
**IGOR
ZAVADSKY**

**JAIL
DIARIES**

**Kharkiv
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Borys Zakharov

Zavadsky I. B.

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FROM THE COMPILER

On March 23rd, 2012, world famous accordionist-virtuoso Igor Zavadsky and his friend and assistant Andriy Bryhida were detained on charge in corruption of minors. They were brought to the Kyiv pretrial detention center where they have been staying until now. On July 10, 2014 the Podil District Court of Kyiv sentenced Igor to thirteen years of imprisonment and Andriy to seven years.

From the very beginning I could not believe in Zavadsky's guilt. Such person could not commit crime which was imputed to him! Simply by definition, he could commit violence, especially, in relation to minors! In any way, it did not match his moral make-up, his creativity, and his acts. The more I learned about this case — about torturing both of them on the day of apprehension in order to make Andriy slander Igor and make Igor admit committing crimes, about serious infringements of the code of practice, falsification of evidence — the more it became clear that the accused are innocent and the case was grossly fabricated.

But both the contractors and executors of this order filled the information space with lies, and many, who did not know Zavadsky, came to believe in diligently created image of a villain. I hope that fragments from his jail diaries and some

letters from a pretrial detention center included in this book will show real Zavadsky, the infinitely kind and pure soul who has managed to remain an optimist under hard conditions of imprisonment and the roller of unfair criminal prosecution. In fact, he is childish, trusts in miracles, and, at the same time, as a grown-up he is devoted to his mission of the Artist who brings love, pleasure and beauty to people.

The case of Zavadsky–Bryhida reminds me of political processes against human rights activists in the 60s through 80s of the past century: the same full disregard for the facts and the law, the same falsifications; moreover, then they concocted the likely criminal offences to incriminate dissidents. Therefore this case is a test, touchstone for the Ukrainian justice: either it remains a Soviet-like justice or it has changed and may be fair.

On August 20, the litigation began to examine appeal complaints about the sentences of the court of the first instance. We hope together with Igor Zavadsky that the truth and justice will triumph.

Yevhen Zakharov



**EXCERPTS
FROM
DIARIES**

2012

My main motto is as follows: “One should live not due, but contrary to circumstances”.

My tasks and purposes while I stay in captivity (something I should learn):

- 1) to be sure that I am on a creative leave where I have to make the best of my time (read books, perform active exercises, accumulate creative energy, write new parts of the future book *Become a Star* proceeding from the idea that one has always to clear vital obstacles and believe in her/his guiding star;
- 2) to stay put all the time (not to be up in the clouds and not to be tempted to do as you feel only);
- 3) whenever possible, your concerts included, to radiate calmness, psychological stability, to smile more often, without ceasing to enjoy life;
- 4) to keep silent and listen to others more often;
- 5) to show maximum respect and, depending on situation, place emphasis on your neighbors;
- 6) not to take to heart everything like it was in the past;
- 7) to negotiate this stage of my life with dignity, to come out of it a renewed person, to look younger, smiling,

and kinder, courageous, and human. To remember my calling: “To be a source of great enjoyment to people”;

- 8) mentally, with the use of a board and metal partitions in the table in my cell, to exercise for my instrument;
- 9) to become more adapted for life; in future it may become a base for self-sufficiency.

...The higher you rise, the more you have to pay for it...

March 23rd, 2012

Detention at 20.37 (I was going out of doors to get in the *Express* taxi to go to the “Culture” channel “Culture” for cutting of the concert broadcast on 25.02.12: “100!” The House of Actors, broadcasted on 25.03.12, at 21.00). From 20.50 to 01.00, an unauthorized search in my apartment took place (no search warrant; the only witness was my neighbor Olena). About 21.05–21.10 they brought met the Shevchenko District Department of Internal Affairs. The third degree examination: S. V. Pryhodko, R. I. Osypenko, and S. S. Klochuriak (he participated in detention, captain of militia), A. A. Pazho, the investigator. I refused to give evidence without the lawyer; then they took me to make an examination about 23.00–23.30, once again Pazho A. A., where “witnesses” were present twice and signed that I did not agree to give evidence without a lawyer. They took out of my pocket ₴100 and the remaining about ₴400 they entered in the register. About midnight they took photographs of me (full-face and half-face). About

01.20 or 01.30 lieutenant colonel R. N. Olenko and other officers of the District Department of Internal Affairs (5 to 6 people) beat me black and blue, tortured, threw me on the floor (I fainted); later I felt my sight deteriorated. They fingerprinted me against my will.

The malicious insults lasted for about seven hours:

- 1) during detention they floored me, just to warm-up they gave me a beating;
- 2) at militia station, they did not allow me to use a toilet;
- 3) they tightened handcuffs to pain me; during seven hours they removed the handcuffs only once (when they beat me and fingerprinted);
- 4) they beat me at the District Department of Internal Affairs, squeezed my testicles; they twisted my left arm and subjected me to a rack stretching muscle fibers and I took severe pain for one or two minutes until they released me;
- 5) they threatened and intimidated me to make me supply evidence against myself without a lawyer (they kept the lawyer away from me for six days).

Andriy Bryhida: they broke him three ribs at detention; a hematoma under the left eye and rupture of capillaries of an eyeball were a result of beating by Ruslan Osypenko in his office.

About 04.00 I was brought to an isolation ward for the first time. The medical attendant on duty examined me and found the traces of beating. They transferred me under guard to the acute care hospital on Bratislavaska Street. There

approximately from 04.30 till 05:00 three doctors examined me, fixed signs of beating, X-rayed the left shoulder (sinew rupture).

About 5.30. I'm in the isolation ward for the second time. I've got four cellmates. In the morning and at daytime it was impossible to sleep a bit: the TV was turned up full blast and smoke eddies given off by smokers in the cell for 2 to 3 hours without interruption.

March 24

I spent all day on a plank bed in the isolation ward; the same on March 25. Tension, sleeplessness, I threw away all meals. The cell: four steps long, videocameras, round-the-clock light. All of it came as a shock. Oppressive atmosphere. The stifling cigarette smoke, dizziness, and cough.

Moral indoctrination by “uncle Vitia Tymoshenko” (“here you may enjoy a kind of resort, while under your article you may go belly up from the pretrial detention center. If you manage to leave, go abroad at once. Nobody will take interest in your personal qualities in the pretrial detention center; because of that article nobody will tolerate you. They may well bring you into self-murder.” And so on...

For the first time my concert was cancelled (24.04, the House of Actors): it would have been my 101st appearance in this hall...

March 25

My second day in isolation ward. I was delivered a parcel from a stranger, I went misty-eyed... S. S. Klochuriak cave

to see me and told me about regards from Yan Tabachnyk. He brought me a print-out from the Internet (probably, the very first) informing that I was arrested...

The print-out carried a short comment from Yan Tabachnyk: “There is nothing to comment upon, is an unfortunate person all the same”.

March 26

My 3rd day in the isolation ward. I’ve fitted my contact lenses for the first time in three days...

My meeting with the public prosecutor of Shevchenko District, X-ray examination, sanction in Shevchenko District Court (arrest and a pretrial detention center till May 28). Before court hearing I spent about 5 to 6 hours in the cage of the militia van (I was chilled through, my joints have grown dumb; I was not allow to leave the cage even for a minute for a warm-up).

My introduction to Dekan Mykola Volodymyrovych, the “militia” lawyer. I have consented to his being my lawyer for one day... I gave him a short and long variants of my statement to the Shevchenko Court as the judge refused to take my statement containing complaints about the actions of Shevchenko District militiamen (illegal detention and search, beating, and tortures). I asked Dekan to give one statement to the clerical office of the court and another one to Igor Maslovsky, the lawyer (later he handed both of them to the lawyer). After approval of the sanction, they brought me back to the temporary detention facility.

March 27

My 4th day in isolation ward. In the morning I forged my relations with everybody, except for “uncle Vitia”. They taught me tricks and how to fall, psychological tolerance (what to tell and how to behave). They prepared me for the worst variant of reception at a pretrial detention center. Towards the end, the neighbors managed to understand me and we parted already as friends. They sincerely worried about me understanding that under my article the life would be difficult for me.

“Uncle Vitia” could not make these three guys to change their minds and treat me in a rough way. He even turned away because he did not want to see how I said goodbye to all and everybody. After all, I do not know why, but they were filled with sympathy and respect to me. I cannot explain this because I did not try to seem better than I was. All three of them promised to go sometime to my concert. Such metamorphosis took place only on this last, 4th day...

The first meeting with Andriy (!) on the way to a pretrial detention center in the militia van (with about 15 other persons). All of them moved aside, and one (a stoolie, Tolik by name, 17 years old) moved closer and listened what we were speaking about. Looking at Andriy, I saw a big hematoma under his left eye and rupture of many capillaries of an eyeball (instead of white it was half red). He told that this was done by Deputy Chief of the District Department of Internal Affairs Osypenko R. I. During detention they broke Andriy three ribs (it is confirmed with the x-ray). He told about the search in my apartment. They were looking for

gold, money (it took them four hours to conduct the search); from the wardrobes they dumped everything on the floor and trampled down on the things; they taken away my PC, many musical disks with my performances, notebooks, diaries, papers, folders with documents etc.; they wanted to find the main instrument and damage it and make the alleged witnesses to take part in it. They took away £10000, but registered only £200.

...Tolik (obvious “stoolie”) together with his friend Danylo (18 years old) allegedly raped a twelve-year-old girl 12; they maintained that by pure accident found themselves in a neighboring spacious “cage” when I stayed in the cage myself where I couldn’t even straighten myself up. In the beginning they tried to warm themselves into my confidence, and exert a psychological pressure upon me. They wanted to convince me that in the pretrial detention center I will be bullied. The escort played up to them; he later accompanied me (on April 2) on a medicolegal investigation. When we arrived at the pretrial detention center, they led all of us to the entrance to the medical office where the vein blood sampling was performed. These two buddies, especially the younger mate, started to aggravate the situation for me poking fun at me in a cruel way. The younger one said that I’d play a Snow Maiden at the New Year party in the pretrial detention center and I may start preparing for the role; I retorted that if he didn’t shut up I’d make him the Snow Maiden right away. When he went on harping on one string and inciting others against me, I told him where to get off and threatened to cudgel him. He shut up at once.

Other guys also stopped bugging me. It was the first time I threatened anybody...

Then the blood sampling began. I caught number one though I was not the first in the line. After that I had an interview with the doctor, Tamara Ivanivna. She recognized me at once and called senior officer of the criminal investigation department Pavlo Mykhailovych and asked him or his deputy to come at once. It became my first good luck in four days as thanks to this meeting with my fan I was put into a good cell and I found myself under the guardianship of Yuriy Ivanovych Kot (a military man, lieutenant colonel). Not without reason, I always loved cats :). Such a twist of fate. They suggested me working in the recreation center of the pretrial detention center if I become a convicted person... I asked to dome a favor and put Andriy into a good cell as well... As a result, the situation turned out better than “uncle Vitia” threatened. In the cell I got a hearty welcome. There were eleven inmates; in two days only ten remained. During the first two days I slept without bed-sheets and a pillowcase. I learned the names of buildings in the jail: “Young child” (divided into three sections: minors, “Toilers” where I was kept, and “utilities); “Stolypin” (Andriy was put there) with accessory buildings “Brezhnevka” and “Kuchmivka”, “Katka”; “Hosp” (hospital); “WB” (women’s building).

March 28

For the first time, staying in a sort of captivity I have started to keep a diary. I’ve put to paper the purposes and problems for the period of my stay in the pretrial detention

center, recollected the developments from the moment of my illegal arrest and down to this day. I follow the chronology of dates and events...

The first info in mass-media where something began to clear up — “Komsomolskaya Pravda v Ukraine”: “intimidated: Parents of Igor Zavadsky’s pupil” (about D. Snihiriov, his parents; interview with his mother).

March 29

My 2nd day in the pretrial detention center. “Breaking News” (ICTV): obviously contract plot. Only S. Leontyeva said a couple of good words about me. They informed about 8 (?) victims already (at first there were only five)... I received a parcel from my godmother, Andriy’s mom, aunt Halia (bed-linen and so on)...

The first meeting with lawyers, with two lawyers at once: Maslovskiy I. A. and Zakrevska E. A. (the latter was found by Liuba Trofymova through Dmytro Groisman, human rights activist from Vinnytsia). For the first time investigator Lytvyn S. M. met me. He came to let me read and sign the decision about opening of the new criminal case against me and Andriy under p. 3 art. 153 (from 10 to 15 years). Of course, the militia disgraces itself impudently forging the case under one and the same article against me and Andriy. The more so this article implies grave crimes. Lytvyn told that within the next few days he would submit the case to the Main investigatory department as they’d made an inquiry already (Will the officers of the Shevchenko District Department of Internal Affairs manage to cover up traces of their illegal actions?).

March 30

My 3rd day in the pretrial detention center. My and Andriy's matter was taken to the Main Investigatory Department of the MIA of Ukraine in Kyiv. "Facts" (on their site) for the first time uploaded an info on beating me by militia officers (they did not mention Andriy for some reason).

Upon this publication the Shevchenko District Office of Public Prosecutor initiated the check-up... I wanted to have my hair cut and for the first time it was a sort of a fully razored hairstyle. Serhiy Kondratyev from Odesa, a cellmate, was my barber...

March 31

My 4th day in the pretrial detention center. E. Kopaneva, "Facts": interview with Zakrevska which told about signs of beating me by militia officers. "ICTV", "Fakty Tyzhnia": the list of victims makes now 10 (!) persons and within the next few days the list can increase...

The deputy public prosecutor of Shevchenko District Andriy Molovaniuk examined me and Andriy in the pretrial detention center trying to clarify the actions of militia officers during our illegal arrest.

The interrogation was conducted without lawyers! I failed to be quick on the uptake and grasp that our rights were violated again... The only positive event: Andriy and I managed to meet and talk for some time. I relieved my feelings...

The second parcel addressed to my pretrial detention center (only the third one) from Liuba T.

April 1

I managed to send through the jail mail service the letter with the request to permit me to receive liquid for lenses (until now I distilled water from steam).

April 2

I had to go with all my belongings and undergo medicolegal investigation, mine and Andriy's. Again the lawyers were not notified in advance (later I will write the request to Zakrevska about it).

All of a sudden I ran into Andriy and shouted: "Andriy, keep on!" I saw him three times in 10 days (27, 31, 02). I was handcuffed and the same guard as in the episode with sanctions escorted me there and back (he treated me very badly). He told me: "You've got good eyesight, and you've told that you were losing your sight"; "I'll take you to the hospital soon" and it sounded like a threat. Inside the car there was Deputy Public Prosecutor A. Molovaniuk from Shevchenko District Office of Public Prosecutor.

Back in the pretrial detention center I talked with the military man, Olexandr Yehorovych, and superintendent of the building (my well-wisher). I've written a number of letters (I will hand them to Zakrevska during the second meeting — 04.04.).

April 3

For the third time I quietly cried in the pretrial detention center (a sort of my response to kind acts). I was moved by the pupils who went on TV to support me.

The Ukrayina TV channel showed in the news a fragment of the press-conference giving support to me.

There were Natalia and Denys Snihiriovs, Maryanna and Danylo Zubko, V. Polishchuk, the Press Secretary of Central administrative board of the Ministry of Internal Affairs of Ukraine (I quote his words: “If a guy lives with a guy, isn’t it suspicious?”).

There were also Zakrevska and Trofymova... In Kyiv, there was Olena Hvozdiova in transit (some time in the past I pledged my troth in engagement to marry her). She gave €200 to my lawyer. It was a pleasure to me...

I’ve made of a board a simulation of the right keyboard of an accordion and drew on it keys. My first “rehearsal” lasted 10 minutes.

April 4

For the second time in 12 days we went to the shower room. I’ve got liquid for lenses at last.

My second encounter with Zakrevska.

I signed several letters typed on her computer: with the request for inspection of my sight by Sapaka Serhiy Viktorovych (he operated me in the Center of Eye Microsurgery in 2006), about therapeutic trial (I developed allergy to tobacco smoke), to the European court of human rights.

I gave her eight letters:

- 1) about interrogation and medicolegal investigation without notification of lawyers;
- 2) Pshonka V. M.;

- 3) *Fakty* newspaper;
- 4) open letter to Ukrainian journalists;
- 5) Liuba Trofimova;
- 6) to my former musical school teacher A. G. Petrychenko's;
- 7) to M. Didyk, my sound producer from the audio recording studio;
- 8) to my mom...

The 1+1 channel program "Money" broadcast a televised story about me including the interview with Yan Tabachnyk. He said that:

- 1) on the next day after my detention Public Prosecutor Pshonka questioned me and called me a fag..;
- 2) allegedly I wanted to compete with him, which is ridiculous;
- 3) if I had done something of the sort with his son, he would have given short shrift to me.

Towards the end of the story the off-camera voice proceeded: "We wait impatiently for the video from the militia which they've promised to show in the nearest future..." Zakrevska gave me the print-offs:

- 1) "Online petition" from 02.04. (460 signatures affixed to the letter from my admirers to Pshonka) "We ask you to protect musician Igor Zavadsky";
- 2) "Facts" from 02.04.;
- 3) "Ukrinform" from 03.04.;
- 4) "UNIAN" from 03.04.;
- 5) opinions from the Internet;
- 6) "Korespondent" from 03.04...

April 5

Threats from one such Misha from cell no. 290: “If you go on yapping that Tabachnyk has ordered to knock you, you would have your head torn off”. Super!

After two weeks of cold a warm spell set in (up to +20°C), for one day... My first dialogue here by phone with Denys from the program “Money” (a cellmate asked me about this as he had a friend working there).

Wednesday 11. They’ve planned to put on the air my story no. 2 ... Misha’s threat was echoed personally by Y. Tabachnyk, I heard on 31.12.2004, at about 15.00

(He dialed my home phone number).

The conflict in my cell (Serhiy has returned after the trial and told that I should give an ear to the threat and added that this is an opinion of kingpins from the pretrial detention center. And when I leave here, I’d rather emigrate). I flared up, then calmed down and wrote to Zakrevska that for the sake of my safety nobody here should link my case with Yan Tabachnyk, even as a hint ...

In the pretrial detention center, the sleeping time makes 6 to 7 hours (I sleep only at night, many inmates sleep also in the morning and in the afternoon, and go to bed late; I drop off from midnight till one o’clock in the morning)...

April 6

In the morning two men entered my cell. One of them introduced himself as Commissioner for Human Rights Kudruk Serhiy Mykhailovych. He came to us with the alleged purpose of helping me. But it became clear at once that something was

wrong: for several minutes he refused to show his ID card. Kudruk was indignant with my mistrust, but he submitted to my “impudent request”. I wrote a letter to Karpachova on his initiative (on 5 pages), but, I think, they will show it to Yan Tabachnyk, instead of her. All my requests in the letter (to help me to leave the pretrial detention center, to check my eyesight etc.) were not reflected later in the “Ukrayinska Pravda” (07.04); instead it contained a false evidence, as if, according to representatives of the commission sent by N. Karpachova, “I was indignant at suspicions against Yan Tabachnyk and I did not consider him an accessory to my case. And that someone set us against each other”. Now I think Kudruk S. M. will tell all details of mine and Andriy’s life in the pretrial detention center and they will be able directly through Kudruk dictate the “policy of the party” if something goes the wrong way for customers. It is a pity that I gave away to Kudruk my concerns about my money outside of jail which I couldn’t receive here. This small monetary stock may be lost now...

The “Facts”, the second broadcast. It contained a lot of inaccuracies and downright blunders. One may see for himself that Dekan, Andriy’s public defender, is an ally of militia. He refused to tell in his interview about the traces of beating of A. Bryhida. Nykolenko, another Andriy’s lawyer hired by his friends-bicyclists, most likely sided with Dekan and those who have recommended him to Andriy. However, there is also a positive side to this publication. A rhetorical question was asked: why militia officers, if, as they’ve said, they monitored my apartment during six months with the help of hidden

camera, allowed me to corrupt children as their press-service maintains. It looks like they were my accomplices...

In the morning, during exercise in the open walk no. 44 I did do chin-ups for the first time (10: 5+5), though daily I do morning exercises, push-ups, stroll, sometimes I train my tummy muscles and do jogging...

After threats on 5 April in the cell depression reigned, but on the next day I pulled myself together (even danced a little), and inspired myself with confidence. By the end of the day I lost heart on hearing the info (inaccurate as it was) and understanding that militia operated impudently, competently wiping out its tracks of lawlessness, and also because the wave of support was not as big, and it may come to naught in due course.

The gleam of hope: Kyseliov's program on "Inter" where the only candidate for the office of ombudsman Lutkovska V. V. told that she was not admitted to visit me in the pretrial detention center, but when she enters upon office, she will at once see me in the first place (it means, there is a hope for protection). The decision will be made on April 24, I should arm myself with patience and trust in my lawyers, guardian angel (even, probably, two of them!), all those who worries about me, loves me and wishes prompt discharge. Well, and the most important thing, I believe in destiny!

I rubbed shoulders with Kondratyev, Serhiy, my cellmate. I saw him from the other viewing angle and I am very grateful to him for his impartial truth. He seems to have become disillusioned with me. Nevertheless I trust him, though once I seriously doubted, for the whole two days in a row. I believe

that it is good he's here with me and I am thankful for small mercies (though, time will tell).

Nastia Vertinska has emerged. The well-wishers from Zaporizhzhia made their appearance. They whipped round to pay my lawyers. They found a new lawyer for Andriy: Zakrevska and her mother will sign a contract on Monday.

In the cell from time to time trivial local conflicts flared up, because of the closed space and long stay of many inmates. Chepurnov Yura (33 years old), lawyer, stayed the longest, 14 months. According to him, all system in the pretrial detention center and in camps is intended to suppress a person; a convict must be robbed of his individuality so that he will be more obedient to the system. Yura is a good person, the family man, he writes very sincere poems, and he reminds me of myself more than anybody else. While Serhiy believes I think only of myself. He has the right to think anything he likes though. As far as had told me this, it means, he was not disappointed in me. Let it be an advance.

I've started to read the book of Varlam Tikhonovich Shalamov *The Kolyma Stories*. The most interesting ideas from this book are as follows: "the loneliness is an optimum condition of a person"; "the ideal figure is one, God renders help to one, idea, belief"; "I came out under the bright jail light penetrating through the person"; "the Russian intelligentsia without jail, without jail experience is not quite Russian intelligentsia"; "I should not to be afraid of anything or anybody, fear is a shameful, corrupting quality humiliating the person"; "to be a revolutionary one should be an honest person in the first place"; "life, even the worst

one, consists of change of pleasures and grief, strokes of luck and failures, and you should not be afraid that there are more failures than strokes of luck”; “the friendship does not arise neither in need, nor in trouble ... you can perceive your own psychic and bodily endurance in real trouble and need, you determine the limits of your abilities, stamina and fortitude”; a man is lucky to be able to forget bad and to remember only the good”; “among prisoners the trivial abuse flares up and then heats up, but soon it cools off”; “in the camp many try to look more older and sickly, than they actually are”.

Small positive results for two weeks in bondage:

- 1) the correct time sleep has stabilized at long last (I sleep constantly at night);
- 2) I constantly learn something new about myself, I become spiritually stronger;
- 3) now I know the worth of those who at large imposed their friendship on me or extolled me to the skies;
- 4) I am coming to know, whether I am worthy to become the People’s Artist, and the scope of national love; time will show the real extent of it all;
- 5) I learn a new aspect of life and come to know myself for what I am;
- 6) maybe, I will be able to use my stay here to write one more chapter (or chapters) of my future book though I am not in a proper mood and I need a positive mental attitude although it is not wise not to use the chance; now all my thoughts and hopes pin on my desire to be released during consideration of my appeal. The days ahead will show it; I will not

despair, after all I am an Artiste and should not break under strokes of bad luck. I believe that the people still need me, at least those who trust me.

April 9

Approximately at 09.40 they moved me to another cell, from no. 291 to no. 15 (Andriy is no. 105, 4th floor), 1st floor, the double cell. My cellmate Andriy Kryzhanivskiy, 38 years old, ex-director of film studio (Ministry of Culture): “Ukrkhronikafilm” (he is kept here since 29.12.2010).

Press-ups: $3 \times 22 = 66$; $3 \times 20 = 60$ (= 126); for the 1st time — a jump rope.

Once again Kudruk Serhiy Mykhailovych (from Karpachova) came to my new cell in the morning. He pretended that he had arranged my transfer to the cell with non-smokers (though he could not know about this detail in advance) and asked for my request to the lawyer about Yan Tabachnyk (in it I asked not to connect my case with his name for safety risk). I told that my cellmates have already passed it over. Then he suggested writing the same application anew. I refused to write or sign anything without my lawyers. To this he coldly responded that I shouldn't ever to turn to the Ombudsman again.

I found myself in a new place on a bathing day (once a week, on Mondays).

TVI (21.30), clip \approx 10 minutes (in my support).

The consideration of my and Andriy's appeals on the decision to keep us under guard was postponed till 12.04. I am almost deprived of communication with an outer world

(no phone, no TV, no press, no possibility to speak with my lawyer). I hope it's a temporary phenomenon. But there are also positive facts: in my new cell, there are books, refrigerator, and clever cellmate who's a good company; he's a real chef in preparation of simple food. Time will show what kind of a person he is. I hope very much that by some miracle that I and Andriy will be released in connection with our appeals. It still beats me: is the new cell to a good or a bad end? It's good I may enjoy peace and silence here which brings about the peace of mind; there are no puffs of cigarette smoke and there is a cordial person with similar creative thinking and a prison life stager.

My draft for videoconference between the pretrial detention center and Kyiv Appeal Court:

“I support in full the petition of appeal of my lawyer. I have every reason to believe that the decision about taking me into custody has been made on the basis of case materials containing a number of the gross criminal procedural violations of the norms of CPC of Ukraine and CC of Ukraine. Officers of Shevchenko District Department of Internal Affairs, Kyiv:

- 1) forced me to testify;
- 2) violated my right to protection, didn't let me to contact my lawyer within the first six days after my arrest without warrant when I needed protection of my rights most of all;
- 3) they conducted illegal entry into my living quarters and performed a search without a proper search warrant;

- 4) they put pressure upon me, both physical, in the form of tortures and beatings, and moral, in the form of threats...

I've never posed hazard either to a society or to an individual. On the grounds of it I ask court to cancel the decision about my incarceration!

I also ask to take into consideration that my sick mother, 83, is my dependant. Today I am her only caretaker.

I also take an opportunity to inform you on jail conditions: it is very cold, dark and wet in the cell; things after washing practically do not get dry; the sunlight does not reach my place in the cell. My cell looks like dungeon.”

April 10

All day long I kept coughing... At long last I've caught the drift of our system: the criminal offender is not an individual guilty of criminal offence but an individual who turns down the proposition to unburden himself to his interrogators...

Before the postponement of the consideration of the appeal they put me into a cold box where I spent a freezing night and was later tormented fits of coughing. What are they doing with me? Perhaps the system conducts experiments on people?

The appeal was issued a rain check until 12.04. (The Cosmonautics Day) because the public prosecutor in court said that the matter had not been taken to law. Zakrevska informed me that a number of people want to bail me; the channel “1 + 1” reporters asked for permission to be

present in court and to videotape the session. The session postponed, I was taken back to the smoke-filled box. I met there Andriy Hetmanchuk, b. 1955 (cell no. 335, “Stolypin”, 3rd floor). He headed the ecological service of Volyn Oblast. His assistant was caught red-handed taking a bribe to the tune of ₴100000, and he told that the bribe was intended for Hetmanchuk. The candidate of agrarian sciences (radiation problems), Deserved Forestry Specialist of Ukraine. He suffers from chronic diseases after staying for 15 years under radiation (hepatitis C and others). We converse and dispute with him about suicides: I am strongly opposed to it, and he seconds it. He maintains that he is innocent and does not want to be a burden on his family. It appeared that one of his daughters was in the same year with A. Bryhida at the Journalism Institute. I continuously tried to talk him out of suicide which he was disposed to after the Appeal Court decided to keep him under arrest...

The “Holos UA” (E-in-C is V. Polushkina, former Andriy’s fellow student) covered my story ... The Interesting info from Hetmanchuk: the top 5 forest-covered oblasts in Ukraine are as follows: Kyiv, Zhytomyr, Lviv, Chernihiv, Volyn... I’ve met Dmytro Pavlychenko (cell no. 102, accused of murdering a judge). I gave him a letter for Andriy Bryhida as it turned out, was kept in the cell no. 105 nearby...

I did push-ups in the box using a bench: 25×4 and 22×4 . In total = 188. I met Olexandr (warrant officer). He showed me record cards: mine and Andriy’s. He promised to go together with me to my former cell and take away things in the morning (but he failed to).

April 11

The “1+1” channel of “TSN” Co. showed stream about a performance near the pretrial detention center in my support...

My second meeting with lawyer I. Maslovskyi (the 1st one took place on 29.03.12). I wrote a letter to Aunt Halia (my godmother, Andriy’s mother) who can soon take up residence in my apartment. I asked her to timely pay the bills and check my mail box. The lawyer assumed that the chances that the appeal would be allowed are vanishing. The conditional term may be the best outcome despite adding especially grave article, although the accusation is groundless. We discussed lawyer’s fee. I promised to pay at the first opportunity.

The concert in my support at the entrance to the pretrial detention center (there were about 20 persons). I heard fragments of performance of Denys Snihiriov. I was overwhelmed with emotions...

In the evening I watched “Hroshi” show on “1+1” channel. They broadcast a stream covering the concert in my support (it was also showed in the “Crimean news”, on ICTV and STB). The students and pupils were playing: Havryliuk Zhenia, Snihiriov Denys, Nozdrachev Dmytro.

The production of the channel “1+1”. Yes, when in the afternoon I heard a fragment of this concert by chance having come into a room for meetings of inmates with lawyers (it was empty), after the “Ukrainian Polka” performed by Denys and before the “Turkish March” by Mozart, I looked out of the trellised window, have opened a hinged window pane

and applauded to the echo and cried out to Denys, “Thanks, Denys, I have heard you!”

A stroll:

- 1) push-ups $3 \times 25 + 31 \times 120$. In total = 135;
- 2) a jump rope = 300 (3×100);
- 3) stroll, bodily exercise...

I’ve got a parcel from Liuba (the second one from her; all in all the 4th one for 19 days). Now I have a big notebook and in this dungeon I will be able to write something for my future book (from the past and the present). I have color pencils (later the jailers took them away). I’ve done my soul-searching and I may put to paper a bit now; I am close to the condition when I cannot but write. For the passages from books (14 of them are here) Maslovsky gave me a writing-pad “Super Heroes”. Meanwhile we assumed that all pieces of evidence about alleged “victims” was recorded according to Andriy Boiko who could slander himself and me in exchange for a written undertaking not to leave a place...

Evening: improving the text of my oral argument at the appeal hearing (till 01.30 a.m.).

April 12

I’ve got up at 07.15 (I slept ≈ 5 hours). Evening: “TSN” (“1+1”) a stream from the Kyiv Appeal Court. 09.50: appeal consideration (they transported me there at 09.10). It is a pity, I didn’t see Andriy on my way, though had prepared for him an encouraging note.

During sitting of the court I kept coughing all the time. I read out my text as a four-page statement. Nobody

interrupted me. Liuba, Aunt Halia, two lawyers, Deputy Public Prosecutor Poluyanov and five persons who came being ready to bail me: Producer Serhiy Proskurnia; actress Rayisa Stepanivna Nedashkivska; Yevhen, father of my pupil Denys Snihiriov; Maryanna Zubko and Olexandr Baraniuk. The name of one of judges was Yefimov; Head of Chamber — Bartoshchuk, the name of the third receded in my memory. “1+1”-TSN: Nazarchuk (journalist) and Vadym Verba (cameraman). Probably, they taped it, as the judges banned videorecording... I amended my story as follows: on my way to the court an employee told me that all prisoners would be against me. I was surprised and asked “why?”; he answered: “Stop making fool of yourself; they will make it plain back in the box”...

Andriy passed me a note where he copied out his digital exploration: 23.03.2012 = 13 if you sum up all figures of the date of our detention 26.03.2012 — 13013 days of his lives. Day of sitting of the court: 26 = 2×13 . He was looking for matchups to “13”...

The appeal was turned down complying with the request of public prosecutor.

Before the announcement I burst into tears, because as many as seven persons came to support me. They were waving their hands and telling me, “Igor, stand firm!” Maryanna told about her son Dima that he decided to play accordion. I told Snihiriov that I heard him playing and that, when I will be released, I will continue to teach him and make him no. 1 actor. I told him that, in fact, there is no need for him to quit this country as he stated in his interview. I told

Aunt Halia to change the lower lock at once when she would take up her residence in my apartment. Well, and I thanked all and everybody for support. And I also I thanked Liuba for yesterday's parcel...

Here are more calculations from Andriy's note to me. 09.04.2012 — 13027th day of his life: $1+3+2+7=13$, the initially appointed day of consideration of the appeal, 100th day from the beginning of year. Also, 09.04 is the 13th day of his stay in a pretrial detention center, $9+4=13$, the pretrial detention center no. 13, 13, Dehtiarivski, 13. What a fearful mess...

My things which remained in the cell no. 291 were not returned to me (the new complete bedding set; blanket; cutlery; soup spoon as far as there is nothing to eat soup with except for a small disposable one; and immersion heater)...

I hope to see Andriy on Saturday 14. I haven't seen him for 10 days now... Well, I have to put myself in a mood to wait another six weeks (till May 28) in bondage without practicing the instrument...

April 13

$1+3+4+1+2=13$, it is the 13031th day of Andriy's life (from HIs note). 31 is a mirror reflection of 13, moreover today is Friday 13! I trust on this day everything will turn out all right...

Hurrah, everything has changed drastically! I have not see Andriy only 9 days. My extreme-visit to him before and after the stroll (I dropped in on his floor for some seconds near his cell). I have not read his letters for a while from Andriy, and now (for the last 18–19 years we have been seeing each

other on daily basis)... Sincere feelings of a reserved person are worth much...

Dates: 27, 31, 02, 12. I dropped in to see him and heard only Andriy's voice (the inspection hole in the door was closed). This time I was lucky and we met (the inspection hole was opened)! We exchanged letters to each other. We will see what we will see... There are many good people both among personnel, and among inmates. I think, they will help to maintain communication, if such escapades become impossible (they may shove me into a punishment cell for my kicks)... Andriy has written six sincere letters already; they are kind and cheerful here and there. I am glad that he is coming to life. Life goes on! According to my calculations Andriy has already fainted three times from the moment of detention: 23.03 (during the search in my apartment); 05.04 (in pretrial detention center box); 11.04 (in his cell). There was nothing of the kind in the past until he was beaten by militia officers during the arrest...

The first cheerful play I have read here is *The Music-Cure* by Bernard Shaw...

Back to the beginning of this day: I woke up and was unwell (symptoms of cold: throat, head, cough). Early stroll at 09.30. I was in this yard for the first time; it's more spacious than others, with chin-up bar and parallel bars. I exercised with a chin-up bar for the second time (the first time was on the 6th): 10 (5+5); I did push-ups on parallel bars for the first time here: 25 (12+13); jump rope for the third time (after April 9 and 11): 300 (3×100). Made push-ups using the bench 6 times 25, 150 times...

Search in the cell: in our absence when we were strolling, they took away a lamp, an adapter, other necessary things (immersion heater etc.)...

The bike-shops boast white ribbons with inscription: “Andriy Bryhida is my friend! Friends are never left to the mercy of fate” (from Andriy’s letter; his lawyer told him about it)...

Operative Lieutenant Volodymyr Ivanovych came in the afternoon. He ordered me to hand in my phone (as if I had one in the pretrial detention center). Allegedly yesterday I spoke with someone on the phone. Rubbish. I think, yesterday the “1+1” channel in its newscast covered my statement taped by them at court. And the jailers here treated it, as my possible telephone conversation with the TV...

Then they took me to the chief of operative service and showed shown the coverage by “1+1” (TSN) with my “exclusive” interview to the program “Money” (I asked them not to tape and broadcast and ascribe the text to my lawyer) conducted by Denys on 05.04.12. This journalist kept me upon the tenters and didn’t fulfill his oath broadcasting this confidential interview... I have admitted the fact that was my voice. Then I kept waiting for the result of questioning of my former cellmates. I flatly refused to name a guy who slipped his phone into my hand with the request to give interview to the program where his friend worked. Then the cellmates from the cell no. 291 related the story themselves and gave away that white Sony Ericsson phone. The inquest was conducted by Senior Operative Officer of the criminal investigation department Captain Vadym Petrovych Lehenkyi; he showed

me explanatory notes of the former cellmates and the ill-fated phone. I wrote and handed him four requests addressed to new Chief of the Kyiv Pretrial Detention Center Pavlo Volodymyrovych Holubovsky: to be examined by the concrete oculist from the Center of Eye Microsurgery; to be allowed to take away my belongings from the cell no. 291 and get lenses, liquid for lenses, spectacles, TV set; my instrument in the first place; to meet him personally (to ask and call my mother in his presence). In the end I wrote an explanatory note about my television interview for the program “Money”. Because of my cough, V. Lehenkyi took me to the doctor. He gave me two pills: pain killer and febrifugal preparation, as well as nine pills against bronchitis... They brought me belongings except a spoon and immersion heater; they gave me a branch box and a plastic knife... They didn't permit me to see Andriy. But V. Lehenkyi promised me personally to support Andriy morally; following my request, he dropped in his cell that same evening...

April 14

At 9.00 I was taken to new Chief of the pretrial detention center Pavlo Volodymyrovych Holubovsky (37 years old). He makes a good impression; I requested to meet him yesterday. At first there was also present his assistant Dombrovskiy (later he left). The questions discussed were as follows:

- 1) my request to be allowed to call my mother either at once, or on April 18, her birthday; his answer: forbidden;

- 2) about Andriy (his claustrophobia developed in the pretrial detention center and syncope); his answer: let him call a medical assistant in writing;
- 3) the request to allow to return me my instrument; it may be done fifty-fifty if the investigating officer permits;
- 4) about my sight; I requested to be examined by the ophthalmologist who had operated on me; he promised to think it over;
- 5) about safety (mine and Andriy's); I asked him not to shove us into the boxes with criminals. And, complying with the request of the chief, I told him about Yan Tabachnyk as my ill-wisher of many years. Holubovskyi said, "I look at you here and I understand that I had made the right choice in the past and hadn't gone in for culture, because even in the pretrial detention center we have no such tangle of intrigue". And added, "You aren't one of the lads." He advised me to ask the lawyer, whether the Shevchenko District Department of Internal Affairs had the authority to prosecute cases under our jurisdiction and institute legal proceedings, if Andriy and I live in another district. His version: It's money from home here, while they didn't take an order in my district...

I skipped the question of my transfer. Naturally Kudruk wanted to cut me to the heart taking care to shove me into boiling fire. However it went the other way round. My *suite for two* is less comfortable indeed: there is no communication

with the outer world and people, amenities hit the skids, and it is rather damp here. Nevertheless it solved my leading concern. Instead the advantages outweighed defects: now I was kept aloof from the rest of them...

The chief asked, "Will we survive?" I said, "No problem if I get my instrument back. I'll throw a fight, though"...

Stroll: at deep subconscious level, I called to the Universe, to realize one of my best wishes at present: to meet Andriy again and render moral support with words of consolation, my smile and my letter where I tried to express my elation. In fact, he needs my encouragement now. I did not resort to conjuration; I simply was longing for it! Improbably, but it yielded a result! Everything worked out, though it looked more like a kind of extreme. I went into raptures; it was a breathtaking heat with infringement of all rules of the pretrial detention center. I was beside myself with joy seeing that some strong desires may come true here. Paolo Coelho knew, what he wrote about in his cult novel *The Alchemist*...

My words and wishes for Andriy from my letter this day: "This is a test. Everything that does not kill us makes us stronger. Do something, switch your attention to a different pursuit: reading; making notes of your or somebody's ideas; physical exercises..."

Inspire your fighting spirit with fantasies, belief in Fortune which will be benevolent to you soon" and it is only a small part of my wishes. This is bad, if Andriy will be transferred because of the pending repair works as he was notified. It will not be easy to learn, where whereto he will be moved...

Here is a little more from my letter to Andriy: “Do not be afraid of dissimilar to you and of those with malicious soul. They live separately and you live separately! Try to draw away from alien environment and do not disperse your energy of good. Wear your armor, create better protection! You will ride out the storm! It isn’t the environment that matters, but your inner life, fantasies and hopes; nobody will take them away! The main thing, be sure I will necessarily think up how to get us out of this labyrinth. We should live through this misunderstanding... The immediate strategy:

- 1) a new lawyer for you;
- 2) coordination of his actions with Zakrevska;
- 3) confident and truthful testimony to the inspector...

Stop living in the past and save energy for future use. Your health, mental and physical, is the main thing. This ordeal is like marathon race. Despondency is an excellent environment for immunity slump and break-down. It cannot be tolerated! About medical assistant: Make a written request (via mail) to send for him; address it to the senior operative officer Lehenkyi Vadym Petrovych (remind him that you met on Friday 13). Duplicate the letter and send it to the chief of the pretrial detention center”...

Press-ups: $10 \times 25 = 250$; jump rope = 400 (4×100).

April 15

Easter. For the first time I’ve slept so long: $\approx 8-9$ hrs. It should be my norm anyway. Three weeks before I slept $\approx 6-7$ hrs. I will wait till my fortune will smile upon me again and

my guardian angels will be somewhere nearby, as I've got two of them:) I trust in you! You will not quit on me, or you will?! Let one stay with me nearby and the second with Andriy, he needs extra support indeed...

Push-ups: 225 (9×25).

Towards the end of day I am rather optimistic and energetic. Maybe it's due to a sound sleep. We acted in a merry way with my cell-mate. I've jotted down notes for my future meeting with Zakrevska.

April 16

I slept longer than usual but I woke up sluggish. The additional day off. You need to relax psychologically; on Sundays nobody summons you and you don't meet the unlooked-for inmates on your way to lawyers or some other persons... I got up at 10.00 a.m. though I woke up, as usual, at 7 or 7.30 a.m. Probably, I slept 8-9 hrs again. It is good: I'd better gain strength, I'll need it in the near future. Stroll. Push-ups: 255* ($9 \times 25 + 30^*$). My good luck is nearby: my drop-ins at Andriy's cell, though I failed to hear a response from his cell this time.

From Andriy's letter to me:

- 1) he has three cellmates: one of them has been kept in the pretrial detention center for 3.5 yrs now for murder by an accident; the second one for rape; the third one is a housebreaker. The two last cellmates have been staying here since 2012;
- 2) an anecdote for pessimists: "Even if you have been eaten, you have two ways out all the same:);

- 3) “Brigand” means *bandit* in French:)¹;
- 4) Olena Korkodym, who was with Andriy in the same year at university, lives near the pretrial detention center, she wrote about me once. She is working for *Telekrytyka* which featured an interview with S. Leontyeva, presenter at my benefit concerts, in which I was mentioned;
- 5) Andriy’s ribs often ache; they were broken as a result of beating at detention and the x-ray shows a dent on a rib;
- 6) Andriy’s script for the future movie *Tango for Free Men*:).

I answered his letter. I listed all 16 books I have in my cell:

- 1) *Russian Utopia and anti-Utopia in the 20th c.* (stories);
- 2) *Cassandra’s Mirror* by P. Veber²;
- 3) P. Basinskiy. *Lev Tolstoi: Flight from Eden*;
- 4) F. Dostoevsky. *Crime and Punishment*;
- 5) B. Show. *Complete Works*, vol. 4 (dramatic works);
- 6) Ronna Herman. *Your Sacred Quest. Messages of Hope and Inspiration from Archangel Michael* (religious)³;
- 7) Erich Maria Remarque. *Shadows in Paradise*;
- 8) D. Rubina. *Petrushka Syndrome* (novel);
- 9) R. Prather. *Dead Man’s Walk* (three stories);

¹ In fact, originally it meant “lightly armed foot soldier” (translator’s note).

² The novel *The Mirror of Cassandra* was published by Bernard Werber in 2009 (translator’s note).

³ This book deals with esoterism and not religion (translator’s note).

- 10) Hermann Hesse. *The Glass Bead Game* (novel);
- 11) B. Sushinskiy. *Wanderers of War* (about the Great Patriotic War);
- 12) O. Vyshnia. *Funny Stories from Vyshnia* (proscribed works);
- 13) Richard Dьbell. *Lucifer's Bible* (Novel);
- 14) F. Scott Fitzgerald. Novels: *Great Gatsby* and *The Love of The Last Tycoon*;
- 15) Max Frei. *My Ragnarök* ("apocalypse" in Scandinavian)⁴;
- 16) A. Tolstoi. *Emigrants* (novellas and stories).

I've already written the second letter to my mother; Liuba; Aunt Halia... On 18.04 I expect to get the seventeenth book: *The Wisdom of the Sands* by Antoine de Saint-Exupéry...

In May, French journalists Permor and Jean-Pierre will arrive to attend my concerts write about me *L'Accordion* Magazine, but the Fate decrees otherwise this time...

April 17

I slept for about 5.5 hrs, but alighted easily. I woke up at 6.30 a.m. For the first time in my life I prepared my oatmeal myself :) (6 teaspoons + 600 g of water + 2 oatmeal cookies + sugar + walnuts)...

Push-ups during a stroll: 175 (7×25); jump rope: 1800 (5×300, 3×100)...

⁴ In fact, Ragnarök is a sequence of future events in Norse mythology (translator's note).

It goes round in my mind that I'll need a lot of paper if I sit down to write the book. But where can I get it?

And then something unbelievable happened a la Wolf Messing. It was rather like an episode from the film about the well-known psychic who had suggested a guard a thought that a small piece of paper in his hand had been his train ticket. Because of my adventure I was five minutes late from my stroll! So... The major (assistant chief of the pretrial detention center on duty) saw me alone on Andriy's floor (after my usual drop onto the floor and exchange of letters). He searched me, found a letter from Andriy, took it away (but did not read). He suggested that I chose how he would cudgel me: he would beat either my legs or my back and ordered to turn my back on him. But somehow he changed his mind after I looked him straight in the eye and transferred a thought that there was no need to beat me.

Then he began to hesitate and asked me what I was doing there. If the truth were known, I would have been shoved into a punishment cell, as all inter-cell communication is strictly prohibited! I do not know what possibly happened to me, but I took the audacity to take Andriy's letter away from him and, looking him in the eyes, I tried to transfer a thought that it was a blank sheet of paper. Then I confidently said that I saw a blank sheet of paper in the corridor and I went there to pick it as my stock of paper has ended, and I need to write an application. Not taking his eyes off me, the major took from me the sheet small covered with writing by Andriy again, looked at it closely for five seconds and returned it to me. Then he hardly audibly said, "Yes, it's sure a blank

sheet of paper.” He even felt sympathy for me for the lack of paper. He instructed me to quit to loiter about on the floor and escorted me to my cell. There other jailers felt restless that I’d disappeared somewhere and I was ordered to write an explanatory note why I had not gone to my cell at once after the stroll. I wrote that I was stopped by an officer who wanted to talk with me. But I did not mention what we were talking about. I will hope that all will be well... I was overwhelmed with strange feelings. I have just discovered a new ability in myself! Improbable!!! Maybe it’s a result of my sufferings?

...The lawyer failed to come again (I kept waiting for her on Friday and today). Besides paper I also need refills or pens...

April 18

My mother’s birthday. Now she is 83! For the first time for all conscious life I will not be able to congratulate her personally, even phone her... I wonder, whether she has received my letter?

...About 12.00 a.m. they led me to the box to wait for my lawyer. There push-ups: 310^* ($11 \times 25 + 35$). Asthmatic fit (it’s an allergy due to smoke exposure), they led me to a window...

In about 2.5 hrs I will meet my lawyer Zakrevska for the third time. She brought me my glasses and medical preparations! She gave me a present; this one will be the seventeenth book in my cell: *The Wisdom of the Sands* by Antoine de Saint-Exupéry. She also gave me the continuation

of the “Online petition” for my release (with 750 signatures already and many good comments); periodicals, Internet-discussions... The militia still guards entry to my apartment after the search. Tomorrow, probably, lawyer Xenia Prokonova will visit Andriy for the first time. The officer came and gave me a receipt to sign for the order administering a reprimand (entered into my file) for a phone conversation with the “Money” program. I learned that the owner of the phone was sent to a punishment cell and Lieutenant Colonel Kot had problems too. I gave Zhenia my three letters written the day before. I told her about Andriy’s problems:

- 1) no strolls;
- 2) no pens, writing-books, blank paper, books;
- 3) ribs aching;
- 4) medical assistant ignores him (Andriy has written two requests already);
- 5) claustrophobia gains in strength (twice he lost consciousness in boxes, the psychologist is needed);
- 6) needed: his letters about an unauthorized search in my apartment with the follow-on theft of money; permission for his lawyer to obtain his diagnoses after medicolegal investigation and from other hospitals where he was examined after beating by militia...

I wrote two more letters: to Linovytska, department of culture, and Rykov, Director of the Eye Microsurgery Center⁵.

⁵ Until December 2014 Serhiy Rykov was the Head Doctor of the Center (translator’s note).

In the pretrial detention center I met pyramid manager Robert Fletcher (for the first time) and Hetmanchuk who, fortunately, did not commit suicide. For the first time, they brought tasty meal into the cell: chicken meat. The window dressing for someone in the jail :); it would be a good thing if it might happen more often...

April 19

Medical assistant Pavlo Leonidovych came with a hospital nurse. After I told him about my allergy to tobacco smoke, he advised me to take Cetrine: 1 tablet per day as an antiallergen. I also told him that it was necessary to check X-rays: my shoulder and Andriy's rib; I hoped they were not lost? I also asked him to go and see Andriy and named his problems (claustrophobia, aching ribs); I told him that he had already twice submitted requests for seeing medical assistant. He promised to see him. He advised me to put in an application to the medical ward: "Please, let through parcels for me containing lenses, liquid for them, Cetrine..."

Unexpectedly, I was ordered to pack my things and move to no. 16 to Vova, who was a smoker.

In the evening, my transfer to the cell no. 16 from no. 15, where acting Minister of Defense Ivashchenko was kept before me, will take place.

In the meantime: a stroll. Push-ups: 165 in the course of 6 approaches.

Zakrevska has come the second day in a row. I handed her my letters (and the copies for Maslovsky) to the medicolegal

investigation department and emergency hospital (3, Bratyslavska St.) with my permission to disclose diagnosis to lawyers and journalists. I also wrote to the chief of the pretrial detention center asking to let Serhiy Viktorovych Sapak to examine my sight and allergologist (because of unhealthy response to tobacco smoke). I also attached my request not to move me to the cell with a smoker (I was already instructed to pack my things and move to no. 16 where the cellmate was a smoker). My short letter to M. Didyk, in which I ask him to produce my new musical album without me. The vacant places on the disk may be filled with variants of my “Libertango”. I mailed it to them some time in the past. I also wrote a letter to new investigator M. V. Morozov with the request to let bring me my instrument for rehearsals in the pretrial detention center.

Zakrevska gave me a copy from isolation ward about my reception and examination at the emergency hospital. My refusal to participate with Malakhov in “Let them tell” telecast about me (on 29.04 they were going to arrive in Kyiv). My letter to Denys (“Money”) with the request to stop broadcasting my taped interview (but it is to no purpose and they, most likely, are going to continue broadcasting it part by part). Andriy’s new lawyer Xenia was not allowed to see her client (the investigator raises difficulties).

Zakrevska asked to write answers to the questions of journalists and five letters:

- 1) to investigator Morozov (about the search);
- 2) to the housing department manager (about permit to break locks in the front door of my apartment);

- 3) to the chief of medical ward (asking for the no-smoking cell; strolls and about Sapak, my oculist);
- 4) M. Didyk;
- 5) A. Boiko.

Evening: I move to the cell no. 16. Now there are three of us (Vova: smoker, 37, covered with tattoos, with beads in his hands, long-time jail bird; and Serhiy: 35, non-smoker, had business dealings with Danylyshyn; his case is connected with economic cooperation between Ukraine and Czech Republic). In the evening I wrote a letter to the chief asking not to transfer me to the smokers. At the request of my new cellmates I wrote that in the new damp cell I have fits of coughing. We slept in turns, as the cell is intended for two persons...

April 20

Senior investigator of investigatory department of the city Office of Public Prosecutor Smitiukh Olexandr Fedorovich (the second one: Nedelko Olexandr Valentynovych) questioned me about my interview to the “Money” telecast (April 5). I met Andriy! He was on his way to the lawyer. We exchanged letters. Andriy looked gloomy, a lot thinner, and tense. Again he does not shave...

I am alone in the box: pushups, doing sit-ups, reading...

In the evening they foisted Andriy Kryzhanivskyi on me, my former neighbor and evicted two others. Valeryi Ivashchenko returned to no. 15 (after the hospital). They foisted a man on him (elderly person, Olexiy; he maintained that he knew me).

Before going to bed I remembered, how I was absolutely upset at the end of my meeting with the investigator of the Office of Public Prosecutor. Because of Andriy. I commiserated for him looking so helpless and depressed... I went to bed at 02.00 a.m.

April 21

For the second time they gave chicken meat to eat (in all the time). Though for some reason I cannot eat jail meal in general... For the first time I saw a black pigeon through the window ... The more you simply lie on your plank bed, the worse thoughts creep into your head. Andriy experiences this all the time, while I tried for the first time to lie and not to sleep, ≈4 hrs on end. I'd better avoid it. I should advise so Andriy too...

Stroll. Before and after I dropped in at Andriy's floor. Push-ups: 260 (8×25, 2×30); jump rope: 600 during 6 approaches...

My second concert at the House of Actors was cancelled (it could be my 102nd performance in this hall)... Andriy's letter is a cry from his heart: "Get us out of here!" I will continue to believe in what others might call a miracle. And her majesty Fortune as well. And guardian angels may cancel their leave :), I believe in it with all my heart! Today I have not seen and did not heard Andriy, but I have felt that good luck is somewhere nearby...

Andriy has a bathing day today (i.e. the day for having a shower). There and back they go through my cell. We have met!

...In the evening here I, for some reason, always feel calmness and optimism more than in the morning... I went to bed at 01.30 a.m.

April 22

Weather: it was raining when I was in the cell and sunny weather when I strolled. I even caught sunrays for the first time here!

The Day of Penitentiary Service of Ukraine... My dreams are very clear: now erotic, now tense and disturbing (especially about Andriy, somewhere at 04.40 a.m. I awoke worrying about him)...

It is 14.00 already. I shifted my schedule and got up at 11.25. Short stroll; push-ups = 160; jump rope = 400 (120, 130, 150). My drop-ins are on the verge of exposure again; nevertheless we exchanged letters with Andriy. A stressful meeting with the individual who asked: "Are you the one whom Yan Tabachnyk locked?" Check of pockets, bag...

Before this I managed to pass a parcel "with my mail" for Andriy: chocolate, sweets, cookies, book, pen and print-out from the Internet... "How much does Yan Tabachnyk pay?"... I understand that the retaliatory system is against us, but one should believe in the best! Meanwhile, at large nobody really wants to protect us, but I still hope that nevertheless the heavy artillery will step in (General Kuzmuk, A. Novik, R. Bezsmertnyi, M. Tomenko, O. Bohomolets, N. Matviyenko, A. Zlotnyk...) Just anybody may step in.

It is difficult to hope, of course. Though it looks more like self-delusion. The main thing for me now is to

support Andriy. As much, as is proper! I put my whole self into it.

I wrote to Andriy the letter no. 13. I will not be afraid of this figure, because $1+3=4$ and I like this figure ... I wrote a letter to Liuba... If we add up today's date, we will get 13. The next time we will have the same on 03.05.2012; the last time it was on 13.04.2012 (Friday)...

April 23

A month of isolation to the day. I've slept six hours. Stroll. I met Andriy trouble-free this time. Push-ups: 225; jump rope (8th time) = 420.

“Bathing” (we lived two weeks without taking shower)... On the bench, especially at daybreak, disturbing thoughts about hard reality without special hopes creep into my head...

I wrote letters as follows:

- 1) to the chief of the pretrial detention center (one more request for the instrument);
- 2) to investigator M. V. Morozov (a copy to the public prosecutor of Kyiv and my lawyers) about robbery of my apartment by personnel of Shevchenko District Department of Internal Affairs, Kyiv, during the search without search warrant and search report;
- 3) no. 14 to Andriy;
- 4) to chief manager of the housing department with the request to grant access to my apartment breaking the front locks (the militia refuses to give the keys back without explanation);

5) to journalists: answers to questions... I went to bed at 03.00 a.m..

April 24

I've slept about 5.5 hrs. Early stroll (at 10.00); at once I ran into a stroke of good luck: I met Andriy. Then this piece of news: my cellmate will be transferred to "Katka". Again I remain in the dark: either they move someone in on me, or transfer me somewhere... There was a shakedown in the cell. Again they took away my immersion heater (I hope, for a short while). It is clear that they will take my cellmate away together with my jump rope. But there will be something else. Everything is done for the better! They took my fingerprints again. This man presented me with the rewound immersion heater, and I gave him cigarettes (I always carry it with me, it is a sort of local currency here).

April 25

Liuba brought me vitamins and medicines (through Valentyna, medical assistant). I passed half of it all to Andriy. There were also 2 more pairs of lenses and a liquid to them.

My first stroll along with a new cellmate Oleg Kozynet, who was moved in on me last evening (his birthday is on March 29, he is 40 years old; he allegedly invited girls from Ukraine to work in Russia; he meant them to become prostitutes; he graduated from military intelligence college in Tomsk). It was a very short stroll as I was summoned to my lawyer. Both times the peep-hole of Andriy's door was closed...

Zakrevska and I discussed as follows:

- 1) on Saturday, at 9.00, the investigator wanted to transfer keys from my apartment to Aunt Halia, but my lawyers and five militia operatives came to conduct a second search (?). They did not want to give back keys as Aunt Halia refused to enter without my lawyers. They did not conduct the search either. Zakrevska threatened to call for militia operatives if they search without her;
- 2) Yan Tabachnyk is going to have legal proceedings with the TBi, because of the piece of reporting where he was suspected as a *customer* of the case;
- 3) Zakrevska is also a lawyer of musician Petro Tsymbal (“Green Grey”);
- 4) I wrote an application permitting to open locks in my apartment;
- 5) gave me the letter from Snihiriov (copy), Maryanna and “Doctor Watson” (a note) to Nikolova Natalia;
- 6) a silly story about my alleged suicide on the night of 25;
- 7) I learned about some “strike” near the pretrial detention center walls (relatives of prisoners) demanding to allow us to use phones...

April 26

Chornobyl Anniversary (26 years). I slept 5 hours (till 7.00 a.m.), but I had my sleep out. I stayed in bed till 12.00 and accumulated energy. Serhiy Viktorovych Sapak, ophthalmologist, came to my cell. He checked my eyes

superficially and wrote that I need in-depth examination at the Center of Eye Microsurgery. He listed symptoms of disorders found during examination of my eyes. I saw medical assistants there: Tamara Ivanivna (she helped me to be put into a good cell on my arrival at the pretrial detention center), Valentyna and one more girl. All of them treated me well and I could hardly contain myself: I burst into tears. I have no idea why I have become so sensitive... They gave me tincture of valerian and a pack of Corvaltab (for cardiac muscle strengthening). I explained that it was better to give it to Andriy, but they promised to give him the same. I also asked to examine his eye (after this perp, militiaman R. Osypenko, hit him in the left eye, his eyesight worsened). But will hardly do it, as they didn't even promise me... Valentyna told only that Andriy did not worry about me so much, as I did about him. I answered that he simply keeps it inside him. And he does not complain of anything, because he's afraid to be transferred to a place with poorer conditions, e.g., hospital...

Doctor Sapak handed me information from my lawyers:

- 1) Bill (director of festival from Canada) expressed me his support in the Internet;
- 2) Igor Shevchenko (my former pupil and friend of Andriy and me) sent us some money from England where he is a student now at an university (we gave it to Aunt Halia);
- 3) they handed Andriy a letter that his complaint about beating was referred to the Office of Public Prosecutor, Kyiv...

I wrote Andriy the letter no. 16 with special encouragement. I asked him to keep this letter and sometimes to re-read it (about our forced “creative holiday”; response which will boost demand for my creative work; in three chapters (1. Pretrial detention center; 2. If it comes to COURT then COURT it be; 3. God forbid, of course, CONCENTRATION CAMP). I expressed confidence that every possible new chapter in the future can give birth to a big public response and, as a result, big award from the heavenly hosts for new sufferings. Thus I expressed hope that all will be limited to one chapter. Or, a maximum of two.

For Andriy’s support I tried to look at all bad from a positive angle.

April 27

I slept \approx 7 hours at night, with breaks. Since morning I feel restless, I am waiting when they will lead Andriy to the “bath”. They refused to lead me for a stroll, as my cellmate was summoned to the lawyer... Today I hope to hand Andriy my special support text from the bottom of my heart (letter no. 16).

Hurrah! My yearn + forces of the Universe = Good luck nearby! When Andriy was on his way to the shower, we managed to exchange letters: my letter no. 16, his letter no. 13. When we met, he smiled (I asked him to smile more often, though we were in jail). He waved his hand on his way back...

From Andriy’s letter: investigator S. Lytvyn gave Aunt Halia (his mother) our passports (together with

international passports) and, at last, keys from my apartment (6 keys)...

Washing, reading, diarizing, reflexions... For the first time I am alone in the cell, till evening...

≈ at 17.30, as I learned later, there conducted one more search in my apartment. Did they not manage to steal everything they could during the first search?

News: Doctor “Pi” (A. Sliusarchuk) also found himself in this pretrial detention center. Once in the past we were shown together on television...

April 28

I wrote a letter to my pupil D. Snihiriov.

Stroll. Serhiy (junior inspector of security service) reminded me that I promised to write about him in my book), I will do my best not to forget. Meanwhile I’ve mentioned him in my diary.

After the stroll (from 9.30 a.m.) I felt depression of strength, lay on the bench for three hours (from 11.15 a.m.), including two-hour sleep. I felt feverish being flushed after the run (≈ 1.5 km) and I caught a chill from staying in the draft in the cell. The backaches for the second day (nerve squeeze under left shoulder-blade). The second day my cellmate was allegedly summoned “to the lawyer”; I shouldn’t be in the future a hostage to my credulity now. But, our relations are good, and it is the main thing. I think, this cellmate is a better background for me, than the previous one. And I do not like to bring anybody into play... It is hot outside, while in the cell it is now warm, now

cool. My soul desires freedom, but, as I wrote in my letter to Andriy no. 16, this novel has a Maximum of 3 chapters (detention center — investigatory isolation ward; court; camp), and it would be better if everything boiled down to one chapter... But, the response will be the wider the more chapters there will be. And for the big sufferings there will be a great award, and script writers and journalists will take more interest in it (above Malakhov's level: "Let them speak"). Till the end of life Andriy and would not like to stop and take a rest from the twenty-year-long race (concerts, their organization, creative projects, albums, site etc.). For Andriy it was also a heavy load. I also convinced myself that the instrument is my alter ego as I thought I couldn't do without it a single day. Now we (especially I) have a sort of fasting, refusal from everything necessary. In my case it included daily routine, private life, all-time presence of Andriy, daily exercises on my instrument, scene and my favorite audience; Andriy also had his bicycle, acute desire for personal space, Internet; both of us had ardor for zillion other things. Now we undergo serious durability test and fasting. If we overcome these challenges, we will receive from life a lot of pleasure, colors, successes and life as it is, instead of isolation from it. Life includes health, freedom of action, favorite job, availability of choice and joy of meeting your kin. In my case it also includes music, scene and audience! My creative work and its echo remain inactive too long. The shock was a must. Although it is a gruesome story, everything will come off all right! I trust in it and I put Andriy in such mood as well...

At night I had a dream: a girl helped me to leave this labyrinth (a doctor or a nurse), we escaped in her car through the service gates. She thought that I was not a prisoner (she thought I worked or that I was a lawyer). But I escaped alone, without Andriy; therefore, in the same dream, I somehow returned back because I could not abandon my friend...

My stock of food has almost ended: only tea, two Mivinas, bread and salo with onions and garlic. Oh, and I've missed raisins. Well, I also take vitamins. I will not be done for. There were no new parcels... I've read *The Glass Bead Game* by Hermann Hesse to the end and began to write down passages from the book... I went to bed at 02.30 a.m.

April 29

The third day for all time of my stay in the pretrial detention center I stay without lenses.

I got up at 9.30 a.m. Indisposition again, because of cold or squeezed nerve. After stroll I decided to have a short two-hour nap. The second time here I took soup from gruel ladler (it appeared to be quite edible) and pearl barley...

I finished writing down passages from the book (22 fragments) *The Glass Bead Game* by Hermann Hesse...

I live in the semi-basement cell. It is below ground level. The ceiling is five-meter high or more. The window is over the top plank bed (I am on the bottom bench) 30 centimeters above ground level. The cell is 5 meters long and 2.5 meters wide...

Near the window they cleaned a heap of junk and tidied up before holidays... The yard is approximately 2.5×4 meters.

Usually we stroll on the roof with an additional covering over the grating barring sunlight. Today in this yard I was looking for the draft. My cellmate joined me and we looked upwards and saw two pigeons sleeping near an additional roof. And according to local omen, seeing pigeons during the stroll means forthcoming release. I hope it concerns me and Andriy!

I try to control all thoughts connected with negative info to master the emotional condition, at least when I am in the cell. I'd better not get used to these conditions as at any moment something can change (the cell, your cellmate). But all's OK for the time being. The only things that give rise to concern are uncertainty and absence of good news about the case with which neither I, nor my lawyers are allowed to get acquainted. A precarious position... And the nature is abloom, it is summer outside. But one should chase such thoughts away not to get distressed once again. It is good that my cellmate is psychologically stable, it helps... A bit more, and I will start planning my autobiography. The main thing is to be carried away by something, and time will run faster...

I wrote to Andriy and explained how to do abdominal crunches; about two pigeons as a sign of forthcoming release; about cheerfulness; well, I also chose new words for encouragement. This was letter no. 17. And here what I wrote Andriy about doing abdominal crunches. Lying on your back, 10–12 times per attempt; bracing:

- 1) hands behind your head — lifting shoulder-blades only — exhale;

- 2) knees bent, hands under buttocks, lift your closed knees to your breast;
- 3) both hands and legs move towards each other.
Do each exercise 2–3 times per attempt...

I went to bed nearer to 02.00 a.m. ...

April 30

I slept 8 hours. Late stroll (from 16.45). Good luck: we exchanged letters. Later I will explain Andriy meditation exercises: 100 sighs through your nose and exhalations through your mouth — “your breath is your happiness”: quick and deep breath followed by a slow exhalation squeezing out air with abdominal muscles; to prolong exhaling until air starts leaving your body by itself. Palms upwards. Thinking about something good: to remember the pleasant moments of life. One more advice: in order to have a sound sleep, you need to become tired: to stand all day long (even to read standing).

From Andriy’s letter:

- 1) made a close haircut;
- 2) received my mother’s parcel from April 28;
- 3) bad sleep, heartburn, headaches;
- 4) the recipe of the soup cooked with the help of immersion heater: put into boiling water fine cut potato, carrot (it may be pre-grated), salt (a tea-spoon) or Mivina seasoning. In 10 minutes add, if available, vermicelli or cereals (buckwheat, rice) and pepper, bay leaf, and seasoning. You stir soup with a wooden or plastic spoon only;

- 5) Anton's neighbor from apartment 6 saw, how they beat Andriy on our landing during arrest, and passed by;
- 6) There will be "Let them tell you stories" (I know there are such already) in Kyiv;
- 7) he's panicking again (he is very vulnerable);
- 8) the temperature in Kyiv these days is +32 °C;
- 9) again Andriy has horror dreams of March 23, but they alternate with contrast dreams: the sea, sun, we're playing football;
- 10) he constant dreams about his bicycle;
- 11) disbelief in quick release, pessimism;
- 12) he does not look like reading anything; sometimes he solves crossword puzzles;
- 13) he dreams about bicycling with me to Holosiyiv, Lysa Hora, Kytayiv, Kotsiubynske, Pushcha taking me on sightseeing tour;
- 14) he does not feel like strolling although his cellmate does not mind;
- 15) Lutkovska took the oath on 27.04.12...

I wrote him a letter no. 18. About meditation exercise; I advised him to stand longer to get tired in order to sleep better. I asked him a bit rudely not to give way to despair, not to feel seedy. Either we fight together or we lay down our arms. It sounds too instructive and philosophical; he may not take it in getting that way...

May 1

Stroll. Again Good luck! An exchange of letters. Quieter text from Andriy. He liked my story about pigeons; he will

look out for them now ... My cellmate takes keen interest in my contacts and details of my case. Or, maybe, I am exaggerating... Andriy wrote that in his cell on the fourth floor temperature is +25 °C, not that hot (the north side, no straight sun beams), and the streetcars are rumbling and “teasing” (twenty-minute direct ride to our house). Nevertheless the sunny weather makes him optimistic. I went to bed about 02.00 a.m. ...

May 2

I have mailed a request to the chief of first-aid station to put me on a dietary. After the hogwash I have heartburn and pains in my stomach...

Stroll. It feels good. We managed to exchange letters though I was seen by the “stroll controller” (he opens and closes the door to the court yard). He as much as rebuked me (“for shame!”); Andriy writes: the chestnuts are abloom; the jailers removed windows for airing (he was frozen at night); he jokes: in future he will take a prize-winning place for 50+ cycle race; about the incident with his cellmate: in Matusivka camp (near Kyiv) he was struck on his head with a stool on the very first day as a result of criminal initiation and was hospitalized; tomorrow he will be waiting for the lawyer; he has no inclination for philosophy; he misses life at large; he cannot sleep normally ...

May 3

I wrote letters to:

- 1) Maryanna Zubko;

- 2) Natalia Nikolova (“Doctor Watson”);
- 3) mother;
- 4) Liuba Trofimova;
- 5) Denys Snihiriov;
- 6) godmother.

For the seventh day a nerve is squeezed under the left shoulder-blade. The pain also shifted to the left breast and under my arm. During the stroll, for the fourth time I went to a court yard with a horizontal and parallel bars. I wrote to Andriy a very positive and optimistic letter no. 20. I received a parcel from Liuba and arranged a blowout with my cellmate (he will never get parcels). I also shared it with bathhouse attendant Vasia... A white-red kitten came through the window but was stopped by the grating. So it failed to get into the cell. I went to bed at 02.00 a.m.

May 4

Without a stroll, I went at once to lawyer Maslovskyi from 10.45 till ≈ 14.15. On my way I ran into Andriy. We exchanged letters (no. 20 — no. 17). Andriy looked bad and tense. Today he went to the shower cubicle when I had been out of the cell already, and he shared foodstuffs with me (gave them to my cellmate)... The lawyer informed me that my godmother already lived in my apartment where they conducted another search; my lawyers are in disagreement. Maslovsky brought an important info (copies of explanations of five of six “victims”); he asked to extract all lies from these documents during a week and to think about an alibi concerning all incidents of calumny heaped on me by five witnesses

(Roman P. refused to testify). The lawyer said that he could deal with the inquest. He issued the challenge to free Andriy and me in May and find the money (investigator M. Morozov asked for \$10,000). He told that my godmother's circle of acquaintances, beside him, includes Zoriana Shainiuk, "Doctor Watson", Denys Dorosh (lawyer). Maslovsky intends to finally close the case. He gave me water, chocolate, letters from P. Makkonen from Finland, godmother and N. Nikolova. I gave him my letters...

I wrote a request to the chief of the pretrial detention center once more asking him to allow to bring me my musical instrument for training and allow me to be examined at the Center of Eye Microsurgery...

Time of my staying under guard in different places: 4 days — isolation ward (24.03–27.03.); then the pretrial detention center no. 291 12 days (27.03–09.04.); 11 days in no. 15 (09.04–19.04.); cell no. 16 (from 19.04–...).

May 5

Today I have been sewing, washing, reading, writing out ideas, writing, strolling, doing situps. It's nothing but a resort; it doesn't look like a pretrial detention center! But I've got the guts; I am waiting for flashes of inspirations, looking for an exit from this labyrinth... Nevertheless something here connects me to my apartment: the lawyer has brought from there a small book of aphorisms. I certainly read them in the past, but now I sure will write something out.

I wrote a letter to Andriy no. 22. I went to bed near 03.00 a.m. ...

May 7

Unexpectedly, about 17.30, they led me to the chief of the pretrial detention center for the second time (the first time was on Saturday 14.04.12 at 9.30). There were waiters awaiting me: besides the chief there were new Ombudsman Lutkovska Valeriya Volodymyrivna (she was also born on 20.01.!) and new department head (inspector of pretrial detention centers) from the Kyiv Office of Public Prosecutor Chepurnyi Volodymyr Anatoliyovych. My dissatisfactions:

- 1) absence of my musical instrument (she is against it because, she said, it is inappropriate);
- 2) the impossibility to call my mother during a month already (she said, it is inappropriate);
- 3) meal in which it is possible to find out cockroaches or cellophane bits, for example (she promised to check);
- 4) absence of refrigerator and TV on which it would be desirable very much to watch the World Football Championship (her answer: I'll get refrigerator, if the chief allows, and the availability of TV depends on Yevhen Yukhymovych Zakharov (the head of the Kharkiv Human Rights Protection Group, who undertook to plead in the European Court of Human Rights).

Lutkovska has fulfilled her promise to visit me in the pretrial detention center in the first place right after assumption of the office. But she was only interested to speed up the examination of my eyesight in the Center of

Eye Microsurgery (she said “she would not forgive herself” if something happens with me here). I told her that the left area of my shoulder was still aching after tortures in militia. She missed the point. I emphasized the issue of Andriy’s health. At my request they brought our files. On Andriy’s photo the big black eye was visible.

Our x-rays were removed: they were taken out by the Shevchenko District Office of Public Prosecutor (x-rays of Andriy’s broken ribs of and my damaged shoulder ligaments) within the framework of our beating check (later they wouldn’t return them, and public prosecutor A. Molovaniuk will write that during our arrest we received light physical injuries concealing the information about Andriy’s broken ribs; allegedly we both (!) fell on different bicycles at the time of arrest). I told about Andriy’s claustrophobia and about the advice of local psychologist to imagine sea and seashore beach during attacks (the chief took a note of it being surprised that such psychologists work for them). I told about Yan Tabachnyk and “greetings” to me since 1999, after an arson of my apartment, beating under my posters and after capturing me; about his personal threats. I noted: she does not like to listen to others, she listens to herself only. She didn’t care about my feelings here and dismay concerning the absence of my instrument. Simply she has to report to someone: she came to rescue my sight.

The chief duplicated Andriy’s letter about the search: for Lutkovska and Chepurnyi. During the first search, they confiscated my videoarchive looking for pornography at

my concerts: 563 disks, 41 mini-DV videocassettes, and 86 videocassettes. They contain VCRs of my interviews and concerts. The interrogator said that the costly examination would be conducted in order to find recorded pornography ... Chepurnyi kept mum and studied me with interest. I spoke a lot and was a bit absent-minded... They promised me to come later.

Lutkovska asked to write her a letter on my sight in greater details... The Chief gave me four stamped envelopes (here is a generous soul). Lutkovska praised Holubovskiy, they behaved as friends or good acquaintances. I think that under such conditions nobody will care to think about me, the more so about Andriy. They concern themselves with their new positions. They care only about sensation; they had to meet me for the sake of appearances and arrange a window dressing with the state of my eyesight (as far as I understand the issue is discussed in the Internet and mass-media). Well, it may be for the better. Lutkovska told that there were obvious reasons to release me from custody: I had mother to care for, I needed in-patient treatment of my eyes, absence of any investigatory actions for over six weeks! She did not believe that they did not let new lawyer Xenia see Andriy (although it is a real fact).

For the umpteenth time the chief began to prophesy ill that I would spend here six months more. I responded that I would be released in May as I wanted it very much. I also told Lutkovska that I was at the zenith of my career at the time of detention and I was about to become the People's Artist of Ukraine...

May 12

50 days in detention... Igor, don't give up! Anyway, life is the main thing. Keep a stiff upper lip! Support Andriy as long as you can! Bear your cross with dignity! (Only I can tell myself all of it now...). I have before me: examinations, eye specialist, trial and appeal; going out to stage investigatory experiments, fuss, heat on the street and stuffiness inside the jail... I should pluck up my courage!

I had a very realistic dream: when I was alone in my cell in came Vitia, a friend of my cellmate. My eye-openers about injustice of my case, then my smiling neighbor appeared and Vitia made an appointment in the cell no. 102 (D. Pavlychenko is kept there), and then on the threshold appeared Andriy looking crushed. He was silent showing bleeding black eye as a result of heavy blow. Somebody was hiding to the left of him, maybe a jailer (?). I woke up at once; I could not take Andriy's hints; I was horrified by this negative situation...

It seems to me that Zakrevska has no time for me. Why next day after our meeting the locks were not forced as I asked? Therefore the militia forestalled her by 2 days... A lot of questions to Zakrevska have piled up. What happened with my new disk which I had recorded? What my letters were not handed? About my instrument: she has to file the written request with the chief. The main thing: to write to the city public prosecutor (a copy for Lutkovska, or vice versa) about infringement of my rights to private life (the same to give for signing to Andriy's lawyer Nikolenko, or Prokonova if she has been authorized already) having placed security

cams in my apartment (it is possible, that they had bugged my phones). According to Polishchuk, head of public relations department of the MIA of Ukraine, and Natalia Kalynovska, press officer of Shevchenko District Department of Internal Affairs, the tapping lasted for six months. The mass-media have already covered the story...

A freak of figures: the mark-off starts with round figures. In the past life, for example there were: 100 concerts in the House of Actors, 10 musical albums, 15 important concerts of year in Kyiv on my birthday; and now 50 days in this dungeon... One day more and the 101st concert in the House of Actors could take place, one month and I could finalize my 11th album... All things are in a flux...

In November 1992, my guardian angel visited me only once. Or it was simply a representative of divine intent who wanted to know whether I was ready for a new stage of my life, improbable and astounding (as it turned out later). And I truly answered in writing, that I was ready... Now I am fighting for the two of us! I have reconsidered a lot during these 50 days and concluded that the new chapter of my life is ahead. My kind Friend (angel) has failed to visit me for the second time, but I know that I'm ready for this new chapter which awaits me after heartrending experiences. I will withstand and hold out and I will go on as a kinder, stronger, more courageous and, probably, wiser person!

May 20

I've endured a minor stress. At first they didn't take me to the yard for my stroll in the absence of the officer with the

key to my cell. I've told the jailers beforehand that tomorrow in court I will tell about deprivation of my right to a stroll. Out of mean revenge they led me to a stinking and dirty yard in an hour and a half. After my protest they moved me to a yard without a heavy tobacco smell. Then my *shirker*, Serhiy, who once reminded me for fun not to forget to mention him in my book, waited for me on the fourth floor. The search. I was lucky he failed to find a note to Andriy (I managed to tear it and swallow it imperceptibly), because it could be a pretext for claims and sanctions against me. But this humiliation has exhausted me. My cellmate finished me with his endless picking at me. I entered my cell and collapsed on the bench to sleep.

For the first time I had a vivid dream about my instrument. As if they brought it to my cell; it looked worn-out, its bellows glued afresh (the pleated layers of cloth were torn away and glued afresh), nevertheless it feels like mine. At the bottom of the case there were music notes in the writing-book and dark blue bag about which they told (Lytvyn) that it had been lost (they were with me at detention). In my joy I was about to cry in my dream, but I woke up at once. I felt like having slept an hour or two, though actually only 20 minutes elapsed... They fixed additional (?) check locks on the door of my cell and it is rather serious and, maybe, for a long time.

May 21

I drafted my oral argument on prolongation (or not prolongation) of custody. They put Andriy into a militia van

at 07.00 a.m. and me after \approx 13.00. We were transported in adjoining cages. We were fortunate to have three-man escort from the Central Administrative Department of the MIA. Andriy hoped very much, based on the words of the chief of the after-trial escort, that his chances were 50/50. But ... Even I in my mind did not call his success in question.

On the way back (after ten-minute conversation with my godmother), I spent about two hours near Andriy. We talked our fill for the first time in 59 days. It is an event indeed! The court ruling contains nothing about necessity of my treatment and dynamical examination by an oculist. We should bring it up during appeal consideration. I agree with the opinion of the chief of the escort that because of the big publicity of my case, like in all notorious cases, we shouldn't expect preventive punishment change. Both in regional and appeal courts. Plus an obligatory sentence. He predicted six years for me and 50/50 discharge for Andriy already today, but it was never meant to be...

I started putting in two kinds of drops into my eyes + two kinds of new vitamins for my eyes... In the evening a psychologist visited our cell. I think, the chief did it on purpose; he wanted to check my condition after the court ruling against me. I sounded rather confident telling him about my release in May. Meanwhile I didn't tell him in what year :) And Maslovsky has failed to accomplish a task of our discharge in May...

Despite gloomy results in court, I feel more secure. Perhaps I benefited much from my association with Andriy and his developed psychological stability; or optimistic

words of my lawyer; or inspiration of those who came (Maryanna, Nikolova, Zoriana, Nastia with mother Liuba, Snihiriovs, godmother). A. V. Zhukov and A. B. Palamarchuk (she) wanted to bail me like Liuba, Maryanna, Ye. Snihiriov. I smiled at everyone who came to support me. Denys was removed from court as a minor, but I had time to wish him many happy returns of the day; then I thanked all and everybody for support. The concert in the House of Actors on the May 19, dedicated to accordion's birthday, was sold out. The program featured the best performers who most often took part in my concerts: Denys Snihiriov, Ivan Zavadsky, Ivan Sukhoi, Yevhen Havryliuk. Rayisa Nedashkivska was a compere.

...Bavaria–Chelsea: 1:1 (won the shootout 3:4). Drogba was the hero of the match...

May 22

The chief of first-aid station dropped in; he brought an extract (copy) of my examination at the Center of Eye Microsurgery. On my way back, already in the pretrial detention center there was the same escort officer who had led me once to participate in online session (appeal consideration). He reproached me, but no threats any more, only he was insulted. In fact, then I told that all and everybody were cool guys, and only he was such... (bad guy, in shorter)... Well, I gather myself up for a new life without wining and fears. I will keep my chin up and wait for a proper moment to bring together all supporters of me and Andriy and thank them for their help. However, Andriy thinks that

even if we are released, the next day the investigator will summon us and arrest again... He is a pessimist all right! But there is something in it all the same. I won't bustle about. I will wait and believe in my Star and in good luck! Today it was already somewhere nearby! I feel it, everything is as it should be!!!

The draft of my oral argument in appeal court.

1. I support completely the petition of my trial lawyer about changing preventive punishment for me. Before and after the conservatory and postgraduate studies I, together with my assistant and concert manager A. Brigida was never called to account for administrative or criminal offences. I constantly was in the limelight: concerts, tours, recording albums (eleven years on end), interviews, charity activity, competitions, and festivals (as a participant and member of a jury). I've never posed hazard to the society. I participated in search for young talents and prepared them for the stage, improved image of Ukraine with my victories at competitions abroad, held creative meetings in different educational institutions for children and youth. I was a law-abiding citizen; in due time I paid taxes to the state, as a physical person, undertaker. On the eve of detention I was at the zenith of my career. I lived openly, played no mean tricks on anybody, I was absorbed in creativity. Suddenly turned out that I jeopardize society for which I lived and worked. The investigators declared me a criminal through media and began to shape public opinion instigating hatred and rage. I constantly appeared on TV screens and the newspapers featured my photos. The passers-by on the street cast scowling glances

at me. Moreover, now I cannot contact outsiders. My circle of acquaintances includes my pupils, assistants at concerts, colleagues, friends, spectators, and my mother.

2. My mother is 83 years old. Her life is in danger. I am the only one who has kept and encouraged her for many years. I have to urgently move her from Zaporizhzhia to Kyiv as she needs nursing now.

3. I have a permanent official residence permit and I am a permanent resident under the same address. I do not intend to run away secretly to avoid prosecution. It is most critical for me in the first place to establish the truth, which will save my face and attract my audience.

4. Staying at large I cannot hamper the investigation as far as the only pretrial investigative actions to be carried out include examination of my musical disks and things confiscated during the so-called search in my apartment. The militia officers exploited this occurrence to rob my apartment and take away all money therefrom and as barbarians rooted out from the picture my “Gold Lyre”, a unique exclusive prize from Italy in Ukraine, which I received for 100 points out of 100 possible at the international competition of accordionists.

5. The militia through the trusted people in the pretrial detention center complicated my stay there; moreover I was exposed to moral humiliations from employees and prisoners. Andriy and I are deprived here of competent defense... I want to add that the officers did not let lawyers to see me in the first six days after detention and then for three weeks more before the district court in May; the

investigator has been preventing lawyer Xenia Prokonova to see Andriy for six weeks already. All of it took place in disregard for complaints to public prosecutor of Kyiv and Ombudsman V. Lutkovska.

6. In the pretrial detention center there is one more danger: for some reason or another the jailers fixed two additional locks on the door of my cell as of 18.05. They create life threat condition because the keys from them are usually unavailable. Because of it I am deprived even of such minimum, as bread and food (torture by hunger). Even when the keys are available, the locks are very difficult to open. There's been no positive response to my three requests to remove them. In the case of fire (employee Nazarenko told me about a fire in the pretrial detention center last year), or flood or I feel sick, it will be impossible to exit the cell, especially after 18.00.

7. I am catastrophically losing my professional skill. Even one day without instrument must be compensated with several days of restoration. And I've got no rehearsals in nine weeks already which I need as a breath of life! I want to serve Ukraine, to bring joy to my audience, and make records. Now I want to bring out the almost already ready 11th musical album of 2 CDs, where on one disk the young talents play at my concerts.

8. My eyesight. In spite of the fact that I submitted to district court the examination extract (from 15.05.12) issued in the Center of Eye Microsurgery, where the diagnosis (4 points) was established and prescription recommended urgent treatment and dynamic monitoring at the eye clinic,

it was not taken into consideration. The court ruling about keeping me in custody does not even mention the document. My eyesight grows poorer after beating me in militia on 23.03.12. Without medical supervision I can lose sight... Based on the aforesaid I ask this court to change holding in custody as preventive punishment for any another, not connected with imprisonment.

Considering charges brought against me, I undertake to exclude meeting minors in the absence of their parents. Also, being at large, I promise to react punctually to all summons and notices to appear in court...

May 29

The appeal (online): turned down. In the pretrial detention center they waited for me to take me for psychiatric examination (if I am released, they can hide me for three weeks in psychiatric hospital). However, they did not drive me at once, as I was not left in custody... Zakrevska wrote a letter to the President of Ukraine about me...

The appeal hearing will be at 12.00; Lytvyn S. M. came in good time and without lawyers (!) took samples of my voice and handwriting for graphologic examination (the jailers confiscated a couple of my notes in Andriy's cell and now they want to prove my violation of the routine). He said that in America on such charges I would get life imprisonment, in Georgia 20 years. The main thing that Lytvyn said: if I am sentenced (in what it does not doubt), I will be stripped of the rank of the honored artist of Ukraine. Alongside his desire to make me a tramp having deprived of all means of

subsistence and freedom, Lytvyn makes no bone about the set of measures intended to humiliate me and throw out of life forever... Lytvyn told that it would be a show flogging “so it doesn’t become a habit”...

So, I will be rotting in the cell at least eight week ahead. Then, most likely, four weeks more, then the trials will take at least six months. Total: from 4 months to a year in jail. Then the “show flogging”, as Lytvyn puts it, that is from 8 till 15 years of imprisonment (if the absurd 153rd article remains) will follow. And all of it for nonexistent crimes...

May 30

My gloomy thoughts about the worst variant. In 15 years I will be 61. No family, no friends, no money, no habitation, I will be even stripped of the rank of the honored artist of Ukraine; it is an “ideal” model of a “show flogging” of a person who has no influential patrons to protect him. Moreover, the campaign to discredit my name through media and turning public opinion, even hatred and desire of punishment, against me will take root. They will deprive me of possibility to retain my skill as musician. And nobody will go to the concert of the disgraced ex-convict? Am I ready for such scenario of “extremes”? I should be ready for anything! This “scenario” may well contain provisions to take away my life. Lytvyn blabbed such confidences to Andriy and me: either I put an end to myself, or somebody will help me in the prison camp. They will only gain from it: all militia crimes in my case will remain unsolved. Although, Lytvyn

used to say that they (“militia”) were not that blood-thirsty as it can seem at first sight...

May 31

Obligatory psychiatric examination. A trip to Pavlov’s hospital. At the same time a lawyer came to see me. My cellmate too (he keeps me in suspense about my actions and my unspecified role after his becoming a plant)... The letter to Andriy no. 36 after 3 days of idling. It is a bit too critical, but very informative... During my conversation with doctors I felt that they were inclined in my favor. They wanted very much to know, like anybody at the time, my opinion about possible “customer” Yan Tabachnyk. I tried my best to evade the question and said that I had no exact evidence. I told them about awful conditions in the pretrial detention center: extra locks on the door, rats, absence of ventilation... I assured them that I had no suicidal intentions. The second stage included tests for memory, associativity, and logic. Only one doctor was a woman. She attended my concerts. She behaved neutrally though — and it was visible — she was on my side and wanted to support me. I told her that medical assistant Tamara Ivanivna helped me and Andriy during our settling in the pretrial detention center. Otherwise I might not survive until today, if I were put into the cell with criminals...

In the end, after examination, the main physician came up to me from the council of physicians and asked how he could help. I asked whether they could apply to allow me receive my instrument for rehearsals. He said that “they

would not listen”. However, he suggested me to stay a month at their hospital so that they could write out necessary certificates thanks to which my criminal case would be closed. I asked, whether it was possible for Andriy as well. The answer was negative. They could help only me because they remembered my three solo concerts for doctors during the international symposium. I told that I could not leave my friend Andriy in jail using my chance to be released...

June 1

As well as on the past days off, nobody was led to have a stroll. I think, tomorrow will be the same...

I took notes of *The Old Man and the Sea* and *Downfall of the Heart*; this time I reread these novels with tears in my eyes. I liked it very much. Reading is my only diversion now. Well, also my pen and paper. It's great! While I have it, there's no place for despondency and apathy. I should live with a thought that I am already dead and there's nothing to be afraid of or to lose, even my life. Nevertheless, my fears still there, even in little things...

June 4

At 9.50 I was summoned to investigator Maxym Volodymyrovych Morozov. It was our first meeting. We conversed without lawyers for about 40 minutes. Here are the topics.

- 1) For some reason he asked not to tell Zakrevska that he came (I did not promise to make it a secret). He told that in the future he will communicate

- with me through Maslovskiy, but not through Zakrevska (they failed to reach an understanding).
- 2) Lytvyn and operatives went to Yevpatoriya to attack the administrator of Druzhba, old V. H. Subota. He may get a term for lodging children with adults in one room and we were not their relatives; for this he can get 8 years (we might have to pay extra money for a separate room). Now they will manipulate him to prevent his giving evidence to my advantage.
 - 3) I may get 12 years (maximum) if I do not admit guilt; and minimum 8 (if I do admit).
 - 4) He tried to suggest me the following:
 - a) I've got a bad lawyer (otherwise I would have been at large already), she is insufficiently competent and muddles my case so that nobody will be able to help me;
 - b) In your case neither you, nor I need to bear testimony; there is a sufficient base for imputation of the crime;
 - c) there was a legally installed hidden camera; the search without a warrant is possible if there is a confidence that there was a crime as eggs is eggs; in this case the warrant may be obtained after the event.
 - 5) mother of Roman P. is angered that I sold her short, she is ready to tear me to pieces, and R. P. is ready "to put his head in chancery" (I think it's the result of the fact that they suggested him the idea of my criminality).

- 6) they will not take away my title and return all disks to me (to my godmother).
- 7) he gave examples of geniuses with deviations: Vysotsky (alcoholic), Tsvetaeva, Nuriev, Serzh Lifar; he said he wouldn't feel sorry for them as well; this is the equality-before-the-Law principle; he added that he did not hold it against me (so he knows that the charges are far-fetched).
- 8) article 153 cannot be called off if the person is under 14 years of age; he does not realize what he is doing and therefore he acts unconsciously (and what is he doing?).
- 9) both Andriy and I may get the same term (?) because of video evidence (?).
- 10) he showed me two my notes to Andriy; he persuaded me that that there was a warrant for the camera (now I doubt both the existence of any video and the more so the warrant).
- 11) he offered that Maslovsky may become Andriy's lawyer as well (I was right presuming that Maslovsky works for militia).
- 12) Zakrevska and Moroz graduated from one and the same higher legal institution in Kharkov.
- 13) he gave me a sports part of the newspaper "Segodnia"; he knew that I was a fan.
- 14) he told that he looked through my diaries since 2005 and that I wrote there different names (there were zillion names of adults connected with my creative work without slightest hints about something

obscene). Therefore it was allegedly a reason he named in court to hold me in custody: the “regular” character of infringements of the law (usual records of names?) which prepared ground for such actions in future. Allegedly.

- 15) He told about some kind of “video” (without telling who, with whom and what was doing) and about someone’s compromising conversation by phone with A. Bojko (?) where talkers “exchanged impressions” (without telling about what). He added that it would suffice for a sentence (?).
- 16) He told that my case is under the control of the MIA and Prosecutor General’s Office.
- 17) He hinted that he can help to close down my case for a certain sum which Maslovsky would tell me later.

When meeting with me, Zakrevska once again emphasized the timely advance on her services. Three hours out of five she devoted to self-advertisement, payment for her services (my godmother had to look for her and not vice versa) and telling how many times she spent on me in the meantime. Her fee per hour makes \$50. That is only today’s conversation is worth \$250! For last 20 days she must have earned \$1,000! Unbelievable! The problem is where to get money for such appetite. It is good we are still able to pay, though my godmother is horrified with her appetites and detests her intensely. And I take pity on Yevheniya. She never smiles and, probably, she lives a boring life... Our contract expires at the year end. We will give away all money by this time, and maybe even earlier. She reminded

how she treated me for free to chocolates, gums, patties and coffee during almost every visit and did not chalk it up (here is the kind soul!). She expressed her indignation that the first payment was delayed for several days, and she wouldn't stand it in the future. I tried to calm her down. I promised her to ask my godmother to avoid delays in the future. She looked like becoming kinder a little but when the pies and coffee were catered to the offices, she decided not to treat me this time...

June 6

The day before World Football Championship there popped up a TV set! The coverage area includes 14 channels from the room aerial (costs £1,840).

Investigator M. Morozov came to talk with me for the second time. At 11.00 I was summoned to meet him. Again without lawyers. He told that after our first meeting the ambulance allegedly took him from the pretrial detention center with heart attack. The matter is that he worried about me as he did not expect that I might appear a positive person. His main objective this time was to give me the draft of the letter of authority for my godmother. Actually I had to re-register my apartment to her name, because, according to Morozov, the so called *victims* brought in actions (later I learnt that he lied and there were no claims). And he will have to arrest my apartment, but before that he intended to re-register my apartment to my godmother's name for the sum of \$10,000 (he insisted that the sum had to be handed him by my godmother into whose favor he had wriggled).

To begin with he asked for advance payment to the tune of \$2,000 (my godmother will give a part of the sum later, but she will refuse to pay him the rest as it will be found out that nobody brought any actions). Morozov took a personal interest from the very beginning insisting on re-registering of my apartment to the name of my godmother to simplify later sell-out allegedly in order to cover expenses connected with my and Andriy's release. He added that he would try to close the books on my case, but it was necessary to wait, while the code would be changed or something else would occur to my advantage.

About Denys Snihiriov, my pupil who protects me in mass-media, Morozove fibbed cock-and-bull story: his parents allegedly forced him to speak and they were persuaded to coop by Zakrevska. And in his native city he feels ill at ease now because his name became known (his letters witness to the contrary!)... At the end of our meeting I wished him to take care of himself so that he wouldn't need an ambulance. In a funny way he behaved as my best friend and shook hands with me at the beginning and at the end of the meeting...

June 13

My dream (on the night of June 12): "My father and several strangers nearby. Yan Tabachnyk came up. I wanted to introduce him, but my father was overcome. He took one pill and two more remained on his palm. My father showed that it would be necessary to give them to him, if he did not come to senses... So they did not make acquaintance of one

another”. Once, before his death, the father asked me to find common language with Yan Tabachnyk so that he did not grieve me... I drew up a concert program (33 pieces) for the future concert...

I should make a radical choice. I should sign papers with my own hands and become a tramp. And then in the near future I will have no apartment, no residence permit, no money, no possibility to go abroad, and no property. Plus the spoilt reputation, loss of skill and any prospects of scenic activity. Very vague hope that all will be good with Andriy and again we will be together... I feel sad and even miserable. But after all nobody has cancelled the Miracle! I should always keep this belief. I will hope for a victory despite everything! With all my heart I wish Andriy fortitude and endurance, health and courage! Let him have all the luck! I trust all to his mother (I am ready for it) only for the sake of his morale. It is also necessary to make my so that the apartment will be his. And there are the risks I run when I hand him my letters. It strengthens me and I receiving response. The main thing now is not to panic! Nevertheless, I wait, I trust, I struggle, and I hope. I will use any chance and clutch at straws expecting our prompt release. In the meantime Andriy and I remain in a bog which sucks us down. The correct choice is a priority now. I'd like the intuition not to let me down during this difficult period. I will brace myself and Andriy. As long, as I may!

I saw the beginning of the film “Rasmus: a tramp”, where freedom is Oscar’s sense of life (played by one of my most favorite actors Albert Filozov). It is difficult and painful to

see such kind films, it is impossible to hold my tears... Kyrylo Poltovskiy as Rasmus is very touching and sincere...

June 15

After short stroll the third meeting with Morozov took place. Again without lawyers. The topics discussed: about my musical instrument (he promised to call the chief of the pretrial detention center and remind him about it); about my case (it is allegedly under control and Yanukovych has it already); about possible trial (as he said, if it takes place we may get from 10 to 15 years; if we admit guilt, we may get 10, not 15 years; although he does not exclude conditional term). This time he wants my consent to fire Zakrevska. On Tuesday he will come with her and will look at me and her to understand whether she makes me to hit bottom, or I will resort to his aid. I told him about my priority: to release Andriy. I asked him to arrange my meeting with my godmother and Liuba intending to ask them to find a cheaper lawyer. The case papers concerning the director of “Salute”, where I had my vacation and gave concerts on account of payments, were taken to the Office of Public Prosecutor (allegedly barter were forbidden in Ukraine). He told that he met Yan Tabachnyk and now it will be more difficult to help me with my case. At the end he looked preoccupied. In the end I told my forecast for football France-Ukraine (2:0) (and I guessed right!).

Morozov is obsessed with Zakrevska. I told that she is a good lawyer, but for me she is an expensive treat. Before leaving Morozov unexpectedly admitted that claims were

not registered yet, but he may attach without them as well. Before going to bed: I am sick at heart after my meeting with Morozov...

June 17

I'm being got at the injustice of the situation and attempt of the investigator to press me. Moreover, he has involuntarily recognized falsifications in my case...

The fragment of Andriy's letter to me (no. 28): "On my way to psychiatric examination there emerged a conflict between me and other prisoners who learnt under what article I had been accused. They promised to punish me back in boxes. Already in the pretrial detention center I hardly persuaded the jailers to keep me in a separate cell, because they wanted to shove me into common box for 100 persons (there only one bulb in all corridor and a dozen cells without doors and light). They may kill anybody there, and nobody will know. They kept me there all the time when they transported me to the court (before and after) and before a loony bin. Now the road there is closed for me. I wrote to V. P. Lehenkyi a request for a meeting on June 7; he keeps mum. They are going to carry out a repair here; therefore they will temporarily move us somewhere. It is necessary to come to an agreement about being moved somewhere and back together with the same cellmates. Otherwise it will be the pits. I haven't seen my investigator yet. I watch only fragments of football matches, only Ukraine, the cellmates here do not like football that much. The World Championship is lost for me. It is good that at least I will

be able to watch Ukrainian matches. I understood absolutely nothing about the apartment. When will they attach? I do not know why you reassure me again telling about 50/50 chances, I perfectly understand that nobody will release us. And we will have to do our terms from start to finish. For me any term — a year or 12 years — may mean death sentence for me because of my character. If they start scoffing at me, I will not stand the test (though who knows)... I'm in low spirits and there is nobody to communicate with... And only you and my mother support me. I have not seen my lawyer for two weeks now, the cyclists are silent. Of all things! I have been staying in jail for 80 days now... Tomorrow will be significant date 13 again and I am afraid of it... the cops disguised as convicts are walking along the corridors and make prat prowls in the cells, ours included... I do not know what the STB cameramen are filming. But I am afraid very much, that the situation with “Money” may repeat an action again. I hate journos. I am very lonely. I hardly read books, my thoughts are confused. At least at the funny farm I saw nature and spoke with normal people (doctors). I am bored with militia and convicts. The jailers frisked us every day; therefore I wrote nothing.

I am afraid they can intercept my notes. Can you receive notes through the opening in the door? Crack on!”

During the evening I went from energy loss to melancholy, grief and distressed condition. Now both our lawyers expect the coming trial and no not-guilty verdict. And nothing can be done. Andriy and I have equal charges. To cap it all there will be repair at Andriy's cell and ha will

be moved God knows where. His fears to find himself in a *bad* cell...

June 21

All evening I was writing letter no. 41 to Andriy. All my feelings and words of support I wrote at the end of the letter. I had an inspiration. The quotation: "My life now belongs to what is even more important than freedom: to Friendship! My first thoughts are about my Friend and then about myself. Earlier, unfortunately, it was not always so... And in the future I will manage to strengthen even more my desire and ability to be a Friend. Let grudge those who are incapable of it..." Another fragment: "We should stand the test and remember the main ability of a CAT which always lands on four paws, even when it falls down from the big height... Yes, I risk every day to be humiliated if they catch me (and they did it already six times out of 30 drop-ins when I had to hand in an *encouragement* to my friend) or find myself in a punishment cell (after all the second reprimand results in a punishment cell, and I've got one already for interview for the program *Money*). But I am not afraid! I suffer here without my instrument. At times it seems to me that I've already forgotten everything and lost the skill of playing. But I believe in myself! I still will give such concert, at which the audience will cry and rejoice! I've already drafted the program these days. I believe very much that as the actor I still will have my say! I will prove, first of all to myself, that I can be the real hero and bring joy to many people in this world!

You and I are being tested now for human qualities (courage, endurance, firmness) and reserves of our organism. If we go through our facings, we will thank our imprisonment... We can appreciate life, freedom, ordinary human pleasures to a greater extent, as well as the most valuable of all – Friendship!”

Only now I’ve found the answer to the question: “What is more important: freedom or friendship?” which I asked myself on 27.05.12...

June 22

Andriy’s letters to me. No. 29 (1): “...My neighbors disagree with each other more and more; probably, the clashes are just round the corner. I do not interfere; they may sort things out by themselves... I’m still in low spirits. I’m smiling on the outside, though inside the storm is raving and the compressed spring which can expand at any moment. I’d like to communicate, but still there’s no possibility :(Terrible loneliness. It would be easier to stay in a solitary cell, than to keep company to cellmates; then I eve could get used to my loneliness. Here is the paradox. The 91st day of my stay in jail. The 100th day will be on July 1 and 140th on August 10, my birthday... My mother is slow in taking away disks and all the rest... Everything is dragging on. The terrible tension and irritability are the result of remaining in the dark... I’ve no desire to look out of the window; only irritation that there is no possibility to escape ... I do not trust these 50/50 promises; I’d better get the nonsense out of my head. The trial had already shown that it’s only a fancy ... The false hopes ruin

the bruised soul and heart ... Your lawyer only fed us with promises. If I had support during trial like you, I would have been at large already... I wrote a request for a notary, but he has not come yet. I hope he may come soon... I read a lot, I don't feel like writing anything. If you can, order the books which I have already read; I've forgotten to do it. Do not order them for me; you just keep them. Hold on!"

No. 29 (2): "The World Football Championship goes on... On June 15 the lawyer visited me. I wrote the request to draw up warrants. I fail to persuade my mother to make the most of good times. It's good the instruments were salvaged. Reading books is my exclusive occupation; there is simply nothing else to do, I don't feel like writing for myself and in general there is no possibility to do it... About the exchange of books: I worry whether it works because last Friday two security guards were standing on both sides and watched closely that I didn't transfer or take anything... Earlier there were about five agents in the corners, both in uniform, and in civilian clothes. More and more snitches are walking along the corridors in daily clothes or posing like *kangaroos* (service staff). I hope, it's a temporary phenomenon. I wrote V. Lehenkyi two weeks ago with zero response. My lawyer also wrote before the funny farm, but the guy kept mum. I do not know, if there is hope in the air. I know for sure now that nobody will release us. In fact, there is no fifty-fifty chance. Why hope? There is no foolproof lawyer. My guy can cut a caper. And your windbags: one is the spit of the other. I'm waiting with horror for STB tricks. I don't go for a stroll. I may start when I feel like it. I do not know. I don't want anything. I have vacuous mind.

I'd like to meet you, if only to talk with you. I miss you. I have no company here. I'd better stay at the funny farm; you find there more normal people, than in the jail. A twist of fate: many normal people try and hide in a funny farm not to be torn to shreds by idiots here :)...

Trial, trial, trial... I've got two variants only: either verdict of "not guilty" or capital punishment (in our case even one year, not to mention 10 years, is the capital punishment)... Outside there is sun and summer, and in my soul there is terrible dark winter... :(But I hold on... and you stand firm!"

Andriy should be safe and sound, without evil thoughts and fears of the unknown. I am sure, all will be good. In my thoughts I draft defense of Andriy round the clock. I go mad without my instrument; it seems to me that I've lost my skill; I hate my fears and oppressive walls. Nevertheless I try to find the good!

June 28

I constantly ruminate about my thoughts, prospects and priorities...

The feeling of doom is haunting me. We can't win the day and there is nothing to pin our hopes on. According to Morozov, the Prosecutor General's Office is eager to pass sentence on us, and it should be a heavy sentence. Theirs is a steamroller tactics. There is even a ban on my instrument. There seems to exist a serious plot of militia, Office of Public Prosecutor, Yan Tabachnyk and, probably, and some punitive system thugs. Our lawyers have got no gumption. Andriy is panicky; he is afraid of the capital sentence, which is any

sentence if it is not a verdict of “not guilty”. He pictures to himself either violent death in a concentration camp, or humiliation he wouldn’t be able to survive. I prepare myself for any succession of events, but helping Andriy is my first priority. It is necessary to use every possible means to grant his release and grant his protection in the pretrial detention center. The requests concerning his defense addressed to Chief V. Lehenkyi are the means to this end.

I refuse even to think about anything bad... I slept to restore my energy after a long day. After a sound sleep I am up and going again. I should make up for this deficit of energy. I should keep myself in hand to invent new hopes (illusions) and comfort myself with self-deception. I’ve begun to realize the tragedy of our situation. One can’t live without hope, and it started to vanish. I’d better hide it from Andriy. One should reassure him and raise his hopes. But, apparently, he already understands everything and only clutches at straws...

My dreams:

- 1) at the end of June I gave a concert. Training the day before; a kind of phantom condition when holding the instrument. The hall is like those in educational institutions (like the Big Hall in Zaporizhzhia Musical School, but without a scene). I’m in firm belief that I will be jailed once more. I started with the song by the British rock band Queen “The Show Must Go On”. I spoke with students and told them about necessity of will power and purposefulness for an actor. But I felt that the spectators consisted of gapers only. Before the concert Andriy’s voice

tried to convince me that the house will be full, but the concert wasn't sold out. Towards the end a teacher sang encore to my accompaniment this same song. It was good enough. The instrument was responsive; I did not forget the program, but fingers disobeyed me;

- 2) I found myself near my house in Zaporizhzhia. Nobody answered the door and I broke the window in a room. My mother entered the room and said that she did not hear. She pronounce it without emotions, but looked very good, even a bit younger. I thought that my instrument was at home. I wanted to take it and the necessities. But somehow I could not get into my apartment;
- 3) I escaped from a rehabilitation facility (hospital?). I risked and nobody stopped me at the common exit. I was alone, without Andriy...

June 29

I pondered over seeming inevitable falling to the bottom of a precipice and about hope which springs eternal in the human breast...

For the third day in a row the more realistic thoughts come into my head (after my hopes that a fair trial will be awaiting me on 27.06.12). The disagreement with the reality accumulates inside us more and more; you feel a stream of horror of the situation; the senselessness of actions is felt more deeply; the sensation of injustice and inadequacy of treatment of my and Andriy's fate by pecuniary bodies,

allowing for the relative softness of the present situation, make you shudder envisioning future: a barrack for hundred to four hundred persons; monstrous article which does not leave chances for human relation (especially Andriy is afraid of it); pain of parting with the best friend for a long time; the degradation as a musician; and loss of all except for your life. The pain, humiliations, deprivations, inevitable illnesses and sufferings do not frighten but are perceived as something inevitable. The fall into abyss proceeds, and Andriy feels hopelessness at that.

There is still a tiny belief in a miracle, and hope springs eternal! I have to prolong this belief and arouse hope in Andriy. We will live!

July 1

I am a prisoner for the 100th day. A kind of anniversary... I'd like to cast a glance backwards: 100 days without the instrument; without private life; without creativity; without my style of life which is based on moving forward, joy of being freelancer, pleasure and happiness to live "on once own planet"... Instead I've got: pain, suffering, separation, humiliation, expectation of harder ordeal and uncertainty ahead. I was deprived of my "significant other", my instrument, my main "flower of life"... But now I have a possibility of soul-searching and sparing existence in jail, chance to know myself as a friend of Andriy, who finds it more difficult to overcome, and as a man who finds himself in a predicament characterized by hopelessness and impossibility to get out of an awful labyrinth. Each new hope for release was ruined at courts

which decided on the preventive punishment. The sense of ill fate, ruthlessness of destiny and inevitability of downfall has intensified these days. And in spite of it all I felt good luck nearby: no serious illness; good enough cell; parcels from Liuba and letters from well-wishers; rare possibilities to run into Andriy and keep up his morale (it's really fortunate, though risky); possibility to remain free inside myself that would have been impossible with other cellmates or in a larger cell... My life here is tolerable; neither administration, nor inmates harass me. I have a TV set; I may read, write (it distracts and makes spiritual enrichment possible). It was a sign of good luck during these 100 days. It's so fortunate that Andriy has not cracked, he holds his own with his last strength; I also supported his staunchness, belief and hopes. Time will tell whether we will be lucky in the future. It would be too bad otherwise... From time to time I encountered good which produces a great impression here (touching me to tears) under these conditions of imprisonment. The people are different, but there are more good ones.

I will believe that I am capable to draw more good luck for myself and, automatically, for Andriy. The most improbable fact is that I still have such outlet as my risky and chaotic drop-ins. However, my three messages failed to reach the addressee. As a result, Andriy received 39 my letters and I received 29 his letters. The good luck became apparent step-by-step. In the isolation ward, the worst place possible, the good luck helped me to weather every rock. Thanks to Dr. Tamara Ivanivna I managed to get into a very good cell in the pretrial detention center, and I persuaded Pavlo Mykhailovych

(senior operative) to put Andriy not into the worst cell as well. In 12 days, due to the chain of events (interview to “Money”, visit of S. M. Kudruk from Karpachova), I found myself in the cell no. 16, not far from Andriy! Without this transfer there wouldn’t be our meetings and mutual support. The rest also needed a considerable effort, after all nothing happens of itself. First of all, I fought for our safety. And meanwhile not in vain!

July 2

I received a copy of the decision from Milevsky (the assistant to the public prosecutor of Shevchenko District) about refusal to bring a case against personnel of the Shevchenko District Department of Internal Affairs based on my complaint about their illegal actions and their false evidence according to which Andriy dropped out of the apartment and fell on the bicycle as a result of which action there appeared a bruise under his eye; I too “fell onto to the bicycle” and put my right hand into a pocket, and militia felt scared and handcuffed me...

I feel awful having read the details of militia’s evidence about detention of me and Andriy. They concealed the info about his three broken ribs; I think, they withdrew the x-ray and forgot to return it... It is awful that the Office of Public Prosecutor ignored the perjury and kept itself from investigative actions (“Andriy dropped out of the apartment and his eye struck the bicycle”); the same bicycle gave me a beating too :), but earlier and in another place, when I was going out of doors with it (and I was about to get into an ordered

taxi without any bicycle). I think it still can be refuted in court, but the game is not worth the candle. If I concede now, I will have to concede to more serious falsifications after the matter will be taken to law when everything will become more complicated. I feel powerless before lies, impudence and meanness of militia acting under protection of the Office of Public Prosecutor which undermines any hope on justice.

It is useless to be indignant and elicit the truth from them...

July 7

We've had a heat wave for the whole week now; even in the cell you cannot do without a fan. The broiling heat kills and causes drowsiness, apathy, and absence of appetite. The psychological background deteriorates. The disaster is up in the air. Though, in some aspects it is already a reality. Everything is lost that brought pleasure and made us happy. The last straw: they took Andriy south. The absence of my instrument and Andriy took the wind out of my sails. You can add freedom loss, waiting for trial without hopes for justice, possible loss of all property, social reprobation through media-induced hysteria ("Money" and STB telecast on the 13th alone counts for a lot!). Meanwhile the accumulation of negative info is underway.

Surprisingly, but everything went off swimmingly for me. How long will I stand it? Shall I sit idle looking how they are gradually taking my life away? What else is there for me to do without everything I cherish? It seems that understanding starts to dawn on me... But there remain

health, books, possibility to ponder and write, dreams and hopes that sometime it will end. I feel like a kid made to stand in the corner for nothing and I wait, when they will understand that I'm a goody and cancel the punishment. Therefore I still perceive it as a mere misunderstanding which is dragging on but soon the world will welcome you with open arms and with love and pleasure again. After all, we also come into this world to give it to people and to receive the same in return. Well, it was not all plain sailing, but I should make it and keep myself. Although the blow follows the blow, I become less susceptible to them, my firmness increases, as well as my sufferings...

The question enters my head: how Andriy is going there? I will mentally send him my kindest thoughts protecting him from desperation. Earlier I used to send notes, now I will do it mentally. I believe that nothing will separate me from a long-time part of myself... Bear steady, Andriy! The two of us will make it together!

Somewhere it treacherously occurs to me that all of it is nothing but self-deception and the morning sun never lasts a day. Nevertheless there will be something new, good, improbable, and wonderful. Without fail! "All comes in time for those who are able to wait" (ancient wisdom of the people of the North)...

At this time I usually spent my holiday at the seashore, the most favorite period of the year. There I derived new strength for new victories. That year Andriy and I stayed there twice longer, than usually. Now it looks like holiday compensation. For the first time for many years I find myself

in a situation when I cannot eat that I want, do what I want, be where I want...

The freedom of choice was my norm in the past. Inside me it promptly collapses, but the core is still there. It means there will be time to start from scratch... Like it was after my graduation from the conservatory and on the eve of my ascension. At first Andriy joined the pedestrian subways, then a kaleidoscope of events followed: building private life, placing on job in Boryspil, and disintegration of the Soviet Union. There were huge changes. This rough page of life has been turned already...

July 13

The lawyers have visited neither me, nor my cellmate. From time to time discord stirs up among us. No info from Andriy since they transferred him (03.07). Last time we met on 27.06.12. 16 days elapsed. Last time he was seen \approx 8–10 days ago (lawyer). It means, he was moved to another cell, and not transferred to another pretrial detention center or hospital.

July 14

They created uproar in the corridor like they were killing someone once again. Someone's comment in the corridor: "a stoolie was rapped". I told: "so that others are afraid that they will face the same". By miracle my cellmate did not flare up taking the hint. He can trigger off provocation any minute now. He is bored stiff and likes to piss off somebody. Well, it is useless to try and moralize; I've got to go through it... For me it is a new challenge not to let them to break me.

If he strengthens pressure there will be no doubt he is here on purpose. Which one? Time will show. Though, there is a small hope that he will leave me alone having seen my suspicions. Before the lights-out time he went stark raving mad...

The checking time is near; am I ready to undergo new tests, even more severe? I am an artist and I have to go through it with dignity!

July 22

Four months of prison term are behind... In my mind I try to find a structure (SSU, Office of Public Prosecutor?) to which I may apply to expose corruption plot of militia (disposal of \$10,000, apartment plundering during the search, material interest to me at the end of last September during interrogation conducted by D. Zubko et al.).

In the evening, from 16.30 till 17.30 I was off to bed. My guardian angel protects me, I feel it. The main thing is not to get steamed up... The Nature is crying... The incessant rain today... I've written birthday greetings to Andriy in good time to hand them this coming Tuesday.

July 23

I received for signing "The Decision of Kyiv Appeal Court", which contains the terrible words from "Morozov's file": "Zavadsky I. B. is accused of commission of several especially heavy and prolonged crimes"...

This appeal on continuation of the term of holding in custody is the result of the defense appeal on the decision of the Kyiv Office of Public Prosecutor (A. S. Melnyk,

Public Prosecutor, Kyiv) from 07.07.12... Get this straight! The Office of Public Prosecutor is the main entity interested in exaggerating something really big (a label “heavy crime” it changes for weighty “heinous crime”). Well, and Morozov is only a tool to carry out an order “to punish to the maximum degree possible”... Although, he resorted to such awful formulation for the first time. Perhaps he was afraid that we might be released.

On the second day my cellmate began reiterating for the first time about my “guilt”. It looks like he is using this method to make me to “cooperate”. But I will not surrender...

July 25

The decision of the appeal court with its terrible formulations is depressing.

I am seeing dentist Polina Andriyivna Osypenko. She and my escorting officer spoke with me warmly. She is sure that I will not stay here too long. They are assured that I have stolen a march on somebody and allowed that it is Yan Tabachnyk, but they are timeservers, and I do not need to leave Ukraine.

She told the same about Vysotsky, Paradzhanov and that the motive of my detention is popular today in cases of persons undesirable for the authorities. Such kind treatment moved me.

August 7

+38°C. The hottest day in Kyiv for 112 years. Pessimistic thoughts about possible uselessness of any resistance... Again I am strolling alone.

My thoughts towards evening: whatever will be the award of the Podil court, if it isn't a maximum term, the prosecution will appeal for the maximum term; apparently, such scenario has been already prepared by the Prosecutor General's Office. Any resistance seems senseless; it even entered my head to give up services of lawyers and plead for myself. It is an extreme measure, of course, but, after all, if a person is not guilty, what for is the defense counsel? It may not change anything, if the "customer" is the friend of the Prosecutor General... It makes me sorry to know that... But somewhere deeply inside me lives a hope which always warms me even in hopeless situations.

August, 23

The sad anniversary: exactly five months ago, on 23.03.12, I and Andriy were detained. Yesterday the appeal court (the 4th already) prolonged my stay in the pretrial detention center for a month...

The acquaintance with the case is a home straight of the investigation. I have to read 5 volumes of the case (approximately 300 pages), watch 3 hours of video and listen to 8 hours of audio (phone calls). Today nobody has come to acquaint me with the case; it means, they are not in a hurry again. They're working to hide something in my case to keep me in the dark.

During yesterday's hearing Morozov blabbed out that the materials of this case would be used to commence another suit... What can I expect? One can expect anything at all from Morozov. He is sneaky, pain in the neck, crafty and

cunning enough: a real predator. into the bargain I twice exposed him: on 10.08., when I refused to sign documents without Zakrevska (about my wish to familiarize with my case and about prescription of one expert examination one page of which was lost somehow) and yesterday when in the course of hearing I called him a criminal and told that I wanted to challenge him.

I did not name the reasons, but the reasons are as follows: procrastination of our acquaintance with the case; hampering ascertainment of truth in the case (denial of confrontations, refusal to show me the five-volume inventory of the case, refusal to show me printouts of soundtracks to video files; absence of response to my written complaints; falsifications of my case and refusal to respond to my signals about threats in the pretrial detention center. The falsifications: figuring of lawyer A. Motsenko in the case (since the 1st day of my detention); lack of correspondence in the transcript of soundtracks and video (my conversations) among experts and investigators (Moroz added his interpretations of indiscernible words and ellipses not in my favor).

It turned out to be a symbolic action: for the first time I got down to wash my jacket in which five months ago I had been detained; I wore it when they brought me down on the floor at my front door and then dragged on the floor in Shevchenko District Department of MIA; they also rent it badly. I sewed it up in the first days of my stay at the pretrial detention center, and now I decided to wash it on the eve of five-month anniversary. It means in my mind I expect to stay in the pretrial detention center longer than one month. If they

set hearings going I may stay here down to the end of March or till the end of the next year. I can meet Andriy during my familiarization with the case (5–7 tomes during this month) and in court (1–2 times every month), and then we will possibly part for years... Though, probably, correspondence will be allowed and, if I can dream about it, I will be kept somewhere near him.

Is there a chance of salvation? It is too difficult to imagine considering the special interest of public prosecutor's personnel and, probably, colleagues (and the deputies at the same time)... Perhaps there are also powers that be, but I have no idea about that. As yet there are no big shots among my defenders. My former helpers are also afraid to run risks.

It is surprising that there is at least one artist ready to help me somehow. Rayisa Nedashkivska is the People's Artist and courageous person; she believes me though we have practically never met. So, everything is not as bad as all that, if someone still cares; but the investigator follows his own line trying to discredit my name just to frighten everybody off. But I am not afraid of it; the main thing I know that I am not guilty and I have done good to alleged "victims"; never in my life I hurt anybody: either physically, or morally...

But I do not fit into the standard system of co-ordinates... Sooner or later the black sheep are driven away; at the best, people create adverse conditions for them, or kill them, at worst. This very process is underway now. But I will not give up that easy. I am a man and not a sheep :). Let them be after me, I've got used to it already. Of course, everything here is new to me. Meanwhile I will know the true worth of it!

2013

January 15

I wrote to the chief of the pretrial detention center to make an appointment to see him. I already saw in the early December, on the day of his appointment. I will ask once again for the permission to perform silent rehearsals with my buttonboard accordion. Enough is enough.

My dream: My mother was lying on the sofa in my apartment, she didn't look sick. She arrived in Kyiv unexpectedly because she wanted to see me very much, as she said. Unexpectedly we quarreled about something...

January 16

I woken up and at once consulted my dream book what the dream about the quarrel with mother meant. The interpretation upset me: "a sad fate will overtake your family and you will blame yourself for the misfortune." After all, we almost never quarreled with my mother, and during the last seven years my mother never came to Kyiv from Zaporizhzhia because of her illness. I used to go to Zaporizhzhia myself and every day phoned her. I prolonged here life telling her about my successes. This tradition was interrupted by "werewolves in uniform" on 23.03.12, on the

day of my detention. It's a go, today, once again, I will beg the chief of the pretrial detention center to allow me to phone my mother for the first time in nine months. I will even tell her about this dream and about the bad vibes...

I saw the chief. He asked me right away, "Will you ask for your accordion again?" I answered that the pretrial detention center kills me as a musician. He, "You gave cause to be handcuffed and brought to the pretrial detention center".

I agreed and expressed my regret at having no protection and allowing to be jumped on and detained illegally. I added that my fault is my success for which it is always necessary to pay. He said sarcastically, "If you want to speed up the events and start to play, admit guilt and go straight to a camp; you can take part in amateur activities there." And that's that...

When I told him about my bad dream and asked to allow to say goodbye to my mother because I had a presentiment that she might not hear my voice before dying and that she was 84 and one month ago after a stroke had all left half of her body paralyzed, he left me with the officer of the office of public prosecutor (Pavlo Borysovykh Dysak) having told that it was necessary to appeal in writing to the city public prosecutor. And I did it...

Dysak offered a deal: he will hand my letter personally to Beskyshkyi Mykola Hryhorovych, public prosecutor of Kyiv, if I sign a release and waiver that I had no claims on the maintenance conditions in the pretrial detention center. I signed it and left with a heavy heart...

January 17

I dreamt about my mother for the second consecutive time. I cannot even recall when I dreamt about her two days on end. I fretted myself about her very much. And the dream was as follows: I spoke with her after she had done big washing and had had a shower. She worried over me and asked me not to bathe in the sea (?). Then I went to have a shower and saw many washed socks hanging on strings... I found the interpretation in my dream book: “the big washing” means struggle against enemies, competitors, and ill-wishers. “The fresh washed things” mean guarantee of your victory. “The frequent appearance of mother in the dream” means important event...

Today is the next “anniversary”: 300 days of being in custody. I will sum up the intermediate total. Instead of glory and recognition peak I’ve got the peak of shame and downfall. It means that ahead there is a new ascent (it is about to begin, I feel it). I’ve got only “to settle the account” concerning my success and I will move forward to the summit of glory! I am now on the eve of interruption of my main tradition: fifteen years on end on my birthday on January 20 I gave my main concert of the year. The ruin of my life will generate something new turning back to the drawing board. Maybe, it’s high time for renovation; it includes 100 concerts in the House of Actors which I gave there almost monthly, and 10 musical albums (16 disks) which I produced annually, etc... I had to be awarded the title of the People’s Artist of Ukraine in last March and Orpheus Prize in Italy in June “for the outstanding contribution

to the world development of accordion”. The recognition by domestic experts and state officials was nearing that of the audience... Before my detention I gave utterance to my assumption that when Yu. Tymoshenko would get out I would become the Hero of Ukraine :). It looks like pure fiction now and a usual vanity of the artist...

During these 300 days many tried to impose on me a sense of guilt: militia, office of public prosecutor, courts, lawyers, media, some former admirers, and yesterday – even the chief of the pretrial detention center. They are waiting a kind of my repentance for something. All system works on it if you are in jail. It does not matter whether you are guilty or not. If you are here, it means “you have given the occasion”... The mosaic is put together as if there is an inevitable verdict of guilty ahead and a waybill to a camp (the chief joked: “If you want to speed up the events and start to play, admit guilt and go straight to a camp; you can take part in amateur activities there”). As yet I do not see my future there although things are clearly moving towards it. Maybe it’s obstinacy, maybe it’s unwillingness to reconcile with the habitual practice of the “office of public prosecutor – court” directed not at the establishment of the truth, but at introduction of retaliatory measures with institutional trust to any indictment. Even if the absurd charges are taken from out of thin air, as in my case. But I am to remain as I am and defend myself and Andriy to the end believing in success and in Good, which, as in all fairy tales, wins over Evil. It is necessary to be courageous and believe in it!

Somewhere inside me a voice reiterates that resistance is useless. But the habit to perceive any barriers and defeats as a challenge dictates something different: “You can, you will win, and if not due, then contrary to circumstances”... Following the revolutionary” way, I threw the system a challenge which, certainly, cannot be forgiven. After all the verdict of not guilty in our country is nonsense in itself. And I concentrated my efforts on it: without patrons, without money, without legal defense... at first sight, it is an absurd decision, but such I am: the whole tree or not a cherry on it! Did I create this life-long moral core in vain? Time will tell. You cannot argue with destiny. And I was always happy with it and feel grateful to it until now; these 300 days here have made me stronger, more tolerant and even kinder...

Staying in torture cells I became definitively convinced: the main thing in life is life itself, friendship, struggle, and readiness to fling on somebody’s mercy with a smile in case of defeat, be torn to pieces by evil with belief in Good! They can take away everything, except for this belief, Love and feeling of internal freedom.

While your heart is throbbing in time with your aspirations and hopes. It is the ultimate wisdom: to be able to lose everything (external freedom, close friends and everything without what you couldn’t imagine your life) and to be ready to start from scratch. It also can lead to the heights and to becoming a star in the sky in the future! It might well be a title of my future book: *Become a Star!*

Summing up this my “anniversary”, I can courageously name this period, as well as all my life: “Through hardships to the Stars!”...

January 18

The new stroke of bad luck: towards evening I learnt that yesterday my mother passed away, and they even managed to bury her already. Now what...

January 26

Once again I dreamt about my mother on the ninth day of her demise: we stood on my paned balcony and talked. My mother irradiated good energy and kindness. She opened windows and I wanted to shut them, but... the latches had disappeared, and windows opened by themselves... Having woken up, I slightly opened a window. In 10 minutes the window unexpectedly opened by itself! I think, my mother (her soul) flew into my cell...

January 29

Recently I am beset by thoughts, especially after awakening, about my desperate and hopeless case in connection with behavior of the judge and absence of legal defense. I do not inform Andriy about it. Only I support him and I do not show any defeatist motives...

My mother has died only recently. It is very hard, almost intolerable to stay here without my instrument. But... I am assured: all is to the best! The main thing is to continue to believe and instill in Andriy this belief in the best and

even the improbable future. Certainly, positive ideas only! I found last two letters from my mother and here last words there: “Bear it, my beloved sonny Igoriok! The sun will shine into our yard too!”... I’ve read letters of support from my outstanding pupil Denys Snihiriov, from my cherished spectators... I will return! I will return without any doubt! It will be my little feat. Since my childhood I dreamt to make feats and to be the hero. I must return on stage. And I will make it by all means!

2014

January 29

I have been alone in my cell for 73 days now (from 18.11.13). I am very glad! The solitude allowed me to feel as free as possible! Both the New Year and my 48th birthday I celebrated in the company of a very interesting person, with myself :) But... All good sometime comes to an end. At first towards evening they brought me a young red cat as a gift, and ten minutes later a new cellmate was put into my cell no. 16: almost two-meter high Tatar Sasha, 19. He is my sixth cellmate during 1 year and 9 months. After Director of “Ukrkhronikafilm” Andriy Kryzhanivskiy (38 years; he was my cellmate for 2 weeks), for almost a year I had Oleg Kozynets (40 years). He was an informer; well-known prisoner Merabi Suslov (we made friends with him; later he was sentenced to life imprisonment) told me about it, when he was put into the cell no. 15 in the last spring. Oleg was planted to keep me and my case under surveillance, establish my connections, carry out mind control, and prevent my using the phone. He was expected to put me in the cart in order to charge me with an attempt to murder Yan Tabachnyk. He suggested an idea to me that his friends-Afghan War vets were ready to kill anybody free of charge

on his demand; he tried to arouse in me feeling of revenge and desire to kill the possible customer of my criminal case. I think he had a digital recorder on him. He was driving me at pronouncing a phrase that I allegedly wanted to off Yan Tabachnyk...

The hot boys have miscalculated. I am not of a vindictive kind and therefore I haven't pronounced this phrase. They schemed to sentence me to life imprisonment... Their manipulations led nowhere. But when (with the help of Merab) I exposed my cellmate who turned out to be the ex-captain of Russian counterintelligence, he tried to strangle me with my pillow. It happened as follows. The blowup was triggered by my request to the operative department stating that I did not want to stay in the same cell with him naming different reasons for it. At night, before his possible transfer, I did not sleep a wink expecting everything. After all, I had a stormy quarrel with him and went against his will to stay in this cell submitting a request and warning about a boiling conflict. I did not sleep at night though I pretended to be sleeping.

It silently descended from the top plank bed, crept up, pulled out a pillow from under my head and began to smother me. Once in the past Oleg taught me how to avoid different holds and attacks... I managed to avoid his hold. We came to blows. All of it ended with intervention of operatives, bruises on our bodies and faces and his transfer to another cell. Oleg had time to admit that he was ordered to strangle me and dramatize my suicide through hanging. It was after he failed to carry out the planned provocation:

to make out of me the customer of attempted murder of Yan Tabachnyk...

My next cellmate was Volodymyr Varenychenko, 50, the chief manager of housing department, deputy of the local rada from Berezan. He stayed in my cell for 4.5 months and went to a colony under economic article. I also had to *transit* cellmates: Vitaliy, 21, and Liubomyr from Lviv, 32 ... There were no more incidents in the cell. After all I filed a complaint about attempt on my life to the court of the first instance (the judicial enquiry began on 11.12.12) and to the city Procuracy, which carried out a check without taking my explanations. My case contains only an explanation of Kozynets, where he showed us almost as friends. He failed to mention that the guy smothered me with a pillow and that we fought ... It turned out that my new cellmate Sasha lived in Andriy's cell with sometime... And I named the cat simply *the Red* :)

April 29

13 days I luckily lived in the cell alone, after Sasha Drobyna was transferred to work in the utility service department on 14.04.14. He was accused of theft... All in all I lived in this cell alone 111 days (3 months and 3 weeks)... Today they brought me the seventh cellmate Yaroslav Halushko, 23. He was accused of the theft of a horse and attack on the woman intending to seize her handbag... He is also the seventh son in his family, like me. He is from Fastiv Region, Kyiv Oblast. He committed larceny, because his wife was big with child and they needed money...

June 30

The superevent: I assisted the cat in giving birth to a kitten for the first time! At 01.50 a.m. (on July 1) the Red gave birth given birth to the red he-kitten. I did my best to emotionally encourage it. The cat bore on the window sill where the Red moved to live on women's day, on March 8! The cat lived now outdoors, now on the window sill for my allowances.

02.20. The three-color she-kitten (red-white-black) was born. 02.28. He-kitten again! Beige color with white inserts. I tried not to miss any petty details. I've never been present at delivery ... I stretched under them my T-shirt. The pleasure overflows me! During the debates I will ask the judge on 08.07.14 not to release me meanwhile :). After all I should help the Red to put kittens on their feet!

In jail the epopee with cats began in past December. A grey cat settled on my window sill. I named it Iska. It was time when I was alone in the cell. Several times it got inside through the bars. But for a short while. The Red there was the second. Kitten Liova became the third. It was born by Iska which brought it to me for further education on 07.02.14. On 28.02.14 kitten Yashka was born. These three kittens lived in my cell. On 23.04.14 I let he-kittens to live outdoors. There was no room for them already. Kutska lived in my cell 10 days more (09.05–19.05). Well, and yesterday Matilda settled in my cell which I will sometimes name Markiza and sometimes Liza, and sometimes Yelyzaveta Petrivna. All figurants of my story were grey, only Kutska was a three-color kitten. Well, Liza too supervised the delivery. One could

say I rescued it. Three days it kept mewling somewhere nearby in the corridor. But nobody could find it! I bribed the gruel ladler with cigarettes and he blew lid off it! It was on the very high window sill (three meters from the floor). Someone threw it there and it could not climb down from its untenable position. The gruel ladler heroically rescued the cat and I took it to live in my cell... I came to love the senior kitten at once and named it Ryzhyk. I will take it later to my cell. Matilda and Ryzhyk will run the show in the cell. The junior kitten I named Bezhyk and the middle one received the jail name Tsylia Lukyanivska :).

2015

August 10

Today is the birthday of Andriy Bryhida, my best friend! His fourth consecutive birthday we celebrate in these walls... Over three years and four months I am deprived of the possibility to rehearse with my musical instrument, to put out new albums (my 11th two-disk album, ironically, was named “Freedom Tango” and was almost ready for release), to appear on stage (more than 1400 concerts took place in 24 countries of the world and in more than 90 settlements of Ukraine).

Thirteen months have elapsed since the illegal sentence pronounced on 10.07.2014 (13 years of imprisonment); I hope it will not become effective. I with my assistant and *godbrother* Andriy Bryhida (he was illegally sentenced to seven years of imprisonment) made ourselves familiar with our case; we filed numerous remarks of material significance to the records of judicial sessions which were considered in the course of 21 judicial sessions).

Twice for this period the Office of Public Prosecutor, Kyiv, denied my requests (25.12.14 and 10.02.15) to enter into the Integrated Register of Pre-Trial Investigations information about commitment of criminal offence by investigator of

Shevchenko District Department of MIA in Kyiv Lytvyn S. M. and other militia officers on the basis of criminal offences under article 365 of CC “excess of office powers” (illegal decision made by S. M. Lytvyn to search my apartment as it was the competence of court only and detention of Andriy and me for the invented reason of prevention of a grave crime stopping me at the exit to street and Andriy at the exit from vacant apartment), and under article 372 “institution of criminal proceedings against obviously innocent citizens (A. Bryhida and me)”. After that I filed an appeal in Pechersky Court against the inactivity of the public prosecutor’s office which was satisfied by judge O. V. Batryn on 11.03.2015. The judge obliged Kyiv Office of Public Prosecutor to enter into the Integrated Register of Pre-Trial Investigations data, which I had requested to enter, and to hold a pre-trial enquiry on the basis of criminal offences of S. M. Lytvyn and a group of officers of the Shevchenko District Department of MIA under articles 365 and 372 of the CC of Ukraine. The Kyiv Office of Public Prosecutor did not hurry to carry out this decision; only after the reminders filed by me and my lawyer Kushnirenko N. V., on 28.05.2015 entered into the Integrated Register of Pre-Trial Investigations data under the decision of Pechersk Court partially executing the decision; it entered data on the basis of offences not under two articles of the CC as had been indicated in the decision of the court, but only under article 365...

I fear very much that once again the office of public prosecutor will help the “werewolves in uniform” to duck out (the courts repeatedly satisfied my and my lawyer’s complaints

against illegal detention, penetration into apartment, search, moral and physical pressure on me and A. Bryhida at detention exercised by militia officers, plundering of my apartment during the search militia and interested witnesses as accessories to the crime). There is a small hope though that for the first time in my contract and forged case some law enforcers will be called to account for numerous illegal actions, if the given information is made public...

One more significant event for this period: the small victory during the elapsed stage of becoming familiar with the case and filing by me and A. Bryhida of numerous remarks of material significance to the records of judicial sessions which had been practically all fabricated by court. Out of our 266 remarks (I wrote 197 remarks) the court confirmed more than 90%! It is quite a lot, and the court virtually confirmed numerous infringements and falsifications of the records of judicial sessions which were copied to the obviously illegal sentence. The appeal court has to unequivocally vacate the illegal sentence. The session will take place on August 20 at 11.00. If they do not close down my case, as I asked in my appeal, or do not pass the verdict of “not guilty” as A. Bryhida requests, the case can be remitted for further examination, on the basis of which it may be closed down all the same. These are variants of lawful consideration of appeals, both ours, and our defenders. The absence in case materials of recordings of the testimonies of three defense witnesses should become an additional basis for sentence cancellation. All originals of recordings were destroyed by court, and copies were edited!

The cultural workers supported the appeal in my defense to Poroshenko, Groisman, Yatseniuk, Kyrylenko, Shokin, and Romaniuk. They wrote literally: “We do not want that the case fabricated at the time of Yanukovych became a national shame, when criminals openly, impudently, in sight of all country absolutely free and with impunity destroy the outstanding musician who with great talent has glorified our Motherland”. Among signers (more than 200) there are People’s Artists of Ukraine R. Nedashkivska, A. Rohovtseva, B. Beniuk, N. Virska⁶, I. Doroshenko, and L. Kadochnykova.

August 11

Yesterday I summed up in a nutshell my stay in jail. I know that my case fell into hands of Mykola Pavlovych Khudyk, judge of the Appeal Court; like me, he’ll be 50 next year... I dream and believe that my 50th birthday on 20.01.2016 I will meet again on a scene as it traditionally happened 15 years on end on my birthday... It may take about four months to at least partially restore my skills; I have no right to stay here longer than 23.09.2015 when it will be three and a half years of illegal detention of me and my sworn brother Andriy Bryhida who was 39 yesterday. Andriy is the flower of Ukrainian nation, my true friend! He graduated with the honors degree from the Institute of Journalism of Taras Shevchenko National University of Kyiv and became the amateur triathlon champion of Ukraine. He was always a prop to me and support, as Sancho Panza,

⁶ Maybe the author meant Valeriya Virska-Kotliar (translator’s note).

loyal friend of Don Quixote. He acted as organizer during last six years out of ten 10, when I played accordion in the underpasses in Kyiv, on the streets in Europe, and in the course of my subsequent concert activity in Ukraine and the world. It was he who accompanied me from my playing in the underpasses till I conquered the world summit being the only awardee of three “Gold Lyres” at the international competitions of accordionists. One of them, for scoring 100 points out of 100 possible, which was the only one real Italian work of art in Ukraine, which in the presence of Andriy was stolen by militia officers from my apartment during illegal search that turned into plunder of my apartment on 23.03.2012. During 3.5 hours of search, Andriy, beaten up by “werewolves in uniform” at detention and with three broken ribs was sitting with his hands tied with a rope behind his back without permission to go to the toilet during the search until he fainted (after that in the pretrial detention center he continued to faint, and his health suffered). To make him slander me, they tortured him in militia round the clock and didn’t give him something to eat, drink and time to sleep. He was beaten personally by Deputy Chief of Shevchenko District Department of MIA R. Osypenko who was later promoted to the Chief of Shevchenko District Department of MIA. They tortured me only seven hours after they had understood that I wouldn’t give myself up... Such are my sad recollections. I found myself here for my success and Andriy only for his fidelity, decency and honesty. Andriy has recently lost his mother being here too, my godmother... I gave him yesterday as

a gift my favorite kitty Igrushka so that he doesn't feel sad and lonely... We will struggle to see the victory! I have submitted already four additions to my appeal, tomorrow I will send the fifth one...

August 15

During three last years and four months “and a bit more” I read (or re-read) in the “Lukyanivka Castle” 75 books and made notes. For some reason I'd like to bring out *The Refraction*. This remarkable book was brought to me in the pretrial detention center with a poem dedicated to me. It ended with lines about the secret of my accordion. The sender was the author of the book and poem, Honored Artist of Russia, actor of one of Kyiv theaters⁷ Petro Mironov. Meanwhile this book is 15th on the list of books from which I did excerpts: 18 notes...

Here are other books listed according to the number of notes I made:

- 14th on the list — D. Rubina. *Petrushka's Syndrome*, 20 notes;
- 13th — H. Hesse. *The Glass Bead Game*, 22;
- 12th V. Suvorov *Aquarium*, 26;
- 11th — A. de Saint-Exupéry. *Citadel*, 30;
- 10th — A. Pell. *How to communicate with people effectively*,⁸ 31;

⁷ Kyiv Academic Theater of Drama and Comedy (translator's note).

⁸ The author meant the following book: Carnegie, Dale. *Communicating Your Way to Success*. Foreword by A. Pell (translator's note).

- 9th — I. Stone. *Lust for Life*, 41;
- 8th — V. Hugo. *The Man Who Laughs*, 42;
- 7th — S. Groshev. *48 psychological ways and 99 golden rules to find a key to all hearts*, 45;
- 6th — V. Hugo. *Les Misérables*, 48;
- 5th — Ye. Golovakha. *Psychology of Human Mutual Understanding*, 58;
- 4th — I. Zakharov. *Faina Ranevskaya*, 68;
- 3rd — A. Dumas. *The Count of Monte Cristo*, 71;
- 2nd — B. Verber. *The Mirror of Cassandra*, 83;
- 1st — K. Dushenko. *Thoughts, Aphorisms and Jokes of Outstanding Women*, 98;
- 16th — A. Duma. *Sylvandire*, 17;
- 17th and 18th — R. Pogodin. *Stories*, M. Kundera. *Laughable Loves*, 16;
- 19th and 20th — A. Morok. *Your Guardian Angel*, L. Feuchtwanger. *Foxes in the Vineyard*, 15;
- 21th — Theun de Vries. *Rembrandt*, 13;
- 22th — V. Shalamov. *The Kolyma Tales*, 12...

Among my books read and re-read I'd also like to mention the following: A. Brusnikin. *Hero of the Other Time*; V. Hugo. *Ninety-Three*; S. Zweig. *Downfall of the Heart*; E. Hemingway. *Selected Works*; M. Druon. *Historical Novels*; A. Tolstoy. *Prince Serebrenni*; M. Twain. *Stories*; L. Andreev. *Once upon a time*; J. Grisham. *The Brethren*, W. Hohlbein. *The Inquisitor*; I. Komarova. *Aphorisms and Thoughts of Great People* (I did not make extracts from this book because it is the only my book here and I use it like a reference book); B. Kellermann. *The Tunnel*; J. D. Salinger. *Catcher in the Rye*; C. McCullough.

The Thorn Birds; and G. Márquez. *One Hundred Years of Solitude, No One Writes to the Colonel...*

The concert button accordion sounds like a small organ. There ingenious words in Petro Mironov's poem addressed to my ill-wishers, who had already stopped to believe that I would return to the stage: "There is a secret in the organ's voice... He will return. For you it's early to rejoice!"



APPENDICES

CURRICULUM VITÆ

Igor Borysovych Zavadsky was born as the seventh child into a miner's family in the city of Inta (Russia) on January 20, 1966.

In 1973, I. Zavadsky's family moved to the city of Ekibastuz. There at the age of 11 years he went to the first grade of music school. He continued his music education in Zaporizhzhia (Ukraine) where his family moved in 1978. In this city he finished music and high school. In 1982 he entered the Zaporizhzhia State Music School from which he graduated with distinction in 1986. After school he entered the P. I. Tchaikovsky Kyiv State Conservatory (now: P. I. Tchaikovsky National Music Academy of Ukraine), studied under Professor N. A. Davydov. In 1991, he graduated from the Conservatory with distinction and was placed on the job to Boryspil where he worked as an accompanist of chorus, art director and director of the House of Culture of the Boryspilsky State Farm.

On March 5, 1993 Igor Zavadsky obtained his first own concert instrument, which opened the new stage of his concert activity. In 1994–1995, he participated in the international competitions of accordionists where he won the Gold medal (France) and became the Gold Lyre Prize

Winner in Italy (the special prize for 100 points out of 100 possible).

In 1995–1998, he continued to study at performing graduate course at the P. I. Tchaikovsky National Music Academy (class of N. A. Davydov, Prof.).

On May 14, 1996, he gives his first solo concert in, in the Slavutych Center of Arts, Kyiv (now: Kyiv Municipal Academic Opera and Ballet Theatre for Children and Youth).

In 1998–1999, he was an instructor at the Kyiv National University of Culture and Arts. Four years he worked as the leading soloist-instrumentalist at the Poltava Oblast State Philharmonic Society and four years held the same position at the Khmelnytskyi Oblast State Philharmonic Society.

On December 28, 2000 Igor Zavadsky was awarded the title of the Honored Artist of Ukraine for powerful achievements in professional work and long-term honest work by the Decree of the President of Ukraine.

May 6, 2002 the Most Blessed Metropolitan of Kyiv and All Ukraine Volodymyr decorated the musician with the Order of Saint Prince Volodymyr, 3rd degree, for development of sacred art of music and numerous charitable concerts.

June 25, 2003, at the International Festival of Accordionists in Chicago an original mini-competition was held between the best US bayan virtuoso Stas Venglevski (President of the US Guild of accordionists and academics, FSU citizen who now lives in Chicago; he is an idol of local public) and the best representative of Europe Igor Zavadsky. The winner had to be determined based on the loudness of applause of spectators. Each one played his repertoire during

20 minutes. After Igor Zavadsky's performance the audience gave a standing ovation, and President of the Festival Joan Summers suggested him to return to the stage and play encore. It was the victory. Russian Globe, US literary and — art and publicistic e-magazine, covered the event under the banner headline "The best of the best" (no. 6, June, 2003).

On July 7, 2005 during the international folk festival in Canadian Town of Kimberley with Igor Zavadsky's participation as the soloist *The Guinness Book of Records* registered the world biggest orchestra of accordionists. During 30 minutes 644 accordionists from five countries played potpourri on known American and Canadian themes. The previous record was established on June 1, 2000 in Diepenheim⁹ (Netherlands) where 566 accordionists played in unison during 22 minutes.

Igor Zavadsky supports original traditions. Since 1998, on his birthday he organized festive concerts in Kyiv; he engaged artists and musicians from Ukraine and other countries of the world, including children. Since November, 2003 he gave concerts in the Kyiv House of Actors every month and as of the beginning of March 2012 he gave 100 concerts there. Since May 2004, on the occasion of 175 the anniversary of accordion, Zavadsky annually celebrated accordion's birthday in the Kyiv House of Actors organizing mini-festivals and inviting talented accordionists from Ukraine, other countries of the world and making arrangements for recording their performances on CD. This unique creative practice promoted new generations of admirers of accordion.

⁹ Now a part of municipality Hof van Twente (translator's note).

From May 1991 till November 2011 Igor Zavadsky gave 1,375 concerts (277 out of them in Kyiv) in 90 towns in Ukraine and 23 countries of Europe, Asia, and Americas. He is the winner of international competitions in France, Italy, Ireland, Spain; owner of the “Gold Medal” (France); first Ukrainian accordionist in *The Book of Records of Ukraine*, as the only owner of three “Gold Lyres”, the main prizes of the international competitions of accordionists; first Ukrainian musician entered into *The Guinness Book of Records* (Canada).

In April 2011 Igor Zavadsky became the absolute winner of the 40th International Competition of Accordionists in Ireland (Navan). For the first time in the history of competition Ukrainian musician Igor Zavadsky took part in it and at once caused sensation winning all four categories in which he performed: classical music, popular music, accordion music and music of different genres. In the first two categories Igor received special prizes from the Irish Association of Accordionists, in two latter ones he won the main prizes of competition: “Gold Lyres”. Chairman of the Jury Renzo Ruggieri, one of the best known jazz accordionists of the world, after the end of competition invited Igor Zavadsky to become in June 2011 the juryman from Ukraine at prestigious International Arts Festival-Competition in the Town of Pineto (Italy).

Alongside with the honorable invitation to be the juryman and give a solo concert in “Négresco” (Nice), one of the most prestigious halls in France Igor received the proposition from the organizers of the International Festival-Competition

of Music and Dance “The Spring Marathon” (Lloret de Mar and Barcelona, Spain, and Nice, France, in May). Except for his participation as a juryman in children’s categories, at this festival Igor Zavadsky decided to finish his competitive biography performing as the representative of Ukraine in the category of masters-instrumentalists where the contestants played different instruments. Receiving a cup for the first place, Igor Zavadsky was paid a compliment by Josep Bernat¹⁰, chairman of the jury, known Spanish organist, stage and film director: “After your execution of the Adagio from the *Concierto de Aranjuez* by Joaquín Rodrigo I told the director of festival the words which I am ready to repeat once again: “Having heard SUCH performance of my most favorite work, I already can die”. Such praise from maotre became for Igor Zavadsky, as he said, even the more most cherished prize.

On March 23, 2012 the action was brought against Igor Zavadsky on charges of debauchery of youth. On that day he was beaten in Shevchenko District Department of MIA when officers wanted to get a plea of guilt from him, but he didn’t give himself up. The beatings affected his eyesight. Zavadsky was put in custody in Kyiv pretrial detention center where he is staying until now. On July 10, 2014 the Podil District Court sentenced him to 13 years of imprisonment. Zavadsky did not confess guilt. On August 20, 2015 the Kyiv Appeal Court began consideration of appeal lodged against the sentence of Podil Court.

¹⁰ The stage manager and amateur film director from Catalonia (translator’s note).

**FROM THE ONLINE GUESTBOOK
AT
ZAVADSKY.NET.UA**

Svitlana Shevchenko, Kyiv

Igor, the impact of your music is far greater than simple bewitchery. It is a wild flight...

But only after fifteen minutes of listening I began to feel your power and understand what music is about... Let your eyes always burn as brightly as I have remembered them, and even brighter! :)

03.05.2011

Marina and K., Kyiv

“Life without music would be an error” (Nietzsche). It is good that sometimes one can evade mistakes and be drawn into MUSIC with the help of the MASTER and to feel the harmony of the world! We congratulate Igor on new victories! We wish you new happy trips and the most grateful audience!

22.04.2011

Volodymyr, Kovel

I want to join in the thanks of Kovel residents for the miracle you created! For the Kovel audience Igor Zavadsky is not only a remarkable accordionist, top music artist, but also the actor with exquisite taste, capable of rendering in music his own philosophy and world-view, love for public, world, an individual. One couldn't but admire, how deep, kind and bright person he is. He is the representative of the top musical and universal culture. His performance captivates, bewitches, forces to empathize... His music reflects all movements of human soul: melancholy, suffering, pain, tragedy, struggle, courage, and belief...

In general, at the concert it was visible that the audience was simply stunned both with his skill level and inventiveness of interpretation. The musician of such level in Kovel, probably, is a historic event in our city. His manner escapes grandiosity and slightest hints of star syndrome. In general, this evening God gave our city a sample of wonderful music and an example of European culture and Christian spirit...

No doubt, Igor Zavadsky is one of the best representatives of modern creative Ukrainian intelligentsia. It is a true treasure and charisma for all of us. We'd like to hope very much that the miracle will repeat and Igor Zavadsky will visit our city with a concert. We wish you health, dear maestro, and new creations! Sincerely and with love we thank you for this event! Our hearts are always with you! Thank you that you exist! God bless you!

09.03.2011

Olena, Kovel

“The talent in a man, like beauty in a woman, is only a promise... To be really great, his heart and character should equal his talent,” wisely said Honoré de Balzac...

I will not tell fibs that I spent a month trying to trace in the Internet information on Igor Zavadsky’s creative work, listened to his music with a thrill and with impatience waited for an encounter...))) In fact, they dragged me to the concert hall... The common vanities my attention and I had no idea, when it would take place... They called me and invited to the concert and I could not refuse... Running past the poster the day before, I skeptically thought: “One more event for appearances’ sake on the eve of March 8? The province is the province... Nobody likes to come here...”

How false our hasty opinion may be... I caught the drift after the first chords sounded... Igor has ten rules how to command the love of his audience... According to one of them, “Each time you give yourself up to performance... You play, as for the last time...” And he played in this way... Turning his soul Inside out... I will not eulogize him; you should hear it experience the burst of energy after creative communication of Maestro with his audience...

“The utmost purpose of a talent is to create a work and allow people to understand the sense and value of life...” (V. Kliuchevskii) Igor succeeded in it... The people looked through their tears listening to the divine “Libertango”... It was a true Life... Transient as it is... And trepidation of a human heart... Only a Man performing with all his being may do it...

Back at home, when I visited the official site, I thought: “It can’t happen like that! Such extraordinary talent ... The Musician who had won a great many awards, won round 22 countries of the world... The Master, whose masterly hands are insured for €1 000 000 and whose name is listed in the *Guinness World Records* and... and he has no star nimbus over his head...” The modest little man with glowing eyes and without star pathos signed autographs in the corner and I, for some reason, thought, “Yes, in order to be truly great, your heart and character should be on the level with your talent... Igor, you’ve achieved it...”

The hand quickly wrote on the playbill a wish “To Olena with love!”, dated and signed the inscription, and I understood that you had deserved the national love already... As you had won over our small 90th town in the long list of towns taken with your extraordinary talent... After all only this can explain the fact that the five-year kid sitting on his father’s lap loudly applauded and shouted “bravo!”... The children are the most sincere in display of their feelings... The audience did not want to let you go ... And the hall gave you a standing ovation... Bravo, MAESTRO!!! We loved your performance very much and we will be looking forward with impatience for your new concert...

20:17, 06.03.2011

Alexander, Naberezhnye Chelny

This is really unbelievable... I played Piazzolla, played your clip again, again Piazzolla, then Kovtun... Your performance

moved me to tears... The majority of accordionists have a crush on technique, possibilities of the instrument and other effects. But your treatment is cordial indeed... Yours is a real TALENT like conversation with the Supreme Being. It is a pity that you rarely visit Russia... Thank God that there is Internet. I was introduced to a great art... Now I want to buy a Roland instrument, but it is a far cry from your instrument...

04.02.2011

Zoriana

Dear Igor,

I send you my best regards. I wish that someone helps you like you help your audience.

You have a great power. The power to hold back an individual from mistakes and to make him undergo changes... Your performance makes life sensible.

Your creative work is a smile of God. Let God smile on you through someone.

25.03.2010

Tetiana, Vinnytsia

Hello, Igor! Yesterday we were at your concert in Vinnytsia. The breathtaking performance! The highest professionalism, filigree technique, beautiful and bewitching music, and all of it is due to your talent. I want to tell that a great positive power irradiates from you. I have felt it

keenly. Thank you for your talent, for music and, especially, for your smile!

Good luck to you!

10.02.2010

Liudmyla Mykolayivna, Kyiv

I heard different your concerts: performance in Kyiv underpasses during gloomy perestroika times, and in good concert halls, and on the TV. I was always delighted about inimitable spirituality of execution and ability to be, as Frenchmen put it, among angels. These are unearthly qualities for which I would like to thank you from the bottom of my heart! For me your name is not only a beautiful music, but also an example of power of human spirit. I understand that it may sound grandiloquently, but it is truth.

Yours faithfully Liudmyla Mykolayivna.

12/1/2008

OPINION OF FATHER VOLODYMYR SHAINIUK

I am 1000% convinced that the campaign launched against Zavadsky is not only the fruit of envy of “artists-politicians” like accordionist Tabachnyk. This campaign is directed not only against Zavadsky, his friends and admirers but it is an attempt to coerce common people of Ukraine (“Here is your King”: the admirers of Zavadsky like your king like you), intimidate, and cheat. The willfulness against one of the best musicians and man in Ukraine and in the world shows the level of rulers, especially law enforcers. I do believe (and not only I) that those who have organized and supported one of the most heinous, abominable and shameless provocation in the history of Ukraine have long lost not only the remains of conscience, or at least some personal dignity, but they are frightened beings who do not even notice their own absurdity and sterility of mind. I would like to appeal to these people (anyhow they are people and an image of God as they say which cannot be destroyed): come round, man-haters, enough is enough and stop disgracing yourselves in the eyes of God and your nation. Lord accepts repentance of everyone despite his moral degradation. It is high time to repent: Holy Lent. Do not become like theomachists. Do not crucify Truth,

do not crucify God. Do not let hate and fear permanently wipe you out! If you do not pity for yourselves, have pity on your children. I also want to address some frightened and perhaps purchased pupils of Igor and all of us: let us not become like Judas Iscariot. Remember that he came to a sticky end... But soon we will have the holy season of Easter. The people of Ukraine, how will you say, “Christ has Risen!!!”

IGOR ZAVADSKY'S SPEECH AT APPEAL COURT SESSION

I beg your pardon, if I cough.

I support in full the appeal complaint of my lawyer-defender. I have good grounds to assert that the decision about taking me in custody was made on the basis of materials of the case containing many flagrant violations of provisions of the penal procedure code of Ukraine by the officers of Shevchenko District Department of MIA, Kyiv.

I will specify only some of them, namely:

- They forced me to testify (as well as, by the way, my assistant and concert manager);
- They violated my right to protection not allowing my lawyer to visit me during six days when I needed him to protect me and ensure my rights;
- They illegally broke into my apartment and searched it without a warrant though I demanded to show it; I haven't seen the warrant until now; they did not acquaint me with the search report though I insisted on it from the moment they brought me to the Shevchenko District Department of MIA; earlier I insisted to conduct the search in my presence, which request they turned down;

- And the last point: they (officers of the Shevchenko District Department of MIA) during seven hours exerted both moral in the form of threats, and physical pressure on me in the form of tortures and beating until I fainted, felt nausea and dizziness; then the red spots began to tarnish my eyesight; ever since I see them from time to time and even now.

During the last 15 to 20 years my myopia stabilized. But it started to progress again after I hit my head against the floor in Shevchenko District Department of MIA. This visual impairment I feel even now.

Because of my allergy to nicotine I suffer from frequent attacks of asthma and cough because in the temporary holding facility and in the pretrial detention center all corridors and premises are filled with smoke. At present my ill health changes for the worse because I stay now in the basement cell where it is cold and very damp, rats keep running about and there is no sunlight inside.

I do not lay claims to employees of the pretrial detention center and I do not complain as the employees here are magnificent! They treat me perfectly well, with understanding.

While in custody, I cannot undergo medical examination, get proper therapy and, if necessary, undergo eye surgery (in the case of retinal detachment) in the Center of Eye Microsurgery. It is necessary to make it in the near future as I can lose my eyesight.

One of the reasons behind my request of turnout, besides the causes mentioned above, is the direct threat to my life

in the conditions of the pretrial detention center. Each time when they lead me out of the cell and before they return me to the cell, they place boxes that are small 2 × 3 meter cells to wait for the beginning of various procedural actions both in the pretrial detention center, and outside it. And then they do it to gather prisoners and escort them to their cells. In these boxes where I have to stay sometimes for two or three hours on end, they also put returners. These chain-smokers choke me with tobacco smoke. Twice I all but collapsed. In these boxes, because of the fuss in media with unfounded charges on me, I become a target for the most severe psychological pressure. The officers of the Shevchenko District Department of MIA tried and prepared me for this threatening that they would do their utmost to drive me to suicide in the pretrial detention center. And one of these days I received a threat from one of prisoners who promised that the inmates would tear off my head if I disclose somewhere the info about complicity of one known accordionist. I want to say that I am not disposed towards suicide. And, if something happens to me, let it weigh on the conscience of those who are behind my imprisonment and threats and provocations to which I have been exposed for twenty days now. For example, today, when the officers escorted me to this appellate court, one of security guards said, “Zavadsky, all prisoners in the pretrial detention center are against you!” I answered, “Why?” He said, “They will teach you a good lesson today in the box”.

I ask this court to take into consideration that I have a sick 83-year-old mother to keep and today only I can render her necessary help.

Also because of the conditions in the pretrial detention center I am deprived of daily necessary many-hour rehearsals with my instrument which may irreversibly result in the loss of my skills which I used many years for the good of Ukraine.

On this basis and taking into account that neither I, nor my assistant also expecting the appeal, represent any danger to our society or concrete individuals, I ask the respected court to cancel the decision about keeping us in custody. Being at large, I promise to help the investigation in every possible way because I am very concerned with establishment of truth and preservation of my reputation. And I also promise to respond punctually to all summons by the investigator of case and subpoena of the court. Thank you. I have finished.

*Thursday, April 12.
Kyiv Appeal Court*

IGOR ZAVADSKY: ADDRESS TO JOURNALISTS

Today already for the 9th time during the last 2.5 months Andriy and I were not transported from the pretrial detention center to the judicial sitting...

I feel equal to these jail conditions. I understand that it is a strength test. I hope I can take it with dignity; I will neither crack nor surrender at all events. I worry not about myself, but for my *godbrother* Andriy who, as well as I, actually serves time of two years for nonexistent crimes with nonexistent victims. Though, as the wise people tell, any success is already a crime, and the greater is the success, the more you have to pay for it. Only Andriy found himself here not for success, but for his efforts to help me in my daily life and with my concert activity as the manager. He stayed by me for many years: when I played in the Kyiv underpasses being a student and then a post-graduate student of the Kyiv Conservatory 10 years and later when I won international competitions and recognition of the audiences for the last 15 years and when, before the system failure (if I may put it that way), I gave about 1,400 solo concerts in 24 countries of the world, put out 16 disks (2 more had to be out in two months after my detention and arrest), was entered into the

book of records of Ukraine as the owner of three “Gold Lyres” (in the world no accordionists, except me, had won more than two “Lyres” at the international competitions), I became the first Ukrainian musician whose name was entered into the book *Guinness World Records*. And in a matter of days my title of the Merited Artist of Ukraine, if my detention had not interfered, should have been replaced by the title of the People’s Artist because the Ministry of Culture had already submitted my file to the Presidential Administration. I was on the peak of my musical successes and in three months I had to win the Orpheus Prize in Italy which had to be awarded for the second time (the first winner was Fridrikh Lips, chairman of association of bayan players-accordionists of Russia in 2011) for the essential contribution to accordion development in the world...

And Andriy (his parents were my godparents and he and I were christened on the same day) graduated from the Kyiv Institute of Journalism with the honors diploma and could carve out a good career for himself, but he chose as a result not to achieve much success in his trade but to pursue as a shadow the successful musician as his only and irreplaceable assistant. But, as they say, “you can’t make omelets without breaking eggs”. He was also deprived of freedom and tortured, as the militiamen of valourous Shevchenko District Department, Kyiv (the chief: I. Hryntsevych) wanted him to slander me. Deputy Chief of the Department R. Osypenko personally beat Andriy in his office; recently he suffered divine retribution: the maidan volunteers (I’ve learnt it from the newspapers) cut him up near the walls of institution where Andriy and I were

kept. I am against fisticuffs and I am not revengeful, but it seems that this person crippled many people and crushed many souls...

I'm plumb certain, the divine retribution awaits all falsifiers and customers of our criminal case. I do not want to repeat myself and retell media info of how I was beaten, tortured and scoffed in the Shevchenko District Department of MIA, Kyiv, in order to make me to give myself up... My mother died last year and my godmother (Andriy's mother) died several months ago. Both of them failed to sustain moral pressure both upon us and upon them of the "werewolves in uniform", as well as lies in media. Neither the jailers, nor the court allowed us to attend the funeral... Before the arrest I called my mother almost daily (she lived in the other city) and caused joy to her with my successes. After all I was her seventh and last son, and then this disaster happened... Nine months and more the jailers and office of public prosecutor did not allow calling my mother despite my constant requests and petitions. At first my mother had a stroke and half of her body was paralyzed; after that she lived only two months and died in the empty apartment where she had lived alone after death of her husband, my father with whom they were married on Valentine's Day and lived together 50 years, and on the eve of arrest I nearly finished piling up money for a small-sized one-bedroom apartment for her to move her to Kyiv... The Court did not heed the request to help my mother...

On the day of my arrest the militia not only plundered my small one-room apartment under the pretext of the search,

but they stole even one of mine “Gold Lyres” which I was awarded for 100 points out of 100 possible at competition in Italy and which was unique in Ukraine and of high artistic value; then they looted the bank cell where money for purchase of a small-sized one-bedroom apartment for my mother were stored. Later Chief of Shevchenko District Department of MIA I. Hryntsevych got down to look for the “Gold Lyre”, although the thieves were under his command. Witness for the defense Olena Lebedeva, my neighbor, stated in court that there was no search warrant. She and I stood near the door to my apartment, where during the so-called search in my apartment public prosecutor of Shevchenko District Nechyporenko S. M. (now he is the public prosecutor of Podil District where my *crime* is prosecuted in court) provided security for the criminal acts of militia officers of Shevchenko District Department of MIA; today he determines the position of the office of public prosecutor in court¹¹. After all if the office of public prosecutor refuses to prosecute my *crime*, about which my defender V. Pomiluiko filed the petition referring to obvious proofs of falsification of all criminal case, the office of public prosecutor should bear responsibility for the consequences of institution of proceedings and other wrongful acts of many officials... The latter includes deprivation of Andriy and me of liberty, loss of physical health in the course of these two years, defamation of character in mass-media, etc.

¹¹ About criminal activity of Nechyporenko and his arrest see:
http://antikor.com.ua/articles/75442-prokuror_sergej_nechiporenko_vzjatochnik_razvalivshij_sledstvie_po_delam_majdana (translator’s note).

As I have been already convinced, all of it was not a final target for the customer and his helpers... As I was told on the eve of his dismissal by an ex-chief of the pretrial detention center (several chiefs were replaced during the time), that once a month he received calls from the Prosecutor General's Office with regular warnings not to permit me to receive for necessary daily rehearsals my button accordion which, as a matter of fact, always was my significant other. To take away it from me means crushing me as a creative person loving his musical instrument and as the musician who without rehearsals for a long time can not only lose his skills, but also morally break down. They wanted to hit me in the pain spot... They aspire to take away my favorite stage and my favorite audience without which my life turns into a miserable existence. During many years I every month gave solo concerts in the Kyiv House of Actors and the next day after my detention all tickets for my 101st concert in this hall were sold out...

But in my imagination and in my dreams I still give concerts, only my "creative leave" has taken longer than planned... Nevertheless I feel ready to fight, I've come to know myself and world better in jail and in general I try to find positive sides in all events and people in the first place and even here I find grounds for pleasure and optimism. I will tell you chapter and verse about it, when I am at large...

Now about points-of-interest in the pretrial detention center that rivet the attention of journalists.

Now about my essential problems.

1. About my eyesight. After the assault and battery at my detention in which Colonel R. Olenko was especially zealous, chief (at that point in time) of Shevchenko District Juvenile Delinquency Department, let my head fall to the ground and fairly drunk law enforcers booted me when I laid on the floor in handcuffs and could not even cover myself with my hands. They laughed at this routine job which was a cool entertainment for them... As a result of MRI brain examination at the Institute of Neurosurgery they found lesion of intracranial visual ways that caused visual impairment and development of many eye diseases, including concentric narrowing of the fields of vision, progressing high degree myopia, descending atrophy of optic nerves of both eyes. From May 2012 till May 2013 as a result of examination at the Center of Eye Microsurgery the ophthalmologists diagnosed all these diseases, as well as cataract and glaucoma of both eyes. The absence of daylight even during my strolls (in the concrete yard under a roof), deficient nutrition and lack of necessary treatment of my eyes threaten with vision loss in the conditions of the pretrial detention center taking into consideration the established diagnoses. At present my optical power makes -15 diopters and sharp decrease in peripheral vision... During the last ten months no eyesight examinations were carried out and I feel the negative dynamics of deterioration of my sight. But I do not complain and I still hope to rescue the remains of my sight showing my innocence in court during the remaining two-to-three sessions. After all I can rescue my sight only under two conditions: being at large and managing to earn money for continuous care...

2. About the illegal institution of criminal proceedings. My criminal case is based on a single (!) application handed in on the day of my detention 23.03.2012 (data from my criminal case). This is a statement of a director of one of Kyiv boarding schools for orphans for whom she is also a tutor charged with the guidance of minors. The case was brought before the court in December 2012 and only on 17.09.2013 I gained my end and she appeared in court (the militia put obstacles in the way of it), otherwise neither the judge, nor the public prosecutor would insist on it, after all instead of her on 22.03.2013 before the court appeared one of the staffers of this boarding school together with one of alleged victims Liosha F. and, certainly, she could say nothing about the statement of her chief. When the head mistress came in person and testified everything came out into the open: she said that she wrote nothing of the kind and on 23.03.2012 she could not be in militia as at the time she carried out her administrative duty (it happened on Friday). She failed to explain the appearance of her signature under the statement, although her record of service as the director of this boarding school made 45 years and an old bird could not be caught with chaff. Somehow it was possible in the Shevchenko District of militia.

The same is about the ridiculousness of the situation with the signatures of pseudo-victims and perjurious witnesses. In court, I asked the teenager, an inmate of children's home whom the head mistress characterized as a liar and constant runaway, why under three contradictory testimonies there were three signatures of obviously different people. He gave a baffling answer: my hand trembled! The judge gave him

15 minutes in court to read the transcript of allegedly his interrogation, because he had no idea what to tell, but all the same he failed to retell the text alluding to bad memory. He blabbed out that he was transported to the court with the school staffer by Stepan Stepanovych Klochuriak, former operative of the Shevchenko District Department of MIA responsible for brainwashing so-called victims.

It became known at the first session, 11.12.2012, when the first of pseudo-victims (there are six of them in the case), by the way, the friend of the teenager with shaking hands, Yuri P., 16 (his friend was 15 at the time), told that exactly Stepan Stepanovych manipulated him at the Shevchenko District Department of MIA three times in the presence of his chief (Olenko R. N mentioned above) putting moral pressure and threatening to jail him if he does not sign false statement against me and Andriy (my assistant). The third time Stepan Stepanovych abducted him from his yard and drove him in his very expensive car to militia station (Yuri P. specified the make and color). Yuri P. detailed what was going on in militia and threats that if he did not confirm his testimony forged by militia officers in court they would find him and make trouble for him. In court he did not agree at first to tell the truth having refused to testify, but then he thought better of it and told that he might not live a quite life, if he became a scoundrel covered up criminal acts of the militia.

For his courage in court as my lawyers told me later, the Union of Officers of Ukraine of which I am a member (as the honorable lieutenant colonel of the State special transport service of Ukraine under Lieutenant General Malkov, their

commander for many years) wanted to confer the medal “For Valor” upon Yura, but he... disappeared following the investigation of his testifying in court conducted by Shevchenko District Department of MIA under I. Hryntsevykh against their department. I asked the court to punish guilty “werewolves in uniform” through the Kyiv Office of Public Prosecutor. The court sent my petition down to them.

The fate of this petition, as well as of many others (about militia crimes) which I directed to the city Office of Public Prosecutor directly from the pretrial detention center or through court was the same: the city Office of Public Prosecutor charged the Office of Public Prosecutor of Podil District where my trial takes place to examine the case, from Podil Office of Public Prosecutor Nechyporenko, for the unknown reason, directed it to the Office of Public Prosecutor of Shevchenko District, where they charged the Shevchenko District Department of MIA to investigate the wrongful actions of its own personnel. I. Hryntsevykh invariably reported: the investigation was carried out, no infringements were revealed.

My petitions were about infringements of about 150 articles CPC and CC of Ukraine by personnel of this District Department of Internal Affairs: illegal arrest, tortures, physical and moral pressure, illegal search, commencement of prosecution, illegal keeping in custody, disclosure of secrecy of the investigation and so on; they contained lists of names and ranks of “werewolves in uniform” and enumeration of their wrongful actions. The top infringers of the law who forged documents, induced to give false

evidence and to twist official reports were S. S. Klochuriak (captain, operative) and his chief R. N. Olenko (which on written assurance of I. Hryntsevych started to work in the District Department of Internal Affairs three weeks prior to my detention, while Klochuriak in court stated that Olenko had been his chief six months before my detention, and they together monitored “my criminal activity” during six months and, strangely enough, did not want to stop it)... They teamed up in everything: conducted arrest, so-called search, and transported in turns pseudo-victims and one perjurer (who not only blabbed out that R. N. Olenko drove him by his own car to the court, but also put militia in a spot admitting that the video with alleged perversion of minors by Andriy and me he saw in court for the first time; he witnessed that on the video there was “an unknown stranger”).

One interesting detail: when our file was already in court, both Klochuriak and Olenko had already quit the Shevchenko District Department of MIA. Six months before my arrest Klochuriak had to wring out of me by means of blackmail the large sum of money which he failed to do because I made an appointment for negotiations near... the central administrative board of MIA of Ukraine. And Olenko dissuaded him to meet me there, as Klochuriak told me later (he told that “his chief advised him against meeting me”). As I was informed at the time, a heavy guy ordered to make me smart, but I didn’t believe it all up in the time...

Later there was a series of indirect confirmations that it was my colleague who acted like Salieri! A couple of days

after my detention S. S. Klochuriak conveyed greetings when he dropped in the isolation center for five minutes to hand me an online interview concerning my situation.

This person also sent me his greetings in 1999 when two weeks before my trip to participate in the festival in France with concerts my apartment together with my musical instrument was reduced to ashes and in 2006 after I was beaten by unknown persons under my posters in the Maidan underpass; I happened to survive then. It was 11 days after my triumphal “solo performance” in the Ukraine Palace when my performance was sold out on my fortieth birthday; the same greetings were passed to me in the pretrial detention center with threats to cripple me, if I tell someone about my suspicions concerning the hustler of my case...

In 2002-2003, launched a massive campaign intended to discredit my name as expert exploiting false information and doubts in my musical talent; on 31.12.2004 this person personally called me, insulted me and threatened that he would tear off my head if he heard my name in connection with his and comparison would be not to his advantage. I recorded these threats following the advice Peoples Deputy A. Yermaka who tried to find something out about this “maestro” knowing that he was connected with the criminal world (later Yermak died in a car accident under unclear circumstances). The same day I informed about these threats People’s Deputy Hryhoriy Omelchenko, mayor of Kyiv O. Omelchenko and main Kyiv militiaman at the time (I can’t recollect his last name, later he died). All three of them attended my gala concert in conservatory on New Year’s Eve...

Once I mentioned this record in my encounter with media and during the search they might be looking for this record when they plundered my apartment. Andriy, my assistant, was present then and told in court how the boss (R. N. Olenko) gave orders in my apartment, “Search for money and jewelry”... The law enforcers were genuinely surprised finding only my “Lyre” (prize) of pure gold and \$10,000, which they took away together with other valuables (fax, printer, collection of coins and collection of wines (gift), even my watches one of which was presented me by the E-in-C of “Fakty” and others by the mayor of Kyiv, and several gift watches from foreign countries...

The detailed list I submitted to the city office of public prosecutor, through court, but the fate of this petition was like all others: they found nothing and, I am assured, they weren’t looking for anything else. And it would be interesting to learn, at whom the house or on a summer residence I flaunts “Gold Lyre”.

Hryntsevych, Zakharchenko, and maybe also Pshonka who took under his control this custom-made case from the very beginning to gratify a wish of their friend from the Party of Regions were in the know at Pshonka’s reception next day after my arrest when even media had no info... My “colleague” told about this in the program “Money” and fed crap which was much too obvious; the role of my “colleague” in this case was concealed; they cut out the fragment of my interview for this program where I expressed my suspicions about the “customer” of my case having snatched out of the context a number of my statements.

But I am grateful both to this program, and Mykola Veresen with his “Taboo” for their attempts to blacken my name and thrusting of their opinion on TV viewers and concocting made-up versions of the investigation and charges in crimes which did not exist. After all only in this way so many people could understand that someone would like very much to blacken me and completely destroy reputation created in the course of years of hard work, successes and charities about which I never expiated. I helped young talents to realize themselves, bought them good instruments; therefore I failed to save enough money for better habitation or even a car. I used to go by subway, and to my concerts I often took schoolboys as helpers who recorded video for my archive, photographed, interviewed spectators, distributed programs, delivered posters etc. Someone did it for the sake of possibility to take their friends and relatives free of charge to my concerts; I rendered material aid to others...

Four pseudo-victims belonged to the latter group: in various years they helped me with my creative activity, and with all of them I had equal friendly relations. Their mothers who treated me kindly asked me to let them too help me... All five petitions in my case were written as follows: one, which was not filed, was written on the day of my detention, other 4 within three days after my detention. From the sixth victim, i.e. from his parents, the law enforcers failed to get a petition, though they intended, as the materials of my case suggest, to make to make him the participant of the video recorded in my apartment.

The main objective of the pretrial investigation during trial, along with the intimidation of pseudo-victims and delivery of all (except for Yuri P.) of them to court on their own initiative, was as follows: to prevent appearance in the courtroom of the personage on video and his parents in order to cover the truth because this family, although it was intimidated by militia, did not file a petition...

3. About testimonies. As I've told above, Yuri P. was the first to tell the truth, how he had been forced to slander me and Andriy; the second one (Liosha F., "runaway" from a boarding school), like two more children (Sasha D., 16 years old at the time and Tolik P., 17) could not retell any episode from their alleged testimonies in the materials of the case; at this Sasha D. tried to give evidence from his mother's dictation, and Tolik P. declared at once that he was not a victim; Valera G. (17 years old) refused to testify in court being very frightened and being under the pressure of his mother...

The sixth one, Roma P., did not appear in court...

4. About video. It was fabricated, although they recorded it in my apartment. But there are neither Andriy, nor I on the screen. They didn't return keys to my apartment to my godmother during the whole month. Then, possibly, they produced the fabricated video which was in my case and in the Internet (the investigators on their initiative gave this video to TV). Somebody could rerecord when I was on the tours, and there was nobody in the apartment...

5. About the attesting witnesses. All attesting witnesses are persons concerned, which was proved in judicial sittings.

For example, O. V. Pristupiuk: according to the copy of the duty register of Shevchenko District Department of MIA, he was there on 23.03.2012 (came at 18:57); he was also entered into the report of investigatory actions on March 25, 26 and on April 27, 2012 at three different addresses (District Department of MIA, my apartment and apartment of the third accused, who was also under investigation; he was my acquaintance who sometimes earned additionally working for me: instead of calling a taxi I ordered him as driver; now this Pristupiuk (in March) had to demobilize from army... According to the statement of the case, S. V. Fesan and V. S. Osipchuk were simultaneously present at the search in my apartment and at the withdrawal of things of alleged victim Roma P. at the District Department of Internal Affairs, while S. V. Fesan failed to appear in court and he did not reside under the registered address. Three more attesting witnesses: Kychko, Nelovkaya, and Kostianaya worked in the same investigatory department with the investigator who fabricated the indictment. Two of them were present during 10 investigatory actions...

6. About falsifications in the case. There is an extremely large number of them! I will name only some of them.

23.03.2012 on the basis of the nonexistent petition of the boarding school director which was allegedly accepted by A. A. Yuzva (senior lieutenant), R. N. Olenko's subordinate, R. N. Olenko made his official report for I. P. Hryntsevych (commander of the District Department of Internal Affairs), in which he forged the following data: he added Andriy Bryhida's surname (my assistant) which the initial document

did not contain (the latter specified that only I allegedly debauched Liosha F.) and changed timing of alleged illegal actions (the petition reads: “three years ago, in June and in August 2009...” while in the official report: “during three years”). And on the basis of this official report the criminal proceedings were initiated both against me, and against Andriy whose name was not even mentioned in the forged statement...

Later they added a number of articles. For example, on the basis of S. S. Klochuriak’s report which read, “I. Zavadsky, using unconscious condition (?!) of victims (all six were named), forcibly (!!!) showed them pornographic movies and video”, the investigator instituted criminal proceedings against me and Andriy (?!), whose name in the given context was not mentioned either in this report, or sham evidence of pseudo-victims. This permitted to qualify the case now under art. 301, p. 3 (up to 8 years of imprisonment) while without Andriy’s surname it would be a porno demonstration not by a “group of persons” (p. 3), but by one person (p. 2); it might mean not a “heavy” part of the article (punishment: from fine to five years of imprisonment). The case was based on contradictory evidence of the so-called victims which was proved by evidence in court; instead there were many refutations by witnesses, experts in court, and pretrial investigation examinations.

Imputed to us with Andriy art. 153rd, p. 3 did not stand up to criticism (it emerged on the 6th day after initiation of procedure under art. 156). In our courts it is a running practice as I learned later; the investigators add new and

especially heavy articles to keep the accused in custody. After all the courts take into consideration the heaviness of articles in order to keep in custody, and do not consider evidence and cannot estimate them before the end of judicial examination.

In addition, investigators S. M. Lytvyn and V. M. Moroz in many reports either added a handwritten text or typed that allegedly this especially heavy article was initially incriminated on 23.02.2012, although S. M. Lytvyn did it on 29.03.2012. After all, it is clear that for justification of one of versions of the investigation that they monitored my criminal activity during six months, bugged the apartment etc. and were able to seek out facts for art. 156 only (corruption of minors would look silly); so in 5–6 days art. 153 emerged (from 10 to 15 years of imprisonment). The investigators carefully juggled with facts in numerous reports. Besides, even in the materials of the case there is no basis to incriminate this article to Andriy and me...

Still absolutely incompetently the investigator of Shevchenko District Department of MIA signed the decisions to declare Roma P. and his father (?) victims on 23.03.2012 because according another report he spent the evening after my detention taking part in the search in my apartment...

The letter from the then chief of Shevchenko District Department I. P. Hryntsevych (December 2013) answering the inquiries sent by me through the public defender (one for two of us, Andriy and me) and through court became one more refutation of a number of falsifications in the case. At my request, Hryntsevych sent a copy of the register

of visitors of the Shevchenko District Department from 23.03.2012. (The day of institution of criminal proceedings.) It turned out that on this day in Shevchenko District Department there were neither the director of the boarding school and pupil under his wardship Liosha F., whose pseudo-explanations were accepted by A. A. Yuzva allegedly on this day in the District Department of Internal Affairs, nor Roma P. with his father Olexandr P., declared as victims on this day according to the reports, nor witnesses S. V. Fesan and V. S. Osypchuk (the latter in court drew such a picture of his presence at the search in my apartment, and seizure of the cell phone of Roma P. at the District Department of Internal Affairs on 23.03.12 (according to the reports it happened at the same time)...

I deliberately did not enumerate all falsifications in the case as it would take a lot of place ... I also remembered a detail in this stage video: it was shot so that not a single time (!) one could discern the faces of the “heroes” of this production... Well, and conclusions are up to you...

I understand that the new power now has no time for one such I. Zavadsky... Nevertheless, I believe in justice, in quick release and that our country will not be pilfered as Andriy and I have been robbed of almost everything we had...

March 25, 2014

IGOR ZAVADSKY'S ADDRESS TO THE AUDIENCE AND PARTICIPANTS OF THE CONCERT AT THE HOUSE OF ACTORS

Dear friends,

It has been 2 years, 7 months and 10 days now that I am on a forced “leave for creative work” which drags on on end. Once this “leave” will come to an end and I will do my utmost to return to the stage as quick as possible to you, my beloved spectators.

Thank you that you still remember me and have come today to this fine hall — the House of Actors — to the charity concert “Igor Zavadsky brings his friends together”. In this hall, from 12.03.2000 to 25.02.2012 my 100 solo concerts took place! I dream to renew my concert activity in this hall.

I hope, it will come out fine! I miss you very much, as well as this especial hall for me, but the most of all I miss my musical instrument! Very often in my dreams I rehearse or give concerts ...

The organ is considered the king of musical instruments and the violin is the queen. The accordion (its versions: piano-style musical keyboard and buttonboard) is relatively young,

but, in my opinion, it is more dynamic and shows considerable promise. I had a dream that in the near future the accordion would become the king of musical instruments. And there are all preconditions for this because not every concert hall has an organ, while an accordion may be on any concert stage in the world.

At today's concert the accordion will reign on this stage. The best young accordionists of Ukraine will play this evening. All of them are winners of the international competitions and are pride of our country. But, where a king is there is a queen! Therefore, more often today, after an accordion, the violin will sound when played by no less talented musicians. The majority of performers already took part in my concerts. I am very glad that practically all whom I wanted to include into the program of this charity evening will play today.

Our country endures not the very best times now. There is a war on. All peace-loving people who want to preserve the integrity of Ukraine may contribute supporting our fighters who, unfortunately, are not provided with state deliveries. There is no doubt that I and my best friend Andriy Bryhida, if we could, would have stayed in the zone of operations to the very end. Andriy would have continued to organize my performances as he had been doing many years. And I would have boosted morale of our soldiers with my music...

I am glad that my idea of today's concert was supported by many and started to be realized. I'm sure that it will be a wonderful concert and each of you who have bought a ticket becomes sponsors of our fighters. The gate receipts will be used to buy necessary supplies for injured fighters according

to the list received from the zone of operations. This list will be made by Olexandr Zagorodniy, friend of Andriy Bryhida, former fellow student at the Institute of Journalism who is now in the ATO zone as the special correspondent of TV News Service of the 1+1 Channel. Within the next few days Olexandr comes back to Kyiv. In Kyiv he will make his visit brief and return again to the zone of operations, and he will carry relief supplies with him purchased for our money. My friend and co-presenter and co-organizer of this concert Zoriana will give him the whole load.

The videorecording of today's concert and incurred cost report you will find on my site: www.Zavadsky.net.ua.

Now I'll say a couple of words about Andriy, who has supported the idea of today's concert, and me. We hold our own, try to help other people though our possibilities are rather limited... The power has changed, but the system of the so-called justice remains the same and before the pronouncement of sentence and its coming into effect everyone can be declared a criminal. As it is known, the sentence comes into effect only by the decision of appeal court which, in our case, can take place either next month, or in January... Taking into account that many falsifiers of our case still hold their positions, I can't foresee my quick returning to the stage. But Andriy and I hope for the best as we believe that truth will always win!

I availed myself an opportunity and passed this address through my lawyer to my friend Svitlana Leontyeva. For many years she was a presenter at my concerts. For the first time Svitlana opens the concert on the stage of the

House of Actors in our capital. I am very grateful to her that she has agreed to take part in this evening.

I extend my appreciation to all and everybody who is a party to today's concert, first of all to you, my dear audience! I also thank the administration of the House of Actors with which Andriy Bryhida and I have long-term good relations, all performers, journalists who advertized this action, organizer and co-presenter if the concert Zoriana Shainiuk and her many assistants. I express my gratitude to Liubov Trofimova and Maryanna Zubko, who always supported Andriy and me.

I invite all and everybody to my nearest concert which will take place after my leave for creative work comes to an end! I wish you to pass a pleasant evening!

*I wish you good luck, peace, and well-being,
With love,
yours Igor Zavadsky!*

November 2, 2014

APPEAL FOR PROTECTION OF RIGHTS AND LEGITIMATE INTERESTS OF IGOR ZAVADSKY

President of Ukraine
Poroshenko P. O.

Chairman of the Verkhovna
Rada of Ukraine Groisman V. B.

Prime Minister of Ukraine
Yatseniuk A. P.

Vice Prime Minister of Ukraine
Kyrylenko V. A.

Prosecutor General of Ukraine
Shokin V. M.

Chairman of the Supreme Court
of Ukraine Romaniuk Y. M.

PLEA

in defense of the rights and legitimate interests of the recognized best accordionist of the world (national heritage of Ukraine) Igor Borysovykh Zavadsky unlawfully convicted on the basis of falsified documents of the criminal case.

By the verdict of Podil District Court, Kyiv, from 10.07.2014 Zavadsky I. B. was sentenced to 13 years of imprisonment under p. 3 of art. 153, p. 1 of art. 156, p. 2 of art. 156 and p. 3 art. 302 of the CC of Ukraine for crimes not committed. The appeals of defense and illegally sentenced will be considered by the Kyiv Appeal Court on August 20, 2015 at 11:00.

The sentence was based on falsified documents that were ignored by prosecutors and the court. Along with Zavadsky I. B. the court illegally sentenced his administrator Bryhida A. O. and driver A. M. Boiko. The mother of Zavadsky I. B. was unable to stand humiliation suffered by her son: she fell seriously ill and died. The mother of Neither Andriy Bryhida suffered wrongs and died.

People's Artists of Ukraine R. Nedashkivska, V. Virska, B. Beniuk and a number of famous artists and scientists also addressed their appeal to the first four presidents of Ukraine with an open letter. "We believe that the case against Zavadsky I. B. is a contracted one and the *evidence* was fabricated." (Maidan Inform, 25.05.2012). All Presidents left the letter unanswered.

The circumstances of falsification are as follows.

The case began with a phone call of Tabachnyk to his competitor accordionist Igor Zavadsky, the recognized best accordionist of the world: "On December 31, 2004 for the first time in my life accordionist Yan Tabachnyk called me. I could not believe that this man was capable of it, "This is Yan Tabachnyk speaking." The burst of swearing followed,.. "If I hear your name somewhere once more, I'll whack

you out” (Ukrayinska Gazeta Plus, 24.02–02.03.2005). “...to collect dirt until the customer exclaimed, “tally-ho, tally-ho.” And things began to take off... If Yan Tabachnyk had promised to whack somebody out, he would have done it,” on 19.04.2012 wrote Vasyl Yaremenko, Prof., known public figure, talented journalist, writer in the newspaper “Informatsiynyi Biuleten”.

Like the majority of the then authors, he thinks it was a contracted case, and Yan Tabachnyk was its contractor and organizer.

On 23.03.2012 Zavadsky was illegally detained when he was leaving his apartment; they began violently beat and torture him demanding to admit that he was pedophile. He lost consciousness and was crippled; in such bad condition the executioners had to bring him to the hospital where he was rendered aid, fixed marks of blows, X-rayed him and made an act. After that the militiamen continued bullying him, threatened to kill, did not let the lawyer to visit him, and all demanded to admit guilt.

At the stage of pre-trial investigation and trial I. B. Zavadsky filed hundreds of complaints, applications and requests that were disregarded by prosecutors and the court. After the verdict at the stage of appeal proceedings the defenders were allowed and used documents to prove the forgery in order to fake testimonies and bring in an unlawful verdict.

Thus, the defense maintained:

1. The application about the perpetration of crime from March 23, 2012 (vol. 3, p. 1) by A. H. Koshechko, who did not

actually file it, and which afforded the basis for criminal case, had been forged.

2. The ruling about institution of criminal proceeding of 23.03.2012 against Zavadsky I. B. and Bryhida A. O. under part 1, part 2 of art. 156 of the CC of Ukraine was made without legal reasons and grounds specified under art. 94 CPC of Ukraine (vol. 1, p. 1) (forged).

3. The ruling about institution of criminal proceeding of 24.03.2012 against Boyko A. M. under p. 1, art. 156 of the CC of Ukraine was made without legal reasons and grounds specified under art. 94 of the CPC of Ukraine (vol. 1, p. 3) (forged).

4. The ruling about institution of criminal proceeding of 28.03.2012 against Zavadsky I. B. under p. 3, art. 153 of the CC of Ukraine was taken without legal reasons and grounds specified under art. 94 of the CPC of Ukraine (vol. 1, p. 4) (forged).

5. The ruling about institution of criminal proceeding of 28.03.2012 against Bryhida A. O. under p. 3, art. 153 of the CC of Ukraine was taken without legal reasons and grounds specified under art. 94 of the CPC of Ukraine (vol. 1, p. 5) (forged).

6. Later, for the purpose of forging artificial evidence against obviously innocent people, investigator of the Investigation Department of the Shevchenko District of MIA of Ukraine, Kyiv, S. M. Lytvyn without any procedural grounds and powers, as this is the exclusive prerogative of the court, on 23.03.2012 made an illegal decision to conduct a search (vol. 1, p. 36), which was the result of illegal investigative

action, namely the search at the place of residence of I. B. Zavadsky and A. O. Bryhida at the address apt. 1, 36/38, Voloska St., Kyiv, and execution of the report on illegal search of March 23, 2012 (vol. 1, p. 37–40).

7. The Court failed to fulfill the decision of the European Court of Human Rights on the court's duty to ascertain and verify the legality of the evidence obtained about facts (decision on conducting search of 23.03.2012 (vol. 1, p. 36), search report of 23.03.2012 (vol. 1, p. 37–40), and other procedural documents.

8. The Court failed to fulfill the decision of the European Court of Human Rights on the obligatory check-up and investigation of the legality of collection of evidence, reports about operative and technical actions of March 27 and 29, 2012 (vol. 2, p. 73–76 and p. 342–343), which were falsified.

9. The testimonies of the victims were falsified.

10. The Court falsified the sentenced because of violation of the jury room secrecy. The record of the sitting of the court of July 8, 2014 (vol. 16, p. 96, last paragraph) confirms that at 18:47 the Court retired to the jury room to reach its verdict. The pronouncement of judgment took place on July 10, 2014 at 11:55 and lasted 2.5 hours. Thus, the Court went to the jury room at 18:47 on July 8, 2014 and was there until 11:55 on July 10, 2014. During the night reaching the verdict could not take place. The Court could not reach its verdict on 07.09.2014; this is unlikely, because in such a short period it is physically impossible to prepare (formulate) a complete text of the sentence containing 25 pages given that only its pronouncement on July 10, 2014 took over 2.5 hours.

The above confirms that the sentence had been prepared long before its pronouncement, not in the jury room, but at any other time and in a manner that is illegal and unacceptable in the sense of art. 322 of the CPC of Ukraine which provides obvious grounds for its cancellation.

Under art. 25 of the CPC of Ukraine “Prosecutor’s supervision in criminal proceedings”, the prosecutor must at all stages of criminal proceedings promptly take legal measures to eliminate any violations of the law despite the identity of the violator. Under art. 32 of the CPC of Ukraine (version of 1960) — part 1, clause 6 “Prosecutor” — the Prosecutor General of Ukraine, Prosecutor of the Autonomous Republic of Crimea, oblast prosecutor, district prosecutor and their deputies acting within their jurisdiction, including specifications of art. 25 of the CPC of Ukraine; — part 1, clause 9 “Prosecutor” — the prosecutor, supporting prosecution of government case in court, whose authority was specified by art. 264 of the CCP of Ukraine.

Given these requirements of the law, the prosecutors at all levels, including the Prosecutor General of Ukraine, must respond to the falsification of the criminal case.

Based on the above —

WE REQUEST:

1. To respond to THE appeal of 20.08.2015 before the trial in the Court of Appeal. Kyiv.

2. To accept and hear the defense arguments regarding the falsification of the said criminal case and make legitimate

and reasoned decision in accordance with art. 25 of the CPC of Ukraine.

3. Taking into account the accepted arguments and evidence of defense, to instruct the public prosecutor, who will participate in the hearing at the Appeal Court. 08.20.2015, Kyiv, to make legitimate and informed decisions, and on the basis of the results of consideration to waive prosecution.

ATTACHMENTS:

1. *V. Yaremenko*. Igor Zavadsky needs defense.

2. *S. Kulynivskyi*. Zavadsky's case.

People's Artists of Ukraine:

Nedashkivska R. S., Virska V. V., Matvienko N. M., Beniuk B. M., Doroshenko I. E., Kadochnikova L. V., Rogovtseva A. M. and journalists, composers, directors, Winners of the State Prize of Ukraine.

ACCORDIONIST IGOR ZAVADSKY IS INNOCENT!

The press conference
at the Interfax-Ukraine News Agency:
Press release

August 19, 10:30 a.m.

8/5a, Reiterska St., Kyiv

Before coming of the sentence into force a person is innocent and all statements about his guilt are inept. It is quite normal to remind about innocence. The positive information cannot be limited neither by the law, nor by the morals.

On August 20 at 11.00, in Appeal Court, Kyiv (Judge Mykola Pavlovykh Khudyk), begins hearing of appeal complaints against the verdicts of guilty pronounced by the Podil District Court, Kyiv, on July 10, 2014 in the case of Igor Zavadsky and Andriy Bryhida sentenced for corruption of minors to 13 and 7 years of imprisonment, accordingly.

We, the legal experts and lawyers of defendants Yevhen Zaharov, Mykola Kushnirenko and Anna Lytvyn and musicians Denys Snihiriov and Ruslan Sheremet, Igor Zavadsky's pupils, declare that this world-famous accordionist and his manager Andriy Bryhida since February 23,

2012 were subjected to tortures, illegal keeping in custody in the per-trial detention center no. 13 and were illegally and unfairly condemned by court of the first instance.

We believe that their criminal case has been completely fabricated starting from its illegal institution by the Shevchenko District Department of MIA without legal grounds. The investigatory actions were conducted without proper authorization, illegal orders about search were issued, and illegal change of jurisdiction was made without involvement of the public prosecutor. The illegal examinations and repeated examinations were assigned, illegal carrying out of operative-search actions at the place of residence of defendants was ordered with subsequent use of their results as proofs in the given criminal proceedings, involvement of the witnesses which belong to the organ of inquiry, as well as other serious infringements of the procedural law took place.

During the trial proceedings in the court of the first instance, the court conclusions do not match actual circumstances, in particular, it concerns the testimonial evidence of minors recognized as victims in this case. The estimation of admissibility of evidence was not conducted by court at all, but even in case of recognition of illegal obtainment of certain evidence, the court all the same refers to them in the sentence as properly obtained. The preamble of the sentence does not specify, whether the defendants were present during the pronouncement of the sentence. The charge is inconcrete and in the motivation part the circumstances and their substantiation by evidences are scattered

chaotically and not classified per episode and accused person separately. While making qualification of illegal actions of the defendants the court came to nothing more the reference to an article without collation of signs of the criminal activity established by court.

There were also numerous violations and falsifications of reports of judicial sessions in court of 1st instance to keep up appearances of a fair sentence. The defendants submitted 266 remarks to these reports out of which the Podil Court confirmed 232 remarks. Thereby the court actually confirmed the presence of falsifications.

We hope that the Appeal Court, having attentively, fully and comprehensively investigated the circumstances of the case, will cancel the verdict of guilty and will close the criminal case on the bases of insufficiency of evidence for recognition of guilt of defendants in court and exhaustion of possibilities to obtain them.

We would also like to notice that the refusal of the administration to give Igor Zavadsky his musical instrument for training (silent!) in the pretrial detention center is a form of moral torture. Entering of corresponding norm into “pre-trial detention center Regulations” specially for a standard substantiation of this refusal looks especially disgusting.

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Літературно-художнє видання

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