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Kyiv Post

UKRAINE'S GLOBAL VOICE

25th year!

29 Years! Ukrainian Pride On Display

Will Andrii Ovsienko defend justice or corruption?

By Ilya Timtchenko
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Sept. 1 is the day when Ukraine's judicial system can decisively change its troubled course in history and send a message to international investors that Ukraine's courts are really changing and can become trustworthy.

But that all depends on the decisions of a few people, most importantly Andrii Ovsienko, chairman of Ukraine's High Council of Justice, a body that – among other duties – ensures the independence of judges and their professional ethics by setting standards and taking disciplinary actions.

"I am a judge myself... and that's why I am interested, like the

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Back to school: Yes, really

By Igor Kossov, Malek Banat
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Halyna Radchuk, a 12th grade student at Kyiv International School, is impatient to graduate, but knows the risk of going back to school.

"I don't see how it is even possible to social distance at school," she told the Kyiv Post.

"Yes, we perhaps are going to be sitting further away from each other in class and we are going to wear masks, but at the end of the day, there are bathrooms, hallways, and, in general, life doesn't always allow us to be distanced."

Many students, parents and teachers share her anxiety.

Schools across Ukraine are preparing to reopen on Sept. 1 as the growing pandemic hangs overhead. Epidemiologists expect infections to surge in the fall, especially among younger people.

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Ukrainian veterans and activists participate in the March of Defenders of Ukraine as part of Ukraine's Independence Day celebrations in Kyiv on Aug. 24, 2020. Ukraine marked its 29th anniversary as an independent nation still at war with Russia, which since 2014 has occupied about 7 percent of the nation's territory – the eastern Donbas and the Crimean peninsula. Fighting has slowed this summer in the war that has killed an estimated 14,000 people. Thousands of people took part in Independence Day events, ahead of October local elections that will give Ukrainian voters a chance to elect their municipal leaders across the nation. See photo gallery on page 8.



ONLINE Kyiv Post Employment Fair
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Kyiv court epitomizes corruption & impunity

By Oleg Sukhov
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The Kyiv District Administrative Court has become the epitome of injustice and corruption in Ukraine.

Its top judges, including its head Pavlo Vovk, were charged with graft and obstruction of justice twice — in August 2019 and July 2020. They deny the accusations of wrongdoing.

But the country's whole government apparatus has protected the notorious judges. They are not under arrest, still keep their jobs and effectively hold the whole country hostage.

The judges who should be on trial themselves still keep the right to judge others.

Vovk has become so influential that he is routinely interfering in the work of other government bodies, obstructing reforms, disrupting competitions for state jobs and helping corrupt officials and oligarchs escape punishment.

He owes his staying power, it appears, to his willingness to do the bidding of whoever governs the country — and, of course, oligarchs and other powerful figures.

"It's a great threat," Halia Chyzhuk, a judicial expert at the Anti-Corruption Action Center, told the Kyiv Post. "It's an administrative court that decides on government issues — effectively it can interfere in the work of almost all government bodies, except for parliament or the president, whose actions are appealed to the Supreme Court. But Vovk appears to have influence on the Supreme Court as well, and sooner or later the whole government system may become hostage to a small Kyiv court."

Supporting oligarchs

The court has been accused of acting in the interests of different oligarchs, including Ihor Kolomoisky.

The Kyiv District Administrative Court ruled in April 2019 that the nationalization of PrivatBank, formerly owned by Kolomoisky, was illegal.

PrivatBank was nationalized when it was found to have an over \$5.5 billion hole in its ledger, allegedly moved out by Kolomoisky and his business partner Gennadiy Bogolyubov, via fraudulent schemes. The \$5.5 billion gap was filled with Ukrainian taxpayers' money after the bank was nationalized.

At the same time, Vovk's court also ruled in favor of Triantal Investment



Ltd, a firm co-owned by Kolomoisky, and annulled the conversion of the company's assets by the National Bank of Ukraine.

The court's decisions came at a great cost for the Ukrainian state. They jeopardized funding from the International Monetary Fund, which required that PrivatBank cannot be returned to Kolomoisky.

This obstacle to funding was removed only in May, when the Verkhovna Rada passed a law that bans the return of nationalized banks, including PrivatBank, to their former owners.

Helping corrupt officials

One of the most negative impacts of the court is that it has consistently helped top officials implicated in corruption keep their jobs and escape charges.

In 2018 the court reinstated former State Fiscal Service Chief Roman Nasirov, a suspect in a major corruption case, and ruled that he should be paid compensation worth Hr 183,342.

Eventually Nasirov failed to be reinstated, however, and withdrew his motion to get his job back.

Nasirov has become one of the symbols of Ukrainian corruption for civil society. In 2017 Nasirov was charged with abusing his powers by illegally allowing participants of an alleged corrupt scheme at state gas producer Ukrgazvydobuvannya to delay tax payments, causing losses

to the state of Hr 2 billion (\$74 million).

Another top official helped by Vovk is Interior Minister Arsen Avakov. In 2017 Vovk's deputy Yevhen Ablov ruled that an auction to supply backpacks to Avakov's Interior Ministry was legal, helping to whitewash the minister. As a result, the court ruling helped several suspects in the case escape justice.

In that year, Avakov's son Oleksandr and the minister's ex-deputy, Serhiy Chebotar, were charged by the NABU with embezzling Hr 14 million (\$550,000) by supplying overpriced backpacks to the Interior Ministry. Former Chief Anti-Corruption Prosecutor Nazar Kholodnytsky's office, however, closed the case a year later despite published video evidence that shows Chebotar and Oleksandr Avakov discussing the corrupt deal. The suspects deny the accusations of wrongdoing.

According to tapes released by the National Anti-Corruption Bureau of Ukraine, Vovk also proposed that Commissioner for Human Rights Lyudmila Denisova appoint a member of the High Qualification Commission of Judges. This was a quid pro quo: in exchange Vovk's court would cancel rulings against her by the National Agency for Preventing Corruption.

Both sides eventually fulfilled their parts of their bargain. Denisova did not respond to requests for comment.

The Vovk tapes also document his efforts to unlawfully influence the Constitutional Court and get control over it, according to the NABU. In February 2019 the Constitutional Court canceled the law criminalizing illicit enrichment.

"Thanks to our common efforts, the decision to recognize the illicit enrichment (law) as unconstitutional has been born," Vovk told one of his court's judges after the ruling was issued. "That's why you can buy anything you want."

Vovk and Ablov were personally interested in the Constitutional

Court ruling because the NABU had investigated illicit enrichment cases against them. Both had to be closed after the ruling.

Blow to reforms

Vovk's court has done its best to obstruct reforms in Ukraine.

Specifically, in February 2019 it dealt a blow to healthcare reform by banning Ulana Suprun from fulfilling the duties of acting health minister due to her U.S. citizenship.

Anti-corruption activists argued that the court was thus trying to block Suprun's healthcare reform and help corrupt vested interests in the healthcare industry. Amid the backlash by civil society, the court canceled its own decision on Suprun in the same month.

The court has also sabotaged judicial reform.

The NABU recordings document efforts by Vovk and other judges of the court to avoid the High Qualification Commission's qualification assessment by faking sickness.

In May 2019, 34 judges of the Kyiv District Administrative Court did not show up for qualification assessment at the commission, claiming that they were sick. As a result — unlike many other judges — most of the court's judges have not undergone checks of their assets and violations.

According to the recordings, Vovk also unlawfully organized the issuing of a ruling by an Odesa court to ban the qualification assessment of judges by the High Qualification Commission.

"We are unique. We are the only court that has survived all of them for five years. Unliquidated, unreformed, unassessed," Vovk boasted and quipped, according to the NABU tapes.

Obstructing competitions

The court has also done a lot to interfere in and obstruct competitions for state jobs at various agencies. As a result, competitions for state jobs that were supposed to be

Top 10 tape scandals in Ukraine's history

By **Oleksiy Sorokin**
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There is no such thing as a private conversation or message in Ukraine.

Oligarchs, ambassadors, anti-corruption officials, and even presidents — they all have seen what they thought were private affairs leak online. Some of these recordings shed light on previously hidden political arrangements, some just made people laugh, while others uncovered major corruption schemes undermining the country's integrity.

The Kyiv Post gathered Ukraine's 10 biggest political scandals that sparked after private conversations — not meant to be heard at all — were leaked to the public.

Vovk tapes

The most recent political scandal involving high-rank officials being tapped had everything one needs for a good crime drama. The only problem — it happened in real life.

On July 17, the Prosecutor General's Office and the National Anti-Corruption Bureau of Ukraine (NABU) published audio recordings implicating controversial judge Pavlo Vovk, head of the Kyiv District Administrative Court, and other judges of his court in alleged crimes.

In the 45-minute audio recording published by NABU, voices alleged to belong to Vovk and other judges discuss a variety of criminal activities: organized crime, abuse of power, bribes and unlawful interference in the work of the High Qualification Commission of Judges, a state body



Mykola Melnychenko, former bodyguard of ex-President Leonid Kuchma, speaks to the media at the Prosecutor General's Office in Kyiv on March 23, 2011. He became well-known after the release of secret recordings allegedly made by him in the former president's office. The recordings showed Kuchma allegedly ordering dozens of crimes for which he's never been properly investigated.

that selects and vets judges.

Since the tapes were published, Vovk and five other judges from his court have been accused of arranging fake lawsuits to suspend the mandates of members of the High Qualification Commission. Vovk has also been accused of organizing phony hiring competitions to flood the commission with members loyal to him.

Vovk and other judges of his court deny all accusations.

Melnychenko tapes

Hundreds of hours of audio recordings made by Mykola Melnychenko, ex-major of the State Security Service, were published in November 2000, causing what's become the biggest political scandal since Ukraine's independence.

The published recordings have shed light on then-President Leonid Kuchma's authoritarian governance. On the tapes, Kuchma allegedly ordered Donetsk Oblast Governor Viktor Yanukovich to pressure a judge and asked Tax Service Head Mykola Azarov for help in falsifying an election. On the tapes, Kuchma is heard running the nation like a mafia boss — deciding who gets

favors and who gets punished.

The published recordings have also linked Kuchma to the Sept. 16, 2000 murder of famous Georgian-Ukrainian journalist Georgy Gongadze. The revelations led to street protests and major political turmoil inside Ukraine.

After Gongadze was murdered and decapitated, Oleksandr Moroz, leader of the opposition Socialist Party, published wiretap recordings made by Melnychenko, who also was the former presidential security guard, allegedly made in Kuchma's office.

The tapes featured a man with a voice similar to that of Kuchma ordering his allies to silence his prominent critic, Gongadze. One of the men receiving the orders was then-Interior Minister Yuriy Kravchenko.

Although the tapes feature no direct order to kill Gongadze, they cast a shadow on the president's office and made Kuchma a key suspect in the case.

Before long, protesters took to the streets of Kyiv, demanding the resignation of the president. The protests didn't succeed, but they substantially weakened the president and indirectly led to the 2004 Orange Revolution, which cancelled a rigged election for Viktor Yanukovich and led to the election of Viktor Yushchenko.

The person who ordered Gongadze's murder remains free today. In 2013, Oleksiy Pukach, for

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EDITORIALS

Don't blame foreigners

As COVID-19 cases increase across Ukraine, the government has figured out who poses a danger: foreign tourists.

On Aug. 26, the Cabinet of Ministers decided to close Ukraine's borders to most foreigners from Aug. 29 to Sept. 28. They justified this decision as a measure to combat the spread of COVID-19.

For anyone who has been following the pandemic in Ukraine, that decision sounds strange. Foreign visitors already are required to have COVID-19 insurance and spend 14 days in self-isolation or undergo a COVID-19 test upon arrival in the country.

Meanwhile, Ukrainian citizens flout the recommendations of the Ministry of Health, taking their masks off in public transport and shops, ignoring physical distancing and spending time in crowded places. The government does little more than encourage them to follow the rules.

But there is, perhaps, another reason for the ban: On Sept. 18–20, Jews around the world will celebrate Rosh Hashanah, the Jewish New Year. For members of the Breslov Hasidic sect, the holiday is a time to come to Ukraine and make a pilgrimage to the gravesite of the founder of their movement, Rabbi Nachman, in the city of Uman.

Every year, tens of thousands of pilgrims come from Israel and the United States to Ukraine for the holiday. This year, both the Ukrainian and Israeli governments have, to varying degrees, called for the pilgrimage not to take place, as it poses a risk of spreading COVID-19, both in Ukraine and abroad.

But enforcing that has proven a challenge. One cannot simply ban religious Jews from entering the country, nor can the authorities fully close off Uman.

Although the Ukrainian government has not said this directly, the entry ban for foreigners may be an effort to stop the pilgrimage.

We certainly hope that is the case. Normally, Rosh Hashanah in Uman is a fantastic celebration representing the diversity of Ukraine's history and its connection to Jewish communities around the world. During the pandemic, however, thousands of people crowded into the holy sites of Uman risk creating a superspreader event that could send both Ukraine and Israel back into lockdown.

Moreover, if stopping the Uman pilgrimage is not the reason for the entry ban, it suggests that the Ukrainian government has decided to use foreign tourists as a convenient scapegoat for its failure to prevent the spread of COVID-19.

There is no doubt that tourists aren't the reason for the spread of COVID-19. Rather, it is the government's desire to fully reopen the economy without enforcing masking and social distancing.

And if the situation is lax in Kyiv — one of the epicenters of the local epidemic — it is even worse outside the capital. Ukraine is a ticking time bomb for COVID-19, but the authorities are not doing enough to keep the pandemic under control.

Kyiv Post moves up & out

The Kyiv Post has physically taken up space over its nearly 25 years of existence in the following locations:

- Founder Jed Sunden's apartment, as the legend goes;
- Lesia Ukrainka Boulevard in the Pechersk neighborhood;
- Bazhana Street on the left bank of the Dnipro River;
- Saksahanskoho Street near Peremohy Square;
- Prorizna Avenue near Zoloti Vorota;
- Novikontantivovka Street in the Podil neighborhood;
- Pushkinska Street between Shevchenko Park and Lva Tolstoho and Khreshchatyk streets (the most recent location that we had for the last eight years, longer than any other office space);

But we are moving this weekend to what will be our eighth office in 25 years.

As locations go, the current 31a Pushkinska St. office can't be beat — all three metro lines within easy walking distance. For aesthetics, it was easily beat: The electrical and water supply was not the most reliable. The roof leaked during heavy rainfalls. The office itself was a converted residential apartment of a long-ago era, so plenty of wasted space and closed-off rooms. We were cramped and we needed to rent an adjunct office on the first floor for additional space.

Starting on Monday, Aug. 31, 2020, the Kyiv Post enters a bright new era ahead of our 25th birthday on Oct. 18, 2020.

Thanks to Kyiv Post publisher Adnan Kivan, owner of the KADORR Group in Odesa, the newspaper is moving into its very own office. We have 455 square meters of modern space on 68 Zhylianska St., between Pankivska and Tarasivka streets, in a 23-floor building of mainly residential apartments. The office rooms are transparently enclosed by glass walls and, for the first time in years, all employees will be working in essentially the same room.

Of course, the office was designed already in another era — the pre-coronavirus period of 2019. But while much of the Kyiv Post workforce is still working remotely, the era of the office is far from dead. If we've learned anything from the pandemic, it's that to fully harness the collective wisdom of a single team, we all need to be together — to know each other, to brainstorm, to build connections, trust and relationships and to generate ideas in a casual yet professional atmosphere.

As we move, we have 48 workplaces for a slightly fewer number of people, but the empty places will get occupied by interns and freelancers in the available "hot desks."

It may not be mean much to the outside world, but for the loyal Kyiv Post reader, rest assured that the new set-up — which includes a much-needed video studio on the floor above us — will make us a better newspaper.

People matter the most, as always, in any business. We've learned how much work that people can do remotely during COVID-19, but we've also learned the limitations of being dispersed and unable to gather in one place. Space matters too. Please feel free to pay us a visit at our new digs! We welcome visitors.

NEWS ITEM:

Nineteen Ukrainian popular musicians took to the stage and performed in the center of Kyiv on Aug. 24 to celebrate the country's Independence Day. They sang excerpts from the most popular songs in modern Ukrainian history. But not everyone was impressed. Two bands whose songs were included in the mashup accused the organizers of copyright violations. Additionally, some viewers found the whole show vulgar and inappropriate for the national holiday, which also honors heroes of the Donbas war. Others claimed it was a matter of individual musical taste, and the performance reflected the diversity of the Ukrainian music scene.



NEWS ITEM:

Belarusian President Alexander Lukashenko and his 15-year-old son Nikolai flew in a helicopter over the Palace of Independence in Minsk on Aug. 23 and over Belarusians who were protesting there against the results of the Aug. 9 presidential election in Belarus, which many believe was rigged. When the helicopter landed, Lukashenko and his son got off wearing military uniforms and armed with machine guns in what seemed like an attempt to show that the Lukashenko regime was ready to fight the Belarusian protesters with violence if needed.



NEWS ITEM:

Health Minister Maksym Stepanov has been addressing the nation every morning for months, updating the country on the COVID-19 epidemic in Ukraine. However, many of his addresses are just him reading off statistics. He's also regularly been broadcast from locations that aren't always directly related to the coronavirus situation. During his speeches, Stepanov often talks more about non-coronavirus health issues than COVID-19, the official subject of his briefings..



NEWS ITEM:

During an interview with journalist Dmytro Gordon, ex-President Leonid Kravchuk showcased a contraption he was wearing on his neck that, he claimed, was protecting him from the novel coronavirus. Kravchuk said the device killed microbes around him. There is neither a vaccine nor a remedy — let alone a gadget — that has proved it can protect anyone from the virus.

See these features online at Kyivpost.com

Ukraine's Friend & Foe Of The Week



Friend

Hal F. Foster Jr.

The American journalist had an affinity for Ukraine and covered Russia's war against the nation in 2014 for USA Today. He spent a lot of time in the former Soviet Union and taught many journalism students. He died of a heart attack on June 10, 2020.



Foe

Peter Debbins

The former U.S. Army Green Beret was indicted for spying for Russia for many years. He betrayed America — Ukraine's biggest ally in its war against Russian aggression — and helped the Kremlin mafia undermine the West.

Feel strongly about an issue? Agree or disagree with editorial positions in this newspaper?

The Kyiv Post welcomes letters to the editors and opinion pieces, usually 800 to 1,000 words in length. Please email all correspondence to chief editor Brian Bonner, at bonner@kyivpost.com. All correspondence must include an email address and contact phone number for verification.

Ukraine's plan to send kids back to school contingent on coronavirus

page 1 →

While most schools are planning to open, they will operate under a series of constraints introduced this week by the Ministry of Health. These may lead to smaller classes and longer school days that will complicate the lives of teachers and parents.

Distance learning will be a major part of education, and not only in "red" zones — areas of Ukraine with the worst epidemiological situation — where schools will stay closed. This presents its own set of challenges. Parents and students had mixed reviews of distance learning. Some said it gave them more time to get their work done. But mother Natalia Narula said "watching my child spend twice as much time on studies was quite painful."

And there are unanswered questions about implementation. Some parents are still waiting for information from their schools. Teachers' unions are worried that the rules are being left up to local administrations, instead of being codified. And many are aware that their workload will go up, unlike their safety.

Looming threat

Private laboratory company Synevo thinks Ukraine is still dealing with the first wave of the epidemic. The rise in daily cases mainly comes from better testing, according to the lab.

That said, fall may bring more seasonal infections, which will accelerate COVID's spread. Research in recent months showed that the virus is increasingly affecting young people, including children, according to Synevo commercial director Nikolay Skavronsky.

"With the start of the school year, the risks of spreading the virus among children are enormous. Unlike adults, it will be more difficult for children to adhere to the rules of hygiene, maintain physical distance and follow other recommendations," Skavronsky wrote in an email.

"Therefore, it is extremely important to conduct an active information campaign aimed specifically at children."

Pavlo Kovtoniuk, former deputy health minister, said that children are likely to be asymptomatic carriers. This means it will be easier for them to spread the disease undetected.

The new normal

Upon entering the school premises for the first time since March, students may be surprised by their surroundings. The once-bland hallway walls will now be covered in educational banners and posters aimed at raising hygiene awareness.

Masks will be mandatory to enter the school or move around its hallways, although they can be taken off in class. Grades 1–4 will be exempt from this requirement, with Health Minister Maksym Stepanov putting those students in a lower risk group. However, experts and parents cautioned that young kids can unwittingly spread infection.

"The kids are going to want to hug each other... I think there are going to be a lot of false starts," said David Conover, an American whose three children attend the Kyiv



A woman wipes down keyboards at School No. 145 in Kyiv on Aug. 27, 2020. While most schools are planning to open on Sept. 1, they will operate under a series of constraints introduced this week by the Ministry of Health.

International School. However, he believes that kids can adapt.

"In March, when this was happening, we had to have our kids wear masks on (and tell them) 'don't touch the elevator buttons, stop licking the doorknob' — it was hard. And now they put on their masks and don't touch anything."

In schools, "how are you feeling today?" will no longer be a rhetorical question — a negative response may potentially lead to an isolated room, according to the new protocol which requires mandatory quarantine in case of COVID-like symptoms.

If a student does test positive, the new regulations require mandatory self-isolation for the rest of the class as well.

The students will be greeted by a hand sanitizer checkpoint, where they will also be able to dispose of used masks in a special bin. Student flow has to be organized, with different age groups following separately labelled routes.

One of the biggest changes is the minimization of student movement, possibly leading to classes spending the whole day in a single room.

Fabian von Reinsperg, who teaches English and French at the German School in Kyiv, said that his school turned the classrooms into "isolation rooms" for a single class at a time, with teachers switching in and out. This will require teachers to move equipment between rooms, such as geographic maps for geography.

"We are going to have to do some improvising," he said.

Staff will have to get temperature scans before entering the building — people above 37.2 degrees will be screened out.

Concerns and challenges

To meet distancing requirements, students will need to sit farther apart, often with empty seats between them. This will require classrooms to be divided into subgroups. That will make more work for teachers, lengthen the workday and require more funding, according to the Trade Union of Education and Science Workers of Ukraine.

The union sent a letter to the Cabinet of Ministers, saying that, to avoid ambiguity, clear rules need to

be established about these divisions. For now, local administrations have leeway in how they organize their schools.

"The organization of the educational process in quarantine should be regulated by state laws, rather than local decisions by educational institutions, especially without adequate financial support," the union wrote.

The teachers also complained that they have to bear the organizational workload of distance learning and increased communication with students and parents, "leading to an increase of the complexity and intensity of work." Meanwhile, constant long-term contact with students and parents increases the risk of infection.

To compensate, the union called for a 50% pay increase, an increase in funding and the creation of a government insurance program.

Many are still in the dark about how their schools will be organized, including Kyiv International School

student Radchuk. Several parents also said they had little information, other than rumors that their schools may have separate morning and evening sessions.

The logistics between home and school will also be more complicated. Reinsperg said that parents had complained that they had to provide a lot of teaching support and sometimes step in as substitute teachers, which they were not trained to do. Furthermore, with after-school programs no longer available, some parents will have to pick their kids up earlier, which can upset their schedules.

According to a poll conducted by sociologists at the Razumkov Center, most Ukrainians support the idea that the responsibility of administering schools during a pandemic falls upon the Ministry of Education and Science.

Distance learning

Any regions or cities classified as being in the red zone by Ukraine's

Minister of Health will be required to transition to distance learning.

When the Ukrainian government decided to temporarily close schools due to the pandemic in March, about half of Ukrainian students were not satisfied with the implementation of distance learning, says the Razumkov Center.

The survey conducted by the Ukraine-based think tank further showed that the main reasons behind the discontent with distance learning was the plummeting success rate of students, technical issues such as poor internet connection and the absence of needed technology.

"I was definitely less productive coping with self-teaching and adjusting to this new life," Mariya Neroshchyna, a senior at the Kyiv International School, told the Kyiv Post. "I feel like the shorter online classes were not enough to grasp the material."

One initiative the Ukrainian government might consider continuing is the nationwide all-Ukrainian online school project, an educational program that was broadcasted on TV and the internet for 5th to 11th graders stuck at home during the lockdown amid the pandemic. However, this still doesn't solve the logistical problem for students without proper access to technology.

On a university level, a study by the National Agency for Higher Education Quality Assurance concluded that 86% of Ukrainian lecturers had no substantial experience of online education before COVID-19. The lack of communication between the teacher and the student is a big reason why students struggle, says Narula, a mother whose two children studied in Kyiv during the pandemic.

"Educational institutions in Ukraine require a different format for online learning," Narula told the Kyiv Post. "The abrupt switch to online learning in March was mostly rushed, without proper consideration for the format and platform needed to keep the students engaged." ❗

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Scandalous recordings do not stop corruption

page 3 →

mer police general, was sentenced to life imprisonment for kidnapping, torturing, and killing Gongadze. A few years prior, his three accomplices received prison sentences too. The man receiving orders on the tapes, Kravchenko, was killed by two gunshot wounds to the head in 2005, while Kuchma has faced off-and-on charges in the case. He has always denied involvement and claims the Melnychenko tapes were fabricated.

In 2010, Yanukovich was elected president, while Azarov became the prime minister.

Trumpgate

Leaked phone conversations have also led to a huge international political scandal involving Ukraine and the impeachment of U.S. President Donald Trump.

On July 25, 2019, Trump called Ukrainian President Volodymyr Zelensky, a few days after his party won a landslide victory in the parliamentary election. During the call, Trump asked Zelensky for "a favor": to talk to his personal attorney Rudy Giuliani and to investigate the family of former Vice President Joe Biden, Trump's main rival in the upcoming November 2020 presidential election.

The content of that conversation was made public after a whistleblower complaint alleged that Trump used his office to pressure Zelensky for personal gain.

Trump had ordered \$391.5 million in military aid frozen shortly before his call with Zelensky, in an attempt to blackmail the Ukrainian president.

Soon, an impeachment inquiry was launched by Trump's rival Democratic Party. On Dec. 18, 2019, Trump was impeached by the House of Representatives, only to be later acquitted by the Republican-led Senate.

Derkach's Kremlin agenda

Since 2019, independent lawmaker Andrii Derkach has been one of several Ukrainians who have pushed conspiracy narratives about former Vice President Joe Biden, who is challenging incumbent President Donald Trump in the upcoming election in November 2020.

Derkach has actively promoted unsubstantiated and often debunked conspiracy theories alleging that, while serving as vice president, Biden influenced Ukraine's domestic policy for personal gain.

Starting in May, Derkach began publishing audio recordings of what appears to be conversations of ex-President Petro Poroshenko and Biden. The two discussed the firing of Prosecutor General Viktor Shokin.

However, the tapes failed to provide any new information and add anything to existing information that Biden was echoing a common consensus among Ukrainian civic watchdogs, pro-reform lawmakers and the country's partners in the European



U.S. President Donald Trump offers a handshake to Ukrainian President Volodymyr Zelensky during a meeting in New York on the sidelines of the United Nations General Assembly on Sept. 25, 2019.

Union, who alleged that Shokin was stalling investigations into key corruption cases.

On Aug. 7, the United States Intelligence accused Derkach of acting in the interests of Russia and attempting to interfere in the 2020 U.S. presidential election.

American interference

The scandal involving Trump and Zelensky wasn't the first one involving top American and Ukrainian officials.

In 2014, the conversation between Victoria Nuland, then-assistant secretary of State for European and Eurasian Affairs and then-U.S. Ambassador to Ukraine Geoffrey Pyatt, caused a scandal abroad.

The published tapes showed that American diplomacy isn't that secure and that U.S. diplomats have a tendency to gossip similar to their Ukrainian counterparts.

On Feb. 4, amidst the then ongoing EuroMaidan Revolution, which eventually led to the ousting of Kremlin-backed Ukrainian President Viktor Yanukovich, two high-ranking American diplomats discussed who should lead the government after Yanukovich's ouster.

Nuland suggested that it should be Arseniy Yatsenyuk, because of his economic background. The two also agreed that they need to help Yatsenyuk with "personality management" among the three leaders of the opposition.

Yatsenyuk became prime minister of Ukraine in February 2014.

Nuland and Pyatt also discussed the role of the European Union slow-pace approach towards dealing with the then-ongoing political crisis in Ukraine, sharing unkind remarks.

In one instance, Nuland also said "fuck the EU."

The State Department later apologized to the European Union. Former Secretary of State Hillary Clinton wrote in 2017 that the incident "didn't have lasting diplomatic repercussions."

Kholodnytsky's fish tank

Serious corruption allegations are often left without a proper investigation in Ukraine.

Among them, there is a series of allegations made against Special Anti-Corruption Prosecutor Nazar Kholodnytsky, which were made after leaked audiotapes showed the

prosecutor tipping off suspects in criminal investigations.

During an investigation that began in 2017, the Prosecutor General's Office and NABU bugged an aquarium in Kholodnytsky's office and recorded his conversations. The recordings appeared to show Kholodnytsky blocking or subverting corruption cases against Interior Minister Arsen Avakov's son Oleksandr, Vishneve Mayor Ilya Dikov, Lieutenant General Pavlo Tkachuk, former State Aviation Service Chief Denys Antonyuk, executives of tycoon Dmytro Firtash's

Zaporizhia Titanium and Magnesium Plant, and People's Front party lawmaker Georgy Logvynsky.

Kholodnytsky denied any wrongdoing.

On Jan. 29, the Security Service of Ukraine closed a criminal case against Kholodnytsky, saying it concluded that he had not commit any crime.

On Aug. 21, Kholodnytsky announced his resignation on Facebook by posting an employment termination order signed by the prosecutor general. He resigned three months prior to his contract's expiration date.

Investigation Bureau

The reputation of yet another high-profile state agency was tarnished after leaked tapes suggested that head of the State Investigation Bureau Roman Truba had been engaged in unlawful prosecutions.

In the audio recordings published in November, a person alleged to be Truba receives instructions from the presidential office and the Prosecutor General's Office on how and whom to prosecute.

In the recordings, the man alleged to be Truba talks to a man alleged to be Andriy Bohdan, ex-chief of staff, discussing investigations against ex-President Petro Poroshenko and the timing of interrogations for Poroshenko.

"Andriy Iosipovich, I promise, I'll do everything," the person alleged to be Truba says. Iosipovich is Bohdan's patronymic.

Truba was fired on Dec. 27, 2019.

Toppling Honcharuk

Leaked audiotapes aren't always used

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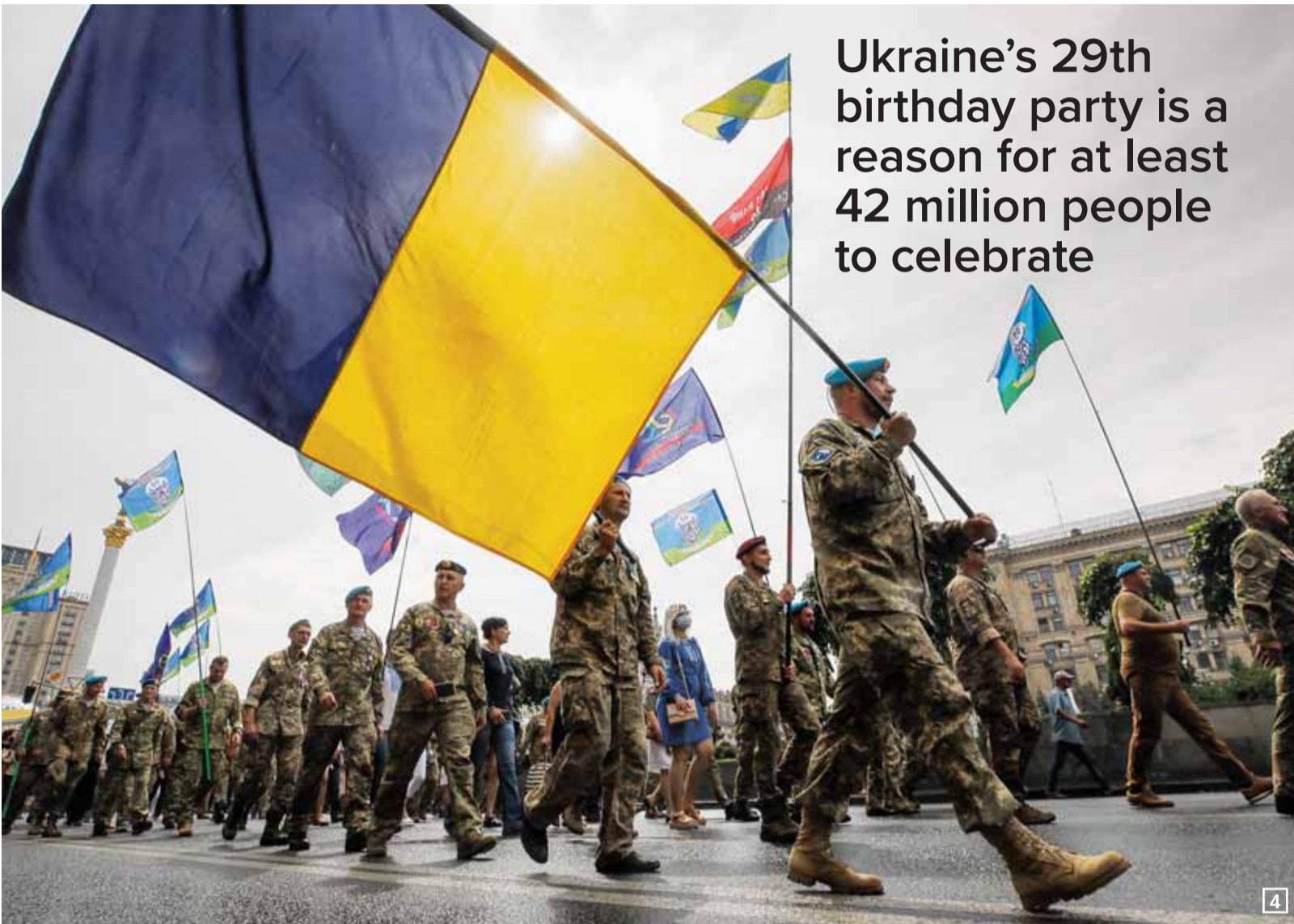
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Ukraine's 29th birthday party is a reason for at least 42 million people to celebrate

- 1** Soldiers hug as they meet before the March of Defenders of Ukraine, an event where the participants marched from Shevchenko Park to Maidan Nezalezhnosti as part of Ukraine's Independence Day celebrations in Kyiv on Aug. 24, 2020.
- 2** A woman watches the March of Defenders of Ukraine, an event where the participants marched from Shevchenko Park to Maidan Nezalezhnosti as part of Ukraine's Independence Day celebrations in Kyiv on Aug. 24, 2020.
- 3** Ukrainian veterans and activists participate in the March of Defenders of Ukraine, an event that celebrated Ukraine's Independence Day in Kyiv on Aug. 24, 2020.
- 4** Ukrainian veterans and activists participate in the March of Defenders of Ukraine, an event that celebrated Ukraine's Independence Day in Kyiv on Aug. 24, 2020.
- 5** Ukrainian pop singers perform on Aug. 24, 2020 at Sofiivska Square in Kyiv to celebrate Ukraine's Independence Day.
- 6** Pop singer Natalia Mogilevskaia performs on Aug. 24, 2020 at Sofiivska Square in Kyiv to celebrate Ukraine's Independence Day.
- 7** Ukrainian President Volodymyr Zelensky thumbs up during a celebration of Ukraine's Independence Day in Kyiv on Aug. 24, 2020.
- 8** People kneel as Ukrainians carry portraits of fallen soldiers during the March of Defenders of Ukraine, an event that celebrated Ukraine's Independence Day in Kyiv on Aug. 24, 2020.
- 9** A woman carries a portrait of a fallen soldier during the March of Defenders of Ukraine, an event that celebrated Ukraine's Independence Day in Kyiv on Aug. 24, 2020. (Photos by Volodymyr Petrov, Oleg Petrusiuk)



Ukraine shuts its borders to foreign citizens until Sept. 28

By Daryna Antoniuk
antoniuk@kyivpost.com

A digital nomad, Belgian citizen Nicolas Impellizzeri is constantly changing the countries he's working from. Currently stuck in Egypt, he wanted to move to "more civilized" countries like Ukraine and was already looking for an apartment and applying for residency.

But his plans have been shattered after Ukraine announced it was closing its borders to foreigners for a long time.

Like Impellizzeri, many foreign citizens have ended up canceling their flights or, on the contrary, rushing to arrange visas and return to Ukraine before the ban on entering the country comes into force.

Ukraine will close its borders to foreign citizens for a month starting on Aug. 29, Ukrainian Prime Minister Denys Shmyhal announced during a government meeting on Aug. 26. The ban will last until Sep. 28.

The entry ban follows the government's decision to extend the coronavirus quarantine until Oct. 31 due to the rising number of infections in the country, which, over the last week, has been clocking in at nearly 2,000 new cases a day.

On Aug. 27, Ukraine reported the largest daily number of deaths so far — 49.

But the government's actions amid such developments look hectic. In a bid to stop the rapid spread of COVID-19, Ukraine is closing borders, prolonging and tightening the quarantine, but, at the same time, allowing schools and universities to reopen. It has also failed to introduce mass testing.

"The decision to close or open the borders won't affect the rapid increase of new infections in Ukraine," said Pavlo Kovtoniuk, former deputy health minister. The novel coronavirus in Ukraine is spreading more

rapidly than in Europe and the government won't be able to curb it with the current approach, he added.

After the ban, the only foreigners who can still enter Ukraine are those with residency permits and refugees — they will be exempt from the ban, as will transit passengers who can confirm that they will leave the country in no more than two days.

The ban also will not apply to citizens invited to the country by Ukraine's Ministry of Foreign Affairs or members of diplomatic missions and international organizations.

Cargo drivers, airplane cabin crews and patients who come to Ukraine for treatment, as well as students of Ukrainian universities, athletes and cultural workers who have an invitation from Ukrainian



A man goes through security in Boryspil International Airport on June 13, 2020. Amid the growing number of COVID-19 cases, the government has decided to close borders to foreign citizens for a month in a bid to stop the rapid spread of the virus. According to experts, the decision won't help prevent the spread of COVID-19 in Ukraine.

institutions will also be allowed in.

However, according to Prime Minister Shmyhal, in some cases, it will be Ukraine's State Border Guard Service officers who will make the decision on whether to allow foreigners into the country.

For example, Belarusian citizens who want to move to Ukraine can arrive at Ukraine's border checkpoints and the border guards will decide if they can be let in.

But human right activist Maksym Butkevych believes it won't work if the number of Belarusians leaving their country for Ukraine will increase, because the State Border Guard offices simply won't be able to process so many visitors.

Butkevych and other human rights activists call the decision by the Ukrainian government hasty and unjustified. The government didn't provide any

scientific evidence that the border shutdown will contain the spread of COVID-19 in Ukraine, Butkevych said. Kovtoniuk also calls the decision "political rather than scientific."

Some Ukrainians believe that by closing the country's borders, the government just wants to avoid mass gatherings on the Jewish New Year, Rosh Hashanah, which is celebrated on Sept. 18-20 this year.

Every year tens of thousands of Hasidic Jews travel to the Ukrainian city of Uman, located 215 kilometers to the south of Kyiv, to celebrate Rosh Hashanah at the gravesite of Rabbi Nachman, founder of the Breslov Hasidic dynasty.

Both the Ukrainian and Israeli governments had previously agreed that the pilgrimage should be banned this year due to the high COVID-19

infection rate in Ukraine and the risk that such a mass celebration poses. There's no hard evidence, however, that the travel ban and opposition to celebrating the holiday in Uman are connected.

The ban will also take a toll on businesses and the tourism industry, which have just started to revive after the COVID-19 lockdown. According to the Association of Incoming Tour Operators, for example, closing the

border to foreigners will pose even more severe consequences for the whole tourism industry than the current quarantine restrictions.

Ukraine International Airlines, the country's largest airline, stated that the ban will worsen the crisis for the aviation industry, which has suffered great losses due to COVID-19.

Although Ukraine's Cabinet of Ministers has supported the decision to close Ukraine's borders to foreigners until October, the move even provoked controversy inside the government.

For example, the acting head of Ukraine's education ministry, Serhiy Shkarlet, asked Shmyhal to lift the ban to foreign students studying in Ukraine.

According to Ukrainian media outlet Ukrainska Pravda, other ministries also disagreed with the bill, which was initially submitted by Ukrainian Interior Minister Arsen Avakov.

His ministry didn't even submit the whole text of the bill at the time and it wasn't in the government's agenda before the meeting on Aug. 26.

"It seems that the decision was made in a rush," activist Butkevych told the Kyiv Post.

Meanwhile, in Egypt, Impellizzeri has changed his plans. He now wants to move to Turkey. 🇹🇷

TOP 10 KYIV POST exclusives online this week

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Want to buy a state prison? The Justice Ministry is selling

By Natalia Datskevych
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Conditions in Ukrainian prisons are shocking, even to Ukraine's justice minister.

Before Denys Maluska, 38, was appointed justice minister a year ago, he had never visited a Ukrainian prison or a pre-trial detention center.

Here's what he saw: Food that doesn't look edible (sometimes with cockroaches), barely lit cells covered with mold, violence and extortion common among prisoners, violence, staff corruption and the spread of infection diseases.

"The prison is a state inside a state with its own business, own bandits and criminal life," Maluska told the Kyiv Post. "It's a closed society with its own rules."

And thousands of inmates have to abide by these rules in most of the prisons across Ukraine.

What to do?

The Ministry of Justice and Maluska have a plan. They want to sell almost one-third of Ukraine's 100 or so prisons within the next two years and use the money to build new ones with better conditions, less corruption and reduced maintenance costs.

The only strategy

Currently, Ukraine with nearly 53,000 prisoners has the highest number of prisoners per capita among European countries — 125 per 100,000 residents. And 40 percent of them are staying in overcrowded pre-trial detention centers, sometimes spending years while waiting for a court verdict, according to the department on the execution of criminal penalties of Ukraine.

Ukraine's standards of living space per prisoner is only 2.5 square meters, almost twice as small as what is required by the anti-torture committee of the Council of Europe.

According to the report made by the Social Communications Research Center, Ukraine was among the top three European countries regarding the number of complaints on poor prison conditions filed to the European Court of Human Rights last year. Out of nearly 60,000 cases, 15% were against Ukraine.

Because of this, courts in European Union countries often refuse to extradite a person to Ukraine, even those indicted on corruption charges.

Currently the government can allocate only half of the money needed to cover all expenses of prisons — a modest \$280 million in 2019. Today, less than \$1 is spent on food for prisoners per day, according to Maluska.

"Our sales and prison liquidations are aimed to change it," he said.

Maluska is sure that selling prisons to finance the renovation of other prisons is a good option.

First of all, the prisons for sale are not functioning, with only security workers look after empty buildings. This happened because the number of prisoners has sharply decreased from the 137,000 that Ukraine incarcerated in 2013. And Ukraine pays from its budget \$400,000 a year just



A guard walks down the corridor at the Irpin Correctional Center, the first Ukrainian prison for sale, located just 2.8 kilometers northwest of Kyiv in the city of Kotsiubynske, on Aug. 6, 2020. It stopped operating over year ago and its 120 prisoners were transferred to other Ukrainian prisons.

to maintain those derelict prisons.

Even operating prisons currently are not more than 70% full.

One of the reasons for that is a law that lawmakers passed four years ago, leading to the release of nearly 34,000 prisoners. The law said that one day in a pre-trial detention center equals to two days in prison.

While it's still not clear how much money the Ministry of Justice will receive in a sell-off, Maluska believes it's a first step.

Besides, several thousand workers — from a total of 22,000 — will be laid off because they will no longer be needed. The idea is to raise the salaries of the remaining prison workers by 30%, to at least \$450, something that Maluska believes will restrain from bribes and corruption inside the prisons.

"We are getting rid of prisons as it's the only possible strategy, from which the state can benefit," said Maluska.

First prisons to go

The Ministry of Justice has already chosen the first two prisons to sell on auction, which will be held on state e-procurement website ProZorro by the end of September.

The first prison for sale is located just 2.8 kilometers northwest of Kyiv, in the city of Kotsiubynske with a population of around 15,000 people. The 24,000-square-meter prison has several buildings and stands on an eight-hectare land plot.

The second one has 14,000 square meters and is just four kilometers south of Odesa, near the Black Sea. In May 2019, this prison was damaged as a result of a fire that started during a riot convicts, who were protesting against poor conditions and disgusting food.

Maluska sees that many business

people are already interested in and ready to buy such objects, especially if these prisons are located near big cities like Kyiv, Kharkiv, Lviv or Odesa.

"Potential businesses have been circling around those prisons for years," he said. "I have no doubts that there will be a great competition."

Most likely, in the place of prisons, the buildings will be renovated to residential projects. Property developers won't have to worry about external and internal engineering networks, as well as gas and water connections — they are already there.

Horrors of prison

When Maluska began to see the reality of prisons for himself, the spectrum of his emotions ranged from "horror" to "a living utopia written by a crazy writer."

For instance, in Kharkiv's 25th high-security prison, the minister saw pigs sleeping to the accompaniment of classical music, each in a separate aviary, handmade wooden ladders, turtles swimming across artificial ponds. It felt for him as if he was not in prison, but in a holiday house.

"All prisoners were very super disciplined there," he said. He didn't know the price that prisoners pay for such order — with their health or even their lives.

Inmates of this prison have been complaining about torture by the staff for many years. A person could be tied to a chair with duct tape for a week, not being able to go to the toilet normally. This prison's staff is accused of beating and maiming prisoners and even staging "suicides" if someone refuses to follow orders, Slidstvo.info investigative project reported on April 4.

Such prisons, where the adminis-

tration has extremely strong power, are also called "red prisons."

The person who heads the "red prison" controls every process inside it.

"They are kings of their territories," Maluska said. "Everybody listens to their orders and they have a total control on every side of life: food, medicine, punishment."

"Unpleasant, but a working mechanism," he added.

In other jails, Maluska felt as if he walked into a headquarters for crime bosses. These prisons are called "black prisons." There, criminals control all processes, from distribution of drugs, protection of gambling, organizing fraudulent businesses and even food supply.

Inside such a prison, it's normal to see an insane number of prohibited activities while officials simply "do not notice it."

"Everyone makes money on it and everyone is OK with that," Maluska said. "The number of illegal activities prohibited by law (in black prisons) is so large that we will not be able to stop them immediately."

While saying that Ukraine has more black than red prisons, the minister didn't want to specify exactly in which proportion.

But what surprised Maluska the most is that pre-trial detention centers can also be "black." Like in Kropyvnytskyi, home to 226,000 people located 300 kilometers south of Kyiv, which has one of the worst pre-trial detention centers in the country.

Or like another one in Kherson, the southern provincial capital of nearly 300,000 residents located more than 500 kilometers south of Kyiv,

"When we arrived there, it was hard to distinguish employees from detainees," said Maluska. "Their

clothes and behavior were identical, and the workers hardly understood their responsibilities."

Killing corruption

As a starting point to eliminate corruption in state prisons, in May, the Ministry of Justice started selling cells that have better conditions in pre-trial detention centers. It was something that already existed before, but wasn't official.

In the past, it meant bribes and corruption for humane conditions, but now, it's a "wonderful anti-corruption measure," since the money paid goes to the state budget and helps renovate other pre-trial detention centers, Maluska said.

As of the beginning of August, nearly \$20,000 has already been collected from 30 pay-to-stay cells in 21 Ukrainian cities. At the same time, what in Ukraine is now called paid cells, in European countries is just an ordinary one for which inmates don't pay anything.

"When all prisons are like today's paid cells, then we won't charge money for this," he said.

The minister sees other holes in the state penitentiary system that need to be filled using state lands and quarries that belong to prisons and are managed by corrupt officials or through various shady schemes.

It turned out that the food demand in prisons could be fully satisfied too without any state financing, for prisons have enough land to do grow it.

But still corruption prevails: one common scheme is when a land plot is illegally transferred to some firms for farming.

"In most cases, they have always been a source of embezzlement," said Maluska. "All steal and they will have to stop doing it." ❁

As long as judges like Pavlo Vovk remain, many see no hope for rule of law

page 2 —>

fair and transparent turned out to be fake procedures with appointees chosen through corruption and political games.

In the NABU tapes, Vovk discusses the filing of fake lawsuits to suspend the authority of High Qualification Commission members and appointing others instead through fake competitions.

These members were appointed eventually. However, the whole of the High Qualification Commission, which faced accusations of corruption and sabotaging reforms, was fired in 2019 as part of a judicial reform law. A new commission has not been appointed yet.

According to the recordings, Vovk also discussed interfering in the State Investigation Bureau's decision not to hire Ablov as a bureau official. He boasted that he is friends with the bureau's leadership and Avakov, who Vovk said is influencing the whole appointment process. Avakov's press office did not respond to requests for comment.

Ablov was not appointed, however.

In March 2019 Vovk also talked about obstructing the appointment of Supreme Court judges that he does not like, according to the NABU tapes.

Moreover, Vovk instructed one of

the judges to arrange a fake lawsuit to cancel the results of a competition for High Council of Justice jobs, the NABU recordings show. In April 2019 the court banned Poroshenko from appointing two High Council of Justice members, although he defied the court ruling and still gave them the jobs.

Foreign policy

The court has also damaged Ukraine's international reputation by interfering in the country's foreign policy and trying to get involved in U.S. political games.

In 2018, the Kyiv District Administrative Court ruled in favor of then Petro Poroshenko Bloc lawmaker Boryslav Rozenblat in a lawsuit he filed against then Petro Poroshenko Bloc lawmaker Sergii Leshchenko and NABU Chief Artem Sytnyk.

That court concluded that Leshchenko and Sytnyk had illegally interfered in Ukraine's foreign policy when they revealed that the surname and signature of Paul Manafort, then a campaign manager for U.S. presidential hopeful Donald Trump, had been found in the so-called "black ledger" of former President Viktor Yanukovich's Party of Regions.

The "black ledger" is alleged to show suspicious payments by the

Party of Regions to a range of individuals and officials. It became a key document implicating Manafort in corruption in Ukraine, and helped to end his tenure as Trump's campaign chair in August 2016.

The ruling by Vovk's court appears to be part of then top Ukrainian officials' efforts to curry favor with Trump.

Leshchenko also suggested that the decision was aimed at helping former President Petro Poroshenko remove Sytnyk from office.

"In response to criticism about how (firing Sytnyk) is unacceptable, the scammers in (Poroshenko's) circle will say: we're firing him for illegally influencing the elections in the U.S.," Leshchenko said.

Case blocked again

In August 2019, the Prosecutor General's Office pressed its first charges against Vovk and other judges of his court. The judges were then charged with obstructing the work of the High Qualification Commission of Judges, issuing unlawful rulings and unlawfully interfering in the work of other judges.

Later prosecutors applied to extend the pre-trial investigation period by three months. However, Kyiv's Shevchenkivsky Court rejected their motion and ordered the



Yevhen Ablov, deputy head of the Kyiv Administrative District Court, has faced accusations of persecuting EuroMaidan Revolution protesters and has issued a ruling that protected Interior Minister Arsen Avakov's son Oleksandr in a graft case.

Prosecutor General's Office to either close the case against the judges or send it to trial within five days. The prosecutors did not send it to trial, and the case stalled indefinitely after that.

In July 2020, the NABU resurrected the case and charged Vovk and other judges of his court with organized crime, usurpation of power, bribery and unlawful interference with government officials. They ignored the NABU's summonses, and the bureau put Vovk and the other judges on a wanted list on Aug. 11.

Two sources at the NABU and the Prosecutor General's Office told the Kyiv Post that Prosecutor General Iryna Venediktova had been blocking the case and refusing to apply for the judges' suspension. However, under public pressure Venediktova on Aug. 21 applied to the High Council of Justice for suspending the judges.

Serhiy Vovk, a notorious judge at Kyiv's Pechersk Court, on Aug. 4 ordered the case to be transferred from the NABU to another body.

Anti-corruption activists interpret this as an effort to kill the case since the State Investigation Bureau, Security Service of Ukraine and the police, which may get the case, are politically dependent and are likely to bury the case.

The NABU appealed the Pechersk Court's decision but the Supreme Court refused to allow the anti-corruption court's appeal chamber to consider the case. As a result, the Kyiv Court of Appeal will consider whether to let the NABU investigate it.

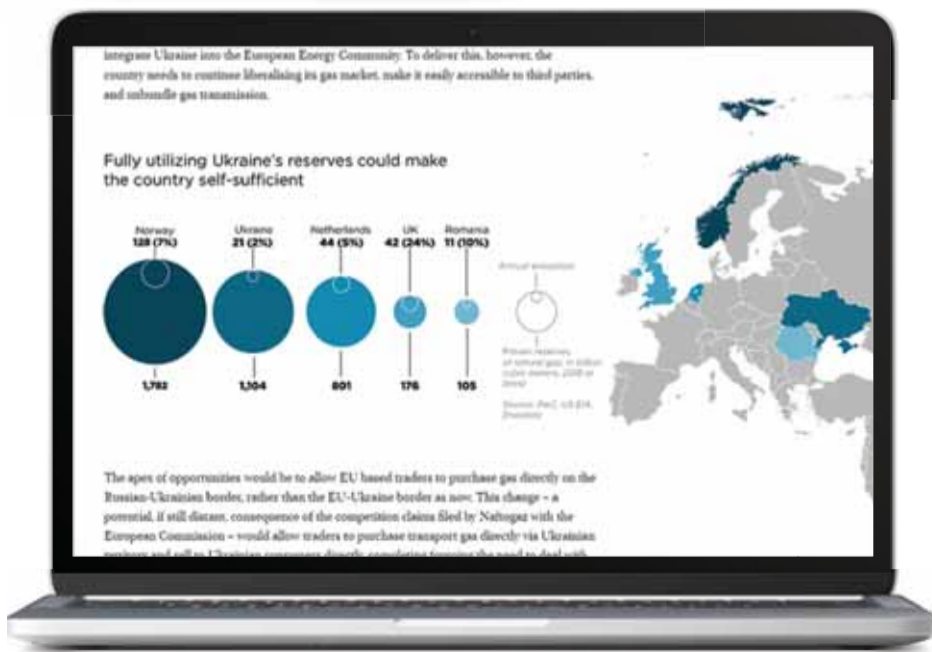
Chyzyk said that the Kyiv Court of Appeal was highly likely to block the case by transferring it to another body, and the High Council of Justice has already defended Vovk and will not suspend him.

"Vovk has connections with decision makers and he's a very useful figure for them," she said. "But unfortunately not a lot of people realize the scale of this disaster, and most ordinary Ukrainians have never heard about Vovk."

Kyiv Post staff writer Oleksiy Sorokin contributed to this report.

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High Council of Justice plays a critical role in rule of law

page 1 →

other 5,000 judges who are within the system today... that the judicial system be effective, so that the work of such bodies as the High Council of Justice or the High Qualification Commission of Judges of Ukraine could be projected, would be based on law that would be trusted among judges and the society," Ovsienko said during an interview with the Kyiv Post at his office in downtown Kyiv on Aug. 26.

A big step in the right direction can take place in a matter of days when the High Council decides the fate of Pavlo Vovk, a controversial judge who heads the Kyiv District Administrative Court, and six other judges implicated in corruption.

In July 2019 and July 2020, the National Anti-Corruption Bureau of Ukraine, or NABU, released the so-called "Vovk tapes" in two batches. They reveal Vovk; his deputy Yevhen Ablov; and judges Ihor Pohribnichenko, Ihor Kachur, Bohdan Sanin, Oleksiy Ohurtsov and Volodymyr Keleberda allegedly breaking the law to benefit politicians and state officials.

The judges now face serious criminal charges: organized crime, usurpation of power, bribery and unlawful interference in the work of the High Qualification Commission of Judges.

They deny the accusations of wrongdoing.

On Sept. 1, Ovsienko will review the case against four out of six judges, according to Halyna Chyzyk, a legal expert.

In addition, at least three members of the actual High Council of Justice — Pavlo Grechivskyy, Victor Hryshchuk and Oleh Prudvyus — are mentioned as part of a corruption scheme in the Vovk tapes. They were invited to be questioned as witnesses.

The situation looks like a classic catch-22: The very people charged with saving Ukraine's judicial system appear enmeshed in the very problems destroying it.

And the one who can salvage the judiciary is likely Ovsienko.

Opportunity for justice

The stakes are high. Ukraine, a developing country infested with corruption, is in dire need of economic development. In the past six years, Western investors have expressed interest in betting their money on Ukraine. However, they have also said that weak rule of law is the top obstacle.

The "Vovk tapes" are a glaring example of the problem.

Ovsienko refused to comment on the case before it is decided.

"I wouldn't comment on this situation today since... relevant submis-



Andrii Ovsienko, chairman of Ukraine's High Council of Justice, speaks with the Kyiv Post at his office in downtown Kyiv on Aug. 26, 2020.

Kostyantyn Chernichkin

sions from the Prosecutor General's Office must be reviewed," he said. "Any of my comments on this matter will not just be premature, but will contradict professional ethics and the law."

After NABU released the first portion of the tapes in 2019, Ovsienko was a reviewer in the case regarding the suspension of judges Pohribnichenko and Ivan Shepitko in August 2019.

The day before that hearing, Ovsienko and then-head of the

High Council Volodymyr Hovorukha — who was also a reviewer on Vovk's suspension in the same case — visited the President's Office. After that, the three judges in question were not suspended, and, soon after, Ovsienko became

the council chairman.

Ovsienko says that the meeting at the presidential administration had nothing to do with the case. Moreover, he says that he and his team will provide an objective and just review not only of this case, but of any other judge who is being reviewed.

"The decision is made collegially, being determined by the most votes," he said.

Ovsienko refutes his critics who allege that he is sabotaging the judicial system and is loyal to politicians.

As a judge, he says he is interested in the judicial system being effective and trusted in society.

Asked whether he ever took bribes, he is unwavering: "I assure you this never happened."

How independent?

Ovsienko grew up in Ukraine's northwestern Volyn Oblast to parents who have worked as physicians their whole lives.

"I grew up in a family where the profession of a doctor brought trust and respect," he said. "This was formative for me... I am proud of my parents."

From an early age, he had a sharp sense of justice and wanted to benefit society, Ovsienko told the Kyiv Post.

"A judge makes a decision every day and it has to do with the future of a person."

As the leader of the currently 17-member High Council of Justice, Ovsienko has ample responsibility for ensuring that his team is making the right decisions. The council has the power to submit proposals on the appointment of judges to President Volodymyr Zelensky, hire and vet judges, consent to the arrest or detention of judges, dismiss judges from office and consider disciplinary complaints against judges.

These obligations are even more important since Ukraine's 2013–2014 EuroMaidan Revolution, which called for a complete revamp of the country's judicial system. The HCJ has never met these expectations.

Critics of the body say that it is not fully independent and is filled with politically-connected members, who act unethically and fail to demonstrate transparency themselves.

For example, the De Jure Foundation legal think tank said the following about the council:

"Dishonest judges successfully pass qualification evaluations and win competitions to top judicial positions. Disciplinary complaints against notorious judges, as well as complaints filed by NGOs or whistleblowers have been ignored for years by the High Council of Justice. At the same time, complaints regarding judges who are known for an active public position are considered very quickly. They are often followed by disproportionate punishment on formal grounds."

Reforms vs. stability

Despite criticism, Ovsienko is optimistic about the body and rates its recent performance "highly."

Surprisingly, he says the goal is not so much reform as it is to "stabilize the situation in the judicial system."

"For the last 10 years, reforms are happening already for the third time," he told the Kyiv Post.

According to him, the immediate problem — and the council's top priority — is that there are not enough judges in Ukraine. During April–June, the body submitted to Zelensky a request to appoint 430 judges to local courts.

The next priority will also concentrate on appointing judges to the administrative regional divisions in Ukraine. Across the country, there are 7,295 full-time judicial positions. More than 2,000 of them are vacant, Ovsienko says.

"This huge number of vacancies puts uneven and excessive pressure on judges who are currently working," he said, adding that this leads to an increase in mistakes made by judges.

Since 2014, many reforms have focused on making Ukrainian judi-

cial institutions more efficient and preventing overstaffing, a problem which is believed to contribute to corruption.

But Ovsienko doesn't think over 7,000 positions is too big. He says that it really depends on the amount of judicial procedures and the amount of work at a given time.

"Filling up these (more than 2,000 vacancies) would at least allow us to return to the capacity that we basically had back in 2013–2014," before many resigned, he said.

Moreover, Ovsienko says that the High Council does not review the ethics and professionalism of judges alone. Rather, it shares responsibility with the High Qualification Commission of Judges of Ukraine.

"Today, 2,284 judges did not pass the qualification assessment," he said. The reason for this is that this judicial body has been put on hold.

Still, Ovsienko believes his agency has done a good job. He said that, so far this year, 83 judges were brought to disciplinary responsibility — a very high number, according to him.

As for reforming the council that he leads, Ovsienko says that it is important to impose a single standard of disciplinary action. The judicial body is working with Ukraine's international donors to improve this, he said. These include the U.S. Agency for International Development, the European Union-funded Pravo Justice and Canadian partners.

"I believe this is priority for such a body as the High Council of Justice to create and implement or to make sustainable such mechanisms of dis-

Critics: Council protects bad judges, blocks key reforms

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disciplinary practice so that a judge can clearly understand that such actions will be viewed as a violation," he said.

However, critics say that council members strongly oppose integrity checks conducted by international experts.

Ovsienko's response is that Ukraine's constitution doesn't provide norms that allow the direct participation of international experts in regards to the activity of members of the High Council of Justice.

"At the same time, we never avoided the participation of international experts as advisors or representatives of international projects that included the evaluation of our actions, our authorities," he said.

But according to Ukraine's memorandum with the International Monetary Fund, the nation's top creditor, the country was supposed to create a commission including foreign experts in order to fire tainted

members if they violate ethics and integrity standards.

In June, Zelensky submitted a bill on judicial reform to Ukraine's parliament. But anti-corruption experts say it violates Ukraine's agreement with the IMF.

Ovsienko critics

While Ovsienko seemingly talks the talk on reform and international cooperation, critics say he doesn't walk the walk.

They call him a judge of the "old system" and say their expectations that he can help reform the system are low.

According to Ukrainian news site Ukrainska Pravda, Ovsienko has made several controversial decisions since his time at the High Council of Justice.

For example, he faced criticism for the case involving the dismissal of Volodymyr Ponomarenko, a judge of the Court of Appeals of Cherkasy Oblast.

Ponomarenko was sued for alleged-



Volodymyr Petrov

Activists rally in Kyiv on Sept. 13, 2017, urging the High Council of Justice not to appoint 30 Supreme Court candidates deemed corrupt or dishonest. Some of the activists hold posters that read "Don't appoint scoundrels" and "There's no room for wickedness!" Many of the judges got appointed anyway.

ly accepting a bribe. But instead of being fired, he received an honorable resignation and a payment of over Hr 800,000 (\$29,200) in severance pay. Ovsienko was a reviewer in the case.

He says the law did not allow him to reject Ponomarenko's retirement.

Critics have also taken aim at Ovsienko for a case involving the appointment of Anzor Saadulayev as a judge for life on the sixth anniversary of the establishment of the AutoMaidan protest movement — part of EuroMaidan — in 2014.

Back then, Saadulayev canceled the driving licenses of AutoMaidan

members who drove to then-President Viktor Yanukovich's residency to protest. Ovsienko was also a reviewer in Saadulayev's case.

"I am not ready to comment on this specific story," Ovsienko said, adding that there were a number of cases that the council rejected, but that Ukraine's Supreme Court reinstated.

Ovsienko has also been criticized for making the body less transparent. Under his leadership, it stopped broadcasting its meetings in November 2019 after four years.

But the chairman says the judi-

cial body reviews much information that should not be made public. International experts told him that some matters cannot be public because it could unjustly taint the reputation of judges, Ovsienko added.

In spite of these controversies, Ovsienko remains positive on his council's work and believes they are moving the judiciary in the right direction.

When his work is done, Ovsienko says he wants to be remembered as a "just and decent person."

Kyiv Post chief editor Brian Bonner contributed to this report.



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Climbing Mount Hoverla is actually easy. Here's how

By Artur Korniienko
korniienko@kyivpost.com

If there is one mountain everyone should conquer in Ukraine, it is Hoverla. With this guide, you will hike Ukraine's highest peak with ease and wonder in one day. The whole trip — from Kyiv to Hoverla and back — will take just a three-day weekend out of your schedule.

While Mount Hoverla is the highest in the Ukrainian Carpathian Mountains at 2,061 meters above sea level, the hike there is moderately short and easy. For most people, it doesn't require a guide or any special equipment.

Let's put it this way: If you can walk some four kilometers uphill on a well-marked route to the top and another four kilometers downhill to get back, all the while taking long breaks — then you should have no problem hiking Hoverla in about four hours.

And the benefits are immense. Besides the joy of achievement, the hike offers some of the best views in the Ukrainian Carpathians. The mixed dark-green forests, flowery alpine meadows and breathtaking mountain panoramas are worth every effort and then some.

September may be the best time to hike Hoverla for some extra colors from the leaves turning yellow and for less sun exposure. And yet it should still be quite warm since the summer season in the Carpathians usually lasts from June to late September.

But you should still be ready for surprises, like rain or strong winds. This guide lists all you need for the hike and outlines the route. There is information on how to get there from Kyiv and where to stay in the vicinity with tips on local sightseeing and food.

Getting there

While Hoverla is located in Zakarpattia Oblast, the more accessible and faster route to reach the top starts in Ivano-Frankivsk Oblast — the Zaroslyak tourist complex at the foot of the mountain.

To get there from Kyiv, you first have to travel to Ivano-Frankivsk, the oblast capital. Trains from Kyiv to Ivano-Frankivsk run a few times every day and currently average at about Hr 750 (\$27) for a bed in a coupe — a second-class coach in Ukrainian sleeper trains.

Flights from Kyiv to Ivano-Frankivsk average at about Hr 1,500 (\$55) one way, and fly every day



A view of Ukraine's highest mountain, Mount Hoverla, from fourth-highest Mount Petros on Aug. 17, 2019. While Hoverla is the highest mountain in the Ukrainian Carpathians, it is relatively easy to climb and has some of the best-marked hiking routes. The climb doesn't require any special equipment and can be done in four hours — going there and back. The best time to conquer Hoverla is in the summer season, which lasts from June to late September in the Carpathians.

except Sundays and Wednesdays. Buses run every day and average at Hr 500 (\$18).

For a Friday through Sunday weekend, it would be optimal to take a sleeper train at 10:22 p.m. on Thursday night for some Hr 680 (\$25). You will arrive at Ivano-Frankivsk at 7:35 a.m. on Friday morning, having rested in a coach bed.

Next, you will have to take a bus to one of the villages close to Zaroslyak, the hike's starting point. The buses go that direction about every hour for some Hr 100 (\$4) from the Ivano-Frankivsk bus station, which is just a five-minute walk from the train station at 30 Zaliznychna St.

If you only plan to hike Mount Hoverla, take a two-hour bus ride to Vorokhta, a small village closest to Zaroslyak. But if you would also like to do some sightseeing, take a three-hour bus ride to Verkhovyna, the

so-called capital of Ukraine's Hutsul ethnic group.

When you arrive at your chosen village, remember the station where you get off — it will be the same station where you will get on a bus back to Ivano-Frankivsk. On Sunday after your trip, you can get on a train departing at 11:49 p.m. and arriving at Kyiv at 9:07 a.m. on Monday. If you need to be in Kyiv earlier on Monday morning, take the 7:30 p.m. train that arrives at 4:15 a.m.

Where to stay

A camper can easily set up a tent at the foot of Hoverla, but there are plenty of affordable indoor options to rest overnight before and after the ascent. Renting a place will also allow you to leave most of your things there and go hiking lightly with just a medium-size backpack.

The Zaroslyak tourist complex, where the ascent starts, offers rooms

for Hr 500 (\$18) a night, but it has terrible reviews. So the best idea is to look for a place to stay in Vorokhta or Verkhovyna using Airbnb and Booking.com online renting services. In both Vorokhta and Verkhovyna, you can find rooms for two starting at Hr 400 (\$15) per night, apartments for Hr 800 (\$29) and entire cottage houses for Hr 1,400 (\$51).

One great option on Airbnb is a small family-owned homestead called Sadyba Lisogor in Vorokhta. It has rooms for Hr 380 (\$14) and a small cottage house for Hr 930 (\$34). In Verkhovyna, "The Ukrainian Carpathians" guidebook recommends Tsikava Sadyba homestead, which has a small museum to Hutsul art. Rooms there start at Hr 300 (\$11) per person and can be reserved by phone (+38098115 2535).

Things to do

If you follow our plan, you will arrive at Vorokhta or Verkhovyna on Friday noon and will have plenty of time to kill before the hike the next morning.

While Vorokhta is a beautiful village, there is not much to do except admire the views. But you should try local food at the Stara Vorokhta restaurant: Banosh, a cornmeal porridge with bryndza sheep milk cheese, mushrooms or pork rind; bograch, a thick spicy soup with meat and pepper; and trout, usually baked with spices.

The recommended restaurant in Verkhovyna is Panorama, located downtown inside the Verkhovel Hotel. It offers local specialties and European cuisine, and has a magnificent view on the mountains and a nearby river.

A land of secretly recorded conversations

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to uncover corruption. Sometimes they are published to cause a rift between political allies.

On Jan. 15, audiotapes published online featured ex-Prime Minister Oleksiy Honcharuk saying that President Zelensky "had a very primitive understanding of the economy." The comments were made during a meeting with several ministers and officials from the National Bank of Ukraine.

Zelensky demanded on Jan. 17 that law enforcers investigate the leak within two weeks.

On Feb. 5, the Security Service of Ukraine searched the premises of television channel 1+1 owned by oligarch Ihor Kolomoisky as part of that investigation. However, no charges were pressed.

Soon, the relations between Zelensky and Honcharuk deteriorated, causing the parliament to dismiss Honcharuk on March 4, after the prime minister submitted a formal letter of resignation.

Onyshchenko tapes

Former lawmaker Oleksandr Onyshchenko fled Ukraine before he was stripped of his parliamentary immunity amid corruption accusations. According to the prosecution, he stole \$125 million from state-owned gas producer UkrGazVydobuvannya.

Then Onyshchenko decided to fire back.

Starting in December 2016, Onyshchenko released a series of audio recordings that, he claims, prove that ex-President Petro Poroshenko and his inner circle were corrupt.

Onyshchenko accused Poroshenko of bribing members of parliament to vote in certain ways, embezzlement, orchestration of a smear campaigns against political enemies and more.

In 2018, the Slidstvo.info investigative journalist project published about 350 alleged WhatsApp messages between Onyshchenko and Poroshenko which support the fugitive lawmaker's claims.

Poroshenko denied all accusations, so did his political allies who were also mentioned in the tapes.



Pavlo Vovk, head of the Kyiv District Administrative Court, was charged with organized crime, usurpation of power, bribery and unlawful interference with government officials on July 17.

Onyshchenko had been living in Europe since 2016, before being arrested at the end of November on Ukraine's request. Onyshchenko is currently fighting off the extradition request in Germany.

Tymoshenko's wishes

Oligarch Ihor Kolomoisky is not new to scandals. Recordings featuring the oligarch have regularly appeared on the internet.

Kolomoisky fell victim to Russian

pranksters back in 2014, while multiple of his private conversations appeared online casting a shadow on those whom he talked to.

The most recent political scandal took place right before the 2019 presidential election when the conversation between Kolomoisky and opposition leader Yulia Tymoshenko was leaked by a close ally of then-President Petro Poroshenko. Poroshenko was seeking re-election and Tymoshenko was one of his main rivals.

In the conversation, Tymoshenko allegedly congratulated Kolomoisky on his birthday and thanked him for their friendship and partnership.

The Petro Poroshenko Bloc party demanded to investigate the financial relations between the notorious oligarch and Tymoshenko, former prime minister. However, no legal actions were taken.

Tymoshenko came third in the 2019 presidential election, while her party came in fourth in the following parliamentary elections, securing 24 seats in parliament.

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In October 2019, Agriteam Canada launched a new five-year project in Ukraine: **Support to Ukraine's Reforms for Governance (SURGe)**. SURGe's Ultimate Outcome is to help the Government of Ukraine (GoU) to deliver governance and economic reforms that better respond to the needs of its citizens.

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Ukraine's top peak: 4 kilometers up and 4 down in just 4 hours of hiking

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But there is so much more to see in the many museums of Verkhovyna. The Hutsul Museum has traditional clothes and artifacts that will tell you more about the rich culture of this ethnic group. The Shadows of Forgotten Ancestors Museum is the actual location where Sergei Parajanov shot his iconic film. And the Hutsul Magic Museum houses the secret lore of molgars, the Carpathian warlocks.

But don't walk too much – the next morning your legs should be rested for the ascent.

The hike

The quality of your ascent largely depends on how you pack. Do it lightly and leave most of your things at the place where you are staying. You should have one medium-size backpack.

But there are some essentials you should have. Wear a hat and comfortable shoes – these can be just sneakers, they don't have to be hiking boots. The weather can change rapidly at high altitudes, so bring some warm pants, a sweatshirt and a raincoat. Have an extra pair of socks in case your shoes get wet.

You will probably get hungry after you reach the top, so bring a snack,

Oleg Petrasjuk



Tourists walk around the peak of Ukraine's highest Mount Hoverla at 2,061 meters above sea level on Aug. 17, 2019. There are several installations with Ukrainian national symbols on the summit. Hoverla provides a view at the fourth-highest Mount Petros and, in a good weather, third-highest Mount Pip Ivan.

like some vegetables, fruits, bread and cheese, and a pocket knife to cut it. You won't need much more than a bottle with half a liter of water. Use your smartphone as a map and compass or take real ones. And pack a small first aid kit to be safe.

Try to head out in the morning as early as possible to avoid crowds of other tourists hiking along. From the village where you are staying, you need to get to Zaroslyak via the P24 road. You can get a taxi for about Hr 150 (\$5) or catch a ride for a little

less. From the road, there will be one turn to Zaroslyak – right if you are riding from Vorokhta or left if from Verkhovyna.

You will have to pay a fee of Hr 50 (\$2) to enter Zaroslyak. There you can buy some food, a raincoat or

anything else you forgot to pack, and rent some trekking poles to make your hike easier. And then the ascent begins.

The hike to Hoverla is one of the best-marked in the Ukrainian Carpathians. There are two main routes – the blue one is shorter but a steeper, and the green one is a little longer. Take the green one – it usually has much fewer tourists but is just as much picturesque.

For the rest of the hike, follow the green markers painted on the trees about every 100 meters. You will walk the easiest part of the hike through the forest for about an hour before turning onto the mountain's slopes. Continue to follow the green markers painted now on large stones, and in an hour and a half, you will reach the cone-shaped summit of Hoverla.

After relishing the views of surrounding mountains from the highest of them all, take the blue route to get down. You will descend to Zaroslyak in less than two hours. From there, you can travel back to the place where you are staying and rest for the day.

You will get on a train from Ivano-Frankivsk back to Kyiv the next day, knowing that you have been at the place closest to the skies in Ukraine.

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