

The Ministry of Justice of Ukraine
13 Architect Gorodetsky St.
13 Kyiv 01001
To Minister of Justice of Ukraine
O. Stefanishyna

Cc: National Agency on
Corruption Prevention [NAZK]
28 Mykola Mikhnovsky Blvd.
Kyiv 01133
To the head of the NAZK
V. Pavlushchuk

From Natalia Mikhailovna Vitrenko
d.o.b. 28 December 1951, citizen of Ukraine,
registered and residing at:
[REDACTED], Kyiv 04213
Telephone: [REDACTED]

Statement

I request cancellation of my appointment as Chairman of the liquidation commission for termination of the operations of the Progressive Socialist Party of Ukraine (hereinafter PSPU or the Party), which was adopted illegally, against my will, and without any approval by me, and which has led to a gross violation of my rights, freedoms, and legal interests.

The Supreme Court partially satisfied the PSPU's appellate complaint by its decision dated 27 September 2022 in case №II/857/5/22, while it nonetheless banned the PSPU from operating.

According to Article 21, Part 2 of the Law of Ukraine "On Political Parties in Ukraine" (hereinafter "the Law"), the ban of a party means the termination of its operations, the dissolution of its central and local governing bodies, the exclusion of the party, as well as information on members of such bodies (other than governing ones), from the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Organizations, and the termination of membership in the political party.

The PSPU fulfilled all requirements under the law, connected with its ban by the court. And it is not our fault, that the Ministry of Justice did not carry out the court's decision and failed to exclude the Party from the Unified State Register.

The court made no decision regarding either the formation of a liquidation commission or the appointment of a chairman of a liquidation commission (liquidator). I was co-founder of the PSPU and throughout the 26 years of its operation was the democratically elected chairman of the PSPU, without any violations whatsoever of the Party's Charter or the laws of Ukraine. I considered and do consider the ban of our Party to have been unlawful and politically motivated, the evidence of which we set forth in our appeal to the European Court [on Human Rights]. Therefore I have never agreed and do not agree to my appointment as chairman of a liquidation commission for the PSPU.

I draw your attention to the fact that the Supreme Court, precisely on the basis of examining our evidence and the arguments in our appellate complaint showing the grounds on which the ban of the Party was unlawful, appointed neither a liquidation commission nor me as chairman of such a commission. And the Charter of the Party did not provide for

assigning to me the responsibility of being the chairman of a liquidation commission in the event that the PSPU were to be banned by a court.

Nonetheless, against my will, without informing me in any way, and without my approval, somebody from your agency has appointed me chairman of a liquidation commission for the PSPU. This has become the basis for the NAZK to demand of me the submission of reports on property, revenues, expenditures, and financial obligations. Moreover, the NAZK formalized this illegal demand through a Protocol on an Administrative Violation and, distorting the circumstances and twisting the legal standards, sued me with the purpose of holding me administratively liable and collecting from me a fine of 5000 hryvnias.

Unfortunately, the Pechersky District Court of the City of Kyiv, which took up case №757/49134/24-П on November 4, 2024 in my absence and in violation of all standards of fair court proceedings, upheld the NAZK's suit. This is, beyond a doubt, an infringement of my reputation, honor and dignity as a well-known (not only in Ukraine, but abroad) scholar (Doctor of Economics, Academician), political figure (People's Deputy of Ukraine in two convocations, candidate for the Presidency of Ukraine in 1999 and 2004), and chairman of an opposition party (which was seated as a caucus in the Parliament of Ukraine). I assess these actions towards me as unlawful, politically motivated repression.

Amid the difficulties and restrictions of martial law, I am forced to defend my rights in court; therefore, on November 19, 2024 I submitted an appellate complaint. All of these problems are connected with the fact that somebody, in violation of their obligations under the Constitution and the Convention [European Convention on Human Rights], registered me as chairman of a liquidation commission for the PSPU.

I remind you, that Article 8 of the Constitution of Ukraine proclaimed that "the principle of the rule of law is recognized and operates in Ukraine". Article 3, Part 1 of the Law of Ukraine "On the Cabinet of Ministers of Ukraine" defined that "the activity of the Cabinet of Ministers of Ukraine [CMU] is based on the principles of the rule of law"... And "the Ministry of Justice is the chief agency within the system of central agencies of the executive branch, providing for the formation and implementation of the state's legal policy"... (CMU Resolution №228 "On Confirmation of the Provisions for the Ministry of Justice of Ukraine", dated July 2, 2014).

Consequently, any activity of the Ministry of Justice must be conducted on the basis of indisputable, conscientious fulfillment of the principle of the rule of law, as defined both by national legislation and in the European Convention on Human Rights and precedents established by the European Court [of Human Rights]. Departure from this by agencies of government is viewed as abuse of power and despotic action on their part. That is the position of the Venice Commission [European Commission for Democracy through Law] and the European Court.

I consider that my appointment as chairman of the liquidation commission for the PSPU was an abuse of power because:

1) there is not a single law that gives the government the right to appoint as chairman of the liquidation commission necessarily the former head of a party against that person's will and without any approval. Neither Article 21 of the Law nor Articles 104, 105 and 110 of the Civil Code of Ukraine (TsKU) give anyone whomsoever the right to appoint as chairman of the liquidation commission necessarily the head of a party, absent that person's will and without his or her approval. I gave no such approval. Therefore the decision to appoint me is unlawful and was done in violation of Article 19, Point 2 of the Constitution of Ukraine;

2) such appointment as chairman of the liquidation commission has violated my civil rights, guaranteed under Article 3, Part 1, Points 1 and 2 and Article 312, Part 1 of the TsKU. The heart of Article 312, Part 1 is that an individual person has the right to choose or change occupations, i.e., he or she has the possibility to choose or change occupations, perform a

given job or hold a given post freely, as they see fit, taking into account their own interests and values, and in accordance with their abilities and possibilities. But my rights to freedom of choice were violated;

3) in appointing me chairman of the liquidation commission for the PSPU, the state has violated Article 32 of the Constitution of Ukraine (interference in personal life) and Article 8 of the European Convention on Human Rights (damage to my mental health through appointing me executioner for my own Party);

4) the principle of the rule of law has been grossly violated. *“The Venice Commission has defined as mandatory elements of this principle:*

- *legality;*
- *legal certainty;*
- *prohibition of the abuse of power;*
- *access to due process, provided by independent and impartial courts;*
- *respect for human rights;*
- *prohibition of discrimination, and equality before the law.*

Failure by a public administration to observe even one of the above-listed elements will mean its violation of the principle of the rule of law.” (R.S. Melnyk, S.O. Mosyondz, *Administratyvne pravo Ukrainy [Administrative Law of Ukraine]*, Kyiv, Yurinkom Inter, Bukva Zakonu, 208, p. 65).

I have given grounds above, for the illegality of my appointment, the abuse of power, and the problems with legal certainty. As for the violation of my rights, I draw your attention to just one: the violation of my right to present my point of view, when I was being appointed as chairman of the liquidation commission for the PSPU.

In consideration of what has been set forth above, I request that you cancel the decision on appointing me chairman of the liquidation commission for the PSPU as unlawful, and thus defend my rights against violation and abuses on the part of your institution.

Natalia Vitrenko

TABLE OF ACRONYMS

Acronym, transliterated from Ukrainian	Translation of expansion	English acronym
KMU	Cabinet of Ministers of Ukraine	CMU
NAZK	National Agency on Corruption Prevention	NACP
PSPU	Progressive Socialist Party of Ukraine	PSPU
TsKU	Civil Code of Ukraine	CCU