

How money defeats Evil. We tell the story of the classified verdict to Zlochevsky and publish its text

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This \$6 million was once called a "record bribe" by law enforcement officers. Huge packages of money showed to journalists at a press conference. It was a story about the beautiful success, independence and incorruptibility of anti-corruption bodies.

Then, in 2020, NABU and SAP proudly announced: they exposed Mykola Zlochevskyi for trying to get rid of suspicion of corruption for money.

Zlochevskyi is the minister of ecology during the time of Viktor Yanukovich, a fugitive, the owner of one of the largest private gas production companies of Ukraine, Burisma, in which [even Hunter Biden worked](#). In 2019, this connection with the son of the then American presidential candidate became a tool of political struggle in the USA and almost led to the impeachment of Donald Trump.

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Zlochevskyi is a frequent figure in criminal investigations. And the same repeatedly lucky person who always managed to get out of the ocean of criminal cases dry. And he did it again.

In 2023, the record-breaking bribe case officially ended. None of the four involved went to prison. No one's property was confiscated. All were officially given very mild sentences. Intermediaries received conditional terms, and Zlochevsky himself received a fine of 68,000 hryvnias.

At the same time, they transferred the money to the Defense Forces. About 855.5 million hryvnias for all. This is what the prosecutor's office considers its success in the case.

At the same time, Zlochevsky's sentence itself was classified. "Ukrainian Pravda" tried to get the materials of the case for several months and heard from various sources that the documents are carefully hidden.

In the end, the editors managed to get the verdict of the court. We are sure that the secrecy of the judgment was completely groundless and therefore illegal.

The case itself and its results raise a number of other questions, which can be summarized as follows: was real justice done here?

"Ukrainian Pravda" publishes Zlochevsky's verdict for the first time. We also tell why his donation to the Armed Forces may be another "buy-off", how the prosecutor's office allowed the organizer of a record-breaking bribe to be thrown out of the case, and his accomplice was presented as a whistleblower.

UP asked for comments personally to the heads of SAP Oleksandr Klymenko and NABU Semen Krivonos, as well as their press services, sent requests to the Anti-Corruption Court and to the email boxes of Zlochevskyi's lawyers.

Only the Anti-Corruption Prosecutor's Office responded. VAX ignored the request sent more than a week before publication.

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How the record-breaking bribe began and ended

At the beginning of 2019, the General Prosecutor's Office announced that Zlochevsky was suspected of the so-called "[Kurchenko's case](#)" - a voluminous case study of a criminal organization during Yanukovich's time. The Zlochevsky episode concerned the embezzlement of the NBU stabilization loan allocated to Serhiy Kurchenko's Real Bank.

In 2020, the "Kurchenko case" was transferred to the National Anti-Corruption Bureau.

In June 2020, Zlochevsky, through intermediaries, wanted to close the case at NABU and return to Ukraine for a bribe. His accomplices made such a proposal to businessman Yevhen Shevchenko, known for his repeated cooperation with NABU as a whistleblower.



Entrepreneur Yevhen Shevchenko, who is known for his cooperation with NABU and became a whistleblower in the Zlochevskiy case

In this Zlochevskiy case, he also received such an official status and 10%, i.e. 13.3 million hryvnias, of the reward for helping anti-corruption agents.

At the first stage, those involved offered 1 million dollars to turn the case over to the police. Or 2 million for closing. Having received a refusal, the defendants raised

bet up to 5 million dollars. They wanted to hand over the money personally to the head of SAP, Nazar Kholodnytskyi.

During the transfer of funds three mediators were detained. They were: former employee of the fiscal service Olena Mazurova, first deputy head of the Kyiv tax department Mykola Ilyashenko and ex-manager, Burisma lawyer Andriy Kicha. Zlochevsky was charged in absentia. According to official data specified in the verdict, he lives in Cyprus.

Mazurova was the main "liaison" with Zlochevsky, Kicha played the role of a legal consultant, and Ilyashenko provided "access" to the authorities, as he was familiar with the "NABU agent" Shevchenko.

Ilyashenko took another million dollars for his services. That is, the total "cash" was 6 million dollars.

In June 2021, Mazurova entered into an agreement with the investigation. She pleaded guilty, testified, and also, according to the interlocutor of UP, who was involved in the case, helped track down the criminals in another corruption case unrelated to Zlochevskyi. Her awarded conditional term for 2 years.

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This means a probationary period, during which the convict must behave well - otherwise she will serve 5 years. Mazurova's probationary period has already expired, in the summer of 2023 she was to be finally released from responsibility. So far, there is no such decision in the registry.

In March 2023, Kich went to the agreement. He was given a one-year probationary period. Under the terms of the agreement, the lawyer also undertook to pay 100 million hryvnias for "Army of Drones". Kichi's sentence is also classified.

Also, in March 2023, the prosecutor's office changed the indictment against Zlochevsky himself. His article was weakened: from bribery to abuse of influence. We will explain the fateful significance of this seemingly legal detail below.

In July 2023, Zlochevsky signed an agreement with the prosecutor, remotely, in Kyiv he was represented only by a female lawyer. In August, the agreement was approved by the Anti-Corruption Court. Zlochevsky was fined 68,000 hryvnias, which is the maximum under the new article of the indictment.

The former minister also transferred 500 million hryvnias to the Armed Forces. A company controlled by Zlochevsky's relatives helped the Defense Forces by another 160.56 million. Probably not with money, but with equipment. The agreement says she did it "with his personal assistance."

The anti-corruption prosecutor's office responded to the request of the UP that another 5.8 million hryvnias were transferred by the politician's relatives to the Armed Forces after the conclusion of the agreement. The court verdict does not mention this.



Money for closing the case was handed over by Zlochevskiy's henchmen simply in suitcases

In October 2023, Ilyashenko, the last figure in the case, agreed to a deal. Him [appointed](#) 3 years conditional. He has to pay 50 million hryvnias for the "Army of Drones".

6 million dollars in bribes were also confiscated for the Defense Forces. Thus, the total amount of donations reaches almost 855.5 million hryvnias.

Several independent sources of the UP, related to anti-corruption bodies, reported that Zlochevskiy's primary case against "Real Bank" was closed. UNABU and SAP did not confirm or deny this at the request of UP.

Anti-corruption officials only said that the proceedings were combined with another, without specifying any details, the investigation is ongoing. This, however, does not mean that the suspicion against Zlochevsky remains valid. NABU and SAP did not answer a direct question about whether the ex-minister is still a suspect, referring to the secrecy of the investigation.

The verdict of the ex-Minister of Ecology, Mykola Zlochevsky, was unreasonably classified. UP managed to get its text from its own sources

Court for the wealthy?

Isn't a donation to the Armed Forces a redemption from punishment? This is far from the only question related to the Zlochevskyi case, but it is obviously the first one.

The practice of release for donation during the Great War is already gradually taking root in the Anti-Corruption Court. It was used, for example, by deputy Oleksandr Trukhin, who proposed [bribe to the patrolmen](#) by "quietly I will go to the forest" from the scene of a drunken accident, or an accomplice of the head of the Supreme Court in bribery [Oleksandr Goretskyi](#).

"We are faced with the problem of commercialization of justice",- this is how one of the well-known legal scientists formulates this question in a conversation with UP off the record.

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Agreements with the investigation are a kind of balance between the offender's desire to mitigate his punishment and the interests of society, which in return may receive some benefit from the offender. For example, help in exposing other criminals.

There are no clear criteria of public interest in the law. But, as one of the lawyers interviewed by the UP rightly remarked, this is the same as the concept of love, which cannot be defined, but the judge wears the mantle to understand such matters.

In the case of Zlochevskyi, the court defined the public interest as follows:

- . shortening the court process in time, and therefore reducing public costs for it (standard wording);
- . considerable donations to the Defense Forces, which in the conditions of a full-scale war "is directly related to the well-being, stability and security of Ukrainian society."

[Volodymyr Petrakovskiy](#), a senior lecturer at the Faculty of Law of the Kyiv-Mohyla Academy, believes that the public interest is multiple:

"In other words, in criminal proceedings there may be a competition of "public interests". Therefore, the task of the court is not simply to make a choice in favor of a certain one/s, but also to carefully explain this choice."

In Zlochevsky's case, the choice in favor of commercial gain is troubling. After all, the ex-minister has repeatedly "solved" his problems with the law. Especially through money.

At various times, he appeared or could potentially be related to at least 7 criminal proceedings. It was about issuing Burisma with violations of special permits for deposits, illegal enrichment and legalization of criminal funds, appropriation of state property, embezzlement of bank funds, tax evasion. Most of these cases were either closed or did not lead to anything.



The law enforcement officers brought packages with the criminals' money to the press conference and showed them to journalists

In 2016 [high-profile investigation](#) against Burisma, which was conducted by the Prosecutor General's Office of Yury Lutsenko, ended with charges against the accountant. She was convicted of tax evasion. At the same time, the woman allegedly compensated all the hidden 33 million hryvnias - thanks to this money, she was not punished either.

Then the General Prosecutor's Office flaunted the "record" commercial profit from its work, i.e. a fine, as the Anti-Corruption Prosecutor's Office does now.

But financial losses did not stop the powerful and did not force him to faithfully follow the law. Zlochevsky went on a crime spree again. Why should this now cause him to set out on the path of correction?

"Zlochevsky's case is not a case of bribing a high-ranking official. It is a case of trying to avoid justice for previous crimes,- says Petrakovsky.

- That is, in this case, the public interest was to give a clear signal to influential members of society that this society will not tolerate an attack on the idea of justice. However, VAKS chose a different signal - in this society, the idea of justice is directly proportional to the size of your wallet."

Fake instruments of justice

One of the most important principles of justice is the equality of all before the law. But in this case, the prosecutor's office and the court seem to have adjusted several of their tools to suit the accused.

1. Permissive qualification

On March 1, 2022, the Anti-Corruption Prosecutor's Office sent [the case of Zlochevskyi](#) to court. His actions were classified as a bribe organizer. The indictment was then signed by the prosecutor Ihor Semak, known for his principles. Later he went to the front.

Anti-corruption bodies have always distinguished themselves by their attentive and meticulous attitude to evidence.

"Prosecutors never accepted low-quality materials,- recalls one of the former NABU employees on condition of anonymity. - They understood that later they had to defend this evidence in court."

But a year after the case was transferred to the court, on March 3, 2023, the prosecutor's office decided to change the indictment. Now he was given the qualification of "abuse of influence". The new version was already signed by another prosecutor and personally approved by the head of the SAP Oleksandr Klymenko.

"Abuse of influence" is actually the same bribe. Only given to a person who cannot perform the required "service" personally, but can arrange it through his own contacts.

It was the new qualification that allowed Zlochevsky to avoid punishment. After all, the initial qualification as a bribe is a serious crime that involves up to ten years in prison with confiscation of property. Confiscation could also benefit the Armed Forces, although it would take much longer.

And "abuse of influence" is a minor crime that allows the perpetrator to get away with a fine.

The USAP claims that they changed the indictment because they realized in court that they lacked evidence. And they decided to save the case from an acquittal. According to the prosecutor's office, their materials showed that Zlochevskyi did not know to whom exactly the funds would be transferred, did not participate in the negotiations and relied on intermediaries.

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The chronology of events makes us doubt whether the retraining was not part of the agreements with Zlochevskyi.

After all, in less than a month, on March 30, 2023, the former magnate made his first transfer to the Defense Forces. The second happened on May 10. These two transactions, let's recall, became a ticket to the "public interest".

The prosecutor's office assures that the agreement with the investigation was offered to them by Zlochevsky's defense, and its terms were agreed upon "during the last few months."



The then heads of NABU Artem Sytnyk and SAP Nazar Kholodnytskyi were no longer working in their positions at the time of the lenient sentence to Zlochevskyi

The agreement was signed on July 17, 2023. Therefore, the negotiations regarding it lasted somewhere from April to May. That is, they started very soon after the decisive retraining.

In a comment sent by the SAP to "Ukrainian Pravda", the connection between the change in qualifications and the donations is denied. They say there were no transfers to the Armed Forces

a basis for concluding agreements, but is only "an additional advantage for Ukrainian society".

2. Holes in the official plot of the crime

The final version of the prosecutor's office looks like this. Mazurova, a former employee of the fiscal service, told Zlochevsky that she has acquaintances who can close the NABUSHNA case. She did not say who exactly could perform the service, but she asked for \$6 million.

Zlochevsky agreed and entrusted the entire organization to Mazurova and his lawyer Kichi. Then Ilyashenko was involved in the process, and he found Shevchenko's "agent". At the same time, the ex-minister himself allegedly did not know about Ilyashenko's existence, and his "liaison" Mazurova "went beyond the limits of the agreements with Zlochevskyi" when she chose Ilyashenko as an assistant.

Allegedly, Zlochevskyi did not know that his 6 million dollars would be transferred personally to the head of SAP Nazar Kholodnytskyi. And he believed that these funds would go to some minor intermediary.

In order to strengthen this version, the prosecutor's office slightly changed the indictment against taxman Ilyashenko as well. He was charged with fraud for \$1 million. The same million that Ilyashenko took for his services. According to the final version, the taxman "cheated" Zlochevskyi on this million, independently got it from the general treasury.

Firstly, the plot of the crime sounds illogical. The prosecutor's office and the court easily convinced themselves that the magnate simply gave away \$6 million, not caring about the fate of the money.

Intermediaries that [discussed](#) even the possibility of handing over part of the bribe to the Prosecutor General, put forward such ideas at their own discretion. Despite the fact that, judging by [investigation materials](#), Mazurova corresponded with Zlochevsky during the organizational stages.

But in the final version of the prosecutor's office, it is said that she almost came to the ex-minister with a ready-made idea and its price.

Secondly, such a plot of the crime is illogical from the point of view of law.

"If the crime is committed in complicity, then it must be qualified for all accomplices",- advises UP senior researcher of the National Academy of Sciences Mykola Siriy, candidate of legal sciences.

All three mediators were convicted by the Anti-Corruption Court for bribery. But at the same time, the organizer disappeared from the structure of the crime - after all, no one is accused of such a status.

In addition, the verdict against Zlochevsky states that there are no aggravating circumstances. Although, probably, this should have been the commission of a crime by a group of persons in a conspiracy.

3. Absurd agreements and possible lies to the court

The conditional release of those guilty of corruption is a debatable story among lawyers. The law prohibits the release of corrupt officials in one paragraph, and contains a loophole in another. VAKS interprets it in such a way that in the case of a conditional agreement, everything is possible.

"A plea agreement is a compromise that should be reached when excessive complications arise in the process of criminal proceedings. Law enforcement agencies take a step towards the accused on the condition that there is an opportunity to reveal the main "knot" of the crime, to prove the guilt of the organizer or executor",- says Mykola the Gray.

And here the question arises: why did the state agree to release all three mediators, if it not only did not strengthen the evidence against the main figure, the organizer, but also ultimately weakened the position of the prosecutor's office?

Under such conditions, there is a great doubt that the society really had no interest in letting the mediators go.

The anti-corruption prosecutor's office replied that agreements with intermediaries allegedly strengthened the position of the prosecution against the organizer. In particular, they say, "they encouraged the latter to admit guilt and enter into a plea agreement."

The agreement with the last accomplice, Mykola Ilyashenko, generally looks absurd. He was credited with exposing criminals in another case as cooperation with the investigation. Only this other matter is about him [bad bribe](#) VAKS judges



The bribe handed over by Zlochevsky was a record in the history of anti-corruption bodies for a long time

A year after Zlochevsky's record-breaking bribe, several fraudulent lawyers offered Ilyashenko \$1.3 million to settle the case against him with the servants of Themis. They seemed to have no real influence on the judges. Ilyashenko at first got drunk, started selling property and borrowing money. When he realized that he had been cheated out of a large amount, he decided to turn to NABU.

So the unsuccessful recidivist bribe-giver turned into a whistle-blower. The most impressive thing is that in the end, Ilyashenko got exactly what he was going to give a bribe for - an agreement with the investigation.

And the judges, whom he wanted to bribe, put their signatures under the words: "recognizes guilt unconditionally", "wants to correct the situation".

Only one of the three judges disagreed with this indulgence to Ilyashenko. It did not affect the decision, but he published his separate opinion. The names of the judges in the register are hidden. According to UP, the dissenter is Ihor Strogiiy.

In a separate opinion, he says that during the meeting, Ilyashenko claimed that the fraudsters demanded a bribe from him with threats. However, during other meetings and from the register, Judge Strogiiy learned that the taxman became a "victim" only because he was deceived. He did not report the "extortion" immediately.

According to the judge, this may indicate a repeat crime and cannot be grounds for Ilyashenko's release. Strictly writes that he considers this agreement to be not in the interest of society.

Such confessions also make us question how honest the prosecutor's office was before the court, presenting Ilyashenko as a "whistleblower".

"The court was informed of all the information required by law, necessary for making a legal and well-founded decision,"- answered this question in the Anti-Corruption Prosecutor's Office.

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Unjustified secrecy

"Justice is administered on behalf of the people, and therefore should not be hidden from society,- Mykola Gray is convinced. -Closed proceedings in the case can only be fragmentary and only in the presence of constitutionally and legally established grounds."

UP is sure: Zlochevskyi's sentence was hidden from the public register for no reason.

The official reason is that the meeting at which the agreement was discussed with the investigation took place behind closed doors. As explained in SAP, the initiator of the closure was the defense. There were two reasons for this: the court disclosed information about the equipment bought for the army, as well as medical information about one of the defendant's relatives.

It sounds logical. And it can really be a justification for not allowing extra listeners into the courtroom.

However, firstly, the closed mode can be only partial, at the time of announcement of non-public information, it is not necessary to hide the entire proceedings.

And secondly, closed proceedings do not mean automatic secrecy of the verdict. There must be separate grounds for this.

In the verdict, it is possible to partially classify information - precisely that which should not be public and for the protection of which the court went into closed mode.

The text of the verdict, which was obtained by the UP, shows that it contains neither information about weapons for the army, nor medical secrets. There was simply nothing to hide in the document. It should have been published in the register.

Anti-corruption court [refused to explain](#), why this was not done. The prosecutor's office claims that the classification was not agreed with it, and did not answer the question whether it considers this decision to be legal.

"If the basic principles are violated, then justice has not been served. We must firmly remember that the openness of the judiciary is a basic principle according to the Constitution, the Convention on the Protection of Human Rights and Fundamental Freedoms and in accordance with generally recognized standards in the field of justice." - states Mykola Siriy.

So, was justice done in Zlochevskyi's case?

At least one of the basic principles of justice was violated. Several important instruments, which state bodies interpreted at their own discretion, have been distorted. And an important problem is formulated: is it possible to destroy others on the way to some values?

Martial law makes a lot of changes in the state, restricts rights, and strengthens obligations. But he does not turn the institution of the court into a military instrument, does not put it under the control of another branch of government, does not transfer judicial tasks to the discretion of the military or the president.

Because the importance of the court in a democratic European state, which Ukraine is fighting for the right to be, cannot be overestimated. As well as what role justice and the fight against corruption play in the demands of foreign partners to official Kyiv.

855.5 million for the army is obviously a spectacular and useful step. No one doubts the importance of these funds to the Defense Forces.

But the court is not a commercial enterprise. Its effectiveness is not measured in money earned. And in equality before the law, the inevitability of punishment, justice. All this builds the state in the long term. And it is not bought by any millions.

Sonia Lukashova, UP