

12 March 2015 No.17/1/5-32814-14

to No. 083/03-260 dated 27 February 2015

To the attention of the People's Deputy of Ukraine,

Leshchenko S.A.

Dear Serhiy Anatoliyovych,

Upon consideration of your deputy appeal No. 083/03-260 dated 27 February 2015 regarding the provision of information in criminal proceedings concerning Zlochevskiy M.V in addition to the previously given responses, I am to inform on the following.

The Main Investigative Department of the General Prosecutor's Office of Ukraine investigates criminal proceedings No. 4201400000000805 from 05 August 2014 which suspects former Minister of Ecology and Natural Resources of Ukraine, Deputy Secretary of the National Security and Defense Council of Ukraine, Zlochevsky M.V., under part 3 of Art 368-2 of the Criminal Code of Ukraine on the fact of committing illicit enrichment on a large scale.

The reason for inputting this information to the Unified Register of Pretrial Investigations were materials submitted as request for international legal assistance by the competent authorities of the United Kingdom of Great Britain and Northern Ireland in their investigation of criminal case against Zlochevsky M.V. for committing money laundering. In particular, the British request gave impression that British law enforcers investigated the criminal case against Zlochevskiy M.V. for committing the money laundering amounting to about 35 mln USD in that country.

At the request of the competent authorities of the country, the London Criminal Court limited Zlochevsky M.V. in the use of assets in the accounts of Cypriot companies, Brociti Investments Ltd and Burisma Holding Ltd in London bank totalling 23.5 mln USD. According to the British law enforcement data, these funds belonged to Zlochevsky M.V. and were received it in an illegal way.

On 23 September 2014 and 2 December 2014, senior investigator for particularly important cases, Horozhankin D.O., and Deputy Head of the Department – the head of the fifth investigative unit of the Main Investigative Department of the Prosecutor General's Office Ukraine, Kravets A.B., on the requests of the defender of Zlochevsky M.V. in accordance with the applicable law provided answers on indefinite procedural status and the lack of notification of suspicion of Zlochevsky M.V. at the time. Thus, the provided information regarding the circumstances of the investigation proceedings was valid at the time of its provision. There is no established violation of the current legislation in the provision of these answers.

At the beginning of December 2014, the investigators of the Main Investigative Department of the Prosecutor General's Office of Ukraine conducted proceedings aimed at collecting evidence required for the adoption of lawful procedural decisions, including rationalising of the sufficient grounds for drawing up notice of suspicion of Zlochevsky M.V.

Instead, following the decision of the former leadership of the Prosecutor General's Office of Ukraine these criminal proceedings were withdrawn from the Main Investigative Department of the Prosecutor General's Office of Ukraine and their investigative jurisdiction was transferred to the Main Investigation Department of the Ministry of Internal Affairs of Ukraine on 12 April 2014.

On 12 December 2014, the Prosecutor General's Office of Ukraine received official notification from the National Crime Agency of the United Kingdom of Great Britain and Northern Ireland dated 10 December 2014 which established that the British law enforcer had fully proven the fact of illicit enrichment by Zlochevskiy M.V. in the amount of about 23 mln USD and intentional failure to declare this income in their country.

Later, on 29 December 2014 criminal proceedings concerning Zlochevsky M.V. were returned for further investigation to the Main Investigative Department of the Prosecutor General's Office of Ukraine by the decision of the leadership of the Prosecutor General's Office of Ukraine.

Given the official information from the British law enforcement officials dated 10 December 2014, immediately after the reception of the case the investigator of the Main Investigative Department of the Prosecutor General's Office of Ukraine investigated prepared a written notice of suspicion to Zlochevsky M.V. under para 3 of part 1 of Art 276 of Criminal Procedure Code of Ukraine regarding the offence envisaged by part 3 of Art 368-2 of Criminal Code of Ukraine (illegal enrichment in a large scale).

At the request of Prosecutor General's Office of Ukraine, the investigative judge of Pechersk District Court of Kyiv seized the abovementioned cash in the amount of 23.5 mln USD under Art 170 of the Criminal Procedure Code of Ukraine on 30 December 2014.

In early January 2015, the Prosecutor General's Office of Ukraine sent the request for international legal assistance to the competent authority of the United Kingdom requesting to provide the seizure of these funds; it also added a copy of the written notification of suspicion of Zlochevsky M.V. for the court.

However, in late January this year, the lawyer, who defends the interests of authorized representative of companies Brociti Investments Ltd and Burisma Holding Ltd, provided the pretrial investigation in the way prescribed by law with a copy of the decision of the Central Criminal Court of London dated 21 January 2015 regarding the criminal case against Zlochevsky M.V.

In this decision, the London Court stated that the British law enforcers provided the court granted with unproven and invalid evidence, mainly based on assumptions and speculation which were not confirmed during the trial. This resulted in court being misled regarding the illegality of actions Zlochevsky M.V. Also the judge established the fact that the UK competent authorities withheld from the court significant documents related to the actual circumstances of the case.

Given the distortion of information by the British law enforcers in this case and concealment of actual circumstances of the case from the court, the London Court decided on the impossibility of the further freeze of the accounts of the respective Cypriot companies.

Also the London Court in its decision admitted the fact of official receipt of the information from the Prosecutor General's Office of Ukraine and supporting documents confirming notice of suspicion to Zlichevsky M.V. in criminal proceedings No. 4201400000000805 under part 3 of Art 368-2 of the Criminal Code of Ukraine on 8 January.2015 during trials as well as decision of Pechersk District Court dated 30 December 2014 concerning the seizure of the accounts of Zlochevsky M.V. in BNP Paribas Bank (London).

As a result of studying the materials provided by the Ukrainian side, the British court decided not to take them into account as in its opinion the documents were based on the data submitted to the General Prosecutor's Office of Ukraine by the competent authorities of the UK. These data were not confirmed by the court and mostly were distorted by the UK law enforcement officers.

At the same time, as it was seen from the court decision, the London Court had not taken into account the answers regarding the absence of the notification of suspicion to Zlochevsky M.V. previously provided by the Prosecutor General's Office of Ukraine and presented by the defendant.

Currently, the pretrial investigations in the criminal proceedings are ongoing.

Best regards,

Deputy Prosecutor General

[Signature]

Bahanets O.