

Stifling bureaucracy thwarts hopes of Ukrainian orphans to find loving families

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# Kyiv Post

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26<sup>th</sup> year!



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# Finding Freedom In Ukraine

## As many as 150,000 Azeris live in Ukraine. Many fled their homeland because of repression under dictator Ilham Aliyev

Reuters/Pixstream



Coverage starts on page 6

Unidentified men, presumably plainclothes police officers, detain participants of an Azeri opposition rally to demand freedom of assembly in Baku, Azerbaijan, on Nov. 12, 2019. Azerbaijan is ruled by dictator Ilham Aliyev, which Freedom House and other human rights groups consistently rank as a "not free" nation with major corruption, rigged elections and repression of free speech.

### Voices from Azerbaijan

*"I love my motherland, but it's better to love it from a distance."*

— Journalist Azad Safarov

*"The people in the country are not holding (the nation's rulers) accountable because they can't."*

— Journalist Arzu Geybulla

*"Kyiv is the most amazing place on earth."*

— Activist Ilhama Allakhverdiyeva

See their stories inside pages 6–9



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Засновник  
ТОВ "БІЗНЕСГРУПП"

Головний редактор  
Брайан Боннер

Відповідальний за випуск  
Брайан Боннер

Адреса видавця та засновника співпадають: Україна, м. Київ, 01033, вул. Жилинська, 68, 2-й поверх.  
Реєстраційне свідоцтво  
Кв № 23191-13031ПР від 29.03.2018.  
Передплатний індекс ДП Преса 40528  
Надруковано ТОВ «Новий друк», 02660, Київ, вулиця Магнітогорська, 1, тел.: 559-9148  
З приводу розміщення реклами звертайтеся: +380 44 591-7788  
Відповідальність за зміст реклами несе замовник.

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# Bureaucracy stifles adoption of many Ukrainian children

By Daria Shulzhenko

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In late October over three years ago, U.S. resident Jessica Aubert stood with her husband and two baby daughters at the Kyiv railway station, waiting for the overnight train to Izmail, a small city in southern Odesa Oblast.

Excited and a little nervous, they were rushing to see their future son for the first time.

"We went to an orphanage there and saw him — a very small and very quiet boy," Aubert told the Kyiv Post.

It was the endpoint of the family's journey from Tennessee to Ukraine. They ended up adopting the Ukrainian baby boy originally named Ivan, now Jessayah.

"As soon as we saw him for the first time, my husband said, 'This is the one,'" Aubert recalls. "We did love him immediately."

But the adoption was not easy. It took the Aubert family almost a year, two costly trips to Ukraine, and tons of paperwork to find Jessayah and take him home.

The overly bureaucratic procedure often stops people from adopting Ukrainian kids: As of January 2021, there were over 91,000 kids in orphanages all over Ukraine, which is among the highest numbers in Europe, experts say.

## Destroyed personalities

When Aubert first saw Jessayah at the orphanage back in 2017, the almost-three-year-old boy was the same size as her one-year-old daughter. He was uncommonly quiet and didn't want to play.

"It was almost like he didn't know how to play at all," Aubert says.

According to Maria Artemenko, the founder of Dobrodiy Club charity ("dobrodiy" means "benefactor" in Ukrainian) that provides children in orphanages with career counseling, such kids often face egregious abuse that leads to low self-esteem and developmental issues.

"Orphanages destroy personalities," Artemenko told the Kyiv Post.

Leonid Lebediev, a former aide to the social policy ministry, says that most children who leave orphanages are not prepared for independent life. Stigmatized by society, orphans often struggle to get jobs and socialize after the institutions. Some of them end up homeless.

Lebediev, who has adopted six children together with his wife, says that adoption is a chance for them to not only survive but to start living a happy, fulfilling life.

"Children have to live in families and feel mutual love," Lebediev told the Kyiv Post.

Jessayah is almost seven now. Aubert says he's no longer a quiet boy. When they brought him home to the U.S. he immediately became an "excited little kid," who loves his family and gladly plays with his sisters.

"Once you take the child out of the institution, that's when you see the real personality," Aubert says. Artemenko agrees, saying that love is the most important factor missing at orphanages.



Kostyantyn Chernichkin

A volunteer hugs a child at an orphanage in Chernihiv Oblast in 2016. Thousands of orphans seek parents and loving families, but the overly bureaucratic procedures involved are among the main obstacles to adoption in Ukraine.

Unfortunately, adopting kids from orphanages in Ukraine is harder and less frequent than putting kids in there.

According to the Di Platform website that monitors the reform of orphanages in Ukraine, launched by former children's ombudsman Mykola Kuleba, only 7,344 out of over 91,000 children in orphanages are actually orphans or are deprived of parental care — the legal status needed for a child to be adopted.

The remaining 84,165 kids are "social orphans," who have at least one living parent and often come from disadvantaged families that are unwilling or unable to take care of them.

These kids can't be adopted. "It's a disaster," Lebediev says. "They will probably live in this system until turning 18 and there is nothing we can do."

To reduce the number of social orphans, Ukraine needs to better support families in need. Orphanages' staff should also monitor the situation: In case parents don't visit their kids for over six months, they should promptly apply for legal status for kids to be adopted.

But since the government allocates funds to maintain children in orphanages — on average about \$760 per child per month — their staff is often not interested in having fewer children, Lebediev says.

"The system simply doesn't give them a chance," he adds.

This is just one of many problems.

## Bureaucratic nightmare

Bureaucracy is one of the main obstacles.

Ukrainians and foreigners who want to adopt children must prepare for an uneasy process that starts with collecting multiple documents and certificates on health and housing conditions, income, and absence of criminal records.

The last one, Lebediev says, takes about one month to get. The full list of documents can be found on the social ministry's website.

Ukrainians are obliged to take courses on adoption, which takes

around a month and apply to local children's services. If they don't find a child they want to adopt within a year, they have to renew all their documents.

Foreigners have to submit an application to adopt a foreign child and take a "home-study" course. Then, they have to translate documents into Ukrainian and send them to the social ministry.

The whole process can take around a year or longer: Foreigners have to travel to Ukraine two to four times to do the interview with the ministry, find and meet a child, and attend court hearings that can also take months, according to Lebediev.

Each step often requires additional documents like permission to meet children at the orphanages, and more.

"It's a long process," Lebediev says.

Finding the right child can also be difficult. The social ministry's website offers short profiles of children eligible for adoption but they only contain limited information and often outdated photographs. There is an option to see video profiles on Lebediev's "Save One Life" charity that has been helping Ukrainian orphans to find families since 2014.

Although adoption shouldn't be an easy procedure, according to the experts, it should be less bureaucratic: Lebediev says it shouldn't take years, but around 6–9 months, for families to prepare.

Iryna Suslova, an adviser to the head of the parliament's human rights committee, says that it should be easy to collect the documents and certificates online and that courts should consider adoption cases more promptly.

Now, however, the number of adoptions in Ukraine is relatively low. In 2020, 1,239 children were adopted, while in 2019 there were 1,810 adoptions, according to Ukraine's social policy ministry. Foreign adoptions declines as well: Only 247 children were adopted by foreigners in 2020, which is 128 children less than in 2019.

"If the law was more loyal, there would have been not 1,000 adoptions a year, but 5,000," Lebediev says.

## Children first

Besides making adoption easier for parents, Ukraine should take care of the children first.

Lebediev says that Ukraine needs to ban "the secret adoption" also called closed adoption — when a pending adoption is kept secret from a child and no identifying information is provided either to birth families or adoptive families — which can lead to numerous psychological traumas for everyone involved.

He believes that closed adoption is a "relic from the USSR" that was "invented by adults to protect the rights of adults and violates the rights of children." It also doesn't allow social workers to check on an adopted child and eventually "brings no benefits to children."

Changing the country's perception of adoption is crucial. Experts agree that volunteers and nonprofits should not be the only ones who promote adoption and work to destroy its stereotypes. Other authorities should do so as well.

"There is no information or educational campaigns launched by the government that adoption is normal and that these children are normal," Suslova says.

Artemenko says that to improve the system, Ukraine needs to think about the children first, to make them its focus. According to Suslova, Ukraine needs to ratify The Hague Adoption Convention that manages international adoption and protects children from child laundering and trafficking, to make foreign adoption safer for children and easier for parents.

"They are the future of our country," Artemenko says.

But despite the imperfections of Ukraine's adoption system, Aubert says she has never regretted adopting a Ukrainian child and would "definitely do that again."

"It was absolutely the best decision that we have made as a family," she says. ☺

# Ukraine's Western partners are not happy with corruption fight

By Oleksiy Sorokin  
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Despite a popular appeal to eradicate Ukraine's toxic corruption that brought President Volodymyr Zelensky to power, the country's publicly proclaimed fight against top-level graft faces ongoing sabotage.

The primary focus is on Ukraine's Special Anti-Corruption Prosecutor's Office (SAPO), decapitated in August 2020 after the controversial Nazar Kholodnytsky left his post.

On Oct. 9, the process of choosing Kholodnytsky's successor stumbled yet again after the 11-member selection committee failed to gather a quorum for the final bidding. The three committee members that didn't appear were part of Zelensky's 243-member Servant of the People faction quota.

Such blatant sabotage wasn't left without a response from Ukraine's western backers.

The U.S. Embassy in Ukraine issued an official statement stating that "the EU and the U.S. are greatly disappointed by unexplained and unjustifiable delays in the selection of the Head of SAPO, a crucial body in the fight against high-level corruption."

"Failure to move forward in the selection process undermines the work of anti-corruption agencies, established by Ukraine and its international partners," the Oct. 9 statement said.

On Oct. 12, the committee once again didn't convey as initially planned.

"Promptly selecting" the head of Ukraine's top anti-corruption agency was one of the requirements put forward in the joint U.S.-Ukraine communique published on Sept. 1 following Zelensky's meeting with U.S. President Joe Biden in the White House.

The establishment of independent crime-fighting agencies has been a fundamental premise of Ukraine's relations with the West.

Vitaliy Shabunin, head of the Anti-Corruption Action Center's executive board, alleges that the President's Office is trying to derail the process of choosing the head of SAPO since two candidates currently competing for the job remain independent from Zelensky.

"This case is closely watched by foreign embassies, no one wants to do business with (a president) who doesn't keep his word," Shabunin told the Kyiv Post.

Zelensky's office denied these accusations. Zelensky has expressed concern about the recent delay, saying that the selection procedure must resume.

However, with 7 of 11 selection committee members appointed by the Zelensky-controlled parliament, civic activists and Ukraine's foreign partners see the president's office as being responsible for the constant delays.

## Weak showing

Creating a special anticorruption prosecution, tasked with fighting Ukraine's high-level corruption, was



The headquarters of the Special Anti-Corruption Prosecutor's Office photographed on June 17, 2021. Ukraine's key anticorruption body remains beheaded for 14 months.

Kostyantyn Chernichkin

among the key prerequisites for Ukraine to receive a visa-free regime with the European Union.

The SAPO was established in 2015 and the EU granted Ukrainians the benefits of traveling without visas a year later. However, Ukraine's track record of fighting corruption didn't improve.

Among the key stumbling blocks was the office's chief, Kholodnytsky, who was accused of corruption.

During an investigation that began in 2017, the Prosecutor General's Office and the National Anti-Corruption Bureau of Ukraine (NABU) bugged an aquarium in his office and recorded his conversations. The recordings appeared to show Kholodnytsky blocking or subverting corruption cases against powerful suspects.

Corruption probes derailed by SAPO included those into the son of Interior Minister Arsen Avakov, Odesa Mayor Hennady Trukhanov, ex-Election Commission Chairman Mykhailo Okhondovsky and many more.

The Prosecutor General's Office then launched a criminal investigation into Kholodnytsky, but soon closed it after concluding that he had not violated the law. Kholodnytsky denied wrongdoing.

In March 2019, following the scandal surrounding Kholodnytsky, then-U.S. Ambassador Marie Yovanovitch called on the Ukrainian authorities to fire him.

In August 2020, three months before his term was due to expire, Kholodnytsky resigned.

## Pocket agency

Under Zelensky, the SAPO was set to be revamped. Instead, the president's office has been prolonging its de facto control over it.

After Ukraine was hit by COVID-19, the parliament passed a provision on April 2020 allowing the government to postpone open tender procedures for the selection of agency heads.

Open tenders were among the key western-backed initiatives in Ukraine.

Although this measure effectively expanding Zelensky's powers was reversed in February, little has changed since then.

As a result, Ukraine's two key agencies – the SAPO and the State Investigation Bureau – have been left without a permanent head for over a year. Both are overseen by people chosen by Zelensky.

Despite having prosecutor Maksym Hryshchuk as acting head, the law obligates Zelensky's loyalist Prosecutor General Iryna Venediktova to sign charges on behalf of the SAPO.

"While Venediktova controls the SAPO they can continue to derail high profile investigations," says Shabunin.

The decision to disrupt the selection process came two days after U.S. Deputy Assistant Secretary of State Robin Dunnigan visited Kyiv and issued statements supporting Ukraine's anti-corruption institutions.

"This directly affects the credibility of Ukraine and Zelensky who disregarded the commitments assumed during his meeting with Biden," says Shabunin.

## Presidential influence

As of now, the committee is set to choose from two candidates – Andriy Klymenko, a detective from NABU, and Andriy Syniuk, a prosecutor from the Prosecutor General's Office. Neither is considered to be close to Zelensky.

On June 4, the selection panel blocked the candidacy of Andriy Kostin, a lawmaker from Zelensky's Servant of the People faction, from reaching the final stage.

Since then, several pro-government members on the selection committee have blocked panel meetings.

In August, four independent selection committee members – Roman Kuybida, Nona Tsotsoria, Drago Kos and Thomas A. Firestone – issued a letter to Venediktova citing internal pressure from panel members nominated by parliament.

All four said they would resign if pressure continued.

According to a Kyiv Post source in the President's Office, who spoke on conditions of anonymity, Zelensky's Deputy Chief of Staff Oleg Tatarov has been involved in the process of derailing the competition.

Tatarov is under investigation for graft, an accusation which he denies. The case involving Tatarov was subsequently transferred from the NABU by Venediktova.

Without a selection committee quorum, the SAPO is in effect controlled by Venediktova, who first appeared on the national stage as

a lawmaker from Zelensky's party.

Tatarov was deputy head of the Interior Ministry's main investigative department under then-President Viktor Yanukovich. Today, he is credited with influencing Ukrainian law enforcement agencies on behalf of the president, according to Ukrainian media.

On Sept. 1, Tatarov's birthday party was attended by several key law enforcement officials, confirming speculation that Tatarov influences law enforcement bodies.

## Moving forward

The ongoing sabotage hasn't been left unnoticed.

"I did not hear adequate explanations for the delay of the competition for the election of a new SAPO head. The selection committee must perform their duties properly," Zelensky wrote on Oct. 9 after the reaction from the U.S. embassy.

Yet, on Oct. 12, the committee once again didn't convene. There is hardly any evidence that foreign concerns are being heard in the President's Office.

"This is an outspoken slap in the face of Ukraine-U.S. relations," says Shabunin. 🇺🇸

EDITORIALS

# Sabotage

New blows have been dealt to the already painfully slow and often obstructed attempts to overhaul Ukraine's corrupt legal system and instill rule of law and respect for it.

First, on Oct. 8, the Supreme Court considered an appeal of the High Council of Justice regarding the "constitutionality" of the judicial reform launched by President Volodymyr Zelensky. They decided to appeal to the Constitutional Court, which is already at odds with the president over his attempts to remove its head, Oleksandr Tupytskyi. The court has shown itself pliable to Kremlin, vested and corrupt interests, issuing rulings that have undermined key elements of reform.

The following day there was more bad news. The long-stalled process of electing the next head of the Specialized Anti-Corruption Prosecutor's Office, known as SAPO, was delayed yet again because of a lack of a quorum created by the absence of several members of the selection committee — notably those appointed by parliament.

These developments come after revelations in the Pandora Papers about the involvement of 38 top politicians, including Zelensky and his inner circle, in setting up shady offshore schemes.

It's hardly surprising that the United States and the European Union have expressed dismay with Ukraine. They described the latest delay with SAPO as "incomprehensible and unjustified," and as placing the entire anti-corruption effort in doubt.

And all this came on the eve of the Oct. 12 EU-Ukraine summit. Official Kyiv has been urging Brussels to provide clearer signals supporting Ukraine's prospects for eventual EU membership. But this regression in Ukraine's commitments smacks of impudence or, at least, a shaky grip on reality by Kyiv's leaders.

Progress to EU membership will come only incrementally as long as Ukraine doesn't have transparency, accountability and genuine rule of law. Until that happens, the bitter truth is Ukraine will be on the outside. While it seems unfair, given the democratic regression of many EU member states, Ukraine has to realize that outsiders looking to join the 27-nation club have to pay their dues — and the most important one is becoming a truly democratic state with strong institutions.

Time and credibility are being lost in this phony production of mostly imitation reform. Zelensky is no longer a newcomer in office. It's best that he gets moving ahead and gets people behind him, which they will only do if they are convinced he is acting in their best interests.

# Nobel Peace Prize

Viewed from a country where independent journalism is on the frontline of the battle for democratic transformation and openness, this year's award of the Nobel Peace Prize to two champions of freedom of expression is welcome and encouraging.

The journalists Maria Ressa of the Philippines and Dimitry Muratov of Russia have been honored as "representatives of all journalists who stand up for this ideal."

Ressa, a co-founder of the news site Rappler, was commended for her work to "expose abuse of power, use of violence and growing authoritarianism in her native country." Muratov, the co-founder and editor of independent newspaper Novaya Gazeta, has also been a prominent in exposing official abuse and corruption.

Muratov dedicated his prize to journalists and contributors to Novaya Gazeta who have been murdered because of their uncompromising work. Since 2000, six of them have been killed, including investigative journalist Anna Politkovskaya, the most prominent among them.

Politkovskaya was a staunch critic of Russian president Vladimir Putin and his wars in Chechnya. She was shot dead 15 years ago this month in the entrance hall of her apartment block in central Moscow. She was 48 years old.

Her aide, Anatoly Dotsenko, who had previously been the Moscow correspondent for Radio Liberty's Ukrainian Service, died unexpectedly before her in suspicious circumstances.

In Ukraine itself, journalists have long been in the forefront of the struggle for human and national rights and have also paid for this with their lives.

Leading figures in the modern Ukrainian national resurgence from the 1960s to the achievement of independence in 1991 were journalists. During the last three decades, numerous journalists have sought to ensure that the independence Ukraine attained was grounded in a genuinely democratic state. The most notable martyr for this cause was Georgiy Gongadze. The co-founder of the internet newspaper Ukrayinska Pravda, in 2000 he was the victim of a brutal political murder whose author has still not been exposed.

The case of the outspoken Belarusian Pavel Sheremet, who became active in Ukraine journalism and was blown up in his car in central Kyiv in 2016, also remains unsolved.

Sadly, journalism in Ukraine remains a dangerous profession. Violence against journalists is commonplace. Reporters decry the lack of protection and the legal system's failings.

But by no means all journalists in Ukraine deserve to be called by this name and there is no shortage of those who give the profession a bad name. In a country where journalists are all too often transformed into propagandists for their paymasters and standards are neglected, it takes real guts and commitment to principles to do the job properly.

Fortunately, as the intrepid team from Radio Liberty's Schemes program showed earlier this month, with public support, journalists can successfully become Davids confronting Goliaths in the battle for truth.

As a result of the crude heavy-handed response to their anti-graft investigation the chair of the state-owned Ukreximbank was placed under house arrest and then resigned.

The Nobel committee's decision was a timely reminder that, in its words: "Free, independent and fact-based journalism serves to protect against abuse of power, lies and war, propagandism."



**NEWS ITEM:**  
Pro-Kremlin Ukrainian lawmaker Ilya Kyva, representing the 44-member Opposition Platform, recorded a video congratulating Russian President Vladimir Putin with his 69th birthday on Oct. 7. In response, Ukrainian soldiers fighting off Russia's invasion in eastern Donbas recorded a video promising to "spit in the face of the lawmaker traitor."

**NEWS ITEM:**  
European Union High Representative for Foreign Affairs Josep Borrell said on Oct. 12 that Ukraine is very close to the European Union. On the same day, European Council President Charles Michel said that "the EU is Ukraine's best friend." Meanwhile, the EU isn't planning to provide Ukraine with a roadmap to join the alliance in the future.

**NEWS ITEM:**  
The Prosecutor General's Office charged pro-Kremlin lawmaker Viktor Medvedchuk and Odesa Mayor Hennady Trukhanov on Oct. 9 in two separate graft cases. The prosecution demanded arrest for Medvedchuk with the option to pay a \$38 million bail. For Trukhanov, the prosecution demanded a \$4.4 million bail. Despite that, the court placed both on house arrest substantially decreasing the initial bail.

**NEWS ITEM:**  
Austrian Chancellor Sebastian Kurz resigned from his post on Oct. 9 following a corruption scandal. Earlier, Kurz was documented flying on a private jet owned by Ukrainian oligarch Dmytro Firtash, currently residing in Vienna and fighting off a U.S. extradition warrant.

See these features online at [Kyivpost.com](http://Kyivpost.com)

### Ukraine's Friend & Foe Of The Week



**Chrystia Freeland**  
The Canadian stateswoman with Ukrainian roots is a longtime friend of Ukraine. This week new details from KGB files preserved in Kyiv revealed that while on a student exchange program in Ukraine in the late 1980s, the KGB spied on her, she was attacked in the press, and eventually banned.



**Dmytry Medvedev**  
The deputy chairman of Russia's Security Council, and former Russian president, has been wheeled out again to reiterate his master's frustration with Ukraine's resolutely independent course. He called Ukrainian leaders "vassals" of the United States.

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

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# Europe must stop serving as a playground for the corrupt elite



Daria Kaleniuk

*Editor's Note: This op-ed was originally published on Oct. 7, 2021, by the Atlantic Council in Washington, D.C., and is reprinted with permission.*

In late September, the European Court of Auditors issued a damning report criticizing the ineffectiveness of the European Union's anti-corruption initiatives in Ukraine. In order to make genuine progress, the report concluded that the European Commission must work with EU member states to prevent Ukrainian oligarchs and others suspected of grand corruption from traveling or using their assets within the EU.

As a representative of Ukraine's civil society who has been actively engaged in the country's anti-corruption efforts for the past eight years, I wholeheartedly welcome the report's conclusions and believe the proposed restrictive measures could potentially have a game-changing impact. The Ukrainian oligarchs and corrupt officials who obstruct reforms at home currently enjoy unhindered access to the EU. This access is enabling corruption in Ukraine and must be targeted.

Rob your country's natural resources, defraud taxpayers, and milk state monopolies then secretly siphon the proceeds of corruption to the safety of the EU using shell companies together with an army of Western lawyers and other willing service providers. This is the classic playbook of corrupt elites in Ukraine.

The people benefiting from such schemes don't need to worry about investing into the education, healthcare, or infrastructure of Ukraine as their family members are usually studying in London, doing their shopping in Vienna, relaxing in France, and receiving healthcare treatment in Germany. Many simply buy EU citizenship in Cyprus or Malta through entirely legal invest-

ment visa procedures.

The ability of corrupt figures in Ukraine to travel, acquire assets, and invest freely throughout the EU is a key motivating factor for them to continue their damaging practices while also working to prevent any progress towards the rule of law in their home country. Understandably, losing this access to the EU is a nightmare scenario for them that threatens to undermine the lavish lifestyles and sense of impunity they and their families have long since grown used to.

The recent report points to the US as an example of how entry bans can be used to fight corruption. Earlier this year, U.S. Secretary of State Antony Blinken publicly banned Ukrainian oligarch Ihor Kolomoisky from entering the United States for allegedly corrupt conduct and undermining democratic progress in Ukraine. This ban also extended to his wife, daughter, and son. However, Kolomoisky still enjoys free access to the EU.

Unlike the U.S., Brussels does not currently have a flexible and quick procedure in place to prevent those accused of serious corruption or their family members from traveling to the EU or engaging in economic activity there. Some might argue that the recently adopted EU Magnitsky Act could potentially be used to impose personal sanctions. However, the EU Magnitsky Act does not currently envisage corruption as grounds for the introduction of sanctions.

Furthermore, the EU procedure for introducing personal sanctions is notoriously cumbersome and can be vetoed by any one of 27 EU member states. Given the wealth and influence of the key figures fueling corruption in Ukraine, it is highly likely they would be able to find individual EU members willing to block sanctions.

With this in mind, a more innovative approach is needed that does



From left: European Commission President Ursula von der Leyen, European Council President Charles Michel and Ukrainian President Volodymyr Zelensky walk during their meeting on Oct. 12, 2021 in Kyiv.

not require unanimity in order to impose entry bans and a range of other restrictions. The answer could be qualified majority voting, as the EU parliament suggests. It is now the job of the European Commission to identify the most suitable legal framework.

By closing loopholes for dirty money and placing restrictions on the oligarchs and officials responsible for corruption in Ukraine, the EU can play a key role in assisting the country's ongoing transition towards the rule of law and further Euro-Atlantic integration.

Such measures would also significantly reduce European vulnerability to Russia's use of corruption as a weapon in the Kremlin's ongo-

ing hybrid war against the West. In June 2021, U.S. President Joe Biden declared corruption a national security threat. It is now the EU's turn to do the same and start treating corruption with the seriousness it deserves.

At present, there is little indication that the EU is serious about addressing its enabling role in the vast number of corruption schemes originating beyond its borders. Who within the European Commission is in charge of delivering results in the fight against corruption, for example? Perhaps it is time to appoint a dedicated EU anti-corruption commissioner, just as there are already commissioners in charge of the fight against disinformation and climate change.

President Biden's upcoming democracy summit in December could be a good opportunity to move the conversation on corruption forward and develop integrated transatlantic solutions. The recent Pandora Papers underlined the critical role that Western countries continue to play in facilitating corruption elsewhere in the world. This is nowhere truer than in Ukraine. If the EU wants to help the country achieve a decisive breakthrough away from the institutional corruption of the post-Soviet era, it must also stop serving as a playground for corrupt Ukrainian oligarchs and officials.

*Daria Kaleniuk is the executive director of Ukraine's Anti-Corruption Action Centre. ☛*

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# World in Ukraine: Azerbaijan



**Editor's Note:** World in Ukraine takes a look at Ukraine's bilateral relations with different nations. All articles are written independently from advertisers.

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## Azerbaijanis say they left their nation for freedom in Ukraine

By Asami Terajima  
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When Azerbaijan-born journalist Azad Safarov moved to Ukraine as a child, one of the first things that shocked him was that Ukrainian teachers didn't beat pupils at school even when they misbehaved.

Living in Ukraine taught Safarov freedom, and he finds it difficult to adjust to the customs and traditions in his native land, he told the Kyiv Post.

For instance, Safarov remembers his mother trying to get him to marry his cousin when he was in his early 20s and being told that it had been planned ever since the day they were born.

"I love my motherland, but it's better to love it from a distance," the 35-year-old told the Kyiv Post.

### New life

Now a freelancer traveling back and forth between Germany and Ukraine, Safarov's most notable works include reporting he did with big names like CNN.

He co-founded the charity organization Voices of Children aiming to provide psychological support to children living along the frontline of the war in Donbas.

Safarov knows the region well, because that's where his father settled more than 27 years ago. Safarov's father left his homeland Azerbaijan to start a new life in Donetsk in the 1990s, and his family joined him soon after.

Back in the 1990s, it was tough to land a job in Azerbaijan that would



Azerbaijani diaspora activist Ilhama Allakhverdiieva crosses the street in central Kyiv on Oct. 11, 2021. Allakhverdiieva co-founded the Union of Azerbaijani Youth in Ukraine (SAMU) with her university friends to build a bridge between the two countries and make the community stronger.

pay enough to feed a family, Safarov said. To sustain his family, his father put up stands in Donetsk where he sold products in detail, from oatmeal to cigarettes.

After the Soviet Union collapsed in 1991, roughly 45,000 Azerbaijanis were living in Ukraine, according to Jeyhun Kesemen, general secretary at the Council of Azerbaijanis in Ukraine. They came for work, military service, or to pursue education.

The Azerbaijani diaspora population grew because newcomers

brought their family with them, reaching about 120,000 to 150,000 members today. A lot of those who set family roots here switched citizenship, according to Kesemen.

"The Azerbaijani-Ukrainian relationship continues today," Kesemen said.

Safarov switched to Ukrainian citizenship too, despite a tough childhood. Other kids would often bully him because he looked different from the rest, teasing him about the color of his skin and telling him to "go back" to his country, he said.

However, it helped him become stronger because he spent a lot of time on his own in public libraries. When Safarov wasn't studying, he was working with his father, selling everyday products outdoors, a common thing for Azerbaijani children from poor families.

In a Muslim family-first culture like Azerbaijan, it is expected for the sons to live with their parents even when they go into adulthood and be obedient to them.

The business grew steadily in the first year, but their home was robbed at gunpoint, which left the family starting over from scratch. His father died early because of a heart disease caused by constant stress when Safarov was only 13-year-old.

### Ukrainian patriot

In 2007, shortly after graduating from university with a degree in

journalism, Safarov came to Kyiv with only a bag and Hr 3,000 (worth about \$600 at the time), not knowing where to start.

His future was uncertain at first, but he soon found a job in a newspaper and some accommodation in a Soviet-style communal apartment where he almost had a room to himself.

"I don't know how many rats were already living there," he said. "When I was going to shower, it was so dirty I had to stand on one leg."

Safarov soon began a career in 5 Kanal, a local television channel. When the EuroMaidan revolution that ousted the pro-Russian then-President Viktor Yanukovich started in November 2013, he was on the ground almost every day to cover the protest.

"When I saw how people were suffering on Maidan (and) being beaten, I couldn't go to my chief and say 'okay, can I go and make stories about animals' or about anything else," he said.

Berkut officers from Yanukovich's

infamous riot police once beat him and his crew badly in front of cameras.

"If anybody like Yanukovich tries again to seize power here, I will be the first to go outside and protest," he said.

"I feel patriotic for this country, and I will do my best to return what I have got from Ukraine."

### Breaking cultural norms

Unlike Safarov, diaspora activist Ilhama Allakhverdiieva was born in Ukraine.

She sees herself as a bridge between the two cultures.

In 2010, she co-founded the Union of Azerbaijani Youth in Ukraine (SAMU) with her university friends to deepen the ties between the two countries, engaging in cultural diplomacy and promoting Azerbaijani culture in Ukraine.

Her father first stepped foot in Ukraine in the 1970s while serving in the Soviet army. He married an Azerbaijani woman in his homeland, according to tradition, and settled in the city of Pripyat.

Allakhverdiieva was born there, near Chernobyl, where the world's worst nuclear accident in history took place in 1986.

She was too young to remember the accident clearly. Allakhverdiieva only has faint memories from the day her family fled back to Azerbaijan when the reactor exploded. The trip didn't last long, as her father was called to work as a liquidator on the site of the tragedy a week after the explosion.

He is still alive and has lived in Kyiv ever since, like Allakhverdiieva.

"Ukraine is my motherland," she told the Kyiv Post.

Her father was particularly worried about how others would perceive her when they find out that she held an event for the Azerbaijani diaspora in Ukraine, which is problematic for a patriarchal society, she said.

Nevertheless, she sees more Azerbaijani girls stepping out of their comfort zone, often inspired by other female role models.

"Kyiv is the most amazing place on earth," she said. "I sincerely love this city." 🇺🇦



Azerbaijan-born journalist Azad Safarov talks about the struggles he faced as a child during an interview with Kyiv Post in Taras Shevchenko Park in central Kyiv on Oct. 8, 2021.



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# Azerbaijan's dissenting voices face imprisonment and worse

By Max Hunder

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Beneath a veneer of tolerance cultivated with millions of oil dollars, Azerbaijan hides some of the most savage treatment of journalists and activists anywhere in the world.

The Central Asian nation ranked 167th out of 180 countries in Reporters Without Borders' 2021 press freedom ranking.

At best, journalists face jail and police repression in Azerbaijan. The government uses a combination of overt and alleged hidden tactics to make life unbearable for those who disagree with it.

An international investigation led by Amnesty International revealed in July that a spyware called Pegasus was used to tap the phones of over 1,000 Azerbaijanis, many of whom prominent government critics.

More frightening is that which lurks just beneath: blackmail with secretly recorded sex tapes, vicious beatings, and even murder.

While it is difficult to conclusively prove without access to evidence that the state is behind these acts, it is hard to think of another actor who would have a sufficient motive for extensively targeting voices critical of President Ilham Aliyev and his government.

"Whatever threats, harassment or intimidation (journalists) face, the perpetrators always get away with it," Arzu Geybullayeva, a Turkey-based Azerbaijani journalist, told the Kyiv Post.

## Denouncing relatives

Geybullayeva has lived outside of Azerbaijan since 2010 and has not been back to her homeland since 2014. Her past co-operation with Agos, a Turkey-based Armenian newspaper, has made her the target of harassment campaigns by pro-government media.

She gets regular rape and death threats after online publication. AzLogos published an op-ed that said she "hates Azerbaijan and its people."

Geybullayeva told the Kyiv Post that targeting family members is often used to pressure dissidents who have left the country.

"People complain that their father was hauled in for questioning, or that a family member was dismissed from their job."

According to Geybullayeva, such practice forces those in Azerbaijan to denounce their exiled relatives publicly and cut all ties with them.

Azerbaijani blogger Ordukhanyan Teymurkhan has lived in the Netherlands for 25 years and is often critical of the Aliyev government. In February 2017, Azerbaijani media ran public denunciations of Teymurkhan by members of his family, including his sister, who said she "begged him not to write such lies against the state."

Family members of opposition figures within Azerbaijan are also targeted.

Jamil Hasanli is the leader of the National Council of Democratic Forces, one of Azerbaijan's main opposition parties. In March 2021, a



Azerbaijani journalist Rasim Aliyev at a protest in his home country. Aliyev died in August 2015 after being beaten by six men who were angered by a post he made about an Azerbaijani football star. For many human rights groups, Aliyev's case symbolizes the impunity of violence against journalists in Azerbaijan.

sex tape of his 38-year-old daughter Gunel was leaked onto the internet.

While there is no official culprit, the opposition leader blamed the Azerbaijani president for the leak.

"Ilham Aliyev has unreasonable hopes that he will deter us from politics in such immoral ways. How my daughter builds and lives her personal life is her own business, it has nothing to do with the state", Hasanli said at the time.

According to Geybullayeva, 15 women, usually outspoken activists, were targeted this way in 2020 alone. In most cases, the tape is made by wiring up a hidden camera in the victim's home without her knowledge.

## Threats from abroad

When intimidation and humiliation don't work, activists and human rights associations say that the Azerbaijani government resorts to outright violence.

Back in Azerbaijan, Mahammad Mirzali was a member of the opposition Popular Front party. He was arrested and tortured after a protest in 2013.

Since 2016, he has lived in Nantes, a French city located 380 kilometers southwest of Paris.

Even in France, Mirzali has not found safety from the regime which imprisoned him. He still receives regular anonymous threats from Azerbaijanis in the country.

He was wounded in an October 2020 gun attack while getting into his car, and stabbed at least 16 times by six assailants in March this year, losing three liters of blood.

According to Geybullayeva, violence against journalists and opposition voices increased after Ilham Aliyev acceded to the presidency in October 2003 following his father, Heydar.

"The political atmosphere changed under (Ilham) Aliyev's leadership, who opened a toolbox of authoritarianism not so common under his father," she said.

The moment Azerbaijanis realized things were moving in a dark direction was on March 2, 2005: the editor-in-chief of the Monitor

newspaper, Elmar Huseynov, whose publication was known for investigating government corruption, was shot dead in the doorway of his apartment block.

Investigations have failed to bring much justice. One accomplice was sentenced to two years in prison, while two suspects reportedly live free in Georgia.

Imprisonment is also a real risk. According to the Committee to Protect Journalists (CPJ), 43 members of the press have been imprisoned in Azerbaijan since 2003.

Reporter Polad Aslanov was arrested in June 2019 and charged with selling secrets to Iran and publishing "anti-government" statements. He was found guilty and is currently serving a 16-year prison term.

His wife told the committee that she believed Aslanov was jailed for his investigations of unscrupulous civil servants.

Before his arrest, the journalist was preparing to publish an investigation into alleged corruption in the tourism sector involving high-ranking government officials.

## Caviar diplomacy

Azerbaijan maintains cordial relations with Western governments by using its oil and gas profits to lobby decision-makers despite these widespread human rights abuses.

A 2012 report by the European Stability Initiative quoted an unnamed Azerbaijani diplomat describing how his government would influence members of the Parliamentary Assembly of the Council of Europe (PACE) by gifting them several kilograms of caviar.

"One kilogram of caviar is worth between 1,300 and 1,400 euros. Each of our friends in PACE receives at every session, four times a year, at least 0.4 to 0.6 kilograms. Our key friends in PACE, who get this, are

around 10 to 12 people. There are another three to four people in the secretariat."

In January 2013, the council controversially voted down a report into political prisoners in Azerbaijan, citing inconsistencies in the definition of a "political prisoner."

The diplomat also said Aliyev's government was inviting at least 30 European officials per year to Baku, where they received lavish gifts.

"These are real vacations and there are many expensive gifts. Gifts are mostly expensive silk carpets, gold and silver items, drinks, caviar and money."

The government of Azerbaijan doesn't feel embarrassed because they are confident that they will not face an intense enough backlash from civil society to threaten their power, Geybullayeva said.

"The people in the country are not holding them accountable because they can't." ❄️

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# Aliyev's long arm will not stop the Kyiv Post



**Brian Bonner**  
bonner@kyivpost.com

Even this far into the 21st century, fierce battles over freedom of the press are still taking place in Ukraine. Many of those arguments rage behind the scenes, but some break out into the open.

A typical example: A politician, oligarch or powerful public official objects to an unflattering story or investigation and then vents anger at the owner with the expectation that the publisher will instruct the editor to soften the newspaper's coverage. The more powerful the aggrieved person, the more dangerous the consequences — ranging from lawsuits to criminal investigations and even violence.

The official assumes that owners of all media outlets in Ukraine tell journalists what to cover and will bow to pressure. It's a safe assumption in the oligarch playground that is Ukraine, but not when it comes to the Kyiv Post. The newspaper has a 26-year tradition of editorial independence that is now enforced by Adnan Kivan, the newspaper's third publisher since 1995. Kivan's main businesses are construction and agriculture, not media, but the Syrian native has explained his ownership of Channel 7 in Odesa and the Kyiv Post as his contributions to strengthening freedom of speech, a pillar of any democracy.

Another form of pressure is more subtle but also sinister. It happens when advertisers try to dictate coverage or, far more commonly, try to get their promotional material disguised as "news" — a practice that is

forbidden by the Kyiv Post because it is tantamount to lying to our readers. Unfortunately, some of our brethren have resorted to unclear labeling that leaves readers confused about whether they're reading news or paid advertising.

We recently encountered the more overt advertising pressure for today's planned special section "World in Ukraine: Azerbaijan." After years of trying, our sales staff finally persuaded SOCAR — the State Oil Company of the Azerbaijan Republic — to sponsor an in-depth look at Ukraine-Azerbaijan relations, as we have done with dozens of countries for at least 15 years.

We had never done special coverage of Azerbaijan and we were excited about the story possibilities involving another former Soviet republic.

But it was not to be.

After weeks of free promotion by the Kyiv Post with the SOCAR logo, the company pulled out on Oct. 8 — citing our online publication of a link to an Oct. 4 piece from Radio Free Europe/Radio Liberty headlined "Pandora papers expose secret wealth, dealings of Aliyev, Zelensky, Putin."

I am excerpting the parts of the article relevant to Azerbaijan President Ilham Aliyev, the second-generation dictator who is the son of late Heydar Aliyev and former KGB agent who ran the nation of 10 million people before his death in 2003:

"The investigation found that the



The Pandora Papers journalistic investigation found that the family of Azerbaijani President Ilham Aliyev have secretly been involved in property deals in London worth nearly \$700 million. Reporting this fact online cost the Kyiv Post the sponsorship of SOCAR, the State Oil Company of the Azerbaijan Republic, for the World in Ukraine: Azerbaijan special coverage.

family of Azerbaijan's President Ilham Aliyev and their close associates have secretly been involved in property deals in Britain, almost entirely in London, worth nearly \$700 million, using offshore companies, according to the Organized Crime and Corruption Reporting Project, which is part of the ICIJ consortium. Most of these properties were purchased in cash. The files show how the Aliyevs, long accused of corruption in the South Caucasus country, bought a total of 17 properties, the BBC reported.

"Aliyev's son, Heydar, owned four buildings in London's Mayfair district when he was just 11 years old. A \$44.7 million block was bought by a front company owned by a family friend of the president in 2009 and was transferred one month later

to Heydar. Aliyev's administration did not respond to requests for comment on the allegations, nor did members of his family."

Those investigative findings do nothing to dispel the opinion that Aliyev is a world-class kleptocrat.

SOCAR is free to spend its advertising budget how it wants. But supporting independent news outlets — which are virtually unheard of in today's Azerbaijan — is a bad fit for a company that answers to Aliyev. But if SOCAR officials thought

that their cancellation would prompt us to scrap the special coverage this week, they were mistaken. So, despite the absence of a sponsor, we proudly write about the bilateral relationship during this holiday-shortened (Oct. 14 Day of Defenders) week, to the best of our abilities.

Also worth noting: The ambassador of Azerbaijan in Ukraine refused our request for an interview.

Brian Bonner is the executive director and chief editor of the Kyiv Post.



Government type: **semi-presidential republic**



President: Ilham Aliyev



Prime Minister: Ali Asadov



GDP, PPP: \$5,170

GDP per capita, PPP: \$42.6 billion (2020)



Total area: 86,600 square kilometers



Population: 10.1 million

World Bank's Doing Business Ranking: 34

Credit ratings: S&P — BB+ (stable), Fitch — BB+ (stable), Moody's — Ba2 (positive)

Main economic sectors: oil and natural gas production, agriculture, chemicals, machinery, fishing industry



Trade: \$717 million (2020)



Exports from Ukraine to Azerbaijan: Pharmaceuticals, milk and dairy products, paper and cardboard, ferrous metals, cereals. \$346.8 million.

Imports to Ukraine from Azerbaijan: Oil and oil products, plastics, aluminum, fruits and vegetables. \$318.5 million.



Azerbaijan foreign direct investments: \$170.5 million (as of March 31, 2021)

Sources: World Bank, International Monetary Fund, State Customs Service, National Bank of Ukraine

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# Azerbaijan is not a major trade partner for Ukraine — yet

By Natalia Datskevych  
[datskevych@kyivpost.com](mailto:datskevych@kyivpost.com)

Sharing a common past as former Soviet republics, Ukraine and Azerbaijan — two countries separated by 2,200 kilometers — are seeking to expand bilateral trade.

Both nations' leaders advanced this goal in late 2019, when presidents Volodymyr Zelensky and Ilham Aliyev signed numerous documents.

"The desire of the country's leaders, their messages, their meetings indicate that the turnover should grow," said Jalal Huseynov, head of the six-member Ukraine-Azerbaijan Business Association.

In 2020 bilateral trade reached \$717 million, not high, but double the 2015 amount.

Ukraine imported mainly oil and gasoline, which accounted for almost a third of the total turnover. Among other goods were fruits and vegetables, wine and mineral water. Azerbaijan bought mainly Ukrainian ferrous metals, dairy products, sausages, sunflower oil, honey, cereals, and pharmaceuticals.

"Ukraine is a very important partner, both from a political and economic view," Sabir Rzayev, a

counselor of the Embassy of the Azerbaijan Republic, told the Kyiv Post.

Azerbaijani businesses also view Ukraine as a country to invest in.

Mainly through SOCAR, the state oil company, which currently has around 60 gas stations and four oil storage facilities in Ukraine — Azerbaijan has invested around \$1.1 billion since 1995, according to Rzayev.

Moreover, since the beginning of this year, Ukraine added another \$170 million of Azerbaijani direct investments, Huseynov estimated.

Among the most lucrative sectors were construction, energy and infrastructure.

"Azerbaijani investors are interested in those sectors in which the state can guarantee stable return," said Huseynov.

In Ukraine he observes several positive trends despite "political and economic instability" like adoption of the law on investment nannies, as well as the law on industrial parks.

Furthermore, in September, for the first time in the last decade Azerbaijan increased the quota for permits for Ukrainian road freight carriers and allowed 850 trucks to enter.

This should reduce the price for the transportation of goods, since previously the only route was through the Black Sea via Georgia to Azerbaijan.

With the new permits he believes that the competition will force the prices for goods to go down.

"This will be the impetus for increasing trade turnover," said Huseynov.

## 'Terezi'

Creating the Azerbaijani-Ukrainian Business Association was a timely step as in Ukraine there are 1,937 legal entities with final beneficiaries registered in Azerbaijan.

According to Huseynov, nearly 90% of them are operating.

Established in May 2020, the association called Terezi (Scales)—the word means the same in both Azerbaijani and Ukrainian languages — currently has six members.

"Our association is made to weigh plans and ideas, in order to correctly assess risks and opportunities," said Huseynov.

During the next year the association, which guides businesses through Ukrainian legislation and provides analytics, expects to add at



In 2020, Ukraine's imports of oil and oil products from Azerbaijan reached \$266 million, nearly one third of all bilateral trade between the countries.

least 15 more companies.

Describing SOCAR and NEQSOL holding, which bought mobile operator Vodafone for \$734 million in 2019, the "tip of the iceberg" of Azerbaijani business operating in Ukraine, Huseynov is aware of many medium and small entrepreneurs operate in the country.

Located throughout the country, mainly in large cities such as Kyiv, Lviv, Odesa, Kharkiv, Dnipro, such enterprises are "playing a big role in the economic relations of the two countries."

"We are focused on their work too," said Huseynov.

He expects that Ukrainian companies will also join the association, so they can enter the Azerbaijani market.

For instance, Ukraine's construction companies can participate in Baku's ambitious plan for reconstruction territories over which the war with neighboring Armenia occurred last year.

"Ukrainian companies can partic-

ipate in tenders and Azerbaijan is flagging this," Huseynov added.

## Making bucks

In Azerbaijan, a country of 10 million people, there are nearly 220 Ukrainian companies operating. They have invested some \$25 million.

Mostly, according to Rzayev, they work in retail, agriculture, and construction.

But what Azerbaijan has learned from the COVID-19 pandemic is the importance of the information technology industry.

"We realized how unprepared we were. The country needs a lot of IT specialists. We have very few."

According to Huseynov, there are currently there are no major problems, including the bureaucracy, facing Ukraine's entrepreneurs working in Azerbaijan. Problems may, however, occur with miscommunication.

"It's more of an issue of mentality. The East is a delicate matter," he explained. 🇺🇦

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# Why there are no final verdicts in big cases?



Vadym Valko

It has been two years since the High Anti-Corruption Court made its first judgment. Since then judges have delivered 45 verdicts, and among the convicted are members of parliament, judges, prosecutors, lawyers, heads of state enterprises, and so on.

But there are complaints that the High Anti-Corruption Court, the National Anti-Corruption Bureau of Ukraine and the Special Anti-Corruption Prosecutor's office are not touching the "big fish."

Several cases are, indeed, delayed often because of the behavior of the defendants and their lawyers.

Here is a status report:

### Onyshchenko

Former member of parliament Oleksandr Onyshchenko and his associates sold natural gas of the state-owned Ukrgazvydobuvannya to his companies on fictitious exchanges

at an understated price. These companies resold fuel to end consumers at market prices. The lost income of Ukrgazvydobuvannya is \$28 million.

The indictment against Onyshchenko and his financial director Olena Pavlenko was sent to the court by prosecutors in February 2019. The case was transferred to the High Anti-Corruption Court after several months of wandering in courts of Kyiv.

The preparatory meeting lasted almost six months. In January 2020, the court decided to hear the case in a separate proceeding because Onyshchenko is not in Ukraine. The case was then postponed for more than three months in order to send the appeal to competent authorities in Germany to summon him.

Some 75 court meetings were scheduled in a 22-month period. The panel has to examine 50 of the 560 volumes of material and question about 25 witnesses.



Volodymyr Petrov

Roman Nasirov, then chief of Ukraine's State Fiscal Service (R), sits during a hearing at the Kyiv Court of Appeal on March 13, 2017 as a soldier stands guard in the foreground.

Onyshchenko's lawyers delayed the proceedings. Last October, for instance, three defenders left the meeting without permission, which

disrupted the examination of the search video.

Judges appealed to the Qualification and Disciplinary

Commission of the Bar for discipline because of the lawyers' absence

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# Vadym Valko: Defendants clog up court proceedings

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without good reason. However, the disciplinary bodies of the bar refused to initiate proceedings.

Judges are at least trying to ensure consideration in a reasonable time. Last July, they scheduled hearings 16 days in a month. This pace provides a chance that next year the case will be finished, at least in the first instance. Onyshchenko faces up to 12 years of imprisonment with confiscation of property.

## Nasirov

Former head of the State Fiscal Service Roman Nasirov is accused of abuse of office and forgery. He allegedly provided illegal installments of debts to companies related to the fugitive and former member of parliament Oleksandr Onyshchenko and his "gas scheme." Losses amounted to more than \$75 million. His former subordinate, Volodymyr Novikov, is on the dock with Nasirov. They face up to 6 years of imprisonment.

Nasirov was detained at Feofania Hospital in 2017. At the end of November 2017, the indictment was sent to Shevchenko District Court of Kyiv. About 30 court meetings were scheduled during two years. But all this time, prosecutors simply read all 774 pages of indictment at the insistence of Nasirov's lawyers.

In September 2019, the case was transferred to the High Anti-Corruption Court. At the same time, legislation was changed which allowed prosecutors to summarize the indictment in just 10 minutes.

Judges have already spent 22 months on the case. During this time, more than 60 court meetings were scheduled. Some of them were postponed due to the quarantine or the illness of judges or participants in the case.

Former lawyer of the accused Novikov tried to delay because of the coronavirus. He did not come to the meeting four times and filed the petition regarding delay by taking refuge in lies. The lawyer stated that he was allegedly in Rivne Oblast in self-isolation and could not attend court meetings, although prosecutors recorded his meeting with his client in Kyiv at the same time. This lawyer got replaced by a lawyer from the free legal aid system.

So far, the court has questioned several key witnesses, including Igor Bilous, who headed the State Fiscal Service in 2014, and Yuriy Dubynskyi, who was responsible for creating the fictitious enterprises for Onyshchenko.

Defendants keep delaying the case. At first, they read almost every page of every volume of documents provided by the prosecutor. After that, the court changed the procedure. It gave lawyers and defendants the opportunity to comment not

on each volume individually, but collectively on all evidence gathered in the particular area. The accused now have only three meetings for each issue to announce their position regarding documents, which speeds up the consideration a little bit.

Judges respond adequately to the abuses of defense, trying to optimize work by changing the procedure, or finding opportunities to schedule additional meetings when there is free time on the schedule.

## Martynenko

Ex-member of parliament Mykola Martynenko and accomplices are accused of organizing schemes of embezzlement of funds from the state enterprises SkhidGZK and Energoatom. The state allegedly suffered more than \$26 million in damages. Martynenko faces up to 12 years of imprisonment with confiscation.

The indictment was sent to Shevchenko District Court of Kyiv in 2018. At first, the court tried to return it to prosecutors, but the appeal cancelled the decision. Then the case was considered intensively before, in November 2019, it was transferred to the High Anti-Corruption Court.

The defense changed began to prolong consideration as much as possible, arrange hysterics, démarches, making unfounded appeals, doubtful resignations, initiating criminal cases against judges, changing lawyers and asking for a break of three or four months to study materials.

The behavior of some participants was simply inappropriate. One defendant was brazenly rude to judges. Lawyer Nonna Nadich arbitrarily left the court meeting to disrupt proceedings.

The panel called such defense actions planned, targeted and coordinated. And it raised the issue of lawyers' responsibility at least five times to the qualification and disciplinary bodies, but each time judges were not allowed to open disciplinary proceedings. Judges' appeals to the Higher Council of Justice with reports regarding interference in their activities also had no effect.

The case of a grenade explosion where the presiding judge parks his car deserves special mention. Judges linked this episode to consideration of Martynenko's case and also sent appeals to the Higher Council of Justice and the prosecutor general. As the result, as many as three criminal proceedings were registered.

Since December 2019, more than 50 court meetings have been scheduled in the case. And only three of them took place last year. Since October 2020, some lawyers have not appeared in court at least eight times without good reason. Due to such actions, no evidence has been examined in the case during last year.



Ex-People's Front party lawmaker Mykola Martynenko (C) stands during considering the issuance of his arrest warrant in Kyiv's Solomyansky Court on April 21, 2017.



A lawmaker from President Petro Poroshenko's Bloc Borys Rozenblat listens his lawyer in Kyiv's Solomyansky Court on July 18, 2017.

By contrast, Martynenko's case regarding the laundering of 2.8 million euros in Switzerland was started in 2013 and sent to the court in December 2019. Six months later, the Swiss Federal Criminal Court sentenced the former member of parliament to 28 months of imprisonment. The case is currently in the process of appellate review.

Consideration of the case in Ukraine may go on forever with such delays provoked by defense and the lack of proper response from the disciplinary authorities.

## Trukhanov

Odesa Mayor Hennady Trukhanov and his accomplices are accused of illegal seizure of \$3.5 million from the local budget, obtained as the result of purchasing the building of bankrupt plant Krayan at knowingly inflated price. Trukhanov faces up to 12 years of imprisonment with the confiscation.

The case was sent to Malynovskiy District Court of Odesa in late October 2018.

It was considered there in turbo mode. Almost 60 court meetings were scheduled for eight months, and the acquittal was adopted two months before the start of work of the High Anti-Corruption Court. The acquittal was reviewed by the appeals chamber of the High Anti-Corruption Court. Despite all efforts of the defense, the appeals chamber cancelled the illegal acquittal. The case as sent for new consideration of the High Anti-Corruption Court.

More delays followed. Two defense lawyers did not appear in

the court five times in a row. Judges complained about the lawyers to the Qualification and Disciplinary Commission, and one of them was even fined \$500.

However, so far these methods did not work. Preparatory meetings were not held for seven months.

## The amber case

Former members of parliament Maksym Polyakov and Boryslav Rozenblat and their accomplices are accused of receiving more than \$300,000 in a scheme to obtaining permits for extracting amber. They face up to 12 years of imprisonment with the confiscation of property.

In October 2018, the indictment was sent to Holosiyivskiy District Court of the capital. However, it was transferred to Pechersk District Court a few months later, where the case stayed for another six months. Until in September 2019, it was finally sent to the Anti-Corruption Court.

Judges scheduled 20 meetings during 21 months, but were unable to complete the preparatory proceeding. The vast majority of meetings did not take place for various reasons.

In total, the case materials have 111 volumes. The Special Anti-Corruption Prosecutor's Office also plans to question 44 witnesses. After that, they can proceed to the study of defense's evidence. However, given the pace, the chances of such development in the near future are almost zero.

## How to solve the problem

Today, judges of the High Anti-Corruption Court of Ukraine are considering 184 criminal cases in

which 440 people are accused.

And new cases come every month. Two more high-profile cases will be sent to the court very soon.

Namely, these are the cases against former member of parliament Maksym Mykytas and member of parliament Yaroslav Dubnevych.

It is possible that next year the court will receive indictments in cases of Kyiv District Administrative Court tape recordings, the PrivatBank and VAB Bank fraud cases and others.

To prevent delays, these changes should be made:

- The court should have the right to bring violators to administrative responsibility for showing contempt of court;
- It is also necessary to significantly increase the financial penalty for the refusal of participants to appear in court without sufficient reason. Today, the maximum penalty is an absurdly low \$180.
- Improve disciplinary proceedings. During two years, judges sent about 40 claims to the Qualification and Disciplinary Commission. But only three lawyers were brought to responsibility. A large part of the bar community is a closed clan;
- The High Council of Justice, as the disciplinary body for judges, needs to be replaced.
- The workload of judges of the High Anti-Corruption Court should be lightened with the addition of more judges;
- Simple cases should be heard by a single judge rather than a panel.

Vadym Valko is a lawyer with the Anti-Corruption Action Centre in Kyiv. ☛



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## Kyiv Post Employment Fair vibrant in its 17th year

**1** People walk near the entrance to the Kyiv Post Employment Fair at the Osvitoria Hub in Kyiv on Oct. 7, 2021.

**2** Representative of the Winner company shows vacancies to visitors during the Kyiv Post Employment Fair at the Osvitoria Hub in Kyiv on Oct. 7, 2021.

**3** Iryna Sitnikova, the talent head at French multinational food company Danone in Ukraine, speaks at the Kyiv Post Employment Fair.

**4** Job seekers talk to representatives of the State Agency of Public Service.

**5** Visitors of the Kyiv Post Employment Fair browse vacancies at the Kyiv Post Employment Fair at the Osvitoria Hub in Kyiv on Oct. 7, 2021.

**6** Representative of the LC Work company shows vacancies to visitor.

**7** Avalon holds an online seminar on Oct. 7.

**8** Visitor talks to a representative of Nestlé.

(Photos by Kostyantyn Chernichkin)



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# Kyiv Post Employment Fair, a tradition since 2004, roars on

By Dylan Carter  
carter@kyivpost.com

The Kyiv Post Employment Fair, hosted this year in a new venue at Kyiv's Osvitoria hub, welcomed more than 200 guests on Oct. 8 to interact with major Ukrainian and international companies.

This year's fair was the first "offline" event held by Kyiv Post Employment since the fall of 2019. Due to the global coronavirus pandemic, the Kyiv Post's employment events had been forced online, where it hosted several online seminars on careers advice and job interview tips. The job fair started in 2004.

Banks, government agencies, law firms, food companies, job sites, and major hotel companies were all in attendance, offering tips on how to land a job, find new opportunities, or sit the perfect interview.

The event mostly gathered students and graduates eager to get to know each company's HR presence and employment opportunities, but many visitors also attended the fair looking to change employment in important corporate positions.

## Back in business

The recruitment industry had a hard time in 2020. The global pandemic forced many companies to lay off record numbers of staff, stop scouting for new talent, and relocate many jobs online.

This year, HR managers came to the employment fair with a positive outlook, bringing with them information about exciting job vacancies, corporate programs, and internships.

ProCredit Bank Ukraine presented many job postings at the fair and has also increased the vacancies on its website this year. Anna Stolbova, HR manager for the company, stated that she believed that the employment market had opened back up after the pandemic.

"Now, it's easier for employees to find a job," she said.

Some of the vacancies promoted at the fair included financial analyst positions with the National Bank of Ukraine, vacancies at Kyiv's Premier Palace Hotel, graduate legal careers at Golaw, and contract work with car-importer Winner.

Lydumila Olshevksa, a recruiter for Winner, said that some of the attendees of the fair were now in contention to win positions at the company.



Representatives of the Employment center of Kyiv oblast speak with visitor during the Kyiv Post Employment Fair at the Osvitoria Hub in Kyiv on Oct. 7, 2021.

"We had one person, looking for an administrative position...she gave us her CV, we asked her to follow our site and find some of the vacancies," the recruiter said.

"Now we've just had a phone interview...It was successful and I feel like maybe we can close this vacancy using this."

Corporate exhibitors displayed vibrant stalls emblazoned with their corporate branding and gave away corporate merchandising and promotional materials. Many employers stated that the employment fair had been a useful tool to meet candidates and strengthen the HR image of their brands.

National Bank of Ukraine HR manager Natalia Zhuravlyova said that events like the Kyiv Post Employment Fair are an excellent opportunity for employers.

"We think that these events are very important because we understand that we can show ourselves, see different candidates, and invite them to work at the NBU," Zhuravlyova said.

## Job-seeker tips and tricks

Employers at the event spent a lot of time speaking with young professionals and advising them how to get the most out of an interview. Some of the HR managers at the fair

were asked to provide some of their tips and tricks for excelling at a job interview.

HR manager for GOLAW Daria Parafynk said landing a position starts with the resume. It should be properly structured, and show previous job experiences, education, and the year of graduation.

"The selection of an ideal candidate, of course, always starts with your CV," she said.

Iryna Sitnikova, talent head at French multinational food company Danone in Ukraine, during a seminar at the event, highlighted that the key to professional progression during the pandemic was having a "growth mindset."

By nurturing self-development and learning, jobseekers could start a cycle of personal development which she called her "growth agility model."

The NBU recruits some of the greatest financial talents in Ukraine and competition for positions is fierce. Despite the easing of quarantine measures, the central bank has not increased the number of positions it hires for.

However, according to Zhuravlyova, candidates should not be afraid to apply to vacancies. "You should come to an interview, just show us your potential, your hard and soft skills, and that's all," she said.

## Government openings

The National Agency of Ukraine for Civil Service also had a presence at the fair. The Agency hires candidates for a number of positions in different ministries in Ukraine, both for national and regional administrations.

Irina Tymchenko, a representative of the agency, came to the event to talk to jobseekers about career opportunities in government.

According to her, competition for the civil service is not as difficult as

advised interested jobseekers to "be confident in their own abilities." The agency provides specific advice on its website about how to properly prepare for an interview in the civil service and tips on how to reach a candidate's potential.

## English's value

A mastery of the English-language can open many doors for candidates in Ukraine. University students in Ukraine are required to take at least one foreign language as part of their degree. Students in Ukraine now study up to 432 hours of foreign languages per year, with English being the most popular foreign language.

"Our perfect candidate knows English well, of course, from an intermediate level," said Stolbova, HR manager for ProCredit Bank Ukraine. Almost all employers at the event highlighted the importance of the English language and its use in work life.

Most major employers stated that they were actively looking for English-speaking candidates. Premier Palace Hotel considers it to be essential for client-facing positions. Legal firm GOLAW said that it was important for working with international clients. Similarly, the NBU requires English for its positions.

English can even be a useful asset in the field of journalism in Ukraine. The Kyiv Post had its own stall at the fair, where it advertised editorial vacancies, which require a high level of English competency.

The Kyiv Post Employment continues to regularly post and update new job vacancies on the newspaper's website. Those looking to attend future events and online seminars are welcome to follow the Kyiv Post Employment Facebook page.

The Kyiv Post expects to host its next employment fair in spring 2022. 🐾

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# Zhovten, Kyiv's cinema gem, is still thriving after 90 years

By Elina Kent  
kent@kyivpost.com

**Z**hovten movie theater has been standing in the heart of the Podil district for nearly a century, greeting locals eager to watch a wide array of films since 1931.

Zhovten has faced many challenges, from a major fire to a pandemic. But being a showcase niche cinema, nurturing a close relationship with cinephiles, and developing a cultural community has helped Zhovten overcome anything thrown its way.

Yuliia Antypova, Zhovten's director since 2018, is proud of the theater's 90-year history.

"During all of its time, Zhovten was not only a cultural center for the residents of Podil district, but for all of Kyiv," Antypova told the Kyiv Post.

## Consistent approach

Originally called "The Ninth State Cinema" by Soviet authorities, the theater opened with the premiere of the Ukrainian film "Hegemon," now the name of its biggest screening hall.

During the 1941–43 Nazi occupation of Kyiv, the theater was briefly renamed "Gloria." Once Kyiv was liberated, the theater became Zhovten (Ukrainian for "October") referencing the Bolshevik October Revolution.

The theater prides itself on an uncompromising approach to the selection of films shown throughout the decades.

"The theater never changed its direction," Antypova says.

For decades, Zhovten's policy of showcasing arthouse cinema films in their original languages had made it one of a kind in Kyiv and Ukraine.



Locals passing by Zhovten cinema in the historic Podil district of Kyiv in 1946.

Zhovten's association with the Europa Cinemas since 2007, which became official in 2021, is a particular point of pride.

"It's the only theater in the whole country that participates," Antypova says.

Zhovten holds master classes, lectures, and book and film presentations.

So, it was no surprise that when the theater almost burned down in a tragic case of arson in 2014, the community that Zhovten had served for decades banded together to give their support in return.

## Loving community

Zhovten hosts many film festivals throughout the year. During the 2014 Molodist Film Festival, the only Ukrainian contemporary film festival that showcases LGBTQ films, a fire broke out, badly damaging the building. The arsonist was never caught.

"A lot was ruined not only by the fire, but by the water used to extinguish the fire," Antypova says.

But the community was not prepared to give up.

"There was a quick response," Antypova recalls, "called 'Save Zhovten.' Many people came to sort

through the ruins and debris, to save what was left."

Kyiv Mayor Vitali Klitschko, then recently elected, called for the restoration of the torched cinema. Local businesses, cinema lovers, and local families joined together to gather money and call for state support for the theater's renovation.

"With the help of people that really loved this theater, and the city authorities, the theater was restored and exists in its updated modern version that you see now," Antypova says.

The state contributed Hr 53 million (\$2 million) to the renovation,

resulting in one of the best modern movie halls in Kyiv. Zhovten was able to continue projecting itself as a true cultural center of Kyiv.

## Still accessible theater

Since the renovation, the Molodist Festival has been held there annually, as well as the Docudays festival, Kyiv Critics Week and many other events.

The coronavirus pandemic slowed business, forcing film festivals to go online and cut down on screenings.

Because Zhovten's repertoire specializes in niche European arthouse films, the cinema didn't suffer as much as other movie theaters that mainly screen Hollywood blockbusters whose releases were postponed during the start of the pandemic.

"Those who rely on major and Hollywood studios productions that postponed their releases, didn't have much to screen," Albina Shnipko, PR director of Zhovten, told the Kyiv Post.

Once it was clear that the pandemic wasn't ending any time soon, many major studios moved to an online format.

"We had screened European and national movies, arthouse movies, and we continued to do so," Shnipko says, "Those other theaters couldn't because Disney and Hollywood studios moved online."

The "yellow zone" quarantine restrictions in place in Kyiv require movie theaters to allow two-thirds of their regular capacity to be filled, or full capacity with fully vaccinated visitors. The theater reduced the size of its audience by 30% to allow in those without covid certificates, and has vaccinated nearly all of its staff to be able

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Advertisement

## Photo exhibition of photographer Sam Yari in Ukraine 'Pravada'

The photo exhibition of the renowned photographer and director Sam Yari in the field of fashion and fine art took place in Kyiv, Ukraine on October 9, 2021 with the participation of photographers, artists and everyone who is interested about the world of photography. The title of this exhibition and selection of photographs is "Pravada", which reveals the limitations faced by photographers in extremist religious countries.

Sam Yari was born in 1986 in Iran and grew up in the UAE. After graduating from high school, he immigrated to Malaysia and graduated in the field of interior design. He started pursuing his professional career in fashion photography, portraiture and fine arts in 2013. He has completed courses in directory and photography at the Azad Film Institute of Professor Masoud Kimiaei, as well as online courses by Albert Watson, the world's top photographer.

He is an artist who has tried to portray his protest against restrictions on women's clothing and freedom of expression in extremist religious countries, as well as the suffering of people from poverty, injustice and disregard for their rights, through photography in the form of fashion, portrait and fine art photography.

Sam Yari emigrated to Turkey in 2016 after the arrests of models and photographers as part of the special operation (Spider 2) to continue his activities in the field of fashion and photography with more freedom for creativity.

His collaboration with prestigious brands, celebrities, the Metropolitan model agency in Paris, France (one of the best in the world) and supermodels like Thayne Soares, Farnoush Hamidian, and Zozana Pavolv as well as world-famous singers and other celebrities, and holding exhibitions in different parts of the world. The publication of his works in prestigious magazines have given him a special place in the field of art and photography.

The next station in Sam Yari's photography and fine art journey was Ukraine. Presently, he is living in Kyiv and recently he held an exhibition named "Pravada."

Pravada is a name that was chosen for this exhibition, and it means 'Facts'.

The title of this exhibition and selection of photographs reveals the limitations faced by artists and photographers in extremist countries with rigid religious authoritarian regimes. The presented photographs highlight the fear, suffocation and lack of freedom for acting and expressing.

The idea of this collection of photos which were chosen for this exhibition



was to reveal the hard facts created by Sam Yari. Apart from creating this project, he is the director of the project and photographer of these photos. A well-known style artist Mr. Kirill Kharitonov who designs clothes for renowned singers and famous personalities in Ukraine, had a major role in crafting the designs. Also, Mr. Egor Andreevich the well-known model who participated in Ukraine fashion week and has collaborated with top brands as a model along with Mrs. Renata Shevtsova who was the make-up artist had an efficient role in this project.

Photos in this exhibition were taken in a prison-like location and through the photos, you can see that Sam Yari tried his best to portray the innocence of a prisoner. In each photo you can see the model repeated two or three times in one photo, showing different states of suffering.

This technique, normally called long exposure, has been performed artistically in these photos. Sam Yari has created an interesting effect with a bit of deconstruction and a combination of new styles, all of which can only be achieved with a fixed camera. They photos have not received any digital post-processing.

The photos of this exhibition were noticed by all the attendees and the people expressed their happiness and satisfaction from attending. Many comments were made about the photos displayed in the exhibition and the whole project.

Mr. Pedro Pur, art manager and organizer of the photo exhibition, expressed his satisfaction with the collaboration in this project and believes that artists such as Sam Yari, whose works are significant and have a positive impact on society, deserve attention. Mr. Pedro Pur announces that a music and photography event with the participation of Sam Yari and one of Ukraine's leading musicians will soon be held in Kyiv for the first time.

### 'The truth'

After all, according to Sam Yari, art comes from the heart of the artist, and the artist, like the photographer, must be able to freely and easily depict everything that is born in it (meaning the heart), so that people can see and feel the truth of the work of art.

I wish all artists, regardless of religion or race, nation, to paint, write and create according to their own feelings, regardless of religious boundaries or restrictions.

All available photos of Sam Yari will be put up for sale as NFT on the "Foundation" website.

# Zhovten theater survives Soviets, Nazis & major 2014 arson fire

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to work under red zone quarantine restrictions

Meanwhile, all guests can visit the theater for movie screenings and the upcoming 5th International Kyiv Critics Week from 21–27 October.

## Stand out festivals

Although Zhovten is the oldest cinema in Kyiv, working with festivals like Kyiv Critics Week keeps it modern. Since the “Kyiv” movie theater shut down two years ago, Zhovten is still the only large theater in the capital that offers off-beat movies and festivals.

“Zhovten movie theater is a unique place,” Dennis Ivanov, the director of Arthouse Traffic and founder of

Kyiv Critics Week, told the Kyiv Post. “It’s a gem of Podil.”

Kyiv Critics Week (KCW) allows for film critics to discuss the films at the screenings with an average 12,000 viewers who come. The dialogue taking place in each movie theater hall during the festival is important to Ivanov.

“Cinematography really is an art and not just entertainment with popcorn,” he says. And Kyiv is the cinematographic capital of Ukraine, he says.

The upcoming festival has several programs, including one arranged with Canadian film critics to choose 3 Ukrainian and 3 Canadian films. The Ukrainian films the Canadian critics chose to premiere at KCW are Oleg Sentsov’s “Rhino,” Kateryna Gornostai’s “Stop-Zemlia,” and



Yulia Antypova, director of Zhovten since 2018, stands near the wall of Ukrainian filmmakers on the second floor of the Zhovten movie theater in Kyiv, on Sept. 28, 2021.

Volodymyr Petrov

Myroslav Latyk’s “Kings of Rap.”

The theater also makes sure to screen the many international films it shows in their original languages.

“Not many movie theaters can brag about this opportunity,” Antypova says. “And we strive to have weekly screenings of films in their original language.”

## Old but still modern

Although Zhovten is Kyiv’s oldest theater, its modern taste will con-

tinue to attract new generations of viewers.

Antypova hopes that more young people will come, fall in love with the theater, and visit often for decades to come. Zhovten is under contract with a private limited company, and recently extended its rent contract until 2030. But Antypova hopes for another century for the theater.

“My dream is that Zhovten theater will always be modern, always young, like it is now, not despite its

90-year-old existence,” she says.

If the community and new generations continue to visit and support the eclectic array of films, that dream is possible.

“The whole unique cinematography of the world,” Ivanov says, “modern, old, with or without national ties, finds its niche in Zhovten.”

*Kyiv Critics Week. Zhovten Theater. (26 Kostiantynivska St.) Oct. 21-27. Buy tickets at [www.kcw.com.ua](http://www.kcw.com.ua). Hr. 100-140*

## EMPLOYMENT / CV / TENDER

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