



Attorney John Buretta: In the case of Burisma and Zlochevskiy I met with Prosecutor General Yury Lutsenko

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In mid-January, Burisma Group announced that all cases against its president, Nikolay Zlochevskiy, and Burisma companies were fully closed. The former Minister Nikolay Zlochevskiy is one of the few public officials from the previous government who voluntarily subjected himself to the investigation in Ukraine. After reviewing the evidence in London and Kiev, the criminal proceedings against Mr. Zlochevskiy were dismissed. In the Ukrainian media, opinions about the need for presenting the public report and reviewing the decision have been voiced multiple times. An American lawyer and former U.S. Deputy Assistant Attorney General, John Buretta, was one of the key attorneys on Mr. Zlochevskiy's defense team. In an exclusive interview, John Buretta talks about how the defense strategy was developed in Ukraine, whether all cases are closed, and if legal proceedings can be renewed.

Why were the cases against Nikolay Zlochevskiy in Ukraine closed? And, what is the relevance of the 2015 decision by the UK criminal court?

The U.K. Central Criminal Court held a formal hearing during December 3-5, 2014, and considered voluminous evidence presented by the U.K. Serious Fraud Office (SFO) and by Mr. Zlochevskiy. The evidence included thousands of pages of material produced by Ukrainian authorities at the request of the SFO, relevant documents produced by financial institutions, and affidavits and a large volume of documents produced on behalf of Mr. Zlochevskiy. In January 2015, the U.K. Central Criminal Court, in a lengthy written decision, concluded that there was no reasonable cause to believe that Mr. Zlochevskiy's assets were unlawfully acquired



a result of misconduct while he served in public office. In addition, the U.K. court found that the SFO materially and significantly failed to disclose relevant documents favorable to Mr. Zlochevskiyi.

In August 2014, the Office of the Prosecutor General (PGO) opened a criminal proceeding as to the same matters adjudicated by the U.K. Central Criminal Court. With regard to the PGO's investigation, Mr. Zlochevskiyi produced voluminous materials addressing the allegations, as he had before the U.K. Central Criminal Court. Over the two years the PGO matter was open, no evidence was presented supporting any claim that Mr. Zlochevskiyi had abused his position while in public office. In September 2016, the Pechersk District Court of the City of Kyiv concluded that no criminal procedures should be taken against Mr. Zlochevskiyi. In other words, the Pechersk District Court reached the same conclusion as the U.K. Central Criminal Court.

Recently, Burisma paid a large amount in “back taxes”. Some have questions whether the payment of UAH 180 million was a payoff for the case to be closed.

The matter of Burisma's tax obligations pertains to Burisma. In regard to the Burisma tax matter, **Burisma agreed to cooperate fully with the PGO, accept an unscheduled documentary tax inspection, assist in a pre-trial investigation, and provide all necessary documents, materials and information. The tax obligations that were assessed** were the result of an audit that the PGO conducted of Burisma, which the PGO carried out jointly with other government agencies, including the State Fiscal Service of Ukraine and independent experts.

Did you meet Yuriy Lutsenko personally?

I met with numerous PGO personnel, including Prosecutor General Lutsenko. I conveyed that Mr. Zlochevskiyi had provided voluminous evidence to the PGO with respect to his assets, that a U.K. court had also analyzed a large volume of evidence and found no reasonable basis to conclude that there had been any wrongdoing, expressed Mr. Zlochevskiyi's willingness to cooperate with Ukrainian authorities and noted that the PGO had presented no evidence of wrongdoing by Mr. Zlochevskiyi. I took the same approach on this matter that I would take on a similar matter before any law enforcement authority or court.



When and how did you meet Nikolay Zlochevskyi? Who did invite you to join Burisma's legal team?

I was retained by Burisma and agreed to the assignment after thoroughly examining the history of Burisma and Mr. Zlochevskyi and on the recommendation of other highly-regarded U.S. advisers. I met with Mr. Zlochevskyi, Burisma's management and legal team, and Burisma's distinguished Board of Directors.

You used to hold the position of the U.S. Deputy Assistant Attorney General. Why did you decide to manage Ukrainian cases? Do you have work experience with similar individuals and/or companies?

I have extensive experience with assessing allegations of corruption, both from the government side while serving in the Department of Justice, and from the private side. I have served as an expert witness in proceedings outside the U.S. in such matters and have handled a broad range of matters for companies and individuals involving various countries. Regardless of the country, it is important that prosecutors follow the law and the evidence. When the law and evidence dictates the result, as it did before the U.K. Central Criminal Court and the Pechersk District Court, the rule of law flourishes.

Will Nikolay Zlochevskyi return to Ukraine, and when?

This question should be addressed directly to Mr. Zlochevskyi. From a legal point of view, today there are no restrictions for his travel both within the country and abroad. All cases against Mr. Zlochevskyi have been closed in Ukraine.



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