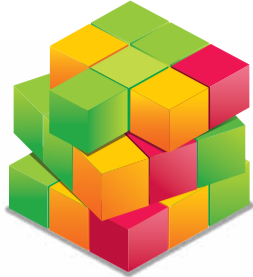


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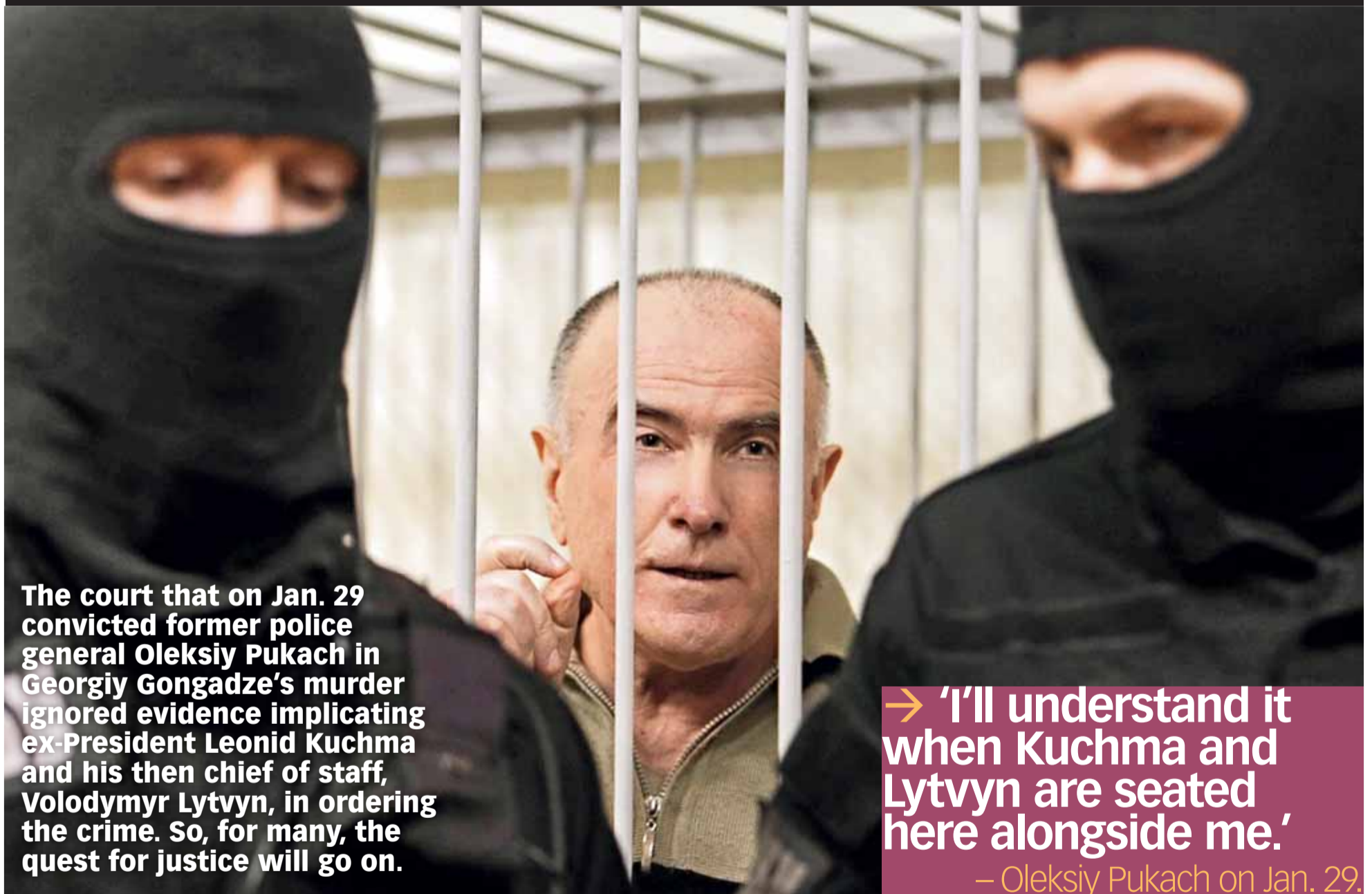
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February 1, 2013

End Of Trail?



The court that on Jan. 29 convicted former police general Oleksiy Pukach in Georgiy Gongadze's murder ignored evidence implicating ex-President Leonid Kuchma and his then chief of staff, Volodymyr Lytvyn, in ordering the crime. So, for many, the quest for justice will go on.

→ 'I'll understand it when Kuchma and Lytvyn are seated here alongside me.'

— Oleksiy Pukach on Jan. 29.

Former police general Oleksiy Pukach, 60, is convicted in the 2000 murder of journalist Georgiy Gongadze. A three-judge panel on Jan. 29 sentenced him to life in prison, making him the fourth and highest-ranking police officer found guilty. He is shown in the courtroom jail cell, surrounded by masked guards, during the five-hour reading of the verdict. He claims that ex-President Leonid Kuchma and Volodymyr Lytvyn, a member of parliament, ordered the crime, charges they have denied. (UNIAN)

BY YURIY ONYSHKIV
ONYSHKIV@KYIVPOST.COM

In a long-delayed and partial step towards justice in the 2000 murder of journalist Georgiy Gongadze, a three-judge panel convicted former police

general Oleksiy Pukach and sentenced him to life in prison for the crime.

While Pukach is the fourth former police official convicted in the case, many people believe that the nearly 13-year quest for justice will not be complete until ex-President

Leonid Kuchma and his then chief of staff, former Verkhovna Rada speaker Volodymyr Lytvyn, stand trial for allegedly ordering the murder.

Kuchma and Lytvyn have always denied any involvement, but Pukach — during his trial — named them as

two co-conspirators. A third person he identified as being involved in the plot was his immediate supervisor, then Interior Minister Yuriy Kravchenko, who died from two gun-

shot wounds to the head in 2005 as he was about to give testimony to prosecutors about the case. The death was ruled a suicide.

The lawyer for Gongadze's → 15

See special Gongadze coverage on pages 9, 15, 16

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A supporter of imprisoned ex-interior Minister Yuriy Lutsenko sports the mask of death during a rally to support his freedom last year. Lutsenko is serving a four-year prison term for "abuse of office," a conviction widely regarded as politically motivated.(UNIAN)

Lutsenko rejects pardon offer that would free him

BY KATYA GORCHINSKAYA
GORCHINSKAYA@KYIVPOST.COM

With the Feb. 25 Ukraine-European Union summit drawing near, Ukraine is trying to demonstrate to its European partners that it's making progress towards improving its human rights record and the rule of law.

With new charges of murder rolled out against imprisoned former Prime Minister Yulia Tymoshenko complicating the situation, the authorities turned their attention to another VIP prisoner about whom the EU has voiced concern: former Interior Minister Yuriy Lutsenko.

Lutsenko is considered one of Ukraine's top political prisoners. After becoming the nation's top cop starting in 2005, Lutsenko – an ally of Tymoshenko – probed many of today's ruling leaders and lawmakers in criminal investigations.

Authorities reportedly this month made an offer that could potentially lead to his release, but Lutsenko turned it down. His return to prison on Jan. 30, after a sudden discharge from a hospital just days after undergoing complicated surgery, was interpreted by many observers as retaliation for his refusal to cooperate.

The EU has set a condition that Ukraine needs to demonstrate commitment to democratic principles and the rule of law to have any chance of signing an Association Agreement with the 27-nation body in November. The Feb. 25 summit in Brussels is a checkpoint

on that way, and Ukraine's actions are going to be scrutinized.

Western diplomats have told the Kyiv Post that Ukraine's well-wishing European partners are scrambling to demonstrate Ukraine's goodwill. The nation's authorities have made an attempt to deliver, but apparently failed and possibly even cornered themselves further.

Lutsenko's wife, Iryna, a newly elected member of parliament, said an offer was made earlier this month that could have ended her husband's prison term. She said on TVi channel that the proposal came from someone within the ruling Party of Regions, influential and with "close access" to the president.

"These politicians passed on a message that if he writes a plea for pardon, he will be released," she said, but wouldn't name who made the proposition.

Under Ukrainian law, the president pardons criminals.

The president's spokeswoman did not comment on this issue.

Lutsenko was sentenced in February 2012 to four years got abuse-of-office and embezzlement charges. He was incarcerated for more than a year before his sentence, in December 2010.

His health has deteriorated sharply in prison. Lutsenko had surgery on Jan. 23, three days after being transferred to a private Kyiv clinic from Mensk colony in northern Ukraine, where he is serving his term.

His wife said the recent operation was complicated as he had about 20

polyps removed from his intestine. He still has three stomach ulcers, and other complications, and requires as additional operation when his health stabilizes, said Iryna.

The former interior minister, however, did not accept the proposal. "If Lutsenko writes a plea for pardon, this will be a precedent in Ukraine. This will be legitimization of Yanukovich's crimes. He's not a criminal, he's a political opponent of the authorities," his wife said.

Volodymyr Arieiev, a parliament deputy and a member of Lutsenko's People's Self-Defense Party, said similar proposals have been made before to Lutsenko and former Prime Minister Yulia Tymoshenko.

They have been refused because both of them have maintained their innocence. "The main aim of the authorities is to break them, to make them crawl on their knees," Arieiev said.

Ukraine's Penitentiary Service denied that Lutsenko's release from hospital was out of the ordinary. Zurab Malazoniya, head of the medical department at the service, said there was no need to keep Lutsenko in hospital any longer.

"Lutsenko's doctor took the decision to discharge the patient because, as the medical conclusion of Oberig clinic says, after the manipulations, the state of the patient improved, and he had no complains of pain," the State Penitentiary Service quoted him in a Jan. 30 statement.

The latest developments came as

the government was preparing to pay compensation awarded to Lutsenko by the European Court for Human Rights in July. The court then ruled that he was a political prisoner, was detained unlawfully and ordered the Ukrainian authorities to restore his rights and pay 15,000 euros in compensation.

Nazar Kulchytsky, Ukraine's ombudsman on European Court of Human Rights, told Ukrainian media that the money was paid out on Jan. 25.

Lutsenko's sudden discharge from the hospital raised concerns with EU, which released a statement just hours after it.

"We're calling on the Ukrainian authorities to undertake responsibility for the humanitarian aspects and the situation with Lutsenko's state of health, as well as for the risks connected with his return to prison," the statement said. The EU also urged the Ukrainian authorities to let Lutsenko meet with his relatives and his defense team.

Tymoshenko's chances of being released from prison, however, appeared to dim after prosecutors alleged she was involved in the 1996 murder of Donetsk member of parliament Yevhen Shcherban, an allegation she denies. The ex-prime minister, who came within 3.5 percentage points of being elected president in 2010, is in her second year of a seven-year prison term for signing a gas deal with Russia.

Kyiv Post editor Katya Gorchinskaya can be reached at gorchinskaya@kyivpost.com



Accessing the benefits of Ukraine's trade partnerships

Around 200 representatives of EBA member companies, media and diplomatic circles met on January 29, 2013 at the General Meeting held by the European Business Association in the Hyatt Regency hotel in Kyiv. The meeting was devoted to the status of Ukraine's relations with strategic business partners worldwide. Those attending the meeting enjoyed an open dialogue and exchanged visions of and ideas for the future of Ukraine's external and trade relations.

Foreign Minister of Ukraine Leonid Kozhara opened the meeting by announcing the cooperation priorities of the ministry. In 2013, Ukraine's foreign relations will centre around visa liberalization negotiations for Ukrainian nationals travelling to the EU, the signing of the association agreement with the EU, and the further development of trade relations with Ukraine's strategic partners — Russia, China, Turkey, the United States, etc.

The minister said the prerequisites for the successful foreign policy of Ukraine certainly include a healthy business climate, and informed the audience that the formation of an Exporters' and Investors Council under the auspices his ministry is already underway.

EU Delegation to Ukraine Head Jan Tombinski added that no matter how vast the array of trade opportunities available to it, it is only the European Union that can offer Ukraine, a country that needs to unleash its potential, such a comprehensive range of benefits, bolstering the country's development, peace and stability. Such cooperation should be based on a vision with a broader horizon, as well as mutual trust and reliable justice, he said.

Later in the discussion, the government's commissioner for Ukraine's European integration, Valeriy Piatnytskiy, argued that currently it is possible to implement all of the *acquis communautaire*, or the rights and obligations that EU countries share, but that it is more expedient to focus on signing FTAs with countries like Canada, Serbia, Turkey etc, adding that the EU-Ukraine Deep and Comprehensive Free Trade Agreement puts Ukraine in a much stronger position when negotiating with new trade partners.

Ambassador of Norway Jon Elvedal Fredriksen and Ambassador of Switzerland Christian Schoenenberger gave an overview of the current and expected effects of the FTA between Ukraine and the European Free Trade Association, which came into force on June 1, 2012, and Canadian Ambassador Troy Lulashnyk gave further details of the projections for cross-cooperation between countries.

We would like to express our sincere gratitude and appreciation to the principal guests and all meeting participants for their time, and for the resulting meaningful and lively discussion.



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Our master of ceremonies for the evening will be Oleksandr Doroshenko.



Editorials

Justice, not for all

When the body of crusading journalist Georgiy Gongadze was found in the forest near Kyiv in 2000, few people believed the case would ever be solved, even after incriminating recordings were made public that implicated then-President Leonid Kuchma in the crime.

A small but significant measure of justice came on Jan. 29, more than 12 years later, when former police general Oleksiy Pukach was convicted in the murder – becoming the fourth former police officer found guilty and imprisoned for Gongadze’s horrible death.

But there’s no reason for celebration. The years of cover-up and stonewalling continue today. The inescapable conclusion is that Ukraine’s justice system is still completely manipulated by politicians and prosecutors for their own ends.

Even though Pukach had clearly testified that Kuchma and his then- chief of staff Volodymyr Lytvyn had given the order to kill Gongadze, neither were served with subpoenas to appear in court for questioning. The court’s ruling would have the nation believe that the order to kill Gongadze originated with Pukach’s direct supervisor, Yuriy Kravchenko, the former interior minister who died of two gunshots to the head in 2005. His death was suspiciously ruled a suicide. Kravchenko is now being used in death as a convenient mastermind of the whole plot.

The sentencing of Pukach is the bone that the authorities are trying to throw the public – a cynical message that this is as far as the nation’s top-ranking politicians are willing to let the quest for justice go, at least for now.

Meanwhile Kuchma’s camp is trying hard to save his image. At sentencing, Pukach said that he will understand his life sentence only “when Kuchma and Lytvyn join him.” His assessment became an international sensation. However, at least three national TV channels didn’t show these words – Novyi, STB and ICTV. What do they have in common? They are all owned by Kuchma’s son-in-law, billionaire Viktor Pinchuk. ICTV’s management said they saw no point in reporting the “emotional words of a person, who had just been sentenced to life in prison.”

But no matter how much support Kuchma gets from compliant media and by hiring expensive lawyers and PR spin doctors, nothing will change the fact that the blackest of clouds will forever hover over Kuchma and Lytvyn – even if the earthly quest for justice ends with Pukach and the suspected masterminds never get their day in court.

Don’t pay bill

Recent statements by top government officials hint that payment, in some form, of the \$7 billion Gazprom gas bill is on the table. It shouldn’t be.

While the 2009 gas deal with Russia does include a take-or-pay clause – the basis of the bill – Ukraine has ample legal grounds to challenge it in the arbitration court in Stockholm. The deal was signed under pressure, after Russia cut supplies in the middle of winter, and Ukraine’s legislation has changed considerably since. Naftogaz is no longer a monopoly importer – billionaire Dmytro Firtash’s OstChem imported eight out of the 33 billion cubic meters of gas bought from Russia last year. But the \$7 billion demand suggests Russia is counting the entire shortfall.

More importantly, the take-or-pay clause has limited legal validity, particularly since Germany’s RWE just won a landmark case in Stockholm after the court ruled the clause did not hold.

Unfortunately, if Ukraine fails to use this opportunity it would not mark a break with its recent trend of failed negotiations with Russia. While states throughout Europe have over the past year sued Gazprom or renegotiated their deals, Ukraine has blundered time and again.

One argument is that Ukraine has not been offered the backing that should come with its European Energy Community membership. While there is some truth to this, the government’s often passive attitude and murky dealings in the country’s gas sector suggest fouler play.

For one, the government’s resistance to hiking gas tariffs for households – a key demand to get International Monetary Fund lending back – does not seem justifiable. While the political costs are certainly significant, the costs of a deteriorating investment climate and looming financial crisis are much bigger. Moreover, it has long been suggested, by IMF economists no less, that targeted subsidies could prevent placing too much burden on the poor. And yet the current system persists.

Some believe that Ukraine’s population consumes less than the supposed 20 billion cubic meters annually, and that rent-seeking groups are benefiting from the margins. Other reasons posited why Ukraine doesn’t take legal action is that Gazprom has unsavory information on Ukraine’s past and current leadership that both sides wouldn’t want to become public record.

Right now, however, the most important thing is not to place another burden on a nation already staggering under the weight of poor decisions. Don’t pay the bill.



NEWS ITEM: When former police general Oleksiy Pukach was sentenced to life in prison for kidnapping and killing journalist Georgiy Gongadze in 2000, neither his lawyer nor the lawyer of Gongadze’s widow were satisfied. They both say the pre-trial investigation and the court failed to establish Pukach’s motives and ignored his testimony that he killed a journalist on orders from former president Leonid Kuchma and former speaker Volodymyr Lytvyn. The court has also ignored Gongadze’s widow’s plea to subpoena Kuchma and Lytvyn.



NEWS ITEM: Russian parties were the hit of this year’s World Economic Forum in Davos, according to media reports. The Russian delegation, led by Prime Minister Dmytri Medvedev, was one of this year’s biggest and included 12 billionaire oligarchs led by Russian billionaire Alisher Usmanov. “Euphemism of the week: Translator. When any of the army of beautiful, lightly clad young ladies flown in for the ‘Russian party’ were asked what they did, they answered ‘I’m translator.’ The Economist wrote in its blog on the World Economic forum.

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Davos, Ukraine go in opposite ways



OLENA TREGUB

DAVOS, SWITZERLAND – Having been invited to the World Economic Forum in Davos as a global shaper to represent Ukraine in 2012, I discovered for myself how irrelevant my country is for anything discussed at the forum of the world's elite.

The annual Davos meeting is all about looking into the future: manipulating human genetics, biotechnology, driverless cars, online education, cyber security, new forms of energy, digital mapping of carbon dioxide emissions and air quality, etc. Ukraine is not known for any of those innovations. Instead, it is known for its fascinating mix of corruption, crime and politics, which keeps it in the past.

This last week at Davos the most frequent question I was asked about Ukraine was whether imprisoned ex-Prime Minister Yulia Tymoshenko ordered to kill someone and whether she will end her life in prison.

Davos is not that much about nation-states and sovereign interests. In fact, Davos culture is defined by global elites who have little need for national loyalty. They view national boundaries as obstacles to doing business, spreading innovation or improving the human condition.

Although globalists dominate the scene, the share of leaders representing their nations is still significant. You see countries competing for attention both at the forum and its sidelines: you have Korea night, Japan night, Chinese and Azerbaijani receptions or even a Russia pavilion hosting events like the Leningrad concert.

Ukraine was represented by Viktor Pinchuk's eponymous foundation that traditionally organizes two lunchtime events on the sidelines.

One event is usually based on a trendy topic and buzzwords likely to attract the Davos crowd, like "e-philanthropy" or "online education," which have nothing to do with Ukraine but promote Pinchuk's global aspirations. The other event is an update on Ukrainian politics for those interested.

This time, Pinchuk invited impressive guests, like Bill Gates, former U.S. Secretary of Treasury Larry Summers, Wikipedia founder Jimmy Wales, Bangladeshi Nobel Peace Prize recipient Muhammad Yunus, MIT President Rafael Reif, and American venture capitalist Pieter Tielto to talk about how websites like Coursera (www.coursera.org) and Udacity (www.udacity.com) are changing education around the globe. The discussion was moderated by none other



Opposition leader Arseniy Yatseniuk and his wife, Teresiya, created an Internet sensation in Ukraine by flying economy class from Zurich, Switzerland on their way home from the World Economic Forum in Davos. Ukrainians have become accustomed to stories of their politicians leading lives of luxury, including flying on chartered planes or in business class. Yatseniuk extended the common touch further by standing in line at passport control rather than insisting on VIP treatment at Boryspil International Airport. (Serhiy Leshchenko/Ukrainska Pravda)

than New York Times columnist Thomas Friedman and centered on a 12-year old girl from Pakistan and her experience with online courses.

Since most of the panelists were from the United States the conversation revolved around problems of American higher education, like how to justify high tuition costs if everyone has access to free online knowledge.

A broader context for the discussion at the supposedly Ukrainian forum was missing entirely. Will access to e-courses offered by American Ivy League universities help young Ukrainian students transform their nation's higher education and become more integrated with the global pool of knowledge? If so, how can the process be facilitated?

The second event, titled "Ukraine: East or West – The Wrong Dilemma?" which focused on Ukrainian politics, had a less international audience. Mostly it was attended by Ukrainians or friends of Ukraine, like Javier Solana, the European Union's former foreign policy head, or Aleksander Kwasniewski, Poland's former president and board member of Pinchuk's Yalta European Strategy conference.

The events not only differed by the global vs. local focus, but had a different atmosphere altogether, as Ukrainian guests are typically arrogant and

self-important, especially when compared to those Westerners who spoke about online education the day before.

Pinchuk opened the discussion by saying that the question whether Ukraine should move East or West is irrelevant to him: "Ukraine: East or West? It is like Ukrainian lunch: borshch or cabbage rolls, first or second course? We want to eat both!"

According to Pinchuk, Ukraine can have both - special relations with Russia and integration with the EU. This was the anachronistic "multi-vector" foreign policy that his father-in-law Leonid Kuchma – who also came to Davos this year – propagated during his presidency. Perhaps, "multi-vector" made sense for Ukraine under Russian President Boris Yeltsin and Central European states like Poland were still outside the EU.

But any special relations between Kyiv and Moscow, in the form of a Eurasian or Customs Union envisioned by the Kremlin, are seen by EU diplomats as a step backward for Ukrainian integration with the West.

Ukraine's Deputy Prime Minister Yuriy Boyko and Foreign Minister Leonid Kozhara, during the ensuing discussions, sided strongly with the naive view that Ukraine does not need to choose. Not surpris- → 10



VOX populi

WITH ELENA PASHKOVSKAYA

Do you think justice was achieved in the conviction and life imprisonment sentence of former police general Oleksiy Pukach in the 2000 murder of journalist Georgiy Gongadze? Should ex-President Leonid Kuchma and his former chief of staff, Volodymyr Lytvyn, face trial for ordering the murder?



Vasyl Yermolaev, Taras Shevchenko Museum employee
"Justice has not been achieved. I agree with the verdict

on Pukach, but there are two more persons who also should held responsibility – Kuchma and Lytvyn."



Elena Neustroeva, pensioner
"For sure not, because those who ordered that murder should be responsible

no matter who they are."



Andrey Kostyuchenko, manager
"It's not fair to put all the responsibility on Pukach. This conclusion does not

solve anything. Those who ordered the murder should be punished. But this case has become a kind of political game and used when it's needed."



Konstantyn Naluvayko, marketing manager
"There is no justice in this case. I'm pretty sure that Oleksiy Pukach, the general,

didn't commit this murder by himself. And even more, I'm sure that he won't be truly jailed. As for those high political (figures) who ordered Gongadze's murder, they also will be free."



Olena Piddub, lawyer
"Pukach deserves his life sentence, but for sure Kuchma and his close associates should be

held responsible."

Natural gas dispute needs political, not legal solution



IGOR GRETSKIY

The start of a year is traditionally a tough time for Russia-Ukrainian relations, and 2013 continues the trend. Shortly after Royal Dutch Shell and Naftogaz signed a shale gas production deal, Gazprom blamed Naftogaz for failing to meet obligations imposed by the gas supply contract, and issued a bill of \$7 billion.

In accordance with the 2009 take-or-pay contract, in 2012 Ukraine should have paid – regardless of whether it had been imported or not – for at least 41.6 billion cubic meter of gas, while the actual amount of imported natural gas was nearly 8.7 billion cubic meters less. In addition, Naftogaz itself

imported from Gazprom only 24.9 billion cubic meters of gas.

Naftogaz claimed it had no intention to pay the bill since the contract prescribed to pay for the natural gas actually supplied to Ukraine's territory. As the stakes grow, the gas dispute is moving towards a stalemate dilemma: to go to court, or to find a compromise.

At first glance, Gazprom's position in the international arbitration court in Stockholm would be stronger, since it might prove the violation of the 2009 gas supply contract. On the other hand, Naftogaz might file a counter-claim to Gazprom challenging the validity of gas pricing for Ukraine. And in this case, the court would not necessarily take the side of the Russia's company.

Besides, this case will hardly come to trial for several reasons. First, the principle of take-or-pay had formally been broken in 2009-2011, as Ukraine's real demands in natural gas were lower than 41.6 bln

cubic meters. It could have been an opportunity to go to court, but Gazprom allowed Ukraine some slack, preferring instead to realize the benefits that arise from compromise.

Moreover, under the 2009 contract, Gazprom could have suspended gas supply to Ukraine as Naftogaz failed to meet its formal contractual obligations, but it has not played that card.

The price of gas is the most powerful tool of influence on Kyiv, and Moscow would hardly like to lose it. Also, if Naftogaz submits a counter-claim and wins the trial, the 2012 RWE Transgas case would not seem as an accident, but rather as a beginning of a discouraging and unpleasant trend for Gazprom.

In October, Czech RWE Transgas won its arbitration case against Russia over a take-or-pay clause in the long-term contract. The case was reportedly worth \$500 million.

The take-or-pay principle is often applied by Gazprom not only to Ukraine, but also to → 10

Outgoing EBRD head says 'time is now' for Ukraine to change

BY MARK RACHKEVYCH
RACHKEVYCH@KYIVPOST.COM

If the European Bank for Reconstruction and Development is the way for many companies to access bank financing and capital markets, then it's been Andre Kuusvek's job since August 2008 to keep the path well-traveled.

Arriving to take over as EBRD's country director as the world financial crisis started to hit, Kuusvek has overseen more debt and equity investments in the past four years than what the bank put into Ukraine in the previous 15 years since opening in 1993.

In 2012 alone, EBRD invested \$1.2 billion, 71 percent of which in the private sector, with a focus on municipal energy efficiency projects, including solar, wind and small hydropower plants.

"Things looked gloomy in the beginning," Kuusvek told the Kyiv Post in his office on Jan. 23. By 2010, however, with President Viktor Yanukovich taking power, Kuusvek noticed a "little bit of hope as things started to pick up, in the agricultural sector, in particular — it's one of the markets to look at."

But "2012 was very difficult, hardly anyone invested, things in the eurozone went from bad to worse... Ukraine's prospect within the peer group lost a lot of credibility, which is unfortunate," said Kuusvek.

Although EBRD loans aren't that



Andre Kuusvek, country director of European Bank for Reconstruction and Development (Kostyantyn Chernichkin)

much cheaper than local interest rates, their advantage is longer-term financing rather than short-term loans. The international bank is noted for conducting thorough due diligence with strict governance and operating standards as lending criteria.

And because of its international status, companies have protection from

a potential raider attack or hostile takeover with EBRD as an investor. "It helps to have EBRD as a partner, but let's face it. We've never been in a court case. So it's an untested territory even for us, so I hope we never have to do that," he said.

Still, Kuusvek, 45, doesn't divide companies into good or bad categories. He said he sees a pool of firms located in what he refers to as the "gray area" — those that should improve their standards and broaden their financing options.

Kuusvek continued: "Our whole point is to look at the gray area and try to move people over to the white side. And I think partially we've been able to do it gradually. Partially because they need our money, partially because they need our protection and our brand, and partially there is genuine interest in actually saying, 'okay look we've generated a business and now we want to take the step and do an IPO in two years' time ... It's a step-by-step process, transition doesn't happen overnight."

But with his March departure date

looming, Kuusvek still sees many of the same shortcomings in place when he arrived. The economy is still undiversified, leaving its export-oriented economy open to external shocks.

However, Kuusvek noted, President Viktor Yanukovich's government is more organized and systemic than the previous one.

"There's more substance. (But) the whole process is way too formalistic. It's hierarchical. There's little discussion, which is a pity," Kuusvek said of the government reform committee of which he's a member.

He said the tragedy is that although there are "great people" in government and the administration, ideas are valued less than the identities of those who voice them.

"Let's do things because something is a good idea not because the EBRD is saying it," he reflected.

Another shortcoming is the constant inability to get past short-term survival.

"Ukraine never had the time," said Kuusvek. "It was always that the problem was today and the solution had

to come tomorrow, rather than do the right thing and the solution will come."

He thinks Ukraine should stop focusing on the redistribution of existing assets, mostly inherited from the Soviet economy, and emphasize starting new ones.

"Ukraine is not a very large economy, it's a big country on the map and by population, but the truth is that following 20-plus years of redistribution rather than development, it's now a poor economy," he lamented.

He mentioned the oft-repeated problem of corruption that plagues the investment climate.

"There is too much of 'let's squeeze the lemon, and we get some juice out of it.' But the lemon gets smaller in the process. And there comes a point where there's very little juice left in it."

Time is running out, he said, to fight corruption, create a level playing field and form independent courts.

Considering the drawbacks, it's a miracle that Ukraine is doing as well as it is.

"It's the magic of the Ukrainian hidden survival instinct that has kept it going," he said. "Nobody ever gives up in Ukraine at the individual and governmental level. There's always a way to turn the page."

But strengthening governing institutions and combating corruption doesn't happen overnight, so Kuusvek said he sees "another difficult year ahead, to be honest."

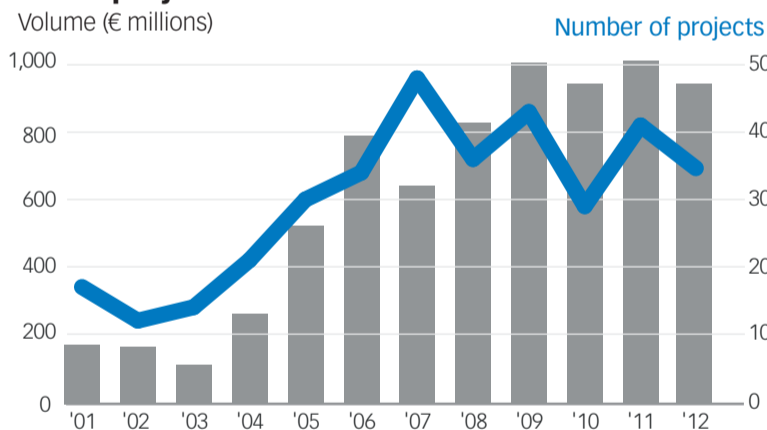
In his new assignment in London, Kuusvek will also be responsible for Ukraine in looking at local currency capital markets across the 30 countries where EBRD operates.

"In spite of all the difficulties, I've enormously enjoyed being in Ukraine, I've enjoyed the people, the expat community is fantastic, the Ukrainian community has fantastic examples of people who want to implement change. I'll leave with memories of big battles but I'll never have a bitter taste in my mouth. There have been genuine difficulties and genuine willingness to resolve these issues."

Kyiv Post editor Mark Rachkevych can be reached at rachkevych@kyivpost.com.

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An elderly woman begs on the streets of Kharkiv. According to experts Ukraine started the year officially in recession. (UNIAN)

Recession returns, but how long will it stay?

BY JAKUB PARUSINSKI
PARUSINSKI@KYIVPOST.COM

Ukraine started the year officially in recession. Gross domestic product accelerated its fall in the fourth quarter, all but wiping out any progress from the first half of the year. With the elections over and steel prices low, experts predict the trend will continue for at least the next six months.

It became clear the economy was headed for a significant slowdown after third quarter numbers revealed GDP had fallen by 1.2 percent. The harvest was admittedly down a fifth compared to the previous record-breaking year but remained above the long-term average, and the country was riding high on electoral spending ahead of the October parliamentary vote.

So the 2.7 percent drop in the last three months of 2012 came as a surprise, falling considerably below the expected Bloomberg consensus of 1.8 percent. This brought the year-end result to a puny 0.2 percent, compared to 5.2 percent in 2011.

As a result prospects for 2013 are increasingly grim. In a report released Jan. 31, Kyiv-based investment bank Dragon Capital cut its forecast by half to 1.2 percent, with most of the growth to come from the second half of the year. They are not alone to feel the bearish mood.

In telling symbolism, the latest macro report by Erste Bank, titled "Ukrainian economy in 2013: no silver lining in sight," added power to the punchline by warning this would be the last report and macro coverage of Ukraine is discontinued as of Feb. 1.

The reason: after five years operating in Ukraine, the Austrian bank is joining a growing group of firms that are packing their bags and heading home. On Dec. 20 last year the bank agreed to sell its only unit in the former Soviet Union for \$83 million, booking a \$200 million loss.

Troubles in the banking sector are certainly part of the problem. Lending is tight and rates have skyrocketed to over 20 percent in real terms – fuelled by record low inflation and fear of

devaluation – a huge burden on companies seeking to invest.

But industry isn't doing so well either. Accounting for a quarter of GDP, industrial production fell by 7.4 percent in December, bringing the annual number down to 1.8 percent, according to Igor Zholonkivskiy at Erste Bank. Machine building registered a 6 percent decline in 2012, while oil and coke production fell by a staggering 26.4 percent.

Low external demand is one problem, with advanced markets still struggling and overproduction of steel in China. But outdated and inefficient production methods are also to blame.

"The pre-2007 golden era of Ukrainian steelmakers is history now," Zholonkivskiy wrote, adding that steel production was down by since 2007 and prices have been falling since mid-2011. "Close to 26 percent of Ukrainian steel is produced using open-hearth furnaces. This production method is no longer used in any developed countries."

An arguably bigger worry, in the

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short term, is consumption. By mending fences and playgrounds, among other handouts, prospective lawmakers helped drive retail sales up over 15 percent and consumption up some 8 percent. Further supporting the trend was the Euro 2012 football championship, hosted by four Ukrainian cities in June-July.

But there are no such spoils waiting in 2013, with Dragon Capital analysts predicting "private consumption will slow sharply this year."

Meanwhile, higher debt redemptions will bear down on state coffers, presenting an additional risk. A

lot of hopes are pinned on a new International Monetary Fund program, the purpose of the currently ongoing mission visit in Kyiv.

But yesterday's announcement by Economy Minister Ihor Prasolov that Ukraine's authorities do not expect to reach agreement on a new lending program after mission leaves on Feb. 12, confirmed forecasts that the authorities foot-dragging on meeting IMF lending criteria will hold funds back until the situation deteriorates further.

Kyiv Post editor Jakub Parusinski can be reached at parusinski@kyivpost.com

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Factbox about Russian Gazprom's \$7 billion bill to Ukraine's Naftogaz under take-or-pay provision

- Just hours before Ukraine signed a \$10 billion deal with Royal Dutch Shell on Jan. 24 to extract shale gas in eastern Ukraine, the nation was hit with a \$7 billion bill from Russia's RAO Gazprom, the company that stands to lose the most from Ukraine's energy independence from Russia.
- The bill is Gazprom's attempt to charge Ukraine for the gas it did not purchase in 2012, under a take-or-pay clause in the 2009 gas agreement that regulates the purchase of gas between Gazprom and Naftogaz Ukraine.
- The gas agreement was signed by then Prime Minister Yulia Tymoshenko in the middle of a gas war in January 2009, when supplies of Russian gas to Europe via Ukraine's network were interrupted because of disputes over price and terms of supply to Ukraine.
- The \$7 billion bill from Gazprom represents a threat to Ukraine's finances and is about half the sum Ukraine paid for its imported gas last year. The bill equals nearly a third of the nation's hard currency reserves that currently stand at \$25 billion.
- The 2009 gas contract obliges Ukraine to buy 52 billion cubic meters of gas every year.
- Under the 2009 contract, this volume can change by up to 20 percent. A request for such a change has to come six months before the start of the year, and agreed to by both sides.
- This clause (2.2.3) brings the minimum volume Ukraine is allowed to purchase down to 41.6 billion cubic meters.
- Moreover, if Ukraine fails to buy the contracted volume of gas by more than 6 percent of the contract in any given month without prior warning, it has to pay a fine of 300 percent of cost of gas it failed to buy in the period of April through September, and 150 percent of the cost of gas in October-March.
- Naftogaz officials have said they gave a timely warning to Gazprom in 2011 about the need to reduce the purchase volume for Ukraine in 2012, but it's unclear whether Gazprom had approved the request in writing as required by the contract.*
- Ukraine imported 33 billion cubic meters of gas in 2012, according to Energy Ministry data. Most of it was imported by state-owned Naftogaz and OstChem Holding Limited (Cyprus), which belongs to gas and chemicals tycoon Dmytro Firtash. OstChem bought about 8 billion cubic meters of gas. Also, 55 million cubic meters of gas came from German RWE in November-December. Ukraine pumped this gas by reversing its own pipeline.
- Ukraine pays about \$430 per 1,000 cubic meters for imported Russian gas at the moment. The price includes a \$100 dollar discount negotiated by President Viktor Yanukovich in 2010 in exchange for prolonging the stay of Russia's Black Sea Fleet in Crimea.
- Standard & Poor's international rating agency seems to be the only agency that predicted the bill from Gazprom. In their Jan. 23 report, they predicted that Ukraine would get a \$1.2 billion bill from Gazprom.
- Standard & Poor's also suggested that in 2013 Gazprom's fine for take-or-pay gas could reach \$5 billion.
- Dragon Capital investment bank has attempted to make sense of the bill. Its experts say Gazprom did not approve Ukraine's request to reduce the volume of gas, and are demanding the cost of 16.5 billion cubic meters of gas at last year's price, the difference between the contracted 52 billion and purchased 25 billion cubic meters.
- Ukraine has no plan to challenge Gazprom's bill in court. Foreign Minister Leonid Kozhara said on Jan. 29 that Ukraine will seek to resolve the dispute out of court. He did not rule out, however, that Russia's bill may eventually be restructured. Industry insiders say Ukraine will wait for Russia to go to court.
- Under the 2009 contract, all disputes are to be settled in an arbitration court in Stockholm.
- Ukraine, which has been unhappy about the 2009 contract with Russia and jailed Tymoshenko to over signing it because she allegedly lacked authority to do so, has never challenged the validity of the contract or its individual clauses in court, prompting speculations in the industry that someone in the current government is benefitting from it.
- Ukraine's President Viktor Yanukovich and Prime Minister Mykola Azarov have made many unsuccessful attempts to renegotiate the contract.
- Russian Gazprom has not commented on the \$7 billion bill.
- Russian experts are skeptical about Gazprom's intention to go court over the bill because it might cause a "domino effect" with other business partners in Europe should the take-or-pay clause be recognized as invalid.
- Ukrainian is undertaking long-term plans to diversify its gas imports. The country signed a potential \$10 billion deal with a consortium led by Shell and Exxon-Mobil to develop an offshore oil and gas field, and a potential \$10 billion shale gas production sharing agreement with Royal Dutch Shell on Jan. 24. And Chevron won a tender last year to explore fields in western Ukraine, but hasn't signed a PSA yet due to environmental concerns. Ukraine is estimated to have up to 1.2 trillion in shale gas reserves.



Ukraine hungers for gas.



Ukrainian Deputy Prime Minister Yuriy Boyko, the former energy minister, (L) with the Russian Gazprom CEO Alexei Miller. (UNIAN)

Officials waffle on Gazprom \$7 billion bill

BY JAKUB PARUSINSKI AND CHRISTOPHER MILLER
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Ukrainian officials seem unclear on how to proceed with the \$7 billion gas bill from Russia's Gazprom. As the nation's economy remains crippled by high gas prices, experts advise going to court over the payment and challenging an unfavorable 2009 contract while they're at it.

At a conference organized by the European Business Association on Jan. 29 in Kyiv, Foreign Minister Leonid Kozhara told attendees that the government has yet to act on the bill and was considering all of its options, including a plan to combine debt restructuring with a reduction in the price for Russian gas.

The following day Kozhara reversed his position, claiming Ukraine had not officially recognized the bill. This position was seconded by Energy Minister Eduard Stavitsky, who emphasized that state gas company Naftogaz had paid all bills from Gazprom ahead of deadlines and in full, and had repeatedly warned the Russian company it would reduce its purchases of gas in 2012.

The \$7 billion bill is based on a

take-or-pay clause in the agreement signed in 2009, following a gas feud in which Russia cut supplies in mid-winter. Under the contract, Ukraine has to import a minimum of 42 billion cubic meters, far above the 33 billion imported last year.

The unfavorable agreement also introduced a payment model that led Ukraine to pay one of the highest gas prices in Europe.

"Under no circumstances should Ukraine consider (paying) this bill," said Valentyn Zemlyansky, an independent energy expert and former Naftogaz spokesperson. Ukraine has fulfilled all its obligations toward Russia's Gazprom, he argued, and can now follow one of two scenarios – annulling the bill itself or go for arbitration in Stockholm.

Asked what Russia's motives were, Zemlyansky said there was a combination of ill will and reaction to a contract on shale gas exploration potentially worth \$10 billion, signed between Ukraine and Royal Dutch Shell on Jan. 24.

Mostly, however, it is to ensure future negotiations will be conducted from a position of strength, he added.

Nonetheless, Ukraine's Justice Minister Oleksandr Lavrynovych expressed hopes the two gas com-

panies could avoid going to court and settle the dispute through negotiations.

Others believe that Ukraine should take the offensive. This would help show the arbitration court that Ukraine is confident in its position, argued Roman Marchenko, senior partner at law firm Ilyashev & Partners.

He added that Ukraine should use recent cases won by energy companies as precedents to renegotiate their own deal with Gazprom. In particular, Marchenko pointed to the case of the Czech branch of German energy firm RWE, which in October 2012 won a landmark case against Gazprom after a court ruled for the first time that a company did not have to pay fines under a take-or-pay clause.

Several other European companies renegotiated their deals with Gazprom last year, spurred on by a European Commission probe into gas price-fixing by the Russian monopoly, which Moscow has denied.

"Given the decisions in favor of European companies, Ukraine would have a good chance to win this argument," Marchenko said.

Kyiv Post editor Jakub Parusinski and staff writer Christopher Miller can be reached at parusinski@kyivpost.com and miller@kyivpost.com

Factbox for Ukraine's landmark agreement with Shell on \$10 billion shale gas project

- Ivan Varchenko, an oppositional deputy in Kharkiv City Council, on Jan. 25 released the confidential text of agreement Ukraine signed with Shell.
- The 360-page agreement states that Ukraine will receive 31-60 percent of gas extracted in Yuzivska field that stretches over parts of Kharkiv and Donetsk oblasts.
- Nadra Yuzivska, the Ukrainian company that takes part in the joint venture, is owned by 90 percent by state Naftogaz Ukraine, and 10 percent by SPK Geologic Service, which the Ukrainian media tie to the "Family, the close circle of President Viktor Yanukovich and his elder son Oleksandr.
- Shell is obliged to pay a \$25 million bonus to the state for signing the agreement, then \$50 million more when extraction starts, \$25 million when the first gas starts to come, and \$100 million when peak production is reached, according to the agreement.
- The license for use of subsoil will cost

Shell \$4 million, and detailed information on Yuzivska deposit – another \$5 million. Investors will also pay \$2 million per year for social projects in the first year. When exploration starts, the payment is to grow to \$3 million, or 0.5 percent of the operation's annual budget.

- Shell and Nadra Yuzivska also have to make an annual payment of \$1.2 million towards training rig specialists, and \$0.3 million towards academic research.

- The two companies are freed from several taxes and duties, including ecology tax, land tax, customs tax, rent, duty on special use of water, pension fund payments, duty on sale of foreign currency, cell phone tax, taxes on buying real estate and vehicles, and others.
- Shell and Nadra Yuzivska will only pay profit tax (19 percent in 2013, 16 percent as of next year), value-added tax and for use of undersoil (1.25 percent for extraction of gas, 2 percent for oil).

- The government took responsibility for timely return of VAT to the companies, and will pay fines in case of overdue payments.
- The government also stated in the agreement that no local or central government act applies to the project if it aggravates the investor's rights.
- Shell and Nadra Yuzivska can only be inspected by one government agency every three years, and cannot last over 10 days.

World reacts to Pukach verdict

Editor's Note: The following statements came in response to the Jan. 29 conviction and life prison sentence of former Ukrainian police general Oleksiy Pukach for the Sept. 16, 2000 murder of journalist Georgiy Gongadze.

U.S. government: Ukrainian authorities should try those who ordered murder

"We note the conviction and sentencing of Oleksiy Pukach for his role in the murder of Georgiy Gongadze, the courageous Ukrainian investigative journalist who was kidnapped in Kyiv over 12 years ago," the American government said. "This is a welcome development, and we hope that the Ukrainian authorities continue to pursue this case in order to bring to justice those responsible for ordering Mr. Gongadze's abduction and murder. The U.S. Government will continue to support journalists everywhere who work to inform the public and expose corruption and injustice."

Committee to Project Journalists: Justice not 'fully served'

"The conviction of a former high-ranking Ukrainian police official in the murder of journalist Georgiy Gongadze is a long-overdue step, but justice will not be fully served until all of the perpetrators are held responsible. Gongadze, founder and editor of the critical news website Ukrainska Pravda, was the first online journalist worldwide to be murdered for his work," according to the Committee to Protect Journalists.

"The Pechersky District Court in Kyiv convicted former police Gen.

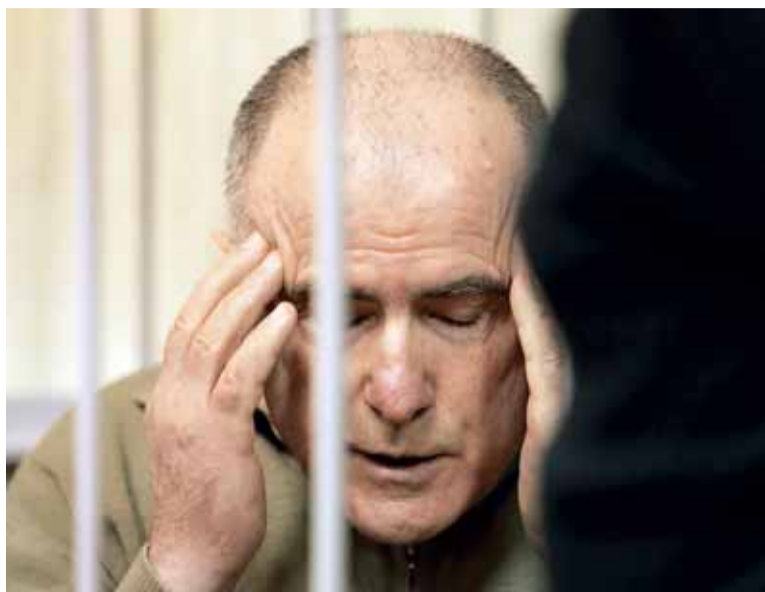
Oleksiy Pukach of strangling and beheading Gongadze in September 2000, and sentenced him to life in prison. In March 2008, authorities convicted and sentenced to prison Pukach's accomplices, three former police officers who had acted on his orders. No masterminds have been brought to justice.

"In previous statements, Pukach implicated several other high-ranking government officials, including former President Leonid Kuchma, in orchestrating the killing, according to news agency Interfax-Ukraine and news reports. Kuchma was indicted in March 2011, but Ukraine's Constitutional Court tossed out a key audiotape said to implicate the ex-president and then a trial court dismissed the charges later that year."

"We welcome this conviction as a milestone on the road that will lead to the masterminds of Georgiy Gongadze's grisly murder," said CPJ deputy director Robert Mahoney. "The Ukrainian authorities have been dragging their feet for 13 years. It's time they delivered justice."

IFJ/EFJ welcome Pukach's conviction

The International Federation of Journalists (IFJ) today hailed as a step to end impunity in Ukraine the conviction of General Oleksiy Pukach with the murder of Georgiy Gongadze



Former police general Oleksiy Pukach reacts to his Jan. 29 conviction and life sentence for taking part in the 2000 murder of journalist Georgiy Gongadze. In the closed trial, Pukach testified that he killed Gongadze on orders of ex-President Leonid Kuchma, the president's then chief of staff Volodymyr Lytvyn and his boss, ex-Interior Minister Yuriy Kravchenko. Kravchenko died of two gunshot wounds to the head in 2005. (UNIAN)

by a court in Kiev on 29 January. The Federation joined its affiliates in Ukraine and Europe in welcoming the decision which capped a long and hard campaign waged by journalists and the journalist's family.

"After more than a decade of tireless pursuit of justice for Gongadze, the conviction of his killer is good news indeed," said Jim Boumelha, IFJ President. "Unfortunately, the decision feels like partial justice as others

involved in his murder are still being shielded from responsibility."

Ukraine media reported that the court found General Pukach, a former chief of surveillance department in the Interior Ministry, guilty of strangling the journalist and sentenced him to life imprisonment. The defendant, who confessed to the killing in 2009, told the court the murder had been ordered by former President Leonid Kuchma, his former chief of staff

Volodymyr Lytvyn and former Interior Minister Yuriy Kravchenko who died in 2005 in suspicious circumstances.

Prosecutors brought charges against Kuchma in 2011 but dropped them, citing lack of evidence. Pukach's trial was held behind closed doors, restricting access of families to court hearings and raising suspicions of a cover up.

Georgiy Gongadze, publisher of the Internet journal Ukrainska Pravda, was kidnapped on 16 September 2000 and his body found later beheaded. The journalist had been investigating corruption at senior levels of the Ukrainian government led by former President Leonid Kuchma. Revelations of secret tape recordings of Kuchma ordering Interior Ministry services to kill Gongadze sparked accusations of his involvement.

The IFJ spearheaded journalists' campaign to have his killers face justice and its European group, the European Federation of Journalists, has warned that failure to hold all suspects in Gongadze's murder would delay further the true rule of law in Ukraine. The IFJ/EFJ is opposed to the idea of holding a Court in a closed mode, which may give reasons to doubt the fairness of the sentence, and they call for greater openness in the proceedings.

"We urge the authorities to reconsider their decision not to prosecute other individuals mentioned by Pukach," added Arne König, EFJ President. "They should answer for their role in a public and transparent trial. It is the only way to do justice to Gongadze and allow his family to move on."

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Tregub: Ukraine looks out of place at Davos

→5 ingly, this view was supported by former Russian Finance Minister Alexey Kudrin and Russian economist German Gref.

Boyko demanded respect for Ukraine as a “young and vibrant democracy” that does not want to be seen as a student of the EU. “No homework for Ukraine! My children would love that idea about their school as well,” the moderator of the discussion, Chrystia Freeland, wittingly summarized Boyko’s speech.

Kozhara claimed Ukraine is reaching political, economic and social stability and conducting reforms: a new tax code, pension reform, criminal code, customs code. These actions, he said, are moving Ukraine closer to Europe, with 2013 to be a key year.

On Feb. 25 a Ukraine–EU summit will take place, concluding the first stage of visa-free regime negotiations, followed by a summit in November, where the parties should finally sign an Association Agreement leading to closer political and economic ties if ratified. But Kozhara added, that Ukraine can also benefit from the Customs Union of Russia, Kazakhstan and Belarus in a 3 plus 1 format. He argued Ukraine is a young, hungry nation that should not be made to choose between East and West, but needs both for growth.

But economic growth, particularly if captured by a small elite with authoritarian inclinations, does not constitute a democracy. And democracy is a sine qua non for any dreams to bring Ukraine closer to the EU.

Kudrin put the argument on the table that Ukraine will move faster towards the EU together with Russia, which is getting closer to the West, planning to enter the World Trade Organization and the Organization for Economic Cooperation and Development. Russian gross domestic product per capita is twice that of Ukraine, which he believes means that Russia is moving faster towards Europe than Ukraine.

Like Kozhara, Kudrin sees the EU narrowly as an economic project rather than a political community. Thus, Russia does not have any interest in “moving toward EU” politically because



An event at the World Economic Forum in Davos focusing on Ukraine. It was mostly attended by Ukrainians, but also included participation from Javier Solana, the European Union’s former foreign policy head, and Aleksander Kwasniewski, Poland’s former president and a board member of Pinchuk’s annual Yalta European Strategy conference. (Victor Pinchuk Foundation)

– like Britain – it fears seeing its clout diluted and prefers to play solo.

But Ukraine is not Russia, and is much more affected by EU policy. While oscillating between the two blocs, Ukraine is missing the train heading West and with it the only chance to play an important role in European affairs. Instead it becomes a passive observer of events it has little influence over, decided either in Moscow or Brussels.

Gref made a point that Russians respect and understand Ukrainians better than Europeans. “I even understand the Ukrainian language well,” revealed Gref.

He compared the choice between Russia and the EU to the choice between lunch with Viktor Pinchuk and lunch with the British queen. “We may all choose lunch with the queen, but we are only invited by Pinchuk,” said Gref, implying the EU not very open to Ukraine, unlike Russia.

As an opposing view, Ukrainian politicians like Vilali Klitschko and Arseniy

Yatseniuk expressed the opinion that Ukraine should move in the Western direction more decisively.

They were supported by people who understand well the EU’s frustration with Ukraine and its oscillatory policy, like Solana and Kwasniewski.

No integration with the EU is possible until Ukraine decides that it wants to be a modern democracy where economic and political freedoms are guaranteed, government can change because the opposition can win elections and where rule of law, supported by independent courts, is more important than the rule of partisan if not outright authoritarian politics. Russia has little to teach or offer Ukraine on the road to Europe.

“I would like to speak in Ukrainian because it’s a Ukrainian lunch,” Klitschko started off, winning him a round of applause. He continued in Ukrainian saying that Ukraine’s priority is Europe. “However, it is not clear where we are moving,” Klitschko said.

Klitschko wondered if President

Viktor Yanukovich had an answer to the question and why the president did not show up for the discussion. Yatseniuk also chose Europe and reminded about Tymoshenko being in prison as a result of selective justice.

Solana said that Ukraine has already experimented with the eastern direction as part of the Soviet Union, a project that failed miserably, and now Ukraine must pick its priorities.

At the end of the discussion, Kwasniewski rose and tried to convince – in a passionate speech – that Ukraine must become a student of Europe, like Poland was. Although it might be seen as a humiliation in the short run it is worth it in the long term, an investment in the future.

Former President Leonid Kuchma criticized Kwasniewski’s address by saying that even if Poland was against the EU, the EU would still accept it. He failed to notice that no country that opposes integration with the EU would have been able to commit itself and its society to decade-long painful negotiations and

reform – as was the case with Poland – without the domestic political and emotional support for the difficult process.

Then Kuchma challenged Solana: if shale gas is so good and Solana is praising Ukraine for signing a contract with Shell at Davos, why don’t Europeans want to explore it themselves?

Solana answered that there is not enough shale gas under the European continental shelf. He could have added that American and European companies are conducting an expansive search for shale gas in Poland and that other countries have significant reserves, though environmental concerns are holding them back.

The shale gas contract with Shell was the only visible result of Yanukovich’s visit to Davos. It remains unclear why Yanukovich keeps going to Davos and skipping discussions about Ukraine. Out of 50 heads of states present at the forum this year, Yanukovich did not have a bilateral meeting with a single one of them. He participated in a single Davos event – a panel entitled “Accelerating Infrastructure Development.”

In a poll, 57 percent of the audience present at the Ukrainian lunch voted for the EU while only 6 percent voted for the customs union with Russia, Kazakhstan and Belarus.

It was clear though that nobody present at the Pinchuk lunch was up to decide where Ukraine should really move. Yanukovich, the key decision-maker in Ukraine, decided to ignore the event.

For him, the choice between East and West is indeed the wrong question, just like for Ukrainian businessman Oleksandr Yaroslavsky.

When asked if Ukraine should go East or West, Yaroslavsky showed teeth in a predator’s grin: “Where the money is!”

“And where is that?” a journalist asked.

“I won’t tell you.”

Leaving the lunch, a German businessman summarized: “I think Ukraine risks losing its place in history.”

Olena Tregub, a native of Ukraine, is a freelance journalist living in Washington, D.C.

Gretskiy: Russia charges Ukraine 10-12 percent more than Europe

→5 other gas distribution companies in Europe. In favorable macroeconomic conditions, while the European economies were growing steadily, this principle had served Gazprom as an insurance against unexpected losses and risks. But after the world economic crisis broke out in 2008, many European companies bound by take-or-pay contracts to Gazprom, suffered substantial losses.

Besides, the courts – as it was in the case of RWE Transgas – tend to treat that principle as an attempt of unfair pricing, and to rule in favor of consumers, not suppliers. Moreover, in 2012 the European Commission

launched an antitrust investigation to check Gazprom’s anticompetitive practices on the European natural gas market, which may result in huge penalties.

Consequently, the long-term take-or-pay contracts do not perform all of its functions for Russian gas producer any longer. The principle contributes merely to a slower decrease in gas prices for Gazprom’s clients.

Neglecting the take-or-pay principle, during 2010-2012 many Gazprom’s partners – such as Italy’s ENI and Edison, Germany’s E.ON, RWE and Wingas, France’s GDF Suez, Austria’s Eongas, Slovakia’s SPP, Poland’s PGNiG, Turkey’s Botas, and others –

succeeded in negotiating natural gas price and volume reduction.

Ukraine also got a \$100 discount under the 2010 Kharkiv Agreements, but nevertheless Gazprom’s gas prices for Ukraine remained 10-12 percent higher than the average European ones.

Kyiv has long been trying to renegotiate the 2009 contract with Moscow. Mykola Azarov’s government has repeatedly tried to initiate a new agreement, but negotiations with Gazprom came to nothing. Moscow made it clear that the price could be reduced in exchange for full membership in the Customs Union of Russia, Belarus

and Kazakhstan, as well as Gazprom’s access to Ukraine’s gas transport system.

So far, Kyiv is trying to avoid such a scenario, and the speeches at the recent World Economic Forum in Davos confirmed that the Ukraine’s government still prefers to be uncertain on that matter.

Yet it’s obvious that the solution of the Naftogaz-Gazprom dispute lies in a political dimension, and not in a legal one. Years of Russian-Ukrainian conflict proved a simple axiom: Russia and Ukraine are equally dependent on cooperation in the gas sphere. Ukraine needs gas to increase

its industries’ export potential, and Russia needs to sell natural gas to augment its budget.

This is especially true in times of economic slump and recession. Russia learned this axiom long before, exploiting Ukraine’s dependence on gas supplies and prices. But now it seems Ukraine has also fully embraced it. Therefore, both conflicting parties should keep negotiating to reach a mutually acceptable solution.

Igor Gretskiy is an associate professor at the School of International Relations at St. Petersburg State University, Russia. He specializes in Russia’s foreign relations with Ukraine and Poland.

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Crazy French girls return Feb. 13-17

Legendary French erotic cabaret Le Crazy Horse is coming to Kyiv again. Full of passion, their show is a seductive mix of music, dazzling choreography and play of lights designed to excite the audience. Dressed in barely visible costumes, the cabaret will present their new performance Forever Crazy-2.



Courtesy

Feb.13-17

of Venice'). Molody Theater. 7 p.m. Hr 50-90

Miscellaneous

Art Map Of Ukraine. Slobzhanskiy express. Modern Art Museum. 11 a.m. - 7 p.m. Hr 5-20

Friday, February 8

Classical music

Works of Borodin, Tchaikovsky, Rachmaninoff, Stravinsky. House of Organ Music. 7:30 p.m. Hr 20-80

Classics on Fridays. Works of Shostakovich, Dvorak, Tchaikovsky, Sibelius, Debussy. Master Klass. 8 p.m., Hr 50

Movies

Parker (action). Ukraine. 10 a.m., 2:30 p.m., 7 p.m. Hr 40-70

Live music

Antytila & Red Rocks (rock). Docker Pub. 10 p.m. Hr 75

Theaters

The Seagull (in memory of Bohdan Stupka). Ivan Franko Theater. 7 p.m. Hr 15-200

Shows

Lissa Wassabi. Tolstoy Restaurant-club. 10 p.m. Hr 100

Antyshok (vocal & bass). Divan. 8 p.m. Free

Miscellaneous

Art Map Of Ukraine. Slobzhanskiy express. Modern Art Museum. 11 a.m. - 7 p.m. Hr 5-20

Arkan. Mikhail Demtsiu (art exhibition). Mystetska Zbirka (13 Tereshchenkovskaya St.). 11 a.m. - 6 p.m. Free

Art As the Joy Of Life. Mykola Pymonenko. National Art Museum of Ukraine. 12:01 p.m.-8 p.m. Hr 20

World Press Photo 2012. Kyiv History Museum (3 Instytutska St.) 10 a.m. To be announced

Saturday, February 9

Classical music

Lyatoshynsky Classical Music Ensemble Playing Beethoven. House of Organ Music. 7:30 p.m. Hr 30-90

Live music

Tabula Rasa & Crazy Train. Docker Pub. 10 p.m. Hr 75

Theaters

Two Indigo Colored Flowers (choreographic drama). Ivan Franko Theater. 7 p.m. Hr 15-120

Miscellaneous

Art Map Of Ukraine. Slobzhanskiy express. Modern Art Museum. 11 a.m. - 7 p.m. Hr 5-20

Arkan. Mikhail Demtsiu (art exhibition). Mystetska Zbirka (13 Tereshchenkovskaya St.). 11 a.m. - 6 p.m. Free

Art As the Joy Of Life. Mykola Pymonenko. National Art Museum of Ukraine. 12:01 p.m.-8 p.m. Hr 20

World Press Photo 2012. Kyiv History Museum (3 Instytutska St.) 10 a.m. To be announced

Sunday, February 10

Classical music

Variations on the Theme of Ensemble. Works of Purcell, Telemann, Vivaldi, von Bibber, Marini, Meruli, Vidor, Gober, Villa Lobos, Rota, France, Williams, Shostakovich. National Philharmonic. 7p.m. Hr 40-80

Live music

Animals Session (classic rock). Docker Pub. 10 p.m. Hr 75

Theaters

Nazar Stodolya (premiere). Ivan Franko Theater. 7 p.m. Hr 15-120

So Summer Is Over (based on Irwin Shaw novel 'Lucy Crown'). Drama & Comedy Theater on the left bank of Dniro. 7 p.m. Hr 70-120

Comedy Theater on the left bank of Dniro. 7 p.m. Hr 70-120

Shows

Whitney Houston Tribute. Zhovtnevy Palats. 7 p.m. Hr 60-800

Miscellaneous

St. Valentine's Day for Kids. Kyiv Golf Center. (10d Heroiv Stalingrada Ave.) 4 p.m. Hr 420

Yellowcard to perform in Bingo Club

Popular American punk rock band Yellowcard is set to perform in Kyiv on Feb. 2. Aside from guitar and keyboards the band plays violin, adds a unique note to their style which combines punk rock, pop and alternative music.



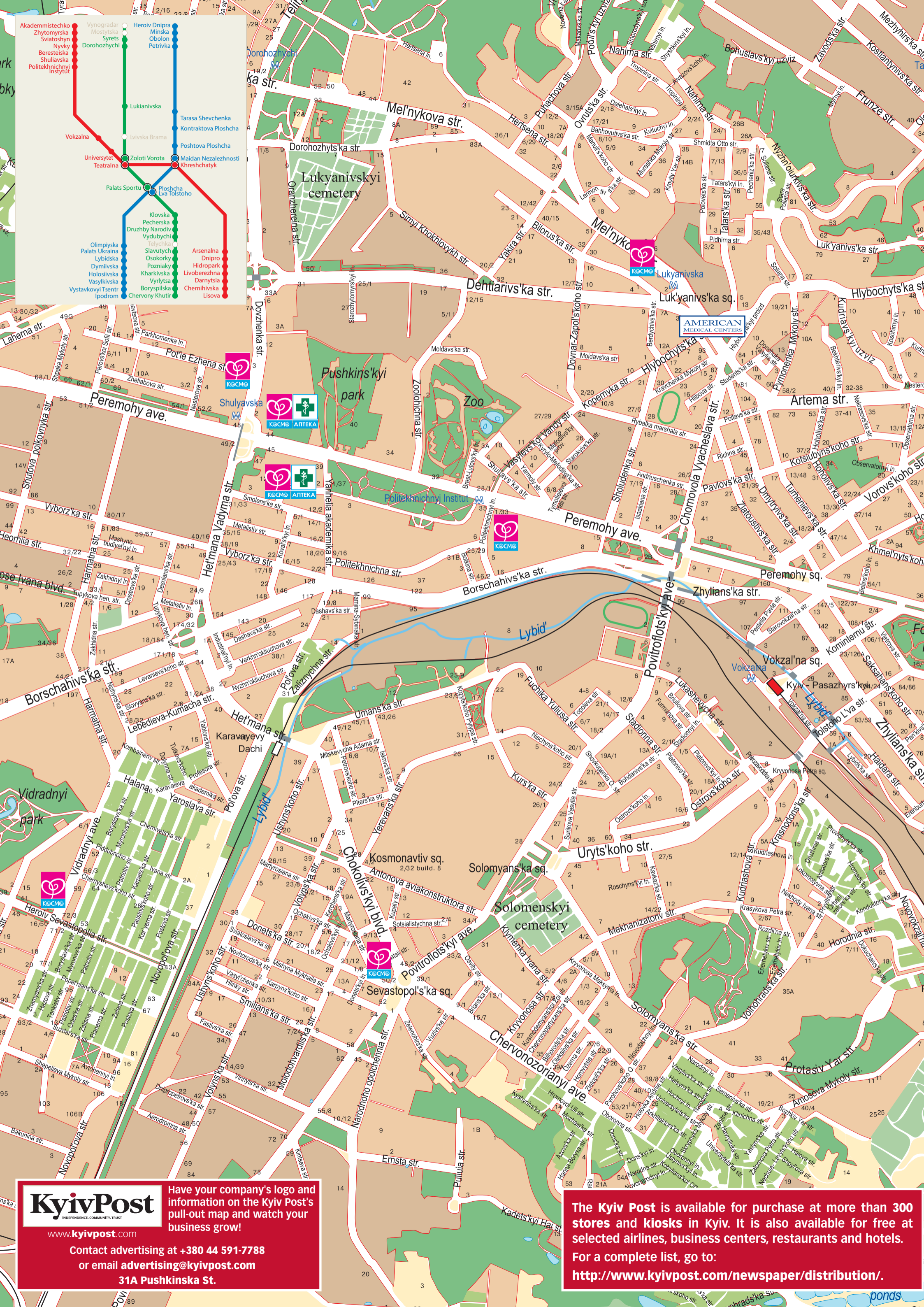
Courtesy

Feb.2

Founded in 1997 Yellowcard is best known for its continual experiments with music styles and genres. Yellowcard. Feb.2. Bingo Club (112 Peremohy Ave.). 7 p.m. Hr 250-500

Addresses of venues

- Classical Music: National Philharmonic of Ukraine, House of Organ Music, School of Jazz and Pop Art, National Tchaikovsky Academy of Music
Movies: Zhovten, Kyiv, Kinopanorama, Budynok Kino
Clubs: Bionica, Seven Music Club, Saxon Club, Dorothy Pub
Theaters: Molody Theater, Ivan Franko Theater, Ukrainian House
Shows: Lissa Wassabi, Antyshok
Miscellaneous: Art Map Of Ukraine, Arkan, Art As the Joy Of Life, World Press Photo 2012



Legend:

- Red:** Akademistichko, Zhytomyrska, Sviatoslyn, Nyvky, Beresteiska, Shuliavska, Politekhnychnyi Instytut
- Green:** Vynogradar, Mostytska, Syrets, Dorohozhychi, Lukyanivska, Livvska Brama
- Blue:** Herov Dnipro, Minska, Obolon, Petrivka, Tarasa Shevchenka, Kontraktova Ploshcha, Poshtova Ploshcha, Maidan Nezalezhnosti, Khreshchatyk
- Orange:** Palats Sportu, Ploshcha Lva Tolstoho, Klovska, Pecherska, Druzhy Narodiv, Vydubychi, Telychka, Slavutych, Osokorky, Pozniaky, Kharkivska, Vyrlytsa, Boryspilska, Chervonyi Khutir
- Yellow:** Olimpiyska, Palats Ukraina, Lybidska, Dymivska, Holosiivska, Vasylikivska, Vystavkovyi Tsentr, Ipdrom
- Pink:** Arsenalna, Dnipro, Hidropark, Livoberezhna, Darnytsia, Chernivska, Lisova

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Verdict seen as partial justice

→ **1** widow, Myroslava, will appeal the ruling in an effort to bring those who ordered the murder to justice.

Pukach, 60, is the highest level official to be convicted for Gongadze's murder.

However, the Kyiv Pechersk District Court did not question or order investigation of Kuchma and Lytvyn, now a member of parliament, during court proceedings that were closed to the public and that started in April 2011.

Pukach made sure he used his public platform at sentencing to make his point.

"I'll understand it when Kuchma and Lytvyn are seated here alongside me," said Pukach in the courtroom, responding to a judge's question about whether he understood the court ruling.

Kuchma's lawyer Viktor Petrunenko maintained that his client has nothing to do with the crime. "[Pukach's] reference to Kuchma and Lytvyn was his way of trying to avoid harsh punishment," Petrunenko told the Kyiv Post.

He also said Pukach is not reliable and referred to earlier comments made by Valentyna Telychenko, lawyer for Gongadze's widow, Myroslava, that Pukach's testimony during the trial was inconsistent and messy.

Unlike other Ukrainian TV channels, three TV stations owned by Kuchma's son-in-law, Viktor Pinchuk, mentioned only former Interior Minister Yuriy Kravchenko in their coverage of the trial. The court ruled that Pukach murdered the journalist on orders from Kravchenko, his boss and a close confidante of Kuchma, who ruled the nation from 1994-2005.

Pinchuk's three channels didn't broadcast Pukach's reference to Kuchma and Lytvyn. Novy Kanal, one of the three Pinchuk channels that covered the verdict announcement, told media watchdog Telekritika that they did not use Pukach's accusations since they did not have the video footage of him saying it.

The verdict reads that career advancement was the motive for Pukach's crime.

The proceedings took place in a tiny and poorly ventilated court room packed with police security and some 30 journalists.

Pukach sat on a bench with a bottle of water, some pills and a small, worn-out prayer book, attentively listening to the five-hour verdict. He remained calm and focused throughout the ruling, looking down and avoiding eye contact. Even when the judge announced his life sentence, Pukach's listless facial expression remained unchanged. His lawyer said the verdict will be appealed because it is too harsh, but would not elaborate what sentence he thinks that his client deserves.

The lawyer for Gongadze's widow said they will appeal in order to make the court and the prosecutors find those who ordered the murder, dismissing the court's finding that Pukach's career advancement is a valid motive for the murder.

She believes the court was under pressure from unknown people to ignore evidence involving Kuchma and Lytvyn.

Two courts of appeal remain as legal options. Once these are exhausted, they can file a complaint with the European Court for Human Rights if



Ukraine's ex-President Leonid Kuchma leaves the General Prosecutor's Office in Kyiv on March 23, 2011, the day after prosecutors announced they had opened a criminal probe against Kuchma on suspicion of giving orders that led to the slaying of journalist Georgiy Gongadze in 2000, one of the nation's most notorious post-Soviet crimes. (UNIAN)



Two of the four former police officers convicted in Georgiy Gongadze's murder. Mykola Protasov (L) and Valeryi Kostenko appear before trial in Kyiv on March 15, 2008. (UNIAN)

they are not satisfied with court rulings in Ukraine. If this route is taken, it may take three to four years before European court rules.

Andriy Fedur, the lawyer for Gongadze's mother, also said he is not satisfied with the ruling. "We should be talking here about ordered murder," Fedur said.

Gongadze's mother, Lesya, who resides in Lviv, still believes her son could be alive. She wasn't present for the verdict in Kyiv. She told media she views the ruling is an attempt to absolve those implicated in ordering the crime.

Telychenko finds it strange that the court took into account Pukach's murder allegations about Kravchenko's instructions to murder the journalist, but then discounted his assertions about the complicity of Kuchma and Lytvyn.

She told reporters that Pukach during the trial had often together alleged Kravchenko, Kuchma and Lytvyn were in collusion to get rid of Gongadze, who had angered the president with

his criticism of authorities on the Ukrainska Pravda website which he founded.

Gongadze went missing on Sept. 16, 2000. Two months later, his beheaded corpse was found in a forest outside of Kyiv. Shortly afterwards, parliament lawmaker Oleksandr Moroz disclosed recordings allegedly made in Kuchma's office which, if true, could tie him to the murder.

"Throw him out. Drive him out. Give him to the Chechens," a voice resembling Kuchma's urges Kravchenko in one excerpt of the recording. In other parts, a voice resembling Kuchma's is heard discussing Gongadze's news articles with a voice that resembles Lytvyn's, including the need to start a criminal case against the slain journalist.

The authenticity of the tapes has been disputed and Kuchma, 74, has always denied wrongdoing.

The court did not admit the recordings as evidence, ruling that they were obtained illegally.

In its Jan. 29 verdict, the Pechersk District Court ruled that Pukach, who

was at the time in charge of the Interior Ministry's external surveillance department, kidnapped Gongadze along with three subordinates in Kyiv, drove him outside the city. Pukach then strangled him with a belt tied over his neck.

Then the officers burned and buried the body. Afterwards, the four ate dinner at a restaurant and drank vodka. The following day Pukach told Kravchenko that he had completed the assignment, referring to Gongadze's killing. Pukach returned to Gongadze's burial spot, chopped off his head, and reburied the body and his head in different places.

In 2003, Pukach went on the run after a court released him. The nation's KGB successor agency, the Security Service of Ukraine (known as the SBU), found him hiding in rural Zhytomyr Oblast in summer of 2009.

During the investigation and the trial, Pukach confessed that he murdered Gongadze, but said it was an accident.

The three other police officers who helped Pukach kidnap and murder the journalist were sentenced in 2008 to 12 and 13 years behind bars. They are Mykola Protasov, Valeryi Kostenko and Oleksandr Popovych.

The court also found Pukach guilty for kidnapping the journalist and for attempts to cover up the crime by ordering the destruction of documents, including illegal police surveillance of Gongadze before he was killed. The judge ordered that Pukach be stripped of all his belongings and his police general's rank.

Pukach was also found guilty of beating Oleksiy Podolsky, a human rights activist and former journalist, whom he also kidnapped and assaulted. In June 2000, Pukach and two other police officers took Podolsky to the woods outside Kyiv, but released him after severely beating him.

The court also ordered Pukach to pay Gongadze's widow and their twin daughters Hr 500,000 and Podolsky Hr 100,000 in moral damages.

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Search for Gongadze murderers

BY OKSANA GRYTSENKO

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Authorities began their investigation into the abduction and death of journalist Georgiy Gongadze in 2003, three years after he went missing. The delay fueled suspicions that a massive cover-up was under way amid stonewalling by authorities.

In October 2003 the prosecutor general arrested former police General Oleksiy Pukach, accusing him of destroying official documents related to illegal police surveillance of Gongadze in May-July 2000.

By that time, Pukach's career as police general was on the rise. In 2000 he was promoted from head of the police surveillance department to heading the criminal investigation headquarters of the Interior Ministry. In August 2003, the state granted Pukach a new three-room apartment in downtown Kyiv for loyal service to the police force.

In November 2003, Pukach was released from custody on a travel ban by Kyiv Appeal Court Judge Maria Pryndiuk and subsequently disappeared. In April 2004 the same judge closed the criminal case against him.

But in February 2005 the prosecutor general started interrogating Pukach's subordinates, police officers Mykola Protasov, Valeryi Kostenko and Oleksandr Popovych suspecting them of Gongadze's abduction and murder. Pukach was accused of organizing the crime and placed on an international wanted list.

Former Interior Minister Yuri Kravchenko was also suspected. But in March 2005 on the day Kravchenko was to give testimony on the Gongadze case, he died of two gunshot wounds to the head, which the police ruled a suicide.

In March 2008 a Kyiv Appeal Court sentenced Protasov to 13, Kostenko and Popovych to 12 years in prison for murdering Gongadze, while Pukach was recognized as their leader but remained in hiding.

As police searched for Pukach, the media started sharing versions of his whereabouts: from escaping to Israel to dying. But in July 2009 the nation was shocked to see on TV a bearded villager handcuffed and pressed to the ground by state security officers, who confessed he was Oleksiy Pukach.

Pukach was found living together with his distant relative in the small village of Molochky in Zhytomyr Oblast, some 230 kilometers from Kyiv. He subsequently confessed to personally strangling and beheading Gongadze, while acting on the orders of the late Kravchenko, former President Leonid Kuchma, and former presidential chief-of-staff Volodymyr Lytvyn who today is a member of parliament.

Many question whether the nation's police and security forces, which number more than 300,000, ever really tried to find Pukach in the six years he was in hiding.

"He made visits to Kyiv, he was receiving a pension, he was making phone calls," his lawyer Grygoriy Demydenko told the Kyiv Post, adding that Pukach didn't go abroad and had no plans to leave Ukraine.

In April 2011 the Kyiv Pechersk Court started hearing the Pukach case. On Jan. 29, 2012 he was sentenced to life in prison. He will most likely serve his sentence in a special prison for former policemen, judges, prosecutors and criminal lawyers.

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Telychenko: Pukach testifies he killed on Kuchma's order

BY SVITLANA TUCHYNSKA
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The long saga of bringing former police general Oleksiy Pukach to trial for the Sept. 16, 2000 murder of Georgiy Gongadze took place mostly behind closed doors, with the only exception being the Jan. 29 hearing at which a three-judge panel convicted Pukach and sentenced him to life in prison.

But one of the few persons who has been privy to all the testimony, including the state secrets that authorities used as a justification to try Pukach in secret, is lawyer Valentyna Telychenko.

Telychenko had special status as the legal representative of Myroslava Gongadze, the slain journalist's widow. Telychenko said her client will appeal the verdict because the court ignored testimony implicating ex-President Leonid Kuchma and his former chief of staff, Volodymyr Lytvyn, in the murder conspiracy.

She talked to the Kyiv Post about the highlights of the testimony she heard.

She said Pukach testified that there "was no conspiracy between him and his three subordinates" to kill Gongadze. The other three — Mykola Protasov, Oleksandr Popovych and Valeriy Kostenko — were convicted and sentenced to 12-13 years in prison in 2008 for carrying out the kidnapping and murder with Pukach.

Pukach, according to Telychenko, said that the conspiracy existed among him, his immediate supervisor, Interior Minister Yuriy Kravchenko, Lytvyn and Kuchma.

He repeated several times that he had a clear order from Kravchenko to gather information and then kidnap Gongadze, according to Telychenko. She said that Pukach testified that Kravchenko told him this was the task ordered by the president and that Pukach felt he could not disobey an order from the commander-in-chief.

Telychenko also relayed these highlights that she said came from Pukach's testimony:

Pukach said he was in Kravchenko's office when Kuchma called him on the government telephone line and asked if Kravchenko is working "in the direction of Gongadze." Pukach said that he had received the order from Kravchenko to kill, burn and bury Gongadze.

Pukach also said that he was in Kravchenko's office in the Interior Ministry when Lytvyn walked in and Kravchenko told everyone to leave the cabinet, except for Pukach. The three of them had a conversation about the kidnapping and murder of Gongadze.

Before the kidnapping, Pukach says he told his driver to get a canister of petrol and place it in the car. He also drove to his former father-in-law's house in the village of Sukholysy and picked up a shovel and rope there.

Then, Pukach's testimony gets contradictory, according to Telychenko.

He claimed in court that he did not want to kill Gongadze and started choking him to get secret information from him. He bizarrely tried to convince the court that Gongadze was a spy, a criminal involved in robberies and smuggling goods, and was organizing "wars between continents," according to Myroslava Gongadze's lawyer.

Pukach says that, when he was choking Gongadze, he accidentally went too far and killed him — a contradiction,

Telychenko said from his other testimony that he was obeying a presidential order to kill Gongadze.

However, Telychenko says the prosecution of Pukach should not be underestimated.

"First of all, the general, one of the highest-ranking officials in the Interior Ministry has been prosecuted. Also, it is important that it is acknowledged that the killing was a result of Gongadze's professional activities as a journalist," Telychenko says.

She gives the most credit to three investigators of the General Prosecutor's Office: Roman Shubin, Yuriy Stolyarchuk and Yuriy Hryshchenko who were responsible for the case.

"The most important was in 2005. Then, the investigation led to the incarceration of Popovych, Protasov and Kostenko. They gave clear evidence and pointed to Pukach as the organizer. After this it became impossible to conceal anything and Pukach could not have avoided justice. The (government) authorities have come to terms with this," says Telychenko.

Telychenko says holding the entire Pukach trial behind closed doors was not justified.

The official reason was that the hearings contain state secrets. Only several people were allowed in — aside from judges, Telychenko and Pukach, there was Andriy Fedur, a lawyer of Gongadze's mother Lesya, and Oles Podolsky, former journalist who was kidnapped and beaten by Pukach's team



Georgiy Gongadze founded the *Ukrainska Pravda* news website that remains successful today. His strident criticism of ex-President Leonid Kuchma's corruption drew the wrath of Kuchma, the *Melnychenko tapes* show. (Ukrinform)

not long before Gongadze in 2000.

Everyone present during the hearings had to pass a background investigation by the Security Service of

Ukraine, SBU, to gain approval to obtain access to state secrets.

"It was completely unnecessary to have all the hearings secret, as the



Volodymyr Lytvyn, ex-President Leonid Kuchma's chief of staff

state secrets were revealed at a couple of hearings at most," Telychenko says. "Most of the state secrets revealed were regarding the methods of how the undercover department of the police operated — still in use now. Also, some names of people from this department were revealed. For example there are methods like changing the plates of cars which undercover policemen use. Pukach, for instance, ordered and used German plates for this purpose. I can speak about this part of the state secret because for some reason it is a part of the official text of the verdict."

Kyiv Post staff writer Svittlana Tuchyńska can be reached at tuchyńska@kyivpost.com.

Question remains: Did Kuchma order journalist killed?

BY VLAD LAVROV
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Ever since the 2000 release of the recordings allegedly made by ex-President Leonid Kuchma's bodyguard Mykola Melnychenko, the lingering question has been whether the Ukrainian leader would ever be properly investigated for his alleged role in the kidnapping and murder of Georgiy Gongadze.

The answer, almost 13 years on, appears to be no.

The recordings clearly show the president was at least aware of what happened to Gongadze. Kuchma and other officials on the recordings have denied their authenticity and involvement in any crimes.

But Kuchma on the recordings allegedly told Interior Minister Yuriy Kravchenko to "Take (Gongadze) to the Chechens." It was one of several exchanges allegedly recorded in which a disgusted Kuchma allegedly pressed his subordinates to get rid of Gongadze.

Instead of investigating the allegations, police and prosecutors did their utmost to ignore the recordings and Kuchma's possible involvement, coming up with a series of bizarre explanations instead. At one point in 2001, Prosecutor General Mykhaylo Potebenko suggested that Gongadze was still alive, even after the journalist's body was found in the forest outside Kyiv.

On another occasion that same year, the police tried to blame Gongadze's death on gangsters named Cyclopes and Sailor Boy who had died.

The March 2005 death of Kravchenko



People take part in a memorial rally to mark the 12th anniversary of the murder of investigate journalist Georgiy Gongadze in Kyiv on Sept. 16, 2012. Gongadze was kidnapped and killed after leaving a friend's apartment in Kyiv on Sept. 16, 2000. (UNIAN)

— a close ally of Kuchma — didn't advance the case. Kravchenko died from two gunshot wounds to the head in a death suspiciously ruled by authorities as a suicide.

Things turned upside down in March 2011 when Deputy Prosecutor General Renat Kuzmin charged Kuchma with abuse of authority causing grave consequences, specifically the kidnapping and murder of Gongadze. According to the criminal case, the charges were based on Melnychenko's recordings and testimony, as well as testimony by former police general Oleksiy Pukach, who on Jan. 29 was convicted and sentenced to life in prison.

In response, Kuchma, the father-in-law of billionaire Viktor Pinchuk, launched a

blockbuster defense. He hired a top U.S. lawyer, Alan Dershowitz, who in 1995 helped acquit football star O.J. Simpson of the murder of his ex-wife in one of the most widely covered criminal cases in recent American history. In addition, a number of major international public relations agencies were recruited to work on the ex-president's image.

The line that Dershowitz took was as straightforward as it gets. He claimed that Melnychenko's recordings couldn't be authenticated, while the case against his client itself was politically motivated. "In Ukraine, using these allegations the government is trying to prove that it's fair, that they went to not only go after the former prime minister, but after Kuchma as well," Dershowitz told the Kyiv Post in April 2011.

Dershowitz's job of defending Kuchma soon got much easier.

In October 2011, Ukraine's Constitutional Court (the same institution that allowed Kuchma to run for president three consecutive times, an opportunity he didn't dare use) ruled that no charge can be based on evidence collected by a person not authorized to collect such evidence. In other words, Melnychenko wasn't authorized to record conversations in Kuchma's office. Amazingly, the court made this ruling at the request of the Security Service of Ukraine, the same law enforcement agency that in 2009 found and arrested Pukach, in what seemed to be a breakthrough in the Gongadze case.

The decision of Ukraine's top court made the job of Halyna Suprun, a judge at Kyiv's Pechersk District Court, an institution that symbolizes what's wrong with the country's judiciary, a mere formality.

On Dec. 14, 2011 Suprun declared the opening of a criminal case against Kuchma "unlawful," citing the Constitutional Court ruling. Needless to say her decision was upheld, first by the Appellate Court and then by the Higher Criminal and Administrative Court.

Meanwhile, Gongadze's widow Myroslava is appealing the decision to close the case against Kuchma. The odds are high that Dershowitz's prediction, made in 2011, will turn out to be prophetic.

He said that law enforcement will never solve the Gongadze and Kuchma case.

Instead, he said, the case "will be solved by journalists and scholars."

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Exploring Sri Lanka, island of serendipity

City Life

WITH ANASTASIA FORINA
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Madonna wins court judgment for \$40,000

She came. She sang. She got paid, but a Ukrainian judge says not enough.

Madonna's first-ever concert in Kyiv last August left lots of fond memories for fans, but a legal nightmare for the show's organizers. Melnitsa International, who brought the pop queen to Ukraine, lost a lawsuit on Jan. 18 for apparently violating Madonna's copyright.

The company was ordered by a Kyiv district court to pay Hr 1.09 million (\$136,000) in damages, including Hr 322,866 (about \$40,000) to Madonna herself. But it's unclear whether the diva knows anything about the cash the Ukrainian court awarded her because it wasn't her who started the legal process and claimed her rights were breached.

Madonna's spokesperson did not respond to requests for comments by the time Kyiv Post went to press.

The lawsuit against Madonna's concert organizers was instigated by the state Ukrainian Agency for Copyright and Related Rights. The agency's role is to collect royalties in Ukraine from concerts, clubs, radio stations and so on, and pass the cash on to official representatives of artists.

By law, concert organizers have to pay 5 percent of their take to copyright holders on top of the sum indicated in the direct contract with the singer.

The regulating agency claimed that Madonna's concert organizers breached her copyright, as well as the rights of 46 authors of the songs performed during the concert, because they failed to sign an agreement with the state body before dealing with Madonna, and instead paid her royalties to an irrelevant company.

"We have warned to get a license with (our) agency for using the songs," said Sergiy Rogozhin, the agency's deputy director. "They didn't do it ... and violated the copyright which we're managing."

He said his agency has exclusive contracts for Madonna's (and many other artists') copyright in Ukraine.

Ukrainian Agency for Copyright and Related Rights filed a similar suit against Melnitsa International for organizing the Red Hot Chili Peppers concert last summer, but it's still pending in court. Melnitsa International had no immediate comment.

What got the company in legal trouble is choosing to deal with a private copyright man- → 20



A trio of novice Buddhist monks go down Mulkirigala rock monastery in Sri Lanka. After reaching the age of 20 they will be able to become Sangha monks and follow their way towards enlightenment. (Oksana Faryna)

World Traveler

WITH OKSANA FARYNA
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One of the most inspiring ways to escape Ukraine's cold, gray winters is to take a trip to Sri Lanka, the small teardrop-shaped island in the Indian Ocean. It's got lush green coconut palms, pristine sand beaches and much more.

The best time to visit Ceylon, as

the island was known under colonial Portuguese, Dutch and British rule, is during the dry season from November through April. That's when the chances of tropical storms are lowest. It's best to avoid the end-December to mid-January peak when hotels fill up and prices spike.

Remember also to buy tickets well in advance to save on the flight, the biggest expense, in order to make of the country's otherwise low prices. Once travelers are there, Sri Lanka overtakes with its beauty and its residents' laid back and welcoming ways.

After arriving in Colombo airport, take a taxi or a bus along a newly

built highway to Galle, an old Dutch fort in the south, and head to one of the resorts nearby. Choose a good hotel in, say, Hikkaduwa or Uwanatuwa with a swimming pool and traditional Ayurveda treatment. The coasts are lined with hotels, restaurants, resorts and travel agencies, so there's usually no shortage of places to go. Once accommodations are taking care of, it's time to sip fresh papaya juice or lassi, a fruit and milk cocktail.

Resting on the beach can get boring, though, particularly on the picturesque but hostile shores of the country's south, where strong ocean currents and waves make it impossible to swim

sometimes. A stormy Indian Ocean can conjure up images of the devastating tsunami which hit three quarters of the island's coastline in 2004 in the nation of 20 million people.

A good option, particularly for groups, is to hire a minivan with a local driver who also acts a guide to tour the island. Thrill-seekers can also choose a motorbike for getting around, but be warned that driving is on the left and the chaotic road culture can be challenging, especially when dodging cows and other animals. The narrow streets also keep speeds below 50 kilometers per hour.

The tours are worth it → 20

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Then & Now

Editor's Note: The Kyiv Post feature "Then & Now" takes a look at how places in the city have changed over time. To be an advertising partner of this special coverage, contact an advertising representative at advertising@kyivpost.com or call 591-7788.

From Nikolayevskaya to Karl Marx to Horodetsky

BY DENIS RAFALSKY
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World War II deprived Kyiv of many architectural masterpieces, forever changing the capital's urban landscape. Horodetsky Street in the city center is a reminder of how much of Kyiv's historical heritage was lost during the war.

When the street was laid in the 19th century it was christened Nikolayevskaya, in honor of Czar Nicholas II, Russia's last monarch who was killed in 1918 with his family by Bolshevik revolutionaries. At the time, Kyiv was experiencing a construction boom, which saw many architectural jewels spring up in the heart of the city. Intersecting Kyiv's main thoroughfare Khreshchatyk Street, the curved, ascending Nikolayevskaya Street was built up at a blissful time, becoming one of the city's most beautiful and luxurious streets.

Kyiv's best architects of the time – Georgy Schlafer, Eduard Bradtman and Vladyslav Horodetsky – were in charge of developing the site. Art nouveau, which was all the rage in Europe and North America, was chosen as the predominant architectural style. It is known for asymmetrical shapes, extensive use of arches and curved forms, curves, and plant-like embellishments.

Buildings on Nikolayevskaya Street had all those features, but were supplemented with elements borrowed from other styles. The emerging ensemble gave the street a fancy European look.

"It seemed like Montmartre to Parisians, or Vienne – to the Viennese, or Florence – to the Florentines," writes Kyiv historian Mykhaylo Kalnytsky.

In the middle of the street stands a six-storied tenement house that was erected. Kyivans referred to it as "a Ginzburg house," a reference to building tycoon Lev Ginzburg, who was nicknamed the King of Contractors. He had built everything, from factories and churches, to theaters and apartment houses around the city. The tall and long house at 9 Nikolayevskaya Street was Ginzburg's first foray into the property development business. It also showcased his success in construction.

Beautifully decorated, the complex façade of this building is still remarkable for its gorgeous period molding, sculptures of antique idols and wall columns. Inside, luxury multi-room apartments were a match. When the house was built in 1900 there were

only 14 flats in it, just enough to satisfy the most sophisticated of tastes. The building was equipped with the technical innovations of the time, including an elevator, steam heating and electricity. The first two floors were occupied by shops and it hasn't changed since then. Today the house hosts chic boutiques of famous brands.

Two other remarkable objects on the street were the four-story Hotel Continental and two-story circus Hippo Palace, owned by a famous horse handler and impresario Petro Krutikov. His circus was one of the biggest in Europe at the time.

A Kyiv guidebook published in 1897 said that rich entrepreneurs and famous actors who arrived in Kyiv preferred to stay at the classy Continental that allured its guests with high quality comforts. Continental rivaled the best European hotels with luxury halls and rooms that were modern and filled with conveniences.

The fascinating facade of the hotel had been created in a mixture of architectural styles from various epochs. Erected in 1897, the building stood next to Krutikov's circus which appeared in 1903.

Stuffed with the hi-tech gadgets of that era, the Hippo Palace had an arena covered with a huge glass dome, and seated 2,000 spectators. Because of its size and wonderful acoustics, the circus was leased as a concert hall for popular singers of the era: opera bass Fedir Shalyapin and tenor Leonid Sobinov. There was an amusing incident involving Shalyapin who went from the Continental to the circus over the roof to avoid enormous crowds who admired his fantastic voice.

In the old photo, the three-storied building of exquisite design on the right side of Nikolayevskaya Street used to belong to United South Russian Industrial Bank. It also housed the most popular tobacco shop in Kyiv. But after the 1917 Communist revolution, and until World War II, the building was occupied by various Communist Party organizations. The street was renamed after Karl Marx Street in honor of the German philosopher and ideologist of socialism and communism.

This building, like many others on Nikolayevskaya Street, fell victim to a big fire and mines left by the retreating Soviets as the Germans took over the city in September 1941. Hippo Palace was also ruined, and in 1964, the Ukraine cinema was built in its spot.

Hotel Continental was damaged badly by the fire, with only walls remaining. Those walls later became part of Kyiv's Conservatory of the National Tchaikovsky Academy of Music, which is still there today.

House number 3, which was home to architect Vladyslav Horodetsky, was also destroyed. He created many famous buildings in Kyiv, some of which are still around. The street was named in his honor in 1996. These days, the street is shorter than it was in the 1900s, but has kept some of its old charm.

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Despite all the upheaval and destruction it has seen, especially during World War II, modern-day Horodetsky Street (lower photo) near Khreshchatyk Street has retained some of its charm from its heyday. It was Nikolayevskaya Street in the 1908 postcard (top) before becoming Karl Marx Street during Soviet times. -(Kostyantyn Chernichkin)



Super Bowl XLVII live at Arizona BBQ

One of Kyiv's oldest expat hangouts will show Super Bowl 47 between the Baltimore Ravens and San Francisco 49ers' in New Orleans for top football honors in the U.S. The party starts at midnight, but actual kick off time is 1:30 a.m. early on Monday.

Super Bowl XLVII. Arizona BBQ (Naberezhno-Khreshchatytska 25)



Feb. 4

(telegraph.co.uk)

Businesses that cater to people who pamper pets

BY DARYNA SHEVCHENKO
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It's hard to imagine a tiny, coddled 2-1/2 year-old Yorkshire Terrier named Pepsi sporting a mink fur coat, when so many women for decades have coveted the same thing yet never worn one.

Yet Oleksandra Nabokova, Pepsi's happy owner, shelled out \$225 for the world's most popular fur. Of course, it's much cheaper than a human-sized one, which runs in the thousands but still a good reason for a lady dog to be proud. And she is, her owner assures. "She is used to wearing clothes," Nabokova says. "Pepsi has worn boots and dresses all her life and I am sure she is as comfortable about this as I am."

Nabokova owns three dogs and is a regular customer at pet beauty salons. She spends more than \$500 a month to pamper them.

Pet grooming and beauty treatments came to Ukraine more than a decade ago with self-taught specialists. But a boom in the pet beauty segment hit around five years ago, says Olena Pyvovarova, a Kyiv groomer.

Yorkshire Terrier Pepsi, a proud owner of a mink coat, poses for the picture in her crown and a fancy dress. (Courtesy)



"Ninety percent of clients come with small dogs or ones that compete in Ukrainian and international shows," she says.

As a show dog, Pepsi undergoes beauty treatments at least once a month, no matter the cost.

"Of course we do pedicure, manicure, including nail painting, all the hygiene procedures, fur trimming according to seasons and needs, spa procedures, ozone therapy," Nabokova enumerates. "I do that to all my dogs and I believe that one should take care of one's pets."

But care can have different meanings.

"I like my dog to have stylish haircuts and ornaments," Nabokova says. "We already had a Playboy bunny on Pepsi's butt and now we have ladder-like ornament," she laughs

and adds enthusiastically that though she never dyed her dog's fur, she did it once to her bunny. "We had a bunny a long time ago and once dyed it in rainbow (colors)," she laughs, before saying that the bunny survived.

But Nabokova is not alone in overindulging her pets.

"Once a lady called and asked how much it would cost to dye a whole

hamster pink, but she never showed up," says Viktoriya Zelik, the administrator of Frizzled Life, a pet salon in downtown Kyiv. "People don't do that often, thank God, and we always warn that such procedures can be very traumatic for little animals," Zelik says. The price for a pink hamster - \$12.50.

But dogs and cats bring in the most money for salons, not hamsters. "Mostly our clients are owners of little dogs: Yorkshire Terriers, Bichon Frise etc., though some big ones like the Russian Black Terrier, Kerry Blue Terrier and Chow-Chow also need lots of care," Zelik explains.

Grooming a small dog at Frizzled Life costs \$35 and includes general hygiene, plus \$12.50 for ornaments and \$7.50 for a manicure. Prices vary by salon, size of dog, complexity of procedure and a groomer's experience.

The list of services also can extend to hair and skin masks, moisturizing balms, massages, fur and skin vitamin treatment known as relax pill, and even ozone baths - the most expensive service at Rico pet beauty salon, according to its administrator Iryna Ostapchuk. A 40-minute bath costs \$57 for a Yorkshire Terrier and \$85.50 for bigger dog like an Alabai.

"Though this price doesn't include the relax pill, which is \$24 more," Ostapchuk says.

While pets are often less enthusiastic about the treatments than their owners, most get used to them.

"Some dogs even enjoy the baths and masks," Zelik from Frizzled Life says. "Cats are the biggest troublemakers - they cry, scratch and bite the



Yorkshire Terrier Monica with her owner Katia Harkushka, who launched her own boutique for pets, VIP & DOG, after she bought Monica's older sister, Chanel, four years ago. (Kostyantyn Chernichkin)

groomers. They are too independent and take what their owners do to them for granted," Zelik explains.

There are also problems with little dogs, which are more nervous and less trained, Zelik adds. "Many people treat their little friends as brand accessories and mostly care about how they look. Not about how they behave," she explained.

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Frizzled Life
28a Artema St.
486-2517
frizzledlife.kiev.ua

Rico spa-salon boutique for pets
4v Staronavodnytska St.
221-4077
096 545-8410
rico.kiev.ua

Tips for traveling with a pet

BY ANASTASIA FORINA
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Traveling with a pet isn't always easy. Both Ukrainian and international law have plenty to say about traveling with pets and the procedures to be followed. Here's a list of tips to keep in mind when taking your furry friends with you on a trip.

In Ukraine

By rail: Small pets (except dogs) weighing less than eight kilos (16 pounds) can be carried in a special compartment in the passenger cabin. A special ticket should be bought at the railway cash desk (Hr 10-15, depending on the train class). Dog owners should buy out a sleeper cabin for overnight trains. In intercity trains, big dogs can travel in the vestibule under the care of the owner while small ones (less than eight kilos) are allowed to stay under the owner's seat.

This rule, however, doesn't apply to guide dogs accompanying deaf or blind people and service dogs carried by cynologists. These dogs can travel in any type of train but should be muzzled and tied to the owner's seat. A veterinary certificate (issued by a state animal clinic) and passport (with



In inter-city trains, small dogs weighing less than eight kilos are allowed to travel with the owner in the passenger cabin. However, they should stay under the owner's seat. (Bjoern Steinz/www.oka2.com)

a record of treatments) is required in all the above mentioned cases.

By air: The same rules apply for pet owners who fly. Places for pets should be booked in advance, as airlines have limitations for the amount of pets allowed to stay in the passenger cab, usually up to four. Expect to be charged for excess baggage. Depending on the airline, pets weigh-

ing more than 5-8 kilos are stowed in the luggage area. It's always better to check an airline's website, which usually has a special paragraph on flying with animals in the section about luggage. A veterinary certificate is required and has to be sealed by the veterinary service of the airport. *Note: Low-cost airlines like Wizz Air typically do not allow animals on board, except*

in the case of guide dogs traveling with disabled passengers.

When traveling abroad

An international veterinary certificate (issued by a state animal clinic) and travel permit (issued by any specialized animal association) are required. Both should be sealed by the veterinary service of the airport.

European Union states require valid anti-rabies vaccination. When entering Finland, Ireland, Malta and the United Kingdom, dogs should be treated for the tapeworm Echinococcus as well. The treatment should be administered by a veterinarian within a period of no more than 120 hours and no less than 24 hours before the time of scheduled entry (not the departure from Ukraine!).

For more info about entering the EU with a pet go to http://ec.europa.eu/food/animal/liveanimals/pets/nocomm_third_en.htm

Before planning a trip to other countries check their embassy websites. They usually have information on pet movement in the section about travel information.

Fun facts: According to a Bloomberg report, German airline giant Lufthansa typically carries about 14,000 cats and

dogs annually. In 2011 it carried 110 million creatures (though worms and tropical fish made up the lion's share), that is four million more than the number of human passengers. Animal airlift accounts for 1-2 percent of Lufthansa total cargo revenue.

Hotels for pets

For those can't take their pet on a trip and can't find someone to take care of it, there are hotels in Kyiv which accommodate pets including parrots, hamsters and other small creatures. The average price is Hr 50-100 for a dog (depending on its size) per day and Hr 40 for a cat, which usually includes maintenance (the pets are kept in spacious houses), three walks a day and medical examinations. Feeding will cost the owner extra, but bringing your own food is usually an option. Moreover, some hotels provide extra perks for a fee like swimming in a pool and physical training.

Here are some links:
<http://vetdrug.com.ua>
<http://dog-family.com.ua>
<http://csvm.com.ua>

Kyiv Post staff writer Anastasia Forina can be reached at forina@kyivpost.com

City Life: It's not nice to violate copyright laws of world's musicians

→ **17** agement company, House of Music Authors. Maria Borodina, a lawyer for House of Music Authors, said her company also has contracts with international copyright agencies that represent artists like Madonna. She says she was "shocked" by what she considers to be a biased court decision.

"It looked like it was just copied from the (state agency's) plea and nobody considered the point of the defendant," Borodina said. House of Music Authors and Melnitsa International appealed the ruling on Jan. 28.

Borodina said the court ruling is not the only piece of the puzzle related to the government-owned copyright agency. She said the agency forwarded Hr 15,000 (\$1,875) in royalties to rock band Scorpions for their concert in 2010. According to Borodina, Britney Spears got even

less, Hr 11,000 (\$1,375). Both performed in Palats Sportu, which seats close to 10,000 people.

"How is this possible, when Palats Sportu was packed and the average price for the ticket was Hr 1,000 (\$125)? They should have paid Hr 300,000 (\$37,500) at least," Borodina says. Rogozhin would not comment on these cases, saying they took place a long time ago.

Oksana Yefimchuk, a lawyer at Jurimex, who specializes on copyright issues, says that most copyright agencies in Ukraine, especially government ones, have bad reputations. "The money they collect often doesn't reach copyright holders and is hanging on their banking accounts," she says.

Kyiv Post staff writer Anastasia Forina can be reached at forina@kyivpost.com



US pop diva Madonna performs on stage during her "MDNA" world tour at the Olympic Stadium in Kyiv on Aug. 4, 2012 (Ukrinform).



Sri Lanka offers travelers lots of Indian Ocean beaches. (Oksana Faryna)

World Traveler: Island paradise

→ **17** because there's such a wide range of sites: tea plantations in the mountain region of Nuwara Eliya, rubber tree plantations, spice gardens, elephant farms, the Royal Botanical Garden and the Siharaja Rainforest Reserve, to name but a few.

The island also has some amazing ancient cities: Anuradhapura, the ancient capital in the north; the medieval capital Polonnaruwa in the eastern part of the island; the central mountainous city of Kandy, the cultural capital and home to the Temple of a Tooth Relic, where a tooth of Buddha is believed to be kept. In between all these cities is Sigiriya, a rock fortress with ruins of a palace and monastery.

However, rushing through all the attractions will spoil the karma, so slow down and try to go beyond the beaten tourist path.

The best tea in Sri Lanka, for example, can be tried not in tourist guest houses but in unremarkable local eateries. It will be a strong black tea served with a large amount of milk and

sugar and will cost a few cents.

Street food such as hoppers, rice flour pancakes cooked at not perfectly clean stalls and wrapped in a piece of newspaper, may look suspicious from a sanitary point of view. But they are extremely fresh and tasty.

For those in the mood for a noisy and bustling local market, ripe mango fruit provides an answer. Every vendor will gladly peel and cut it upon request.

Visiting one of the numerous Buddhist temples is enchanting, especially when the full moon is out. According to local belief, Buddha was born, reached enlightenment and died during the full moon. So on this night people dress in white cloth, bring flowers, most often lotuses, and go to a ceremony to celebrate Poya Day.

Statues of Buddha, small and large, cover the island, reminding that Sri Lanka has a long and revered Buddhist tradition even as Hinduism dominates in Sri Lanka's giant neighbor of India.

Sri Lanka has around 30,000

Buddhist monks, easily noticeable by their bright orange or red cloths. According to Theravada tradition, observed in Sri Lanka, only monks can reach enlightenment

Whether or not this is the case, however, enlightenment is something easily experienced after traveling to Sri Lanka. There's so much spectacular scenery all around that lots of keepsake photos can be had and most of them are away from the beaches.

Kyiv Post staff writer Oksana Faryna can be reached at faryna@kyivpost.com.

Sri Lanka prices

- Air tickets Kyiv-Colombo-Kyiv (though Dubai, FlyDubai airline) – \$750
- Minivan transfer from Colombo airport to Kandy – \$70 (100 km, 2 hours)
- Express highway bus Colombo – Galle – \$4 (120 km, 2 hours)
- Mid-range hotel, double room – \$20 per day per person
- Fresh juice – \$1 to \$3
- Hopper (rice flour pancake) – \$0.20
- Rice and curry – \$3-\$5

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Tangalle is typical city in Sri Lanka with streets full of people, buses, rickshaws, motorbikes and plastered with advertising posters. The billboard in the center depicts Sri Lanka's President Mahinda Rajapaksa, who ended the civil war in the country in 2009 and made the island more attractive for tourists. (Oksana Faryna)



(From L) Ukrainian Energy Minister Eduard Stavitsky, Ukrainian President Viktor Yanukovich, Dutch Prime Minister Mark Rutte and Shell CEO Peter Voser shake hands as Ukraine and the global oil giant Royal Dutch Shell signed on Jan. 24 in Davos a \$10 billion shale gas production sharing agreement aimed at helping the ex-Soviet nation ease its dependence on Russia. (UNIAN)



Victor Pinchuk, speaks during the 6th Davos Philanthropic Roundtable "RevolutiOnline.edu - Online Education Changing the World." (Viktor Pinchuk Foundation)

Davos fun

→ Unlike a year ago, President Viktor Yanukovich did not invite investors at the World Economic Forum to come to Ukraine in the spring, when women start to undress. Nevertheless, Ukraine-related events in Davos on Jan. 24-25 gave plenty of fodder to the international press. Dutch Prime Minister Mark Rutte and Yanukovich presided over the signing of a ground-breaking agreement on shale gas extraction between Ukraine and Royal Dutch Shell. Ukrainian billionaire Viktor Pinchuk hosted a philanthropic roundtable centered on online education and its consequences. The event was attended by an impressive array of heavyweights in the field, including billionaire Bill Gates. Pinchuk's traditional Ukrainian lunch had the East or West theme once again and gathered politicians of all stripes from Ukraine, as well as attendees from Russia and Kazakhstan.



Victor Pinchuk (L), Elena Pinchuk, Leonid Kuchma and German Gref (Victor Pinchuk Foundation)



Aleksander Kwasniewski (L), Petro Poroshenko and Arseniy Yatsenyuk (Victor Pinchuk Foundation)



Javier Solana and Vitali Klitschko (Victor Pinchuk Foundation)



Participants of the 9th Davos Ukrainian lunch (Victor Pinchuk Foundation)

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United States Agency for International Development, Regional Mission for Ukraine, Belarus and Moldova (USAID)

REGIONAL ACQUISITION & ASSISTANCE SPECIALIST

Announcement # 02-2013, USAID/Ukraine

BASIC FUNCTION OF POSITION:

The Regional Acquisition & Assistance Specialist independently performs a variety of acquisition and assistance (A&A) duties including procurement planning, negotiating, drafting correspondence, communicating with implementing partners, writing assistance and acquisition awards, preparing modifications, and terminations for assigned technical programs in the USAID Missions serviced by USAID/UBM/RCO.

REQUIRED QUALIFICATIONS:

- **Education:** Demonstrated possession of an advanced degree (i.e. MBA, MA, JD) in a relevant field such as Business Administration, Law, Finance, Marketing, Commerce, International Trade, Industrial Management, or Project Management is required.
- **Prior Work Experience:** Five to seven years of progressively responsible experience in acquisition, grants administration or closely related fields. At least one year of A&A experience within the US Government is required for eligibility for the full performance level (not required for the trainee levels).
- **Language Proficiency:** Level IV English, writing, reading comprehension and speaking ability is required. Incumbent must also have native fluency in Ukrainian and Russian.

SKILLS AND ABILITIES:

- Demonstrated ability to plan and administer large acquisition activities, and provide adequate acquisition assistance and support for the agency's programs and projects in a timely manner;
- Ability to analyze and apply governing contracting regulations, procedures and policies to individual acquisition and assistance programs.
- Excellent interpersonal, oral/written communication skills; ability to communicate effectively, tactfully and professionally with high level representatives of the governmental, private-sector and civil society communities, colleagues in USAID and the US Department of State, international organizations and other donors;
- Ability to negotiate and persuade in contract discussions with potential suppliers and recipients;
- Excellent writing skills in English;
- Knowledge of Word, Excel and PowerPoint software, and other information management skills;
- Project management and reporting skills.

The full version of this Announcement is accessible at: http://ukraine.usaid.gov/sites/default/files/aa_specialist_2013.pdf

CLOSING DATE FOR APPLICATIONS:

February 18, 2013 at 6:00 PM Kyiv time, send your application by e-mail attachment only to kyivvacancies@usaid.gov

Senior Technical Advisor, MIS
MSH seeks a Senior Technical Advisor for MIS with its Center for Pharmaceutical Management Program SIAPS (Systems for Improved Access to Pharmaceuticals and Services) in Kyiv, Ukraine.



Qualifications:

- Degree in Computer Science, MIS or closely related field or equivalent work experience required.
- At least seven (7) years' progressively responsible experience in an independent MIS position with advanced MIS operations management and/or computational responsibilities.
- At least ten (10) years' experience in developing training materials and the delivery of training sessions.
- At least seven (7) years' of managing/supervising development and implementation of systems.
- At least seven (7) years of experience in overseeing the entire product development lifecycle.
- At least three (3) years' experience in working with web-based solutions and web based tools.
- At least three (3) years' experience in working with database systems like Oracle, SQL, MySQL.
- At least five (5) years of experience managing project across multiple stakeholders.
- Fluency in spoken and written English and Ukrainian.

Interested applicants should submit applications at <https://jobs-msh.icims.com/jobs/6296> no later than February 28, 2013.

You may also email CV and cover letter in English to jcockerham@msh.org. Only shortlisted applicants will be contacted.

Project Director

MSH seeks a Project Director with its Center for Pharmaceutical Management Program SIAPS (Systems for Improved Access to Pharmaceuticals and Services) in Kyiv, Ukraine.

Qualifications:

- Advanced degree in a health-related field required; physician or pharmacist qualification preferred.
- Ten plus (10+) years of progressively responsible experience in senior level position(s) in international public health is required.
- Experience with public health programs supported by bilateral agencies, such as USAID, and international agencies, such as WHO and World Bank, preferred.
- Demonstrated ability to build and maintain relationships with senior-level colleagues, particularly interacting productively, proactively, and comfortably with government agencies, NGOs, USAID.
- Excellent writing and presentation skills in English and Ukrainian and/or Russian are required.

Interested applicants should submit applications at <https://jobs-msh.icims.com/jobs/5434> no later than February 28, 2013. You may also email cv and cover letter in English to blim@msh.org. Only shortlisted applicants will be contacted.

Senior Technical Advisor — Supply Chain Management

MSH seeks a Senior Technical Advisor for Supply Chain Management with its Center for Pharmaceutical Management Program SIAPS (Systems for Improved Access to Pharmaceuticals and Services) in Kyiv, Ukraine.

Qualifications:

- Advanced degree in supply chain management, pharmacy, medicine, logistics, business management or related field with background in public health.
- At least seven (7) years progressively responsible experience in supply chain management/logistics at the policy level with advanced knowledge of logistics techniques and applications including quantification tools.
- Knowledge of international commodity procurement systems and procedures.
- Strong project management and communication skills required.
- Previous Excellent written and oral communications skills.
- Fluency in spoken and written English and Ukrainian; knowledge of Russian is helpful.
- Excellent interpersonal skills and demonstrated ability to interact professionally with culturally and linguistically diverse staff, clients and consultants, sound judgment and communication skills.
- Demonstrated computer skills in Microsoft Office Suite applications.
- Experience working with USAID-funded programs highly desirable. Willingness and ability to travel within Ukraine as needed.

Interested applicants should submit applications at <https://jobs-msh.icims.com/jobs/5474> no later than February 28, 2013. You may also email CV and cover letter in English to jcockerham@msh.org. Only shortlisted applicants will be contacted.



British Embassy Kyiv

BRITISH EMBASSY, KYIV: HEAD OF CORPORATE SERVICES

ARE YOU an experienced manager, an innovative, self-starter? Do you thrive on challenge, have the drive and resilience to see a job through, and set and observe high standards of customer service?

IF SO, THE BRITISH EMBASSY are looking for a **Head of Corporate Services** to join our busy and dynamic Corporate Services Team at a time of rapid change. The successful candidate will be responsible for ensuring the team deliver effective management, finance, procurement, human resources and estate services to the whole Embassy.

Please visit our website [<http://ukrainian.fco.gov.uk/en/about-us/our-embassy-in-ukraine/working-for-us/>] to read the full job specification, skills and qualifications required and information on how to apply if you think your skills and experience fit our needs.

The British Embassy offers a competitive remuneration package, including salary, benefits, a leave entitlement and training package.

The successful candidate will be subject to confirmation of a background and security clearance. You must have pre-existing work authorisation for Ukraine in order to apply. Please note that this position was previously advertised with certain nationality restrictions. These restrictions have been removed and applicants of any nationality may now apply.

The British Embassy is an equal opportunities employer and does not discriminate on grounds of ethnic origin, race, religious beliefs, age, disability, gender or sexual orientation.

Further details of duties and responsibilities, as well as the application form, are available from <http://ukrainian.fco.gov.uk/en/about-us/our-embassy-in-ukraine/working-for-us/>. This should be completed in English and submitted to vacancy.kyiv@fco.gov.uk. The deadline for applications is **Thursday 21 February 2013**.

Public Private Partnership Development Program (P3DP)

is seeking an **EXPERIENCED CONSULTANCY**

for a short-term assignment to conduct research and develop draft of the feasibility study for the healthcare PPP Pilot Project.

Interested candidates should send inquiries for a Request for Application to p3dp@fhi360.org.

Due date of Applications: February 7, 2013 by 17.00 Kyiv time.



COMMUNICATIONS AND ADVOCACY SPECIALIST

Looking for a job in the United Nations? Have a passion to work with people and making a difference in their lives? Have a strong background in communication and advocacy? Then join the team of the United Nations Population Fund in Ukraine — world leader in reproductive health, population and development issues.

Communications and Advocacy Specialist will be responsible for the design, management and implementation of the UNFPA Country Office's communications strategy and publications policy with the objective of increasing the visibility of the organization in the country, as well as awareness of UNFPA mandate and programmes among its partners, the media and the general public.

We are looking for someone who:

- Shares our Corporate values and guiding principles;
- Holds Master's degree in communications, public relations or journalism;
- Has minimum of 5 years of practical experience in mass media
- Has excellent interpersonal and communications skills and ability to work under tight deadlines

For detailed job descriptions and application, please visit <http://undp.org.ua/en/vacancies>
DEADLINE FOR APPLICATIONS IS 8 FEBRUARY

КОНКУРС НА ЗАМІЩЕННЯ ВАКАНТНОЇ ПОСАДИ



Компанія «Кімонікс Інтернешнл Ін.» , яка впроваджує в Україні Проект «Агроінвест» оголошує конкурс на заміщення вакантної посади

СПЕЦІАЛІСТА З КОНТРОЛЮ ЗА ВИКОНАННЯМ ВИМОГ ЗАКОНОДАВСТВА З ОХОРОНИ ДОВКІЛЛЯ

Мета

Спеціаліст з контролю за виконанням вимог законодавства з охорони довкілля надасть підтримку впровадженій АМР США (USAID) системи аналізу впливу на навколишнє середовище, спрямованої на запобігання шкідливому впливу на довкілля діяльності, що фінансується за кошти АМР США. Зокрема, спеціаліст з контролю за виконанням вимог законодавства з охорони довкілля:

- виконує аналіз впливу на довкілля запропонованих проєктів та розробляє плани мінімізації впливу на довкілля на основі стандартів і вимог, встановлених АМР США та законодавством України;
- у співпраці з технічними та грантовими спеціалістами Проєкту готує і забезпечує виконання відповідної документації з контролю за впливом на довкілля для кожного виду діяльності, що пропонується/планується (за необхідності);
- аналізує звіти організацій — партнерів Проєкту для забезпечення їх відповідності вимогам, встановленим планами пом'якшення впливу на довкілля цих організацій.

Кваліфікаційні вимоги

- Вища освіта у сфері охорони довкілля, управління природними ресурсами, біології або іншій спорідненій сфері
- Добра обізнаність з встановленими АМР США правилами щодо охорони довкілля — бажано
- Досвід проведення моніторингу за виконанням вимог з охорони довкілля
- Досконале володіння англійською мовою (письмово та усно) — бажано
- Бажання та готовність працювати у від'їждженні по всій території України

Заяви на участь у конкурсі з описом досвіду роботи і кваліфікації кандидатів приймаються електронною поштою за адресою vacancy@agroinvest.org.ua до 10 лютого 2013 року. У полі "тема" вкажіть «Environmental Specialist». Роз'яснення телефоном не надаються. Попередньо відібрані кандидати будуть запрошені на співбесіду.

Resume

MINI RESUME

Ukraine and foreign educated (Ukrainian LL.B., American MBA, Juris Doctor), 5+ years experience in US law firms, fluent English, Russian, Ukrainian, synchronous translation. Lawyer according to Ukrainian law. Seeking suitable position in law, business, media, other consulting and analytical. maksfeof1@gmail.com

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- represent the company to financial partners, investors, auditors, public officials

Requirements:

- University education
- Minimum 8 years relevant work experience at senior management level
- Deep knowledge of local and IFRS accounting principles and IT systems
- Experience in a similar function in the agricultural sector
- Fluent written and oral English
- Good communication and management skills
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Notice of Appointment of a Liquidator under Section 204 of the BVI Business Companies Act.
DSP GROUP LIMITED
(In Voluntary Liquidation)
Company No. 1625097
NOTICE is hereby given pursuant to Section 204, subsection (b) of the BVI Business Companies Act, 2004 that the Company is in voluntary liquidation. The voluntary liquidation commenced on 25th January, 2013. The Liquidator is Tamara Lishchuk of 9a Podvoiskogo Str., Apt. 84, Kiev, 04060 Ukraine. Dated: 1st February, 2013.
(Sgd.) Tamara Lishchuk
Voluntary Liquidator

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