

# “Bugging in Aquarium”: 5 Conversations at Kholodnytskyi’s Office, as Recorded by NABU Detectives

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**Maksym Kameniev, Dmytro Replianchuk**

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NABU detectives have tapped the office of chief anti-corruption prosecutor Nazar Kholodnytskyi for a month. They bugged the aquarium next to his desk. Hromadske television channel were able to find out what it was that detectives recorded on the “NABU tapes”.

The editors saw the text of the complaint submitted to the Qualification Disciplinary Commission of the Prosecutors by NABU director Artem Sytnyk. He is calling for Kholodnytskyi’s dismissal due to following allegations:

- *neglect of duty and abandonment of duty;*
- *disclosure of secrecy of investigation;*
- *committing actions that dishonor the title of prosecutor and cast doubt on his being objective, unbiased and independent, also on integrity of the Prosecution office;*
- *gross violation of the prosecutor’s ethics code;*
- *interference or any other influence on the part of a prosecutor into professional activity of another prosecutor, officials or judges.*

## **Conversations about Ulana Suprun**

NABU is investigating the case of Oleksandr Bohachov, assistant and consultant to Oleh Liashko, leader of “Radical Party”. According to the investigation, he was attempting to bribe Ulana Suprun, acting Minister of Healthcare.

The bribe in question was a flat in residential complex “Akwareli-2” in the town of Vyshneve in Kyiv oblast. In return Ms. Suprun was allegedly supposed to assist in international organizations providing an NMR-scanner and a mammograph for Vyshneve municipal hospital.

According to NABU, Vyshneve town mayor Illia Dikov could be involved in extorting a flat from “Akwareli Development Holding” which Bohachov then allegedly offered to Suprun.

The complaint says that on March 1, Kholodnytskyi in his office met deputy director of the said company, Serhii Kaftia.

*In the course of the meeting, N. I. Kholodnytskyi warned S. A. Kaftia about possible searches, he disclosed the details of criminal investigation that became known to him in connection with his work duties. He also solicited him to deliberately give false evidence by providing instruction what he should say at the interrogation held by the officer of procedural guidance in the criminal proceedings – Roman Yaroslavovych Symkiv, chief of the fourth department of the Directorate of procedural guidance, public prosecution and representation in the court of the SAPO of Prosecutor General’s Office of Ukraine.*

During the meeting Kholodnytskyi allegedly warned Serhii Kaftia about the possible searches and also disclosed the details of the criminal case, encouraging him to deliberately give false evidence. Moreover, the complaint says that the chief Specialized Anti-corruption Prosecutor instructed Kaftia as to what the latter should say during interrogation. Procedural chief of this case Roman Symkiv was supposed to interrogate. Thus Kholodnytskyi also called Symkiv to his office and “ordered him to interrogate Kaftia as a witness in the criminal proceeding”.

NABU believes that during the interrogation Kaftia acted according to Kholodnytskyi’s instructions, concealing the fact that Vyshneve town mayor Illia Dikov was extorting real estate from him (*the flat later offered to Suprun – ed.*)

The NABU believes that Kholodnytskyi’s actions “rendered the proper pre-trial investigation impossible and deprived detectives of key evidence”.

In five days Kaftia was interrogated by the NABU. After that he came to Kholodnytskyi again and told him about the interrogation, the complaint said. On the same day Kholodnytskyi held several meetings in a row. First he called his deputy Volodymyr Kryvenko and “ordered him to intimidate” Vyshneve town mayor Illia Dikov during the search.

After that he summoned prosecutor Symkiv and “using numerous profanities and humiliating his employee” told the latter that Mr. Kaftia was his “friend” and on that day he was interrogated at the NABU without Kholodnytskyi’s knowledge. Moreover, the complaint says that Kholodnytskyi demanded that Symkiv punish the NABU detectives “employing all leverage he has available, namely not approving documents, thus violating prohibition to encourage employees commit unlawful actions”.

On the same day, March 5, the NABU detectives recorded Kholodnytskyi summon his deputy, Volodymyr Kryvenko, Roman Symkiv and another SAPO prosecutor Ihor Harvanko. During the meeting Kholodnytskyi discovered that Harvanko, without his knowledge, signed three motions for NABU detective to search the company “Akwareli Development Holding”. Harvanko put the SAPO seal “for documents” on them instead of the official stamp that only Kholodnytskyi has access to.

In the evening, according to the complaint, Kholodnytskyi spoke with Kryvenko, and the latter promised to phone Taras Oksiuta, deputy head of Solomianskyi district court, in the morning to ask him to refuse requests from NABU detectives to search “Akwareli Development Holding” company.

In the morning of the next day judge Hanna Serhiienko considered the search requests. Prosecutor Harvanko tried to persuade her not to allow the NABU detectives’ investigation in “Akwareli Development Holding”, but she sided with NABU after all and allowed the searches. Before the hearing, she told the detective that she got a call “from above” and asked her “not to allow search of the construction company”.

NABU believes it to be the form of illegal control of prosecutors’ activities by SAPO chief. The complaint

says that Kholodnytskyi told Kryvenko to call the investigating judge and to order not to consider the request. Kryvenko promised to phone Taras Oksiuta, deputy head of Solomianskyi district court or Liudmyla Sheremetieva, head of the court, and ask them to refuse the NABU's requests based on formalities.

### **Conversations about Logvynskyi**

NABU detectives investigate three criminal cases featuring the "People's Front" faction member of the parliament Georgii Logvynskyi. On the first case he is accused of misappropriation of 40 million UAH worth of assets from "Belveder Ukraina" LLC founders. This case has been investigated since May 2016.

The second case concerns Logvynskyi's assistants that may be involved in misappropriation of "Bank Stolytsia" PJSC assets. According to the investigation, due to their actions, the Deposit Guarantee Fund did not receive nearly 18 million UAH it was supposed to.

Another proceeding concerns the "Zoloty Mandaryn" ["Golden tangerine"] company that investigators link with Logvynskyi.

According to the complaint, on February 9, Logvynskyi came to Kholodnytskyi's office and asked the latter what he was going to do about the criminal cases. Kholodnytskyi replied that he had got "everything under control" and would inform Logvynskyi in advance about when the detectives would conduct their investigating actions.

About an hour after the meeting Kholodnytskyi summoned senior prosecutor Serhii Kozachyna who investigates these proceedings. Kozachyna said that he was going to serve a notice of suspicion of corruption crimes to Logvynskyi. Upon hearing that Kholodnytskyi said that this case has "got a certain political issue" as Logvynskyi is backed by MPs Mustafa Dzhemilev and Refat Chubarov, as well as the whole European Court of Human Rights. As Logvynskyi's wife has been the judge of this court for 8 years. Therefore Kholodnytskyi said that he "would not want to get on their bad side".

The complaint says that in that conversation Kholodnytskyi was telling about Logvynskyi's authority in the Parliamentary Assembly of the Council of Europe, Knesset and the Embassy of Israel, "influential position of Jews around the world, and that he does not want to acquire enemies among them, meanwhile employing numerous anti-Semitic expressions and obscenities".

Finally, the complaint says, Kholodnytskyi asked Kozachyna when pre-trial actions in Logvynskyi's case were to end. He remarked that the case were to be deferred at uncertain term or even completely closed.

### **Conversations on Bakhmatyuk**

NABU investigates two criminal cases in which Oleg Bakhmatyuk, businessman and owner of agricultural holding company UkrLandFarming, is involved.

The first case concerns VAB Bank owned by Mr. Bakhmatyuk. The investigators believe that the management of the National Bank of Ukraine unlawfully provided a stabilization loan to VAB Bank. The case is investigated under the article "Misappropriation, embezzlement or conversion of property by abuse of office".

The second case is appropriation of 1.5 bln UAH of state budget money by the individuals connected with Mr. Bakhmatyuk from the agroholding Avangard. According to the detectives, officials of the State Fiscal Service abused their positions for the benefit of Bakhmatyuk's subordinates, thus causing big losses in September 2015 - January 2016.

On March 5, Serhii Kozachyna enters Kholodnytskyi's office. He is a prosecutor responsible for procedural guidance of Bakhmatyuk's cases, says the complaint. Kholodnytskyi allegedly told the prosecutor that he learnt from the mass media that Bakhmatyuk was going to hold protests in front of the SAPO premises, and inquired what stage the investigation against him is at. Kozachyna gave him the answer.

Then Kholodnytskyi allegedly asked his deputy Volodymyr Kryvenko whether anybody else except for Kozachyna is involved in Bakhmatyuk's cases investigation. The deputy reported that Maksym Kravchenko, chief of the second department, was also working on them. After that, Kholodnytskyi summoned Kravchenko, and told him to hold a meeting of investigators and prosecutors which would result in transfer of Bakhmatyuk's case to other law enforcement agency, says the document. The same day, Kholodnytskyi tried to persuade Kravchenko several times more to stop investigation in Bakhmatyuk's cases.

According to NABU, the next day prosecutors and detectives working on the case gathered for the meeting and decided to proceed with investigation against Bakhmatyuk. However, on March 7, Kholodnytskyi took away Bakhmatyuk's cases from the SAPO by his order, and transferred them to the National Police investigators, explains the complaint.

### **Conversations about Korchak**

Since October 2017, the NABU detectives have been investigating the criminal case involving Natalia Korchak, former head of the National Agency on Corruption Prevention. The case deals with Korchak's "undeclared car". According to the investigators, the NACP head did not include into her declaration a Skoda Octavia which she was using alongside her husband, though the vehicle was registered at her mother-in-law Nadia Timer-Bulatova.

According to NABU, on February 20, Andrii Dovhan, chief of procedural guidance of the SAPO, received papers for provisional access to Natalia Korchak's objects and documents, which was to be signed. The next day Dovhan allegedly came to Kholodnytskyi's office and asked him to sign the papers. Dovhan explained that NABU detective had already recorded Natalia Korchak using undeclared Skoda Octavia. As the complaint goes, Kholodnytskyi brutally refused.

So on February 23, the motion was returned to NABU without Kholodnytskyi's approval as he "finds no expediency" in signing it.

Additionally, according to the complaint materials, on February 16, Kholodnytskyi met Yaroslav Yurchyshyn, head of Transparency International human rights NGO, and revealed secret data in Korchak's case, thus breaking secrecy of investigation. By the end of the meeting, Kholodnytskyi allegedly declared he was not going to arrest Natalia Korchak as "it would hurt everyone".

### **Conversations on Trukhanov**

Since November 2016, NABU detectives have been investigating "Trukhanov's case" involving Gennadiy Trukhanov, Odesa City Mayor, alongside Odesa City Council officials and businessmen connected with him. According to NABU, they were involved in the scheme of causing losses to the Odesa municipal budget in respect of an especially gross amount. In September 2016, Odesa City Council purchased the Kraian plant building from a private company for 185 mln UAH. In the beginning of 2016 the company itself purchased that complex for as low as 11.5 mln UAH.

The complaint says that on February 7, Kholodnytskyi summoned his deputy Volodymyr Kryvenko. They discussed Trukhanov's case. At the conversation, Kholodnytskyi allegedly ordered Kryvenko to abstain from

active investigative actions against certain individuals involved in the case.

The documents says that the Anticorruption Prosecutor “appeared to be informed on the schedule of transfers of individuals whose guilt by association was examined by which he proved the facts of off-procedural communication with those individuals or their representatives”.

Finally, Kholodnytskyi ordered not to institute criminal proceedings against Trukhanov and to distort the contents of the case documents.

On the day of Gennadiy Trukhanov’s and Pavlo Vuhelman’s (other individual involved in the case) arrest, Kholodnytskyi made efforts for them to be immediately delivered to the court for decision on pre-trial preventive measures – regardless the fact that the previous day NABU arrested three other individuals in Trukhanov’s case, so the court was to consider their preventive measures first.

NABU representatives believe that in the mentioned cases Kholodnytskyi is responsible for improper execution of his work duties, disclosure of the pre-trial investigation data to the witness, and actions discrediting his title of prosecutor raising doubts of his objectivity, impartiality, independence, and also he brutally violated prosecutor’s ethics norms.

The Hromadske editors addressed to Nazar Kholodnytskyi, chief of the Specialized Anticorruption Prosecutor’s Office asking him to comment on the mentioned facts.

Nazar Kholodnytskyi sent his response stating:

*“I am ready for investigation of all the accusations against me from the NABU director and Prosecutor General at the seating of the Qualifications and Disciplinary Commission of Public Prosecutors. I am ready to defend my position, but I demand the comprehensive investigation, all the words, and further actions must be investigated. We will not hide, we will not be on sick-leave. We will come to the seating and provide all the explanations demanded by the commission.”*

Original text: <https://hromadske.ua/posts/zhuchky-v-akvariumi-5-rozmov-u-kabineti-kholodnytsk-ho-iaki-zapysaly-detektyvy-nabu>