said I wanted to go home," she says.

But she got over that bad patch and is now much happier in Kyiv. Part of the reason is that she feels safer here than at home, even though it's hard to call Ukraine peaceful.

In Paris, "if you wear a dress and go to the subway, people can touch you or even assault you," she says.

Back in her Paris days, Chicheportiche-Joseph used to park her car 10 meters from her house and was scared even to walk that short distance.

Now Chicheportiche-Joseph is the happy mother of three kids, one of whom she had in Kyiv. While pregnant in Ukraine, she was astonished by people's kindness and willingness to help. Strangers offered to help her carry bags, opened doors for her and gave up their seats on transport – something that never happened to her in Paris.

Chicheportiche-Joseph says she believes that life is too tough

more **People** on page 19



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KyivPost



Ambassador talks business, politics, visa-free travel – and French Spring

BY BRIAN BONNER
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Perhaps the subject that most people want to talk about with Isabelle Dumont, France's ambassador to Ukraine, is the one that she as the nation's top diplomat can't talk much about: Who's going to win the French presidential election on April 23 and will foreign policy towards Ukraine change?

Ukrainians, and much of the Western world, dread the prospect of Marine Le Pen becoming the next president of France. Le Pen is the Kremlin-backed candidate who opposed Ukraine's democratic revolution that ousted President Viktor Yanukovich in 2014. Le Pen also supports Vladimir Putin's theft of the Crimean peninsula.

"As you can guess, I am not in a position to comment on elections which haven't yet happened," Dumont told the Kyiv Post in an April 6 interview at the French Embassy in Ukraine. "What I can tell you is that in history, French foreign policy has always been quite stable."

April 23 election

But Dumont acknowledges French politics are in a new and interesting period.

"For the first time in French history, we had primaries on the left side and on the right side," she said. "French politics have always been organized around two big parties – the right party and the left party. Here for the first time we have a multiplication of different parties all over the horizon, which have more or less the same results in the polls for now... We will see whether it changes the French landscape."

French politics aside, Dumont – who marks two years as ambassador this summer – finds a lot to be happy about in Ukraine.

For starters, almost the entire month of April is devoted to the French Spring festival, a popular

buffet of French culture in arts, music, theater, cinema and more. The French community went all-out this year to mark the 25th year of French-Ukrainian diplomatic ties.

"The three main differences are: an emphasis on children; an emphasis on cooperation with Toulouse (France's sister city with Kyiv since 1975) and Franco-Ukrainian cooperation," Dumont said.

Travels Ukraine

This ambassador can be hard to find in Kyiv. She is committed to traveling to "all major cities" in Ukraine by this summer, and she's got most of them checked off her list. She returned this week from Kherson and Mykolaiv, and recently was in Odesa where she greeted the visiting French frigate Lafayette. "Having a French military boat coming to Ukraine is an important way to show concretely, physically, symbolically our support for Ukraine," she said.

In Kherson, she visited French company Lactalis. In Mykolaiv, she visited French company Danone. In all cities, she tries to drop in on local officials and French-language schools. "It's such a pleasure to see kids learning French from the age of 12," she said.

Next stops include Vinnytsia, Zhytomyr, Chernivtsi, Uzhgorod and Kamenets-Podilsky.

"It's important for me to know the diversity of the country," Dumont said. "Ukraine is not only Kyiv."

Visa-free travel

The interview came the same day that the European Parliament approved visa-free travel for Ukrainians. The issue is important for Ukrainians for practical and symbolic reasons. The ability to travel to any European country (in the Schengen zone) for 90 days is a coveted privilege. Psychologically, Ukrainians regard the issue as a sign of the European Union's embrace of the nation's aspirations for closer



Isabelle Dumont, France's ambassador to Ukraine, speaks with the Kyiv Post on April 6 in the French Embassy in Kyiv. (Volodymyr Petrov)

Western integration.

Ukrainians look set to gain visa-free travel to Europe by June.

"As the French ambassador, I am very happy about this news," she said. "France is in favor of visa liberalization for Ukraine... We expect the final decision to be taken in the coming weeks. It's a positive step for Ukraine."

Ukraine's reforms, however, continue to be a mixed bag.

Pluses and minuses

On the encouraging side, she cites progress in the banking and energy sectors, as well as possibly an imminent breakthrough in health care reform, including a more competitive market for pharmaceuticals. She's a supporter of many of the initiatives of acting Health Minister Ulyana

Suprun, who has been attacking state health spending policies that were wasteful and untransparent, favoring insiders.

She praises outgoing National Bank of Ukraine Governor Valeria Gontareva for having the courage to shut down half of the nation's 180 banks, most of them so-called "pocket banks" rife with insider lending and embezzlement. With Gontareva saying she will resign, Dumont said it's important that the next team "will continue this sort of approach."

Amid the clean-up of a sector that had been "a real burden" on Ukraine's financial stability, Gontareva managed to stabilize the economy and Ukraine's currency, the hryvnia.

She also has praise for leaders of state-owned energy giant Naftogaz for taking a company that was losing billions of hryvnia in recent years to a profitable one, mainly by applying market principles and cutting out murky intermediaries.

"This is excellent news and are a very positive message that yes it is possible to reform Ukraine. These two sectors show it's possible," she said. "That there were people who were able to clean up these sectors means that Ukraine has the capacity."

Stalled court reform

On the discouraging side, Dumont said that an inconclusive battle remains between reformers and their obstructionists. This infighting is responsible for unfinished judicial reforms, including the courts.

Court reform, in particular, "hasn't advanced much," she said. "I would not put this for now in the positive basket. This is a point of concern. Things have been done (but) clearly we need results. You can have the best fight against corruption – if the police do the inquiries, etc., but if judges don't deal with those

cases sincerely, it just doesn't work, it doesn't go anywhere."

Business climate

As for Ukraine's business climate, the news is also mixed. A Ukraine-France business forum took place in Paris in October that Dumont called "very successful," but thus far it's led only to greater interest in Ukraine rather than any new investment yet.

France continues to have about 160 firms which have invested at least \$1.5 billion in Ukraine. One of the flashiest is Novarka, a joint venture of two French construction firms building a new structure over the ruined reactor of the Chernobyl nuclear power plant, which exploded with disastrous consequences on April 26, 1986.

She said that she still spends a lot of time in intervening with Ukrainian government officials on behalf of French companies that have been treated unfairly. She said that Ukraine's officials still solve problems on a case-by-case or manual basis, which she called unsustainable. What's needed, she said, is a dramatic improvement in the business climate so that companies are not facing burdensome bureaucracy and corruption.

She's trying to manage the renewed interest from French companies towards the Ukrainian market carefully, she said, so that they don't encounter problems. "We will need to make sure to be careful about the business climate which is still not easy," she said. ■

Schedule for French Spring festival

The annual French Spring festival is taking place on April 1-29 in Kyiv and other cities. For the full schedule of the festival, go to: www.institutfrancais-ukraine.com/programmation/programme-printemps-francais.



The French Spring festival opened in Kyiv on April 1 with an outdoor light show entitled "Galileo," which was performed in front of St. Sophia's Cathedral by French circus theater Deus Ex Machina. (Anastasia Vlasova)



Ukraine's ties with France stretch far back in history

France from page 16

throne.

Cultural ties developed between the nations in the second part of the 14th century, when many Ukrainian students graduated from France's Sorbonne University. Ukrainians were noted in the university's student lists as "from Ruthenia" or "Nationale Ruthenia de Ukraina."

One of Ukraine's most outstanding political figures, hetman Pylyp Orlyk, the author of the first democratic constitution in Europe, lived in exile in France in the 18th century. His son Gregoire, or Hryhor Orlyk, served as a French military commander, a special envoy, and a member of French King Louis XV's secret intelligence service.

From France to Ukraine

French began to immigrate to Ukraine in the late 18th and early 19th centuries following the French Revolution of 1789-1799. Fleeing from political persecution, violence or the dictatorship of Napoleon, many French people settled in the south of Ukraine – in present-day Odesa, Kherson and Mykolayiv Oblasts.

Thanks to Jean Baptiste Prevost de Sabsac, Marquis de Traversay, who was governor of Mykolayiv and Sevastopol in the late 19th century, Mykolayiv grew from a village into a large seaport city and an important center of maritime trade.

Many French families also settled in Kyiv, Volyn and the Podillia region. They worked as teachers, doctors, bakers and engineers, and introduced western European culture and lifestyle to their new home.

Time has not spared many of the architectural monuments, beautiful palaces, fortresses and magnificent parks built by notable French people in Ukraine. But interesting places connected with the lives of some of them survive to this day.

The Kyiv Post has selected the top five most interesting travel locations that reveal the deep ties between France in Ukraine.



People pass by St. Varvara Church in Berdychiv, some 180 kilometers west of Kyiv, where in March 1850 French novelist and playwright Honore de Balzac married Polish noblewoman Ewelina Hanska. (Denis Vitchenko)

Masonic temple, Kherson Oblast

One of Ukraine's most famous masonic temples is in the small village of Kruhloozerka in Kherson Oblast, 650 kilometers south of Kyiv. The mysterious low octagonal building is perched on the shores of a large artificial lake. The temple was constructed by French nobleman Charles Michel Potier in 1820-1830s.

In 1810 Tsar Aleksandr I invited Potier, a French engineer, to develop the infrastructure of coastal cities in the Russian Empire. Potier built a road between Sevastopol and Bakhchisaray and designed port infrastructure in Kherson. In October 1836, Potier resigned and moved to Klarivka (now Kruhloozerka) village, where he lived until his death in 1855. Historians say the ancient

Potier family could be Masons, and Potier constructed the temple to hold Masonic lodge meetings.

Location: Kruhloozerka village, Kherson Oblast

How to get there: To get to Kruhloozerka by car from Kyiv, take the E95 to Kropyvnytsky, from Kropyvnytsky take the R06 to Mykolayiv, from Mykolayiv take the E58/M14 to Oleshky, and from Oleshky take the R57 to Kruhloozerka. To go by train, take the No. 7660 or No. 102 train from Kyiv to Kherson for Hr 286 – 387. From Kherson take a bus for Hr 63 – 91 to Kruhloozerka.

Countess Aleksandra Branitskaya hospital in Bila Tserkva

A small one-storied white building on the left bank of the Ros River in Bila Tserkva, some 90 kilometers south of Kyiv, which now hosts the city's psychoneurological clinic, has an interesting history. It is one of the oldest houses in Bila Tserkva, built by Countess Aleksandra Branitskaya in 1795 for the free treatment of peasants, servants and serfs. The 54-bed hospital initially had two floors, but a fire in 1906 meant it had to be rebuilt, and it now has a dark and neglected look.

The story of the Branitskaya hospital is connected with the life of an extraordinary man – Dominique Pierre de la Flise, a French-Ukrainian ethnographer and doctor. Coming from Nancy, Flise served as a surgeon's assistant in Napoleon's Imperial Guard. In November 1812, Flise was captured by the Russian Army near the city of Smolensk. After his release, he settled in Ukraine, which was part of the Russian

Empire at the time, and worked as chief doctor in Branitskaya hospital in Bila Tserkva.

During a cholera epidemic in the early 1830s, Flise cured 247 locals out of 300 that were infected. The doctor also vaccinated more than 10,000 peasants' children against smallpox. Flise wrote eight ethnographic works on various aspects of the lives of Ukrainians of that time. He died in Nizhyn, Chernihiv Oblast, in 1861, but the location of his grave is unknown.

Location: 41 Vasyliya Stusa St., Bila Tserkva

How to get there: If travelling by car from Kyiv, take the E95/M05 to Bila Tserkva. Another option is to take bus from Kyiv to Bila Tserkva for Hr 50 – 78 from the Central Railway Station.

Odesa architectural ensemble

It is no exaggeration to say that Odesa owes its originality and charm to the outstanding Frenchmen who served as the city's governors in the 19th century – Armand Emmanuel Sophie Septemanie de Vignerot du Plessis, Duc d'Aiguillon, Duc de Fronsac, Duc de Richelieu, and Alexandre-Louis Andrault de Langeron.

Richelieu was born in Bordeaux, France, in 1766 and earned glory as a talented manager – he was mayor of Odesa from 1803 to 1805 and under his stewardship the city gained beautiful houses, wide boulevards, its first theater, a hospital, and a cathedral.

His successor, Langeron, continued developing the city's infrastructure and opened a school for girls. He also developed the city's famous

Prymorsky Boulevard and built Odesa's botanical gardens.

A monument to Richelieu is located at 9 Prymorsky Blvd., while one of the city's central streets is named after Langeron.

How to get there: By car from Kyiv take the E95/M05 to Odesa. One can also take the Kyiv-Odesa train No. 763L for Hr 309-604, or the Kyiv-Odesa train K105 for Hr 325-356.

Pidhirtsi castle

Pidhirtsi Castle in Lviv Oblast is among Europe's best examples of the architectural combination of Renaissance palace with bastion fortifications. It was constructed in 1635-1640 for Polish nobleman Stanislaw Koniecpolski by two architects – Venetian Andrea dell' Aqua and French Guillaume Levasseur de Beauplan. Dell'Aqua constructed the palace, its pavilions and a baroque tower, while Beauplan built the pentagonal bastions.

Beauplan, a great cartographer who also created the first detailed map of Ukraine in 1639 and wrote a book about the life of Ukrainians, came from the northern French city of Rouen. In the 1620s and early 1630s Beauplan was invited by Polish King Sigismund III Vasa to build fortifications along the southern borders of his kingdom to defend it from the Ottoman Empire and raids of Crimean Tatars.

Beauplan constructed lots of fortresses, but few have survived. Besides Pidhirtsi castle, his other still existing works include a castle in Brody, Lviv Oblast, and the ruins of Kodak fortress in Dnipropetrovsk Oblast.

Location: Pidhirtsi village, Lviv Oblast. Open daily 11 a.m. – 5 p.m. except Mondays and Tuesdays. Hr 5 for children, Hr 10 for students, Hr 15 for adults

How to get there: By car from Kyiv take the E40 to Pidhirtsi. If traveling from Lviv, take a bus to Pidhirtsi for Hr 49.

St. Varvara Church in Berdychiv

Berdychiv, a small city in Zhytomyr Oblast, some 180 kilometers west of Kyiv, is known as the place where French novelist and playwright Honore de Balzac married Polish noblewoman Ewelina Hanska. They married in the local St. Varvara church on March 2, 1850. The couple tied the knot after a 15-year romance.

"I married the only woman I love even more than before, and whom I will love until death," Balzac wrote.

A plaque is set on the church façade to commemorate the union.

Location: 25 Yevropeyska St., Berdychiv, Zhytomyr Oblast. Open daily.

How to get there: Travelling by car from Kyiv, take the Ego to Zhytomyr then the M21 to Berdychiv. The bus ride from Kyiv to Berdychiv costs Hr 172. ■

France at a glance

Total area: 643,801 square kilometers

Population: 66.8 million (2016)

Government type: Republic

Head of state: Francois Hollande (since May 15, 2012)

Head of government: Prime Minister Bernard Cazeneuve (since Dec. 6)

GDP: \$2.737 trillion (2016)

GDP per capita: \$42,400 (2016)

Main sectors of the economy: Machinery, chemicals, cars, metallurgy, aircraft, electronics, textiles, food processing, tourism

Ukraine-France relations:

Trade: 1.5 billion euros (2016)

Exports from Ukraine to France: Oil and seeds, food waste, clothes and textile

Exports from France to Ukraine: Mineral fuels, chemicals and pharmaceuticals, logistics, nuclear reactors and equipment

French foreign direct investment in Ukraine: \$1.5 billion

Main business partners: UkrSibbank BNP Paribas Group, Auchan, Credit Agricole, Danone, AXA, Lactalis, LafargeHolcim, Leroy Merlin, Verallia, Groupe Savencia

Sources: Central Intelligence Agency, Embassy of Ukraine in France and the French Chamber of Commerce in Ukraine



City Life: French émigrés to Ukraine have few regrets

People from page 16

in Paris, and people spend so much time on transport that they don't care about anything.

"Everyone just wants to be invisible," she adds.

One thing the editor misses about Paris is its rich diversity and cultural life. She says that Ukrainian museums are old-fashioned, while art exhibitions often have problems with lighting. Another barrier is language – only a few cinemas in Kyiv screen movies in their original languages, and no theaters have performances in English or French.

But Chicheportiche-Joseph says children in Kyiv have a better cultural life than adults. Art schools are cheap here. Her girls go to piano classes and ballet. "It might have been impossible in Paris," she adds.

In France, parents have to work long hours and have no time to support their kids' hobbies, she says. On top of that, French art schools are expensive.

While many people long for New York, London or Tokyo, but not Kyiv, many who come to Ukraine eventually come to love living in the country,

"When you come to Ukraine, you cry, and when you leave it, you cry too – this is how most of the French community in Ukraine feels," she says.

Sebastien Gobert, journalist six years in Ukraine

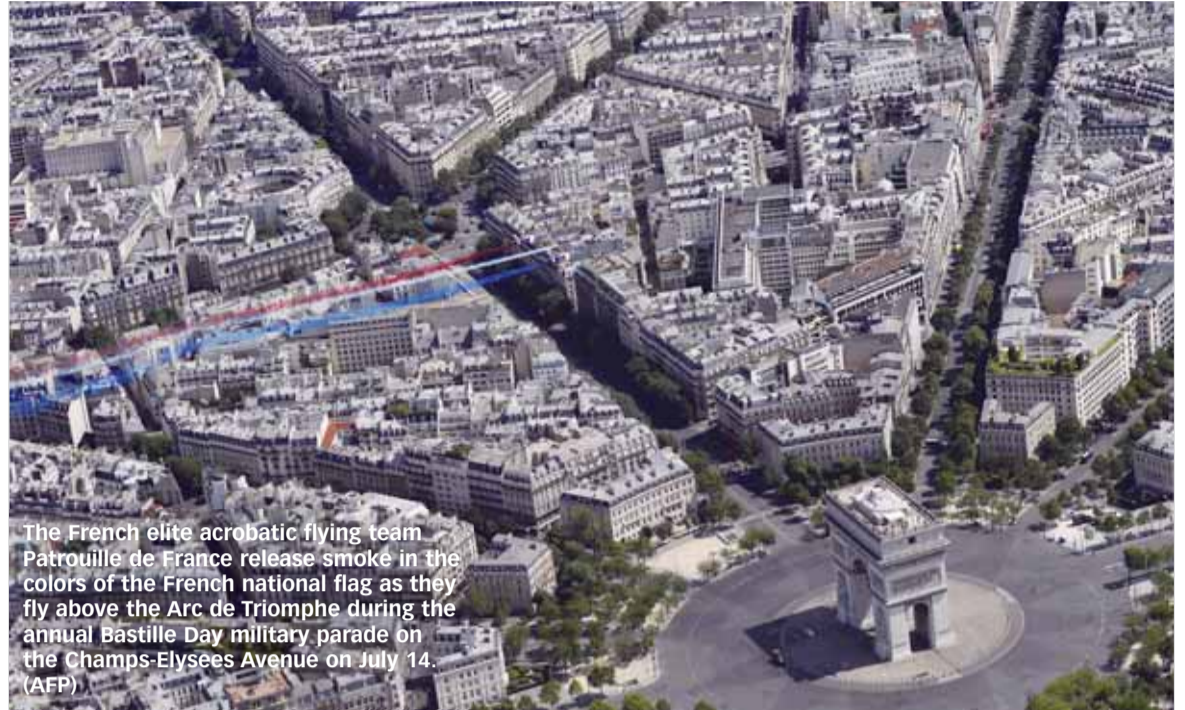
Before Sebastien Gobert moved to Ukraine, he had lived in central European countries. When the French journalist first arrived in the capital of Ukraine, he was horrified by the Soviet architecture, the noise, and the hectic traffic. He says it took him eight months to get used to post-Soviet Kyiv, but in the six years since he moved things have changed.

Comparing France and Ukraine, the first thing that comes to mind is, of course, service. Gobert says he was used to the traditional Western European service – polite and courteous – in shops and restaurants. In Ukraine, he had pleasant interactions with shop assistants, he says. "It was as if I had to beg them to sell me something," he says.

Apart from service, the journalist was surprised by parking in Kyiv, or to be more accurate, the lack of parking spaces.

Despite its flaws, Ukraine's dynamism impresses Gobert.

"Ukrainians really want to become something. In Western Europe people just want to stay as they are," he said.



The French elite acrobatic flying team Patrouille de France release smoke in the colors of the French national flag as they fly above the Arc de Triomphe during the annual Bastille Day military parade on the Champs-Élysées Avenue on July 14. (AFP)

Although Gobert misses French croissants and wine, and still feels like a kid in a toy store when he visits bakeries back home, he has no plans to return to France so far. He says French society is not striving to develop, which goes against his attitude to life.

"We should all hope for a better life, we should want to change the system and improve the situation," Gobert says.

Paul Manandise, singer two years in Ukraine

French singer Paul Manandise first came to Ukraine by bus, and was immediately struck



by the differences. "We were only 20 kilometers from the border, but I had already noticed things totally different from what I saw in Europe. Weird coffee machines, for instance!"

The people are also different: Manandise says he finds it easy to speak to anybody in Ukraine because "people are very kind and more human here." He says that in Western Europe people are less honest in conversation with each other, and tend to show off more.

"Of course, the first thing Ukrainians associate with France is the croissant," Manandise says. He believes that Ukraine loves French culture, cinematography and its traditions. He didn't know much about the country he was coming to, but the things he's learned "were a nice surprise."

Manandise's favorite cuisine is still French. But he is fond of Ukrainian food. While on tour, he has tried traditional borsch (meat and beet soup) and salo (lard, which he calls Ukrainian foie gras) in 10 cities. The singer says the best borsch he had on tour was in Kharkiv. "Not as good as my mother-in-law's though," he adds.

He says food in French restaurants here is good, but misses the "special French touch." Truly authentic French food has to be cooked at home, not in a restaurant, he says.

Manandise is happily settled in Ukraine and plans to become a citizen. It amazes him that despite the challenging situation, people encourage and support each other's ideas.

"It feels like anything is possible in Ukraine," he says. ■

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French cuisine lovers can be found in these 6 places

BY ANNA YAKUTENKO
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French cuisine is renowned around the world – the United Nations Educational, Scientific and Cultural Organization lists French gastronomy as an example of “intangible human culture.”

UNESCO, based in Paris, would probably know. But there are plenty of French restaurants in Kyiv where food lovers can get their hands on traditional French delicacies such as snails (les escargots), frogs’ legs (les cuisses de grenouille) and horse meat (la viande de cheval).

So with the French Spring festival in full swing in Ukraine, the Kyiv Post has made a list of some top French restaurants in the Ukrainian capital.

Paul

An outlet of the world-famous confectionery, Paul opened in Ukraine in 2014. Apart from croissants, tarts and meringue-based macarons, clients can have a full dinner with meat and fish dishes for around Hr 115 – 250. However, the main feature of Paul is still its delicious baked goods: the owners of the restaurant even imported special equipment to produce authentic French bread.

The restaurant has an elegant interior with black-stained wood, similar to the chain’s cafes in other countries. However, unlike those in Europe, the Kyiv-based Paul is more of a restaurant than a family bakery with affordable prices. Because of its location near the city center, the place is popular among politicians and artists.

Paul, 26 Yaroslaviv Val St. 8 a.m. – 10 p.m. +38044-281-2493

Tres Francais

Tres Francais, which translates as



People enjoy food at the summer terrace of the restaurant Tres Francais at 3 Kostelna St. Kyiv-based French restaurants offer wide range of traditional dishes from different regions of France. (Kostyantyn Chernichkin)

“very French,” is one of the most popular spots. Located in the heart of the city at 3 Kostelna St., the restaurant offers authentic French dishes from various regions of France. One can start with a traditional sandwich, such as a croque-monsieur boiled ham and cheese sandwich for Hr 92, eat a bowl of Lyonese soup for Hr 102, and sample snails à la bourguignonne (made with a red-wine sauce) for Hr 175. The price of a bottle of white French wine starts at Hr 685.

Tres Francais is a family restaurant, with a special menu for children. Apart from the three rooms inside the restaurant, there is also an open-air terrace, which was set up on April 1. The restaurant often holds cooking master classes for both kids and adults, along with art exhibitions, live music concerts and many other activities.

Tres Francais, 3 Kostelna St. 9 a.m. – 11 p.m. +38044-279-7771

Très Branché

Très Branché is another French restaurant, which was opened by the owners of Tres Francais in 2014. Unlike the traditional Tres Francais, Très Branché is inspired by modern France, which means the restaurant has a loft-style interior with graffiti and street art. The café is tiny but popular, so make sure to reserve table in advance.

The menu of Très Branché includes various classic French dishes and more than 20 types of wine starting at around Hr 500 for a bottle. Favorites here are frogs’ legs with herbs for Hr 350, or ratatouille – a stewed vegetable dish originating in Nice – for Hr 95. The café has a bar with various tipples and cocktails from around Hr 120.

Très Branché, 4 Mykoly Lysenka St. 8 a.m. – 11 p.m. +38044-278-6125

Citronelle

Citronelle, which is located in the heart of the city at 23 Bohdana Khmelnytskoho St., specializes in traditional French favorites, with foie gras (duck’s liver) from Hr 98, baked Brie cheese for Hr 230, and bouillabaisse – a traditional Provençal fish stew originating from the port city of Marseille – for (Hr 490).

The restaurant is located not far away from the city’s major theaters, such as Opera Theater, Lesya Ukrainka National Academic Theater and the Kyiv Academic Youth Theatre. Visitors to the restaurant who show their tickets for the theater on the day of the performance get a free glass of champagne.

Citronelle, 23 Bohdana Khmelnytskoho St. Mon – Fri 9 a.m. – 12 a.m. Sat – Sun 10 a.m. – 12 a.m.

Belmondo

Belmondo at 17 Hoholivska St. is named after a French film star of the 1960s, Jean-Paul Belmondo, who starred in “Breathless” and “That Man from Rio.” The restaurant has an elegant provincial-style design in beige, and traditional dishes originating in various regions of France. Moreover, lovers of French chanson will enjoy tapping their feet to the background music, which includes hits by Serge Gainsbourg, Joe Dassin and Lara Fabian.

Top choices here include veal with foie-gras and baked vegetables, or Sibasa fish with couscous for Hr 295, and a platter of French cheese for Hr 250. To go with meals, there is a range of wines from Bordeaux, Alsace and Burgundy to suit the dishes.

Belmondo, 17 Hoholivska St. 11 a.m. – 11 p.m. +38044-362-5886

PanTelaPase

PanTelaPase, at 2 Esplanadna St., offers dishes that are a fusion of modern Ukrainian and traditional French cuisine. The restaurant’s name is a popular Ukrainian macaronism – a phrase that in Ukrainian means “A master grazes a calf,” but to Ukrainian ears can pass for a French phrase.

Connoisseurs of French cuisine will be tempted by the Au Pistau soup for just Hr 69, and the cheese and mushroom soups with truffles, for Hr 79 and Hr 87. For the less adventurous, traditional Ukrainian borsch and salo (pork fat) are also available. Apart from French wine, the drinks menu includes wines from Italy, Spain, the United States, Australia, Chile and Argentina, for around Hr 500-700.

PanTelaPase, 2 Esplanadna St. 8 a.m. – 11 p.m. +38073-031-8731

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Since 1994, French Institute brings art, language and more to Ukraine

BY OLENA GONCHAROVA
GONCHAROVA@KYIVPOST.COM

For Matthieu Ardin, his job is his passion.

As executive director of the French Institute (Institut Français) in Kyiv, Ardin brings French art and culture to Ukraine with frequent festivals, exhibitions, concerts and educational collaboration.

When Ardin arrived in Ukraine in 2006 to manage the Institut Français – a cultural department of the French Embassy – he had no management experience, he says. But he knew Ukraine well enough as he visited the country several times since the early 1980s.

After four years in Ukraine, Ardin moved on to head the French Institute in Moscow, only to reclaim his position in Kyiv in 2014.

Now in his second term at Ukraine's French Institute, Ardin, 52, says the EuroMaidan Revolution that ousted ex-President Viktor Yanukovich and Russia's war in Donbas that followed changed not only the country, but the institute as well.

"In 2014, when I made it back, the institute was already different," Ardin explains.

The main reason, he says, is that war and recession mean that fewer people study French.

"Even when the prices are not high, for many it's an effort they have to make (to take classes)," Ardin says.

Now some 500 people study at the French Institute which was established in 1994 and operates under the Ministry of Foreign Affairs of France. French institutes in all countries rely on the Alliance Française network, a non-profit cultural and educational organization that also promotes the French language and culture. Alliance Française is present in six Ukrainian cities apart from Kyiv, namely Dnipro, Kharkiv, Lviv,



Matthieu Ardin, executive director at Institut Français in Ukraine, talks to the Kyiv Post in Kyiv on April 3. (Kostyantyn Chernichkin)

Odesa, Rivne and Zaporizhzhya.

Another thing that has changed is the approach of Ukrainian partners.

"They became more responsible in terms of organization and finances," Ardin says.

French culture has always been special for Ukrainians many of whom know it by movies featuring Louis de Funès and Joe Dassin songs.

"Ukrainians love France and we have to be proud of it," Ardin says. "But (France) is changing and we have to show its transformation."

That's what the French Institute has been doing for the last 13 years with the French Spring, an annual month-long festival that celebrates French culture in Ukraine.

One of Ardin's favorite events of all the French Spring festivals was "The Square of Angels," a show by circus studios from Marseille that took place in Kyiv in 2010. During the show on Sofiyska Square in Kyiv,

the acrobats threw some two tons of feathers from the bell tower of St. Sofia Cathedral.

"The audience loved the show and I saw some older ladies who 'prepared' well – they had big sacks and collected the feathers. Those were hypoallergenic feathers the artists brought from France," Ardin recalls with a warm smile.

This year's festival kicked off with "Galileo," a show by French circus theater group Deus Ex Machina that tells a story of the Italian astronomer and scientist Galileo Galilei, who promoted the Heliocentric theory, which rightfully states that the Earth and other planets revolve around the Sun. In Galilei's time, it was believed that the Sun and planets revolved around the Earth.

"(Organizing the shows) can be both stressful and very pleasant," Ardin says, adding that sometimes they had difficulties getting all the

permissions to use the location, which is usually a square in central Kyiv. This year, however, the organization was flawless, Ardin says.

One of the key objectives of the French Institute is also to showcase the talents of Ukrainians. This is an example of effective co-production, according to Ardin.

In 2015, the highlight of the French Spring was "Antigone," a play staged by French director Lucie Berelowitsch from the theater of Cherbourg, that starred actors of the Kyiv-based Dakh Theater. The show was very successful: after Kyiv, it was performed across France 13 times. In April, "Antigone" will be performed in Kharkiv, Zaporizhzhya, Dnipro and Odesa.

At the same time, Dakh Daughters – music and theater project which started in Kyiv in 2012 – become quite popular in France.

"Their shows are always crowded," Ardin says.

Another example is the ballet "Motion" for which French choreographer Brahim Bouchelaghem picked 12 Ukrainian dancers to show modern ballet with the elements of hip-hop. Kyiv's National Operetta Theater is scheduled to show it on April 24.

In the meantime, Ardin also runs cooking classes that usually take place at Kyiv's Tres Français ("Very French") restaurant. Ardin stresses that he's not a professional chef, so he often invites one to the classes.

"We cook something that I often cook at home," Ardin says. "(These meetings) are not only about cooking, we also talk about France and French way of life."

But Ardin says he is also a fan of Ukrainian cuisine. Traditional holubtsi (cabbage rolls with meat filling) are among his favorites.

Apparently, Ardin is in love with everything he does: "It's a pleasure to share emotional and intellectual activities with people," he says. ■

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April 9



(Kyiv Half Marathon)

Kyiv Half Marathon

The Nova Poshta Kyiv Half Marathon is one of Kyiv's biggest running events, offering various race distances from 2 kilometres up to 21.0975 kilometres, a distance referred to as a half marathon. This year's route will start at Kontraktova Square and follow the banks of the River Dnipro.

Nova Poshta Kyiv Half Marathon. April 9. 9 a.m. Kontraktova Square. Hr 400-500

April 7-12



(Courtesy)

'Lion' movie

The "Lion" movie tells a real story of a man named Saroo, who at the age of five boarded the wrong train, ending up thousands kilometres away from his home. Twenty-five years later, Saroo decides to find his family using just his memory and Google Earth. The movie received almost a dozen Golden Globe and Oscar nominations, as well as two BAFTA awards.

"Lion" (drama). April 7-12. 3:30 p.m. Zhovten cinema (26 Konstantynivska St.). Hr 40-80

April 8



(DJ David August/facebook)

David August DJ-set

German DJ David August will showcase his world-famous skills during a live DJ-set at the Dovzhenko film studio. August learned piano at just the age of five; at 25 he regularly plays the world's leading venues and has had many sold-out shows. German musician Christian Löffler will also perform.

David August DJ-set. April 8. 10 p.m. Dovzhenko film studio (44 Peremohy Ave.). Hr 450-760

Art exhibition

The Chyste Mystetstvo (Clean Art) exhibition aims to introduce so-called naive artists, whose works are a cross between modern, avant-garde and folk art. Such artists do not conform to a prevailing art technique, do not use conventional materials and are driven purely by their desire to create, rather than commercial motives.

Chyste Mystetstvo. April 13-May 9. 11 a.m. – 8 p.m. Closed on Mondays. Mystetskyi Arsenal (10-12 Lavrska St.). Hr 60



April 13-May 9

(Courtesy)

Street food festival

The Ulichnaya Eda street food festival has been running for four years in Kyiv, each time bringing in over 30,000 visitors. This year's festival will have two large food zones, with musicians entertaining the crowd from the stage. To compliment the food, bartenders in a roof lounge zone will be serving delicious cocktails.

Ulichnaya eda. April 8-9. 11 a.m. – 11 p.m. Platforma Art Zavod (1a Bilomorska St.). Hr 75



April 8-9

(Volodymyr Petrov)

Easter Festival

Unlike westerners, who give each other chocolate eggs on Easter Day, Ukrainians still celebrate the holiday with real eggs, called pysankas, decorated with colorful ornaments and drawings. The Pysanka festival on Sofiyska and Mykhailivska Squares will feature as many as 585 large decorative pysankas. A lounge zone, workshops, art and handicraft fairs will also feature in the festival.

Pysanka festival. April 8-23. 12 p.m. Sofiyska and Mykhaylivska Squares. Free entry



April 8-23

(Kostyantyn Chernichkin)



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