



Society

# Responsibility for fraud should be systemic

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***This story is typical for Ukraine and, I hope, will be instructive for many. Because even now it is convenient to catch fish in muddy water, it just seems that they will not ask about it later. Manuscripts do not burn, especially when it comes to court decisions.***

On September 10, 2018, the Supreme Court of Ukraine ruled in case № 920/739/17. He put a bold point in clarifying the relationship between the Main Department of the State Geocadaastre in Sumy region and the agricultural enterprise "Karl Marx-2", which has long and successfully operated in Putivl district in Sumy region. The Supreme Court sided with a farmer whose land was brazenly and unjustifiably confiscated by officials. The Main Directorate of the State Geocadaastre not only violated the current legislation, but also acted against the interests of the state and the local territorial community.

It all started in March 2010, when the above-mentioned enterprise "Karl Marx-2" and Putivl District State Administration concluded several leases of state land. Agreements were signed for 7 years, so when the documents began to expire, farmers announced their intention to extend. The law requires such applications to be submitted no later than 30 days before the end of the lease agreement, but Karl Marx-2 did so much earlier - on January 31, 2017. The function of disposing of state lands outside the settlements at that time no longer belonged to the Putivl District State Administration, but to the Main Department of the State Geocadaastre in the region, that is why the agricultural enterprise sent a letter of notification there.

When the lease agreement expires, the preemptive right to use it is subsequently given to the previous tenant - provided, of course, that he did not violate the rules and paid for the land on time. Karl Marx-2 agricultural firm was just such a tenant - at least nothing else is mentioned. Despite this, the State Geocadaastre refused a conscientious user to extend the documents, citing contrived reasons. The agricultural enterprise received refusals and resignations under 22 lease agreements - in total it was deprived of more than 300 hectares of land. Because of this, we had to apply to the Commercial Court of Sumy region, and by its decision of September 21, 2017, the claim of PE "Karl Marx-2" was satisfied. But the State Geocadaastre appealed this decision to the Kharkiv Commercial Court of Appeal, so it took the peasants 1.5 years, for the case to reach the Supreme Court and justice to prevail in the end. But did she actually win? So far, the court and the case, the State Geocadaastre has transferred a significant part of the land, which was previously cultivated by PE "Karl Marx-2", to other users. In this way, the officials violated not only the norms of morality, but also the norms of law - they made decisions without waiting for the final court verdict.

We reported about possible abuses of employees of the regional branch of the State Geocadaastre in a letter to the prosecutor of the Sumy region Vitaly Matviychuk. The head of the supervisory agency was addressed by the heads of the Sumy regional organization of the Union of Lawyers of Ukraine and the Association "Union of Agricultural Enterprises of Sumy region." It was not just about the Karl Marx-2 agricultural enterprise. Officials have found contrived reasons not to extend the land lease agreements of Agropolis LLC and Nadiya SFG of Konotop district, as well as Vpered LLC of Sumy district. Instead, lease agreements were extended to such huge oligarchic agricultural holdings as Kernel and Rise-Maximko. The first company is registered in Luxembourg and the second is part of the well-known Ukrlandfarming and is

registered in Luxembourg, and the second is part of the well known Ormandarim and is registered in Cyprus. That is, contrary to the officially proclaimed state policy of supporting the

farmers' movement, small and medium-sized producers as the foundation of rural development, officials of the State Geocadastre contribute to the monopolization of agriculture and offshore capital. Finding out what motivates them to make such decisions is a matter of honor and a professional duty of anti-corruption bodies.

We also mentioned other, to put it mildly, strange facts. In the Bilopillya district, the State Geocadastre assisted in the allocation of 2 hectares of land for private farms only to those applicants who later transferred these plots to the Victoria agricultural firm, and denied the remaining applicants (more than 100 people). This was reported in a statement to the Main Department of Justice in Sumy region and the anti-corruption headquarters at the regional state administration by residents of the village of Tuchne, Bilopil district.

Due to the voluntaristic actions of the officials of the State Geocadastre, both the state budget and the local budgets of Sumy region suffer significant losses. Only due to the red tape with the prolongation of land lease agreements to the company "Karl Marx-2" the budget of the Vyazensky village council of Putivl district, according to our estimates, in 2017 lost at least 300 thousand UAH.

In our opinion, the above is more than a serious basis for the prosecutor's response to possible facts of corruption, abuse and harm to state interests. Meanwhile, within 5 months that have passed since we wrote a letter to the prosecutor of the Sumy region, he has not received any response - at least a reply. Therefore, I ask you to consider this material, prepared for the "Voice of Ukraine", a public appeal to the Prosecutor General's Office of Ukraine.

There is a lack of attention to the officials of the State Geocadastre and the National Agency for the Prevention of Corruption. Only Prime Minister Volodymyr Groysman has shown some determination regarding the state of affairs in the field of land relations. On October 24 last year, during a meeting of the Regional Development Council, he dismissed the then head of the State Geocadastre Oleg Tsvyakh, but will this one-time gesture solve a problem that has already become global? Due to the clumsy decisions of local bodies of the State Geocadastre, the judicial authorities of Ukraine have already considered approximately 400 "land" cases. As in the case of the agricultural firm "Karl Marx-2", officials for contrived reasons refused to extend the lease agreements to previous users and transferred the plots to the "steepers".

**Yevhen MATVEENKO,**  
**Chairman of the Sumy Regional Organization of the Union of Lawyers of Ukraine.**

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Editor's choice

June 4, 2020

JUNE 4, 2020

## The mother-heroines were recognized



June 4, 2020



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June 4, 2020

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