



## Ukraine's Other War: The Rule of Law and Siloviky After the Euromaidan Revolution

Taras Kuzio

**To cite this article:** Taras Kuzio (2016) Ukraine's Other War: The Rule of Law and Siloviky After the Euromaidan Revolution, *The Journal of Slavic Military Studies*, 29:4, 681-706, DOI: [10.1080/13518046.2016.1232556](https://doi.org/10.1080/13518046.2016.1232556)

**To link to this article:** <http://dx.doi.org/10.1080/13518046.2016.1232556>



Published online: 14 Oct 2016.



Submit your article to this journal [↗](#)



Article views: 44



View related articles [↗](#)



View Crossmark data [↗](#)

# Ukraine's Other War: The Rule of Law and Siloviky After the Euromaidan Revolution

Taras Kuzio

University of Alberta

## ABSTRACT

Ukraine underwent a second democratic revolution in 2013–2014, which led to the overthrow of President Viktor Yanukovich. The article analyzes the sources of the failure since the Euromaidan Revolution of Dignity to reform the rule of law, reduce high-level corruption, and apply justice to Yanukovich and his entourage for massive corruption that bankrupted Ukraine, murder of protestors, and treason.

## Introduction

What the fuck are you doing?

Getting ready, right.

You are meeting with politicians, not with gangsters!

Aren't they the same thing, boss? (Drug trafficker Pablo Escobar talking to his henchmen<sup>1</sup>)

The origins of Ukraine's Revolution of Dignity, or what is more commonly known as the Euromaidan revolution,<sup>2</sup> and how it culminated in repression, violence, and murder are well known.<sup>3</sup> Pre-term elections, rather than removing President Viktor Yanukovich, were the goal of the revolution; his fleeing from Kyiv was unexpected. The outcome could have turned out differently if Yanukovich had, on the one hand, compromised and fired odious ministers, or on the other, implemented Russian advice to smash the protesters, which would have led to thousands of casualties. The Party of Regions, similar to other eastern Ukrainian political forces and presidents,

---

**CONTACT** Taras Kuzio  [tkuzio@ualberta.ca](mailto:tkuzio@ualberta.ca)  University of Alberta, Canadian Institute of Ukrainian Studies, Contemporary Ukraine Studies Program, Edmonton, Alberta T6G 2H8, Canada.

<sup>1</sup>Narcos, Netflix, 2015, <https://www.netflix.com/gb/title/80025172?p=os>.

<sup>2</sup>On the Euromaidan revolution, see A. Wilson, *Ukraine Crisis: What It Means for the West*, Yale University Press, New Haven, CT, 2015; D. Marples and F. V. Mills (eds.), *Ukraine's Euromaidan. Analyses of a Civil Revolution*, Ibidem Verlag, Stuttgart, 2015; S. Kudelia, 'The House That Yanukovich Built,' *Journal of Democracy*, 25(3) (2014), pp. 19–34; O. Onuch, 'Who Were the Protesters?' *Journal of Democracy*, 25(3) (2014), pp. 44–51; O. Onuch, 'EuroMaidan Protests in Ukraine: Social Media Versus Social Networks', *Problems of Post-Communism*, 62(4) (2015), pp. 217–235; M. Popova, 'Why the Orange Revolution Was Short and Peaceful and Euromaidan Long and Violent', *Problems of Post-Communism*, 61(6) (2015), pp. 64–70.

<sup>3</sup>O. Matviychuk and O. Pavlichenko (eds.), *The Price of Freedom: Public Report by Human Rights Organisations on Crimes Against Humanity Committed During Euromaidan (November 2013–February 2014)*, International Renaissance Foundation, Kyiv, 2015, pp. 69–81, [https://issuu.com/irf\\_ua/docs/hr-2015-Zengl](https://issuu.com/irf_ua/docs/hr-2015-Zengl).

was never popular in the capital city of Kyiv, which voted for the same parties and presidential candidates as western Ukraine.<sup>4</sup>

If Yanukovych had gone ahead and signed the EU Association Agreement in Vilnius in November 2013, he would have remained in power but his re-election conundrum would have only been postponed by a year. If the Association Agreement had been signed, there would have been no Euromaidan protests, and Ukraine would have held presidential elections in January 2015. Yanukovych would have been even more determined to win these than in 2004, when he sought to rig his way to power, as he never entertained the idea of giving up political power after one term in office. To remain in power beyond 2015 would have required him to employ greater levels of election fraud and use larger numbers of thuggish vigilantes than in the 2004 elections that provoked the Orange Revolution. His popularity in 2004 was high in Russian-speaking eastern and southern Ukraine, as he had been a popular Donetsk governor, his criminal past was less known, he was unknown on the national stage, and Ukraine was experiencing 12 percent growth. In 2015, economic growth would have been sluggish or in recession, and Yanukovych would have low popularity in the 20s that would have made it difficult to boost in order to win the second round of the elections with a result in the high 40s or low 50s. With Yanukovych insistent on serving a second term, his re-election would have inevitably provoked popular protests similar to those that took place a year earlier.

In other words, the Euromaidan revolution would have inevitably happened, but a year later. Therefore, to argue that Russia's annexation of the Crimea and hybrid war in the Donbas was caused by the Euromaidan 'putsch' is misplaced, as Russia would have acted in the same manner in spring 2015 in response to the re-election of Yanukovych that would have, for a second time, been derailed by public protests. Both Russian President Vladimir Putin and Yanukovych view public protests against electoral fraud as Western-backed conspiracies.<sup>5</sup>

This article focuses on the post-Euromaidan era under President Petro Poroshenko and Prime Minister Arsen Yatsenyuk, during which very little has been undertaken to bring the perpetrators of massive high-level corruption, repression, murder, and treason to justice in Ukraine and through Interpol, the international police agency that tracks criminals worldwide. Deputy Prosecutor Vitaliy Kasko, who resigned in February 2016, complained that:<sup>6</sup>

<sup>4</sup>S. Kudelia and T. Kuzio, 'Nothing Personal: Explaining the Rise and Decline of Political Machines in Ukraine,' *Post-Soviet Affairs*, 31(3) (2015), pp. 250–278; T. Kuzio, 'The Rise and Fall of the Party of Regions Political Machine,' *Problems of Post-Communism*, 62(3) (2015), pp. 174–186.

<sup>5</sup>T. Kuzio, 'Soviet Conspiracy Theories and Political Culture in Ukraine. Understanding Viktor Yanukovych and the Party of Regions,' *Communist and Post-Communist Studies*, 44(3) (2011), pp. 221–232.

<sup>6</sup>Interview with Vitaliy Kasko on ZIK TV, 2 February 2016, [https://www.youtube.com/channel/UCUOsDBuiB\\_1zkRxc33TgSg](https://www.youtube.com/channel/UCUOsDBuiB_1zkRxc33TgSg).

- (1) No cases of stolen funds by former Yanukoych officials were sent to courts two years after the Euromaidan due to corruption and incompetence of prosecutors. Stolen assets will not be returned unless Ukrainian courts rule that they were illicitly acquired.
- (2) The FBI, British, and Swiss law enforcement who were invited to assist with corruption investigations were denied access to files by the prosecutor general because they were under 'investigation' and 'secret', forcing them to depart from Ukraine.
- (3) There have been no fundamental reforms of the prosecutor-general's office since the Euromaidan, and they are unlikely to be implemented because of the lack of 'political will' and internal obstruction. President Poroshenko has appointed three incompetent and corrupt prosecutor-generals, Vitaliy Yarema, Viktor Shokin, and Yuriy Lutsenko.

This article is divided into six sections. The first discusses the post-Euromaidan revolutionaries who inherited a country faced by a two-front war on the external front with Russia seeking its submission and dismemberment and internally with the demands to implement the ideals of the Revolution of Dignity in the fields of the rule of law, combatting high-level corruption, and justice. The second analyzes the incompetent and corrupt investigations undertaken since the Euromaidan into the massive corruption, murders, and treason committed by the Yanukovych regime. The third investigates the sources of the weak political will to deal with these important questions and public demands. The fourth analyzes the background to the cover-up of the investigations and how senior Yanukovych-era officials have escaped justice and maintained their ill-gotten gains. The fifth section surveys the international and Ukrainian public scepticism of the criminal investigations and the international pressure on the Ukrainian authorities. The final section analyzes the deep-seated obstacles to the rule of law and fighting high-level corruption in Ukraine.

### **Ukraine's two-front war**

Following the Euromaidan revolution, Ukraine had to fight a two-pronged war. The first battle is Russia's desire to dismember Ukraine, halt its European integration, and return it to the *Russkii Mir* [Russian World] sphere of influence. The second battle is to begin to effectively fight the scourge of high-level corruption and abuse of office and bring to justice those who were guilty of bankrupting Ukraine and murdering protesters. Both of these battles affect Ukraine's national security in many ways, and they cannot be divorced from one another.

The first battle has been largely a successful people's war that was fought with the assistance of military and civil society volunteers who halted Putin's

plans to dismember Ukraine and detach eastern and southern Ukraine, his so-called *Novorossiya* [New Russia]. The Ukrainian state inherited by the Euromaidan was financially bankrupted by the outgoing regime that had asset-stripped the armed forces and destroyed its operational capabilities while Russian military and secret services had thoroughly penetrated Ukraine's military intelligence and the Security Service of Ukraine (SBU). The Ukrainian state and security forces therefore barely existed during the crucial first year of the war, and defense of Ukraine's eastern regions was left to Ukrainian volunteers, many of whom had joined from Euromaidan self-defense forces. Poroshenko continued to rely upon old-guard senior generals heavily indoctrinated by Soviet training, who had no understanding of modern warfare, low-intensity conflict, or Russian hybrid war. The central authorities do not reach out to eastern and southern Ukraine or provide assistance to Internally Displaced People (IDP); this is left to civil society volunteers.

The second battle, which always required political will from the president and government, has proven to be a failure, and a majority of Ukrainians are skeptical of President Poroshenko and the government. Two-thirds of Ukrainians continue to believe Ukraine is heading in the wrong direction, according to a March 2016 poll by the International Republican Institute.<sup>7</sup> 'Until they start putting officials who steal millions behind bars, we can't say that this fight is effective', Daryna Kalenyuk, head of the Anti-Corruption Action Centre, said. The Anti-Corruption Action Center came under criminal investigation in March 2016 after they published a leaked document from the prosecutor general's office ordering case files to not be transferred to the National Anti-Corruption Bureau. Ukraine's second battle required visible action and results in five areas:

- (1) *Euromaidan*: Justice for the victims who were politically repressed, wounded, and murdered on the Euromaidan. US Vice President Joe Biden told Ukrainian lawmakers that the sacrifice of the Heavenly Hundred (protesters murdered on the Euromaidan) 'to put it bluntly is now your obligation'.<sup>8</sup> Not a single person has been criminally charged.
- (2) *Ancien Régime*: Yanukovych and his political and business allies being brought to justice at home and internationally for massive abuse of office, political repression, and ordering the use of live rounds during the Euromaidan. Yanukovych and his allies committed treason in facilitating the degrading of Ukraine's armed forces and Russian penetration of Ukraine's intelligence services, calling for Russian forces to

<sup>7</sup>[http://www.iri.org/sites/default/files/wysiwyg/municipal\\_poll\\_2016\\_-\\_public\\_release.pdf](http://www.iri.org/sites/default/files/wysiwyg/municipal_poll_2016_-_public_release.pdf).

<sup>8</sup>President v Oligarch,' *Economist*, 28 March 2015, <http://www.economist.com/news/europe/21647355-building-nation-means-putting-plutocrats-their-place-president-v-oligarch>.

annex the Crimea and remaining neutral or colluding with the separatists in the Donbas. No criminal charges have been made, and the prosecutor's office has sabotaged cooperation with Interpol, the FBI, and other Western law enforcement agents.

- (3) *Corruption*: Biden called upon the authorities to fight 'the cancer of corruption',<sup>9</sup> in a reference to high-level corruption among the Ukrainian elites. But political corruption scandals have continued to grow among President Poroshenko's allies, Prime Minister Yatsenyuk's government, and within the Euromaidan parliamentary coalition.
- (4) *Oligarchs*: An end to business as usual for oligarchs and a demonstrative reduction in their political influence and financial power. As *The Economist* wrote, 'Building a nation means putting plutocrats in their place'.<sup>10</sup> Anders Aslund reminds us that 'At present, Ukraine stands out as the last post-communist outpost where tycoons wield substantial political power' and 'big businessmen have captured the state in Ukraine, more than any other post-communist country'. Therefore 'The power of the oligarchs has to be broken'.<sup>11</sup>
- (5) *War*: accountability for senior officers guilty of treason or incompetence whose orders led to high levels of Ukrainian casualties at the battles at Illovaysk and Debaltseve in August 2014 and February 2015 respectively. An August 2015 parliamentary report into Illovaysk found that Russia had reneged on its promise to permit a corridor for Ukrainian forces to escape from the ambush and had killed 366 soldiers and volunteers. Another 29 were wounded, 128 were taken prisoner, and 158 were missing. The investigation into the de facto Russian massacre has been as incompetent and indifferent as that into the Euromaidan murders and May 2014 Odesa clashes when 48 died.<sup>12</sup>

The success of the former battle in stemming Russian imperialism was not without cost. The official military casualty figures are an underestimate of Ukrainians who have died because they do not include volunteers, and Ukrainian and Russian armed forces do not use dog tags. Many others were wounded and became disabled. Understandably, military veterans and civil society, as well as the Ukrainian public more generally, are angry at the lack of progress in Ukraine's second battle, which is leading to political

<sup>9</sup>'Making Joe Biden Mad as Hell,' *Economist*, 12 December 2015, <http://www.economist.com/news/europe/21679858-ukraine-not-punishing-its-criminals-west-getting-tired-nagging-it-making-joe-biden>.

<sup>10</sup>'President v Oligarch,' op. cit.

<sup>11</sup>A. Aslund, *Ukraine: What Went Wrong and How to Fix It*, Petersen International Institute of Economics, Washington, DC, 2015.

<sup>12</sup>L. Hyde, 'The Missing: What Have They Done With Our Sons?', *The Guardian*, 3 February 2016, <http://www.theguardian.com/world/2016/feb/03/the-missing-what-have-they-done-with-our-sons>.

instability. Ukraine's society and Ukrainian patriots overthrew a kleptocratic, murderous traitor and thwarted Russia's imperial ambitions, while Ukraine's ruling elites have failed to fulfill the objectives of the Euromaidan Revolution of Dignity.

Popular *Okean Yelzy* singer Svyatoslav Vakarchuk told President Poroshenko during an award ceremony in January 2016:

What are the similarities between past Ukrainian defenders and those who defend our country with arms in the east today? Both are heroes. They are heroes because they consciously sacrificed what was the most important thing to them — their lives. Why has the aggression of the enemy been stifled; because these young lads and men were ready to die for their country. They knew perfectly well what choice they had made. None of them thought deeply about it and they just sacrificed themselves.

Vakarchuk brought their sacrifice into the realm of the fight against corruption:

Ukraine's corruption corrodes from the inside, total injustice, ignorance, and low qualitative levels of the 'elite', and this enemy is much more insidious and dangerous than that of external aggressors. To win this battle we also need heroes in Ukrainian politics and power. Unfortunately, to date, we do not see these heroes. We see their desire to sit on two or three chairs. We see fear — the fear of losing positions, the fear of losing wealth, political influence, that endanger themselves or their families. We see clever, but rather sly and cynical people who always find a logical explanation as to why Ukraine is not achieving results, blaming the war, oil prices, political opponents, and the previous government. We hear and we see it every day. But we do not see feats. We need people like the 'Cyborgs' — the defenders of Donetsk airport. Today the country will be saved only by those who will put up monuments after their death, but not by those who build themselves gold monuments during their lifetimes. Where are the criminals who are imprisoned? Where are the real changes of the rules of the game? In general, where are the changes in the country?

Vakarchuk ended with the words: 'Ukraine is waiting for changes, but expects nothing from the authorities. People do not believe the authorities. Today we need people who are capable of superhuman feats'.<sup>13</sup> Ukrainians have had low levels of trust toward state institutions, the government, and political leaders throughout its quarter century of independence, and in this sense the country has experienced one long-term political crisis punctuated by high hopes during the Orange Revolution and Euromaidan.

### **Incompetent and corrupted investigations**

The families of Ukrainians who were repressed, injured, or murdered on the Euromaidan are highly skeptical of the prosecutor's office because of

---

<sup>13</sup><http://nv.ua/ukr/opinion/vakarchuk/pane-prezident-de-zh-zmini-v-krajini-92986.html>.



the long drawn-out investigation and ‘ineffectiveness of the investigations’. Lawyers for Euromaidan victims openly talk of sabotage by the prosecutor’s office.<sup>14</sup> Serhiy Horbatiuk, head of the special investigations department of the prosecutor’s office to investigate the Euromaidan, has complained of obstruction from the Ministry of Interior, former *Berkut* riot police officers, and judges. But this is merely an excuse where each side blames the other — Prime Minister Yatsenyuk blaming President Poroshenko and vice versa.

Halya Coynash of the Kharkiv Human Rights Protection Group believes that:<sup>15</sup>

The failure to properly pursue those guilty of major corruption is because most of those now in power are from that world anyway. They’re wary of measures that could boomerang on them and not overly eager to put an end to political and economic interference. Gross corruption from judges is also a factor.<sup>16</sup> Here and everywhere a major problem is the lack of enough public outcry to force reaction; the case is opened and then gets quietly forgotten.

Coynash continues:

As far as the Euromaidan investigations are concerned, I find the reasons for obstruction much harder to fathom. The sabotage from within the Ministry of Interior is often quite overt, and it’s hard to not blame Minister Arsen Avakov for at the very least failing to address this problem. The *Berkut* officers and other police ‘who were just doing their job’ can be quite aggressive in supporting any colleagues facing charges, while a number of judges should have faced at least disciplinary measures themselves. Again, I don’t understand what is to be gained from delay and sabotage of the trial of the *Berkut* officers who are accused of 39 deaths and cannot believe that it is not all deliberate.

The special investigations department of the prosecutor-general’s office serves no purpose ‘when confronted by such overt sabotage and stymieing of a crucial investigation’.<sup>17</sup> Amnesty International concurs with the lawyers that there is a lack of high-level political will at the presidential level, who controls the prosecutor’s office, and SBU, who have been provided with limited resources to conduct criminal investigations, blocked access inside the Ministry of Interior, and not reprimanded judges for permitting the accused to abscond. In addition, as Oleksandra Matviychuk, head of the Centre for Civil Liberties, said: ‘These crimes are being investigated and

<sup>14</sup>L. Stek, ‘Prokuratura ne maye chitkoii pozytsii pokaraty vynykh — aktivistka pro zlochyny proty maydantsiv’, *Radio Svoboda*, 17 November 2015, and lawyers giving a press conference on 4 November 2015 entitled ‘Prestupleniya protyv Yevromaydana: Politicheskyyi piar vmesto realno rassledovaniya,’ [https://www.youtube.com/watch?v=Vb\\_9mJvv2CQ](https://www.youtube.com/watch?v=Vb_9mJvv2CQ).

<sup>15</sup>Interview with H. Coynash, 17 November 2015.

<sup>16</sup>H. Coynash, ‘Top Officials Still Get Away With Corruption — Thanks to Ukrainian Courts’, *Kharkiv Human Rights Protection Group*, 21 October 2015, <http://khpg.org/index.php?id=1445370418>.

<sup>17</sup>H. Coynash, ‘Police and Judges Accused of Impeding Prosecutions of Crimes Against Euromaidan Activists’, *Kharkiv Human Rights Protection Group*, 19 October 2015, <http://www.khpg.org/en/index.php?id=1445132308>.



decisions taken by people who were themselves directly involved in committing them'.<sup>18</sup>

## No political will

In a December 2015 poll, Poroshenko had only 17 percent support, less than Yanukovych when he was ousted from power.<sup>19</sup> Since then his popularity has continued to slump, and he has fallen behind Tymoshenko, who is Ukraine's most popular politician and would defeat Poroshenko in a presidential election; her *Batkivshchina* [Fatherland] party is the most popular political force, followed by the Opposition Bloc (former Party of Regions) and Poroshenko bloc.<sup>20</sup> Poroshenko is unpopular in every region of Ukraine. While 88 percent of Ukrainians view corruption as widespread, as few as 5 percent believe the authorities are implementing policies to reduce it; 81 per cent of Ukrainians do not believe there is a clampdown on high-level corruption and view public arrests as television PR stunts.<sup>21</sup> Support for the government is at its lowest level in a decade, as Ukrainians are squeezed by unpopular economic, social, and fiscal reforms in a depressed economy without the feel-good factor of seeing justice delivered against corrupt oligarchs and senior members of the ousted Yanukovych regime. Prime Minister Yatseniuk's Popular Front is so unpopular that it opted to not participate in the 2015 local elections, and it will not be re-elected in the next parliamentary elections.

A majority of Ukrainians believe that Poroshenko lacks the political will to pursue criminal charges against his former political and business allies. The reason is that Poroshenko has never sought to change the fundamental manner in which business is reliant upon those who wield political power and how politics continues to be publicly viewed as a money-making operation. This is visibly seen in Poroshenko's own example when he failed to go through with his public promise to sell his business and instead benefitted from being in power. Since the Euromaidan, only Poroshenko of Ukraine's top 10 oligarchs has increased his business assets, rising from ninth to sixth place.<sup>22</sup> This is unlikely because Ukrainians are predisposed to eating more chocolate during wars. A corrupt land scandal implicated Poroshenko and Ihor Kononenko, a long-time business partner and informal parliamentary chief whip of the president's parliamentary faction, who has often been at the

<sup>18</sup>H. Coynash, 'Ukraine's Only Trial Over Maidan Killings Under Threat', *Kharkiv Human Rights Protection Group*, 22 October 2015, <http://khpg.org/en/index.php?id=1445434543>.

<sup>19</sup><http://www.gallup.com/poll/187931/ukrainians-disillusioned-leadership.aspx>.

<sup>20</sup>February–March 2016 survey by the Kyiv International Institute for Sociology, <http://www.kiis.com.ua/?lang=ukr&cat=news&id=611>.

<sup>21</sup>A. Quinn and J. W. Andersen, 'Cosmetic Corruption Fight', *Kyiv Post*, 9 July 2015, <http://www.kyivpost.com/content/ukraine/cosmetic-corruption-fight-393119.html>.

<sup>22</sup>*Novoye Vremya*, no. 40 (30 October 2015), [http://nv.ua/magazine/archive/n40\\_2015.html](http://nv.ua/magazine/archive/n40_2015.html).

center of corruption scandals.<sup>23</sup> This has appeared amid further damaging allegations of Kononenko monthly laundering \$100,000–300,000 in 2012–2015 to offshore tax havens.<sup>24</sup> Poroshenko's popularity and legitimacy was most severely damaged by the revelations in the Panama Papers which showed him having been involved in placing funds offshore in a tax haven in August 2014 at the height of Ukraine's war with Russia.<sup>25</sup>

Minister of Economy Aivaras Abromavicius, one of the four foreigners brought into the cabinet to promote reform, resigned in February 2016 and said,<sup>26</sup>

It has become clear that any kind of systemic reform is decisively blocked. It is more than the mere lack of support or political will. These are concrete actions aiming to paralyze our reform efforts, ranging from a sudden removal of my security detail to the pressure to appoint questionable individuals to my team or to key positions in state-owned enterprises. I can only interpret these actions as a persistent attempt to exert control over the flow of money generated by the state-owned enterprises, especially *Naftohaz* and the defense industry. I refuse to be part of this system. Neither I, nor my team, is prepared to serve as a cover-up for the schemes, old or new, that have been set up in the private interest of particular political or business players.

He continued:

I am not willing to fly to Davos and talk about our successes to international investors and partners, all the while knowing that certain individuals are scheming to pursue their own interests behind my back. These people have names. Particularly, I would like to name one today. The name is Ihor Kononenko. Despite representing the political party that had nominated me for my post, lately he has been bent on obstructing our efforts.

Kononenko failed to support the Economy Minister in removing Viktor Bondyk, who is affiliated with the Party of Regions, as CEO of the state-owned *Ukrhimtransammyak*, 'in which he seems to have a stake' and 'Instead Kononenko ensured his associates were appointed to senior positions and joined the old CEO in running the company as they see fit'. The former Minister of Economy described how Kononenko attempted to organize a parliamentary vote to remove him, lobbied for his cronies (some of who were closely affiliated with the former Party of Regions) to high-ranking positions at state-owned enterprises, and lobbied for his crony to be appointed deputy minister of economy, who has responsibility for the state-owned *Naftohaz* company. According to Abromavicius, the crony candidate came to his office with official documents stating, 'I will be your deputy. I am part of

<sup>23</sup><http://www.rferl.org/content/ukraine-poroshenko-land-deal-questions-tsars-village/27013945.html>.

<sup>24</sup><http://www.intellinews.com/documents-reveal-how-top-ukraine-officials-still-use-black-market-offshore-payment-system-500447187/?source=ukraine&archive=bne>.

<sup>25</sup>'Ukraine's leader set up secret offshore firm as battle raged with Russia', *The Guardian*, 4 April 2016, <https://www.theguardian.com/news/2016/apr/04/panama-papers-ukraine-petro-poroshenko-secret-offshore-firm-russia>.

<sup>26</sup><http://www.me.gov.ua/News/Detail?lang=en-GB&id=f13fa574-3e1b-4eca-b294-f9e508910e01&title=StatementByTheMinisterOfEconomicDevelopmentAndTrade>.

Kononenko's team, and my appointment was approved upstairs', a reference to the presidential administration. Abromavicius received a telephone call from the presidential administration endorsing the crony candidate, as well as another telephone call for a Poroshenko-Kononenko placeman to serve as the deputy minister who is responsible for the military industrial complex. *Telefone pravo* [telephone justice] remains alive and well in Euromaidan Ukraine.<sup>27</sup>

Poroshenko has shared business relationships with Ukraine's last three presidents, stretching back to Leonid Kuchma in the second half of the 1990s, and is a prominent oligarch and owner of the Roshen chocolate-making enterprise as well as a former mass media magnate. Borys Lozhkin, Poroshenko's Chief of Staff, acted as the middle man in the sale of Poroshenko's Ukrainian Media Holding to Serhiy Kurchenko, a close associate of Yanukovych. Poroshenko is a consummate political flip-flopper, having served under different administrations, most recently as Ukraine's Minister of Trade and Economic Development in the Nikolai Azarov government with whom he has had long-term relations. In 2000, Poroshenko's Solidarity party was one of five parties that merged to found the Party of Regions, which appointed Azarov as party leader, following which Poroshenko went on to head Viktor Yushchenko's election campaign in 2002. Interpol is seeking Azarov and Kurchenko for massive corruption when the former was prime minister in 2010–2014 and the latter a major beneficiary of insider sweetheart deals from his government.<sup>28</sup>

Business as usual has continued in both law enforcement and in corrupt sectors of the economy, and industrial, residential, and land assets brazenly stolen under Yanukovych are not being returned to the state. US Ambassador to Ukraine Geoffrey Pyatt told a conference in Kyiv 'Enough business as usual! Enough corruption and impunity'.<sup>29</sup> Former Minister of Interior Vitalii Zakharchenko, although hiding from justice in Russia because of his order to use weapons and live rounds against unarmed protesters, continues to own three out of the seven special licenses for the exploration and mining of gold and other precious metals.<sup>30</sup> Andriy and Serhiy Kluyev live in Russian exile, but their sunflower and energy business continues to generate profits for them.<sup>31</sup> Gas mogul Dmytro Firtash's businesses are flourishing in Russian-occupied Crimea and in Ukraine. The stolen assets of former Minister of Energy Eduard Stavytsky and Kurchenko, both widely involved in massive corruption under Yanukovych, have been unfrozen.

<sup>27</sup>A. Trochev, 'Meddling With Justice: Competitive Politics, Impunity, and Distrusted Courts in Post-Orange Ukraine', *Demokratizatsiya*, 18(2) (2010), pp. 122–147.

<sup>28</sup>[http://www.kmu.gov.ua/control/en/publish/article?art\\_id=247864289&cat\\_id=244314975](http://www.kmu.gov.ua/control/en/publish/article?art_id=247864289&cat_id=244314975).

<sup>29</sup>Ambassador Geoffrey Pyatt, Conference on 'Legal and Governance Reform', US-Ukraine Business Council and Kyiv School of Economics, 30 October 2015.

<sup>30</sup>*Ukrayinska Pravda*, 16 November 2015.

<sup>31</sup>T. Chornovol, *Ukrayinska Pravda blog*, 3 November 2015, <http://blogs.pravda.com.ua/authors/chornovol/5638fbc9cc15/>.

In appointing three incompetent and corrupt prosecutor-generals who became discredited, Poroshenko has successfully stymied investigations and prosecutions into the high-level mass corruption, murders, and treason under his predecessor Yanukovych, while giving immunity to the closest of his allies in return for business favors. Ultimately, Poroshenko is unwilling to dismantle a corrupt oligarch system that he has helped build and has been an intricate part of for over two decades, or seek criminal charges against his former allies and current business partners, out of fear that some of the skeletons in his own closet would be unveiled.

## Cover-up

The cover-up of the Euromaidan repressions and murders have been systematic at every level from the Ministry of Interior, courts, and prosecutor general's office. There has been no thorough investigation of the 30 November 2013 brutal beatings of students; *Berkut* assaults against the Euromaidan; individual beatings; the use of vigilantes for kidnappings, torture, and murders; ambushes and beatings of the Automaidan; and of course the deadly sniper shootings on 22 January and 18 and 20 February 2014. In August 2014, the plan to detain 20 former *Berkut* officers was foiled after they were warned in advance, allowing them to flee into hiding.<sup>32</sup> Eighteen *Berkut* officers are on the run, with the majority living in Russia and the Crimea.

Masses of document (available at <http://yanukovychleaks.org/en/>), including those found at Yanukovych's *Mezhyhirya* palace, have been sitting in rooms at the prosecutor-general's office without any attention being paid to them.<sup>33</sup> These are priceless because other documents have been destroyed, some by *Berkut* officers still employed in the Ministry of Interior. Tavakkul Ragimov, who absconded after being detained, had continued working at the Ministry of Interior, where he had access to the Ministry of Interior database and most likely destroyed incriminating evidence. Coynash believes that 'there is systematic obstruction of the course of justice in this case, with judges playing a major pre-trial investigative pressure and intimidating witnesses'.<sup>34</sup> The taped conversations collected by presidential guard Mykola Melnychenko were also not used in criminal investigations into which high-level politicians gave the order to murder journalist Georgi Gongadze, who was buried in March 2016 but still without closure on the criminal investigation.

*Hromadske Telebachenya* journalist Dmytro Hnap said:

<sup>32</sup>Interview with military prosecutor Anatoliy Matiyus, *Hromadske TV*, 10 November 2015.

<sup>33</sup>Interview with Dmytro Hnap, *Telekrytyka*, 30 December 2014, <http://www.telekritika.ua/profesija/2014-12-30/102140>.

<sup>34</sup>H. Coynash, 'Another Person Charged With Euromaidan Crimes Allowed to Escape?', *Kharkiv Human Rights Protection Group*, 9 September 2015, <http://khpg.org/index.php?id=1441742604>.

There has been a complete failure. Nothing has been done, no one is charged. The documents are stored in the Prosecutor General's Office. According to one of the people's deputies, who recently met with (Prosecutor-General) Yarema, there is a room littered with the documents but they have not been touched by anybody. This is despite the fact that we transferred the documents to them because they showed Yanukovych, and many around him, involved in embezzlement on a large scale. We can only guess why this is happening. We have no videotapes showing Yarema receiving a suitcase full of cash. But I think that there has been direct or indirect corruption, where cash is brought to (Chief of Staff) Borys Lozhkin and Yarema. There is evidence, and a lot of it.<sup>35</sup>

The cover-up is despite the fact the 'names of those who took part in the beating up of activists and smashing of their cars are known'. Independent civil society investigators and journalists — but not Minister of Interior Arsen Avakov and Shokin — have long known the vehicles used and the names of *Berkut* officers, according to Yevhenya Zakhrevska, a lawyer working for the Euromaidan victims. Many continued to work in the Ministry of Interior after the disbanding of the *Berkut*: 'They have not been informed of any suspicions and have not even faced disciplinary measures'.<sup>36</sup> Former *Berkut* officer Mykhaylo Dobrovolskyy is employed as an internal security guard in the State Property Fund. Fourteen former *Berkut* officers were identified as still employed in the Ministry of Interior, including commander of a company Yevhen Antonov, Oleh Yanishevskyy, deputy commander of the Kyiv *Berkut* Oleksandr Marynchenko, and Serhiy Tamtura.

### International and Ukrainian public skepticism and pressure

In early 2015, Ukrainian civil society groups, journalists, and lawyers representing Euromaidan protesters and families whose members were killed or injured released a lengthy report entitled 'A Year of Impunity'.<sup>37</sup> Since then nothing has changed, and not a single official from the Yanukovych era has been criminally convicted for murder and high-level abuse of office.<sup>38</sup>

Ukraine has flourishing media freedom and the freest Russian-language media in the world, and independent journalists continue to undertake a far more professional job at investigating high-level crimes than the prosecutor's office and SBU, but the evidence they present never leads to criminal convictions.

<sup>35</sup>Interview with Dmytro Hnap, *Telekrytyka*, 30 December 2014, <http://www.telekritika.ua/profesija/2014-12-30/102140>.

<sup>36</sup>H. Coynash, 'Ex-Berkut Officer on Trial Over AutoMaidan Ambush', *Kharkiv Human Rights Protection Group*, 29 April 2015, <http://khpg.org/pda/index.php?id=1430249347>.

<sup>37</sup>*Rik Bezkarosti: hromadskyy analiz rozsliduvannya sprav Yevromajdanu*, Centre for Civic Liberties, OZON public monitoring, ESOS, February 2015, <http://ccl.org.ua/wp-content/uploads/2013/10/Rik-bezkarosti-gromadskij-analiz-rozsliduvannya-sprav-YEvromajdanu.pdf>.

<sup>38</sup>H. Coynash, 'Political PR and Sabotage Instead of Real Investigation on Eve of Second Anniversary?', *Kharkiv Human Rights Protection Group*, 5 December, 2014, <http://khpg.org/en/index.php?id=1447070299>.

This represents a crucial source of political tension because — unlike in Russia and most of Eurasia, where there is no free media in authoritarian states — corruption is publicly exposed in Ukraine. Widespread public knowledge of corruption cases and injustice without criminal prosecutions perpetuates Ukraine's political crisis of low levels of public trust in state institutions, government, and politicians and a wide gulf between citizens and 'elites'. Little wonder Ukraine has a stable and large shadow economy and high levels of tax payment non-compliance.

Journalistic investigations have been more professional than those of the SBU and prosecutor general's office and some of them have been included in criminal investigations.<sup>39</sup> The investigations and evidence collected by investigative journalist and Poroshenko Bloc deputy Serhiy Leshchenko have dwarfed anything the prosecutor's office has produced (or not). How difficult should it be, for example, to prove that Serhiy Arbusov looted the National Bank of Ukraine or First Deputy Prime Minister Borys Kolesnikov massively over-spent by \$10 billion on the Euro-2012 infrastructure projects where Ukraine's stadiums cost more than any other in Europe?

The Ukrainian media have uncovered former *Berkut* riot police officers wanted for murders on the Euromaidan still working in the Ministry of Interior, exposed very expensive cars driven by the prosecutor's office and SBU, and publicized foreign documents that detail investigations into corruption by Ukrainian politicians. The prosecutor general's office has continued the practice of not opening criminal cases with evidence provided by largely Western-funded civil society and independent media. Shokin worked at the prosecutor's office in 2001 when it covered up the murder of journalist Georgi Gongadze and then worked in Poroshenko's personal security detail, showing a long-term personal connection.<sup>40</sup>

International organizations and the Ukrainian public have little trust in the official claim that the government is investigating 274 instances in which law enforcement officials repressed or murdered protesters during the Euromaidan. Poroshenko's government has made similar claims before: In August 2015, Poroshenko claimed that 2,702 Ukrainian officials were charged with corruption, but they were unable to show Ukrainian journalists (or me) any of the names.<sup>41</sup> Both lists have been proven to be fictitious. Poroshenko's demand for investigations of each case of murder on the Euromaidan and his call that those responsible for murder should be brought to justice because 'we need to know the answer already now'<sup>42</sup> therefore rings hollow.

<sup>39</sup><http://www.pravda.com.ua/news/2016/01/30/7097257/>.

<sup>40</sup>O. Sukhov, 'Critics Say Prosecutor's Concession Over Anti-Corruption Prosecutor Is Deception', *Kyiv Post*, 9 November 2015, <http://www.kyivpost.com/content/kyiv-post-plus/critics-say-poroshenkos-concession-over-anti-corruption-prosecutor-is-deception-401719.html>.

<sup>41</sup>T. Kuzio, 'Money still rules Ukraine', *Foreign Policy*, 25 August 2015, <http://foreignpolicy.com/2015/08/25/money-still-rules-ukraine-poroshenko-corruption/>. Also, T. Kuzio, 'Euromaidan Dreams Deferred. Poroshenko, Corruption, and Stalled Political Progress in Ukraine', *Foreign Affairs*, 7 January 2016, <https://www.foreignaffairs.com/articles/ukraine/2016-01-07/euromaidan-dreams-deferred>.

<sup>42</sup>*Ukrayinska Pravda*, 5 November 2015.



Amnesty International has repeatedly attempted to shed light on Ukraine's deeply ingrained culture of impunity toward police abuse and the state's seeming inability to investigate and prosecute police officers. At the root of this, however, is a deep structural inability to prosecute crimes related to high-level abuse of office and the Euromaidan crackdown, as well as no political will to do so at the presidential level. Ukraine's ruling elites continue to defend each other using state institutions they control while continuing the opaque culture of maintaining close and corrupt business ties with politicians of the kind that sustained Poroshenko's business empire since the second half of the 1990s.

Amnesty International is joined by the Council of Europe's International Advisory Group and the UN Commission on Human Rights in condemning Ukraine's lack of progress on post-Euromaidan justice. In 2015, Ukraine came fourth in the 47 members of the Council of Europe in the non-fulfilment of its rulings, with only Italy, Turkey, and Russia higher.<sup>43</sup> These international groups have also chastised Kyiv for the dragged-out investigations and incompetent policing and prosecutorial work involved in these cases. Amnesty International has said those responsible for human rights violations 'continue to enjoy almost complete impunity for their actions'.<sup>44</sup> The United Nations High Commissioner for Human Rights (UNHCR) described Ukraine's approach to the rule of law as an 'accountability vacuum'.

The Council of Europe said there is a lack of public confidence in any investigations in Ukraine. The report condemned the 'widespread perception of impunity' by the security forces and the government's 'unwillingness or inability' to bring to justice 'those responsible for the deaths and injuries' on the Euromaidan, as well as deaths during the conflict between pro-Ukrainian and pro-Russian forces in Odesa. In addition to the Euromaidan and Odesa, there has been a lack of investigation into the detentions, human rights abuses, torture, extra-judicial killings, and executions during the Russian-separatist occupation of western Donetsk and northern Luhansk *oblasts* in April–July 2014 (since then under Ukrainian control). Russian intelligence agent Igor Girkin ('Strelkov') controlled eastern Donetsk from his headquarters in the Slovyansk SBU headquarters, and human rights abuses and torture took place in that building and Ministry of Interior basements.<sup>45</sup>

There has been no change in the traditional inability to investigate police complicity and weak level of cooperation among the prosecutor general's office, SBU, and Ministry of Interior. Valentyn Nalyvaychenko claimed after

<sup>43</sup><http://www.eurointegration.com.ua/news/2016/03/30/7047043/>.

<sup>44</sup>*Ukraine: A Year After Euromaidan, Justice Delayed, Justice Denied*, Amnesty International, 18 February 2015, [https://www.amnesty.nl/sites/default/files/public/euromaidan\\_formatted\\_and\\_final.pdf](https://www.amnesty.nl/sites/default/files/public/euromaidan_formatted_and_final.pdf). See earlier Report by Nils Muižnieks, Commissioner for Human Rights, following his mission in Kyiv, Moscow, and Crimea. Council of Europe, 27 October 2014, [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2014\)19&Language=lanEnglish](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2014)19&Language=lanEnglish).

<sup>45</sup>H. Coynash, 'Sloviansk Torture, Killings, Execution Orders, Yet Still No Proper Investigation', *Kharkiv Human Rights Protection Group*, 14 July 2015, <http://www.khpg.org/en/index.php?id=1436470164>.



leaving office as SBU Chairman that his structure had passed 200 materials to the prosecutor general's office between March 2014 and June 2015 dealing with 'our own traitors and individual criminal cases', but no action had been taken on them.<sup>46</sup> Interestingly, he only made this public after he was removed as SBU chairman, while his claim that under his watch they had detained 16 former *Berkut* officers was not true.<sup>47</sup> Ukraine's inactions showed deficiencies in complying with its commitments to the European Convention on Human Rights and European Court on Human Rights.

### Obstacles to the rule of law and fighting corruption

On paper, Ukraine looks to be making progress in instituting the rule of law and rooting out corruption. This, however, is due to pressure from international organizations and Ukraine's vibrant civil society rather than presidential political will. There are some judicial reforms taking place, and a new national police force is beginning to replace the Soviet-era *militsiya* police force. Kyiv has also installed a National Anti-Corruption Bureau as well as a new anti-corruption prosecutor. Finally, a new asset recovery agency is being established to expropriate stolen assets from convicted high-ranking felons.

Despite these signs of progress, however, there are political, institutional, and implementation issues that will stand in the way of the radical political reforms that are required to satisfy widespread public hunger for justice, dignity, and humanity. Ukrainian leaders still seek to micro-manage and control law enforcement practices, and officials prefer Ukraine's old system of close, opaque ties between politics and business. Ukraine's prosecutor general continues to not be an independent institution, and Poroshenko has shown no inclination to reduce its dependency on those who are in power.

The president under Ukraine's presidential and parliamentary constitutions controls key state institutions that are constitutionally mandated to fight high-level corruption through their appointments of the Prosecutor-General, SBU Chairman, and National Security and Defence Council (RNBO) Secretary. The prosecutor's office and SBU remain largely unreformed and heavily over-manned, and they still function to protect ruling elites rather than implement the rule of law. The SBU is vastly larger than all European and North American intelligence agencies, and it has always been a

<sup>46</sup>Interview with Valentyn Nalyvachenko, *The Ukrainian Week*, no. 12 (December 2015), <http://ukrainianweek.com/Columns/50/154270>. Nalyvaychenko is not beyond suspicion himself, as he has long had close ties to the gas lobby, and he only revealed this information after he was removed from the SBU. On his ties to the gas lobby see Chapter 9 in T. Kuzio, *Ukraine: Democratization, Corruption and the New Russian Imperialism*, Praeger, Santa Barbara, CA, 2015, pp. 327–380.

<sup>47</sup>H. Coynash, 'Where Are 13 Mysterious Berkut Sniper Suspects?', *Kharkiv Human Rights Protection Group*, 5 December 2014, <http://khpg.org/en/index.php?id=1417797221> and <https://www.youtube.com/watch?v=QaMZWyDW3q0>.

mystery what they do because their productivity is low. The SBU still continue the Soviet KGB practice of running offices in each regional district of Ukraine. The extent of the rot was evident in spring 2014 when the majority of SBU officers stationed in the Crimea betrayed Ukraine, and the majority of them have continued to work for Russia's Federal Security Service (FSB).<sup>48</sup>

Poroshenko's emergence as an oligarch took place under a system whereby presidents instructed the prosecutor general's office and SBU as to who to give protection and who to punish, and he therefore has no interest in changing an operating culture from which he benefitted. In the last quarter of a century of Ukrainian independence, the prosecutor general's office has not successfully prosecuted a single member of the country's ruling elite, and this abysmal track record will not change under Poroshenko.

At the helm of the prosecutor general's office have been prosecutor generals Yarema, Shokin, and Lutsenko, who have been met with scathing criticism from Euromaidan activists and the international community. Prosecutor General Shokin, who was finally removed in March 2016, was blamed by the Ukrainian branch of the anti-corruption watchdog Transparency International for the lack of high-level criminal prosecutions. Former US Ambassador to Ukraine John Herbst, now at the Atlantic Council in Washington, DC, said 'It's an absolute scandal that Mr. Shokin is the prosecutor general'.<sup>49</sup> The chairman of the German parliament told Leshchenko 'Your Shokin has become a problem about who speak all of Europe'.<sup>50</sup> US Ambassador to Ukraine Pyatt has accused the prosecutor general's office of undermining reforms, protecting corrupt prosecutors, and blocking criminal investigations. The United States, Pyatt said, 'needs honest partners who are committed to the rule of law', referring to Deputy prosecutors David Sakvarelidze and Kasko, but not Shokin. Sakvarelidze was removed by Shokin on the same day of his own removal. Ambassador Pyatt was more candid and explicit than is usually the case for diplomats when he said there is:<sup>51</sup>

the failure of the institution of the Prosecutor General of Ukraine to successfully fight internal corruption. Rather than supporting Ukraine's reforms and working to root out corruption, corrupt actors within the Prosecutor General's office are making things worse by openly and aggressively undermining reform. In defiance

<sup>48</sup>1, 391 SBU Officers in the Crimea Who Betrayed Ukraine Are Publicly Revealed, [http://www.sbu.gov.ua/sbu/control/uk/publish/article?art\\_id=178743&cat\\_id=39574](http://www.sbu.gov.ua/sbu/control/uk/publish/article?art_id=178743&cat_id=39574).

<sup>49</sup>B. Bonner, 'Herbst: Keeping Shokin as Ukraine's Prosecutor General Is "an Absolute Scandal"', *Kyiv Post*, 24 October 2015, <http://www.kyivpost.com/content/ukraine/herbst-keeping-shokin-as-ukraines-prosecutor-general-is-an-absolute-scandal-400586.html>.

<sup>50</sup>S. Leshchenko, 'Kinets misii Shokina', *Novoye Vremya*, 13 November 2015, <http://nv.ua/opinion/leshenko/konets-missii-shokina-79612.html>.

<sup>51</sup>Remarks by US Ambassador Geoffrey Pyatt at the Odesa Financial Forum, 24 September 2015, Odesa, <http://ukraine.usembassy.gov/mobile/statements/ambpyatt-odesa-finforum-09242015.html>.

of Ukraine's leaders, these bad actors regularly hinder efforts to investigate and prosecute corrupt officials within the prosecutor general's office. They intimidate and obstruct the efforts of those working honestly on reform initiatives within that same office.

### Ambassador Pyatt commended

the work of the newly established Inspector General's office in the PGO led by David Sakvarelidze and Vitaliy Kasko. Their investigations into corruption within the PGO have delivered important arrests and have sent the signal that those who abuse their official positions as prosecutors will be investigated and prosecuted.

There are four important reasons why there has been weak progress on the domestic front in pursuit of the demands for justice raised during Ukraine's Revolution of Dignity.

The first reason, the lustration law, has failed to remove those guilty of crimes in law enforcement. An example is Oleh Boyko, who was appointed to head the Cherkasy regional SBU but should have been slated for lustration because of his leadership of 'Operation Boomerang', the Russian-organized attempt to crush the Euromaidan. Fourteen *Berkut* officers, who could not be found by the prosecutor general's office but have been identified by journalists and civil society NGOs for their involvement in Euromaidan repression, are still employed by the Ministry of Interior and are not witnesses or suspects. In a particularly bizarre case, a driver bringing former *Berkut* riot police to court who are accused of being the snipers who killed protesters was himself wearing a St. George separatist ribbon. The driver was recognized by activists as driving the same bus that was used during the Euromaidan to detain and savagely beat protesters.

The second reason, in the words of Deputy Prosecutor Kasko is that 'The Ukrainian prosecution system still remains Soviet'.<sup>52</sup> Wearing Soviet-style uniforms and up to 20,000 strong, the prosecutor's office is the biggest criminal racket in Ukraine, with little productivity in the field of justice and the rule of law. The UNHCR described the SBU as 'the subject of widespread allegations — and seems to be above the law'. Little has in fact changed since the USSR, Irina Paliashvili, head of the US-Ukraine Business Council's legal division, bemoaned because processes where deals and wealth influence political power override laws.<sup>53</sup> There should be little surprise therefore that President Poroshenko has continued the practice of backroom deals.

<sup>52</sup>Interview with Vitaliy Kasko, *Ukrayinska Pravda*, 17 November 2015, <http://www.pravda.com.ua/articles/2015/11/17/7089117/>.

<sup>53</sup>B. Bonner, op. cit.

Ukraine's judiciary has thoroughly failed the Euromaidan's victims. Nobody has been convicted and sentenced to prison. Those who have been accused have been permitted to remove electronic bracelets (Party of Regions parliamentary leader Oleksandr Yefremov), or courts have ruled not to use bracelets (*Berkut* officers Anatolii Lohvynenko, Dmytro Sadovnyk, and Ragimov).<sup>54</sup> In September 2014, Sadovnyk was released from custody and fled into hiding. Ragimov, who directed *Oplot* [Stronghold] vigilantes, has also absconded. There has been no open selection of jurors, and many on the list are ex-*Berkut* officers or wives of officers. General Oleksiy Krykun, head of the Kyiv Ministry of Interior who directed *Berkut* officers on the Euromaidan, fled but returned to Ukraine because his name is not on any wanted list.

Other *Berkut* officers have been placed under house arrest, permitting them to go into hiding; detentions have been late in the day (former Minister of Justice Olena Lukash was only detained in November 2015); and Ukraine has presented weak cases to Interpol for Ukrainians it is seeking, which has led to their names being removed from sanctions (Yanukovych's chief legal adviser, Andriy Portnov). By January 2016, Interpol had removed Yanukovych and his cronies from their wanted list.<sup>55</sup> A judge agreed to remove the bracelet from Yefremov, a leader of the Party of Regions parliamentary faction, while the case against the former Dean of the Tax Academy Petro Melnyk was dropped. Courts have refused to take back for the state the numerous properties and land illegally privatized under Yanukovych, including by the president himself and Minister of Education Dmytro Tabachnyk.

Former Environment Minister Mykola Zlochevskyy's assets (two palaces, two land plots, two garden houses, cash deposits, and a Rolls Royce) were unfrozen by the British and Ukrainian authorities. The prosecutor general's office had deliberately sabotaged the case by failing to cooperate with the UK Serious Fraud Office or in court in Ukraine to defend the state's demands for the assets to be confiscated. The prosecutor's office had facilitated the outcome when it wrote to the lawyers representing Zlochevskyy saying their office had no criminal cases against him.<sup>56</sup>

US Ambassador Pyatt said:

We have learned that there have been times that the PGO not only did not support investigations into corruption, but rather undermined prosecutors working on legitimate corruption cases. For example, in the case of former Minister of

<sup>54</sup>H. Coynash, 'Police and Judges Accused of Impeding Prosecution of Crimes Against Euromaidan Activists', *Kharkiv Human Rights Protection Group*, 19 October 2015.

<sup>55</sup>'EU Court Strikes Down Sanctions on Yanukovych Allies', *RFERL*, 30 January 2016, <http://www.rferl.org/content/eu-court-strikes-down-sanctions-yanukovych-allies/27516482.html>.

<sup>56</sup>M. Rachkevych, 'Yanukovych's Ex-Ecology Minister Regains Luxurious Properties, Rolls Royce After Court Ruling', *Kyiv Post*, 31 January 2016, <http://www.kyivpost.com/article/content/ukraine-politics/yanukovychs-ex-ecology-minister-regains-luxurious-properties-rolls-royce-after-court-ruling-407050.html>.

Environment Mykola Zlochevskyy, the UK authorities had seized 23 million dollars in illicit assets that belonged to the Ukrainian people. Officials at the PGO's office were asked by the UK to send documents supporting the seizure. Instead they sent letters to Zlochevskyy's attorneys attesting that there was no case against him. As a result, the money was freed by the UK court, and shortly thereafter the money was moved to Cyprus.<sup>57</sup>

Ambassador Pyatt continued:

The misconduct by the PGO officials who wrote those letters should be investigated, and those responsible for subverting the case by authorizing those letters should — at a minimum — be summarily terminated... There are other cases as well, like those involving Former Deputy Chief Prosecutor Volodymyr Shapakin and Former Prosecutor Korniyets that clearly demonstrate that it is critical to cease intimidation and investigations of investigators, prosecutors, and witnesses.

The third reason is that independent journalists are light years ahead of law enforcement and politicians in investigating crimes. Ukrainian journalists at Radio Liberty have produced two extensive investigations for the *Skhemy* series into the large number of expensive cars (Range Rovers, Lexus, SUVs, and others) driven by the prosecutor general's office and SBU officers that were way beyond their salaries' reach.<sup>58</sup> The SBU have continued to attack journalists investigating their corruption, including investigations of anti-corruption NGOs in Spring 2016.<sup>59</sup> The Talionis Group produced impeccable evidence of the murder of 10 out of 39 protesters by *Berkut* officer Pavlo Abroskin.<sup>60</sup> Abroskin and Serhiy Zinchenko do not deny they were on Instytutska Street in Kyiv on 20 February 2014 but deny they killed the protesters.

The fourth reason is that the majority of Ukrainian politicians, including President Poroshenko and Prime Minister Yatsenyuk, prefer political control over law enforcement and the continued close ties between politics and business to independent institutions. Kasko pointed out how Ukraine's prosecutor general spends an inordinate amount of time in the presidential administration, where he receives instructions of what cases to stall, which to rush forward, and who to protect from criminal charges.

Although professing to support European values, Poroshenko holds a traditional Soviet view of the prosecutor general's office as a protection agency and insurance policy for elites and big business. Karen Dawisha writes that the security forces in the USSR protected the state against the people,

<sup>57</sup>Remarks by US Ambassador Geoffrey Pyatt at the Odesa Financial Forum.

<sup>58</sup>[https://www.youtube.com/watch?v=dTHsg9lswiU&list=PLRVLFiynwHmES2Jh1\\_IL97Qe1VnFA3zzN](https://www.youtube.com/watch?v=dTHsg9lswiU&list=PLRVLFiynwHmES2Jh1_IL97Qe1VnFA3zzN) and [https://www.youtube.com/watch?v=yDzgLqHCiKs&list=PLRVLFiynwHmES2Jh1\\_IL97Qe1VnFA3zzN&index=15](https://www.youtube.com/watch?v=yDzgLqHCiKs&list=PLRVLFiynwHmES2Jh1_IL97Qe1VnFA3zzN&index=15).

<sup>59</sup>K. Gorchinskaya, 'What Feeds SBU's Fighter Dog Reflexes', *Kyiv Post*, 15 January 2016, <http://www.kyivpost.com/article/opinion/op-ed/katya-gorchinskaya-what-feeds-sbus-fighter-dog-reflexes-405984.html>.

<sup>60</sup><https://www.youtube.com/watch?v=PCckJ3J4uXw>.

and since 1991, the redistribution of property is not viewed by these 'elites' as theft but as a right.<sup>61</sup> The Soviet tradition of lack of accountability of higher state officials and political leaders continues to remain in place.

The 2014 film *Leviathan*, directed by Andrei Zvyagintsev, portrays how the blockage of justice operates in Russia, but the example could be as easily applied to Ukraine. The mayor of the Russian town in which the film is set holds a meeting with the local prosecutor, judge, and police chief, who are clearly operating in collusion as a criminal cabal. The mayor complains about an investigation into him: 'They keep dirt on me!' and 'I'm fucking worried!' because 'I crush some louse and he turns the tables on me!' The mayor orders the judge 'How about you stop doodling and figure out who's paying him?' The prosecutor asks what was in the file that upset him? The judge adds: 'So they have something on you that we don't know about?' clearly referring to the fact that they all knew the mayor had skeletons in his closet. The mayor responded that this was election year, and if he went down so would 'You all go down. No holidays abroad, no mansions, no cash'. The head of the local police offers to help: 'Maybe I could lean on him a bit?' After threatening the lawyer Dima with a mock execution, they turn the tables on his client and brother Kolya who is jailed on trumped-up charges of murdering his wife Lilya (who had in fact committed suicide). Kolya's conviction is phoned through to the mayor, who is drinking himself into oblivion in a restaurant and replies to the caller: 'Well, thank God! That will teach him to know his place'. He then promptly orders another bottle of vodka to celebrate.

All four prosecutor generals since the Euromaidan have sold their services to politicians and businessmen, and Ambassador Herbst was confident Shokin would 'live very comfortably in retirement'.<sup>62</sup> Ambassador Pyatt has called upon the prosecutor general's office to abandon its Soviet legacy of political control that permits the powerful 'to get away with influence peddling and human rights abuses'.<sup>63</sup> Even outside of the prosecutor general's office, government officials have done little to aid those who suffered and died during the Euromaidan. The prosecutor's office has presented weak criminal cases to Interpol for Yanukovich and his era officials and oligarchs it is allegedly seeking for their role in Euromaidan murders and massive abuse of office. Consequently, Yanukovich and the majority of his corrupt and murderous allies were removed from the Interpol's international wanted list.<sup>64</sup>

The most egregious example of Shokin's opposition to European integration was his attempt to transform the newly created anti-corruption prosecutor into

---

<sup>61</sup>K. Dawisha, *Putin's Kleptocracy: Who Owns Russia?*, Simon and Schuster, New York, 2014, p. 100.

<sup>62</sup><http://www.kyivpost.com/content/ukraine/herbst-keeping-shokin-as-ukraines-prosecutor-general-is-an-absolute-scandal-400586.html>.

<sup>63</sup>Ambassador G. Pyatt, Conference on 'Legal and Governance Reform'.

<sup>64</sup>'Interpol Explains Removal of Yanukovich Figures From Public Wanted List', *RFERL*, 26 January 2016, <http://www.rferl.org/content/ukraine-yanukovich-figures-removed-interpol-wanted-list/27506549.html>.



his puppet that created a firestorm of criticism from Brussels, threatening to undermine Ukraine's visa free regime with the EU. The Anti-Corruption Action Center and Transparency International went further, blaming a conspiracy by the 'country's leadership' and prosecutor general's office seeking to ensure political control and dependency over the new anti-corruption prosecutor. 'With the obvious approval of the country's leader, Prosecutor-General Viktor Shokin is trying to make the newly created anti-corruption prosecutor's office as dependent as possible', Transparency International said.<sup>65</sup>

Shokin's four candidates to oversee the selection process included prosecutors who were prominent representatives of the Yanukovych regime, known for their opposition to reforms and indulgence of corruption, including Yuriy Hryshchenko, who had been the boss of the notorious prosecutor Volodymyr Shapakin, who was detained in summer 2015 with a massive stash of diamonds. Clearly, Shokin's four candidates were not of the right moral character to provide the necessary gravitas for the newly created structure, and his choice of candidates could only have been aimed at sabotaging the new institution.

The term *selective use of justice* was prominently used to describe the unjust incarceration by President Yanukovych of opposition leader Tymoshenko, but the term continues to have resonance in Poroshenko's Ukraine. The prosecutor general's decision as to who should and more importantly who should not be prosecuted continues to be decided by politicians rather than the rule of law. Three Ukrainian politicians, *Ukrp* party leader Hennadiy Korban, Radical party deputy Ihor Mosiychuk, and *Svoboda* member Yuriy Syrotyuk, all from pro-Western political parties, were publicly and aggressively arrested for falling out of favor with Poroshenko.<sup>66</sup> While *Berkut* officers were permitted detention at home, this was not permitted in these three cases. Meanwhile, corruption investigations against pro-Russian politicians Yuriy Boyko, Serhiy Lyovochkin, Andriy and Serhiy Kluyev, Renat Akhmetov, and Yuriy Ivanyushchenko,<sup>67</sup> have been stymied because of the March 2014 immunity deal in Vienna in the first two instances and business relationships between the president and the latter four.<sup>68</sup> Serhiy Kluyev's immunity was lifted in July 2015, but he was permitted to flee from Ukraine. 'If law enforcement structures had wanted to arrest Kluyev they could have, because together with the request to the prosecutor's office to lift

<sup>65</sup>O. Sukhov, 'Transparency International Says Shokin to Blame for Failed Anti-Corruption Efforts', *Kyiv Post*, 2 November 2015, <http://www.kyivpost.com/content/ukraine/transparency-international-says-shokin-to-blame-for-failed-anti-corruption-efforts-401218.html>.

<sup>66</sup><http://euromaidanpress.com/2015/11/02/how-selective-justice-brings-ukraine-back-to-the-yanukovych-era/>.

<sup>67</sup>Ivanyushchenko, a former organized crime hit man in the Donbas, was assisted by First Deputy Prosecutor-General Mykola Herasymyuk following a request by Chief of Staff Lozhkin and oligarch Ihor Surkis. See S. Leshchenko, *Ukayinska Pravda blog*, 4 November 2015, <http://blogs.pravda.com.ua/authors/leschenko/5639b868b23f2/>.

<sup>68</sup><http://blogs.pravda.com.ua/authors/leschenko/56448efd6cc7a/>.



his immunity there was not a request for his arrest'. This was not likely to be a simple bureaucratic mistake. Construction continued after the Euromaidan on Ivanyushchenko's massive Versailles-style palace.

On the second anniversary of the Euromaidan, the authorities blamed Yanukovych, Zakharchenko, and then secretary of the RNBO Andriy Kluyev for the extensive rounds of violence and tragic use of live rounds against protesters. But conspicuously absent from their list is Lyovochkin, who would have attended all of the meetings where policies were decided against the Euromaidan in his capacity as Yanukovych's chief of staff (he resigned in late January 2014, only three weeks before Yanukovych fled). Akhmetov and Firtash, two oligarchs who gained the most financially from Yanukovych's kleptocracy, and Kharkiv Mayor Hennadiy Kernes, whose *Oplot* vigilantes brutally attacked Euromaidan supporters, will not face criminal charges after they re-aligned their political alliances and negotiated backroom deals with the authorities. There has long been evidence of then Dnipropetrovsk governor Dmytro Kolesnikov and regional head of the Party of Regions Oleksandr Vilkul organizing vigilantes and providing them with transportation and baseball bats to beat Euromaidan protesters in Dnipropetrovsk and Kyiv. The case against Kernes has been repeatedly postponed, and with Poroshenko his new ally in Kyiv, there will be no reforms in his city and no justice for those who locally suffered at his hands. Charges against Boyko, an important ally of Lyovochkin and Firtash in Ukraine's infamous gas lobby, are blocked by powerful political protection in the prosecutor's office, and a request to parliament to lift his immunity is stalled. Vasyl Dragan, a 'senior adviser on especially important questions' to Shokin worked under Boyko in the Ministry of Energy.

## Conclusions

There are four reasons for the lack of progress in the fight against high-level corruption and abuse of office since the Euromaidan.

Firstly, prosecutor-generals are kept in place as guarantors of immunity granted to politicians and oligarchs with ties to the former or ousted regime. Svyatoslav Piskun and Oleksandr Medvedko played this role under President Yushchenko and Yarema and Shokin played the same role under Poroshenko. 'For Sale' signs under Yanukovych have not altogether disappeared from the offices of the prosecutor general and SBU. All four prosecutors since the Euromaidan — *Svoboda* party member Oleh Makhnitskyy and three appointed by Poroshenko (Yarema and Shokin) — continued to play with the rules and not by the rules and sold their services to politicians and businessmen. Prominent *Samopomych* [Self Reliance] deputy Yegor Sobolyev, head of parliament's committee on fighting corruption, said that

all three prosecutors were ‘covering up those who terrorized the Euromaidan and those who robbed the country’.<sup>69</sup>

Secondly, opaque backroom deals continue to be an important factor in Ukraine’s political and judicial life. This was clearly evident during Poroshenko’s and Vitali Klitschko’s meeting with the Ukraine’s gas lobby in Vienna only a few weeks after the violent carnage on the Euromaidan. At the meeting Ukraine’s gas lobby leaders were given immunity from criminal prosecution, and gas mogul Firtash, Boyko, and Lyovochkin do not appear on the list of Ukrainians that Kyiv is seeking to prosecute that was passed to Interpol. In a similar manner to Poroshenko, the gas lobby has been adept at flip-flopping between political leaders and has successfully worked with, and corrupted, every Ukrainian president.

The United States seeks Firtash’s deportation for corruption, while the Ukrainian president has a long and close relationship with him and his allies.<sup>70</sup> The Austrian court proceedings revealed the depth of Firtash’s relationship with Poroshenko, with Firtash bragging he had helped to bring him to power. Firtash, like Kurchenko and Donetsk oligarch Akhmetov, benefitted greatly from the massive corruption of the Yanukovych regime. Firtash and mafia don Semyon Mogilevych,<sup>71</sup> who have a 20-year-old business relationship,<sup>72</sup> have both worked as agents of influence for Russian President Putin.<sup>73</sup> When Ukraine was charged the highest gas price in Europe, the *Ostchem* gas intermediary owned by Firtash was able to import Russian gas at \$230 for 1,000 cubic meters.<sup>74</sup> The large profit margin was used by Firtash to purchase strategic areas of the economy on behalf of his Russian backers. After his arrest in Vienna, oligarch Vasily Anisimov, who heads the Russian Judo Federation, the governing body of Russian President Putin’s favorite sport, paid Firtash’s bail of \$155 million. Firtash’s businesses remain untouched in Russian-occupied Crimea, unlike those owned by pro-Ukrainian Jewish-Ukrainian oligarch Ihor Kolomoyskyy, whose businesses have been nationalized by the occupation authorities. Firtash used his relationship with Poroshenko to convince the Austrian courts that he was a supporter of the Euromaidan protests and that the charges brought forth by the United States are politically motivated — allowing him to escape

<sup>69</sup>J. W. Andersen and O. Sukhov, ‘Protesters Drive to Poroshenko’s Mansion to Demand Dismissal of Shokin’, *Kyiv Post*, 21 October 2015, <http://www.kyivpost.com/content/ukraine/protesters-drive-to-poroshenkos-mansion-to-demand-dismissal-of-shokin-401106.html>.

<sup>70</sup><http://www.justice.gov/criminal-fraud/case/united-states-v-dmitry-firtash-court-docket-number-13-cr-515>.

<sup>71</sup><http://www.theguardian.com/world/2010/dec/01/wikileaks-cables-russian-mafia-gas>.

<sup>72</sup>[https://wikileaks.org/plusd/cables/08KYIV2414\\_a.html](https://wikileaks.org/plusd/cables/08KYIV2414_a.html).

<sup>73</sup>S. Grey, T. Bergin, S. Musaieva, and R. Anin, ‘Special Report — Putin’s Allies Channeled Billions to Ukraine Oligarch’, *Reuters*, 26 November 2014, <http://www.reuters.com/article/russia-capitalism-gas-special-report-pix-idUSL3N0TF4QD20141126>.

<sup>74</sup>T. Kuzio, ‘Dmytro Firtash Launches New Opaque Gas Intermediary’, *Eurasia Daily Monitor*, 10(55) (2013), [http://www.jamestown.org/single/?tx\\_ttnews%5Btt\\_news%5D=40641#.VZrc-xNViko](http://www.jamestown.org/single/?tx_ttnews%5Btt_news%5D=40641#.VZrc-xNViko).

deportation. Firtash bragged to the Viennese court ‘We got what we wanted — Poroshenko as president and Klitschko as mayor’.<sup>75</sup>

Thirdly, a contemptuous attitude to citizens continues to be prevalent among Ukraine’s so-called ruling elite. The post-Soviet patrimonial state is predatory and ‘used by the ruling elite as a feeding ground’ where the relationship between rulers and ruled is one of subjugation and reward, not mutual rights and duties.<sup>76</sup>

The leaders of Ukraine’s law enforcement structures show disrespect toward Ukrainian citizens, who in turn harbor little public trust in them, creating a vicious spiral of unaccountable state institutions and weak democracy. The ultimate show of disrespect was the unwillingness of Prosecutor-General Shokin, Minister of Interior Avakov, and SBU Chairman Vasyl Hrytsak to attend parliamentary hearings on 19 November 2015 into the investigation of crimes committed during the Euromaidan. Again, this culture can be traced to the Soviet Union and earlier. In the film *Leviathan* the mayor tells Kolya outside his house ‘You are all insects! You always have to make things difficult, don’t you?! That’s why you are all drowning in shit’.

Ukraine’s not-so-post-Soviet ‘elites’ are narcissistic, unwilling to listen, and arrogant. After Yanukovych fled office, the megalomania of prosecutor generals Viktor Pshonka and Rinat Kuzmin were palpable when paintings of them as Napoleon and Julius Caesar were found in their abandoned palaces after they fled. Ukrainian-Canadian Professor Mychailo Wynnycky recalled at a meeting with Poroshenko that, ‘He clearly was not interested in hearing any opinions other than his own’. He recounted how Poroshenko explained, ‘Someday you will all realize that I am the best president Ukraine has ever had and the best of all possible presidents for the present day’.<sup>77</sup> Poroshenko infuriated Ukrainians when he played down the importance of volunteer battalions by claiming, ‘We could have won anyway, but it would have been harder’. The reality is that the volunteer fighters and civilians saved Ukraine at a time when Ukraine had no army.

Two characteristics of Ukrainian elites are particularly repugnant. First, an air of invincibility is common because they have *never* had to face accountability, and they continue to believe they are above the law because they continue to receive immunity from deals undertaken behind closed doors. Second, which follows naturally from the first, they have no remorse for their crimes and no pangs of conscience. In every interview given by Yushchenko since he left office, he has denied he did anything wrong and believes he has nothing to apologize for. When confronted with the adoption

<sup>75</sup>J. W. Andersen, ‘Firtash Claims Kingmaker Role in Ukrainian Politics’, *Kyiv Post*, 7 May 2015, <http://www.kyivpost.com/content/ukraine/firtash-claims-kingmaker-role-in-ukrainian-politics-388070.html>.

<sup>76</sup>H. von Zon, *The Political Economy of Independent Ukraine*, Macmillan, Basingstoke, 2000, pp. 157, 170.

<sup>77</sup><http://www.kyivpost.com/article/opinion/op-ed/power-often-breeds-arrogance-404443.html>.

of laws on 'Black Thursday' (16 January 2014)<sup>78</sup> that destroyed Ukraine's democracy, Yefremov, then the head of the Party of Regions faction, refused to accept they had done anything illegal by rushing the legislation through a show of hands.

Reforms on paper and the creation of new institutions will not satisfy Ukraine's widespread hunger for justice, dignity, and humanity after the murders on the Euromaidan and its costly war with Russian-backed separatist proxies. The Ukrainian population would be more willing to share the burdens of painful economic, social, and fiscal reforms if they saw justice being served, and there was no longer business as usual. But 'Investigation of the Euromaidan crimes is an important historical quest without which the country cannot move to the next stage of development'.<sup>79</sup>

In the absence of presidential political will to change Ukraine's deep-seated corruption, Ukrainians are increasingly taking matters into their own hands<sup>80</sup> by reactivating Euromaidan protests, including outside Poroshenko's palace, and creating new political forces to challenge the president in elections. Military veterans have assisted Crimean Tatars in blowing up electricity pipelines to the Crimea and leading the takeover of government buildings in protest at election fraud. With massive disillusionment and radicalization growing, prominent Ukrainian sociologist Iryna Bekeshkina warned that Ukraine needs 'radical transformations', and in their continued absence Poroshenko could be overthrown in a country awash with weapons and less intolerant to violence.<sup>81</sup> Ukraine's soldiers and volunteers fought — and continue to fight — for their country and not for their political leaders.<sup>82</sup>

The threat of political instability and violence in a country that has seen so much violence in a short period of time and where there are many weapons and explosives is likely to grow as the Ukrainian public increasingly reach the conclusion that Poroshenko has stolen their Revolution of Dignity. The public perception that Poroshenko's past relationships and current business interests have prevented him from pursuing justice, dignity, and humanity suggest an unhappy end to his political career similar to that of Yushchenko, who received a paltry 5 percent in the 2010 elections.

With Poroshenko following in the footsteps of Yushchenko, and Ukraine's current political tension in 2016 resembling that in 2007–2008, Ukraine could be already in another cycle of revolution, disillusionment, stagnation, and revolution.

<sup>78</sup>The vote was clearly visible on television, and those guilty of this flagrant abuse of power are Yanukovych, who ordered the vote (under Russian pressure); First Deputy Chairman of parliament Ihor Kalyetnyk Yefremov; head and secretary of the counting committee Volodymyr Oliynyk and Serhiy Hordiyenko; and Oleksandr Stoyan and Mykhaylo Chechetov from the Communist Party of Ukraine and the Party of Regions.

<sup>79</sup>O. Matviychuk, 'Nepokarani za krov Evromaydanu: shcho nam iz tsym robyty', *Ukrayinska Pravda*, 27 November 2015, <http://www.pravda.com.ua/articles/2015/11/27/7090288/>.

<sup>80</sup>[https://www.youtube.com/watch?v=MIFXIJ\\_QBtE](https://www.youtube.com/watch?v=MIFXIJ_QBtE).

<sup>81</sup><http://nv.ua/ukr/opinion/bekeshkina/bez-reform-ukrajintsi-znesut-tsju-vladu-88809.html>.

<sup>82</sup>During my two visits to the front-line in March and May 2016, I did not find a single soldier or officer who had anything positive to say about their Commander-in-Chief; in fact, the opposite was usually the case.

## Notes on contributor

**Taras Kuzio** is a Senior Research Associate, Canadian Institute of Ukrainian Studies, University of Alberta, and a Non-Resident Fellow, Center for Transatlantic Relations (CTR), School of Advanced International Studies (SAIS), Johns Hopkins University. His *Ukraine: Democratization, Corruption and the New Russian Imperialism* was published by Praeger in June 2015. He is currently completing a book on the Donbas conflict and is the author and editor of 15 books, including *Open Ukraine: Changing Course Towards a European Future* (2011), five think-tank monographs, 25 book chapters, and 100 scholarly articles on post-communist and Ukrainian politics and European studies. Taras Kuzio received a B.A. in Economics from the University of Sussex, an M.A. in Soviet and Eastern European Studies from the University of London, and a Ph.D. in Political Science from the University of Birmingham, England. He was a Post-doctoral Fellow at Yale University.